

SENATE JOURNAL
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STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2007 Regular Session Convened January 8, 2007

Adjourned Sine Die April 22, 2007

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

Volume 1



Linda Jansson,
Minute and Journal Clerk

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

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SENATE CAUCUS OFFICERS

2007

DEMOCRATIC CAUCUS

Majority Leader..... Lisa Brown
Majority Caucus ChairHarriet A. Spanel
Majority Floor Leader Tracey J. Eide
Majority WhipDebbie Regala
Majority Assistant Floor Leader.....Phil Rockefeller
Majority Vice ChairEd Murray
Majority Assistant WhipChris Marr

REPUBLICAN CAUCUS

Republican LeaderMike Hewitt
Republican Caucus ChairLinda Evans Parlette
Republican Floor LeaderMark Schoesler
Republican WhipDale Brandland
Republican Deputy LeaderCheryl Pflug
Republican Caucus Vice ChairDan Swecker
Republican Deputy Floor LeaderMike Carrell
Republican Deputy WhipJerome Delvin



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

FIRST DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, January 8, 2007

At 12:00 noon, pursuant to law, the Senate of the 2007 Regular Session of the Sixtieth Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Detective Sergeant John Paul Sager, Sergeant Zachary Elmore, Retired Trooper Craig Anders, Retired Trooper Jimmy Foster, Trooper Peter A. Cozzitorto, Trooper Peter Ducre, Trooper Jon Ladines, Trooper Petersen T. Stock, Trooper Erik T. Wickman and Trooper Christian D. Wilson presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Sister Mary Pat Murphy of Tacoma of the Dominican Center offered the prayer.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to welcome everybody here again for this session and wish you all the best of luck and good work. Every year we are privileged to have the Lake Fair Queen welcome us on the opening day of the Legislative Session and I'm pleased to ask Madison Shelton, this years Lake Fair Queen to say a few words. She is accompanied by her mother, Loni Shelton and her father James Smith. Other family members, who are seated in the visitors gallery, and she's also accompanied by Terry Schamalski, the 2007 Capital Lake Fair President and Jan Myers the Lake Royalty Chair. If you would please come forward and make your presentation. Welcome to the Senate."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lakefair Queen, Madison Shelton who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Madison Shelton to address the Senate and welcome the Senators to Olympia.

REMARKS BY MISS MADISON SHELTON

Queen Madison Shelton: "Hello, and welcome to the lovely city of Olympia Washington. I am pleased to be here today to ring in the 2007 Legislative Session and I would like to take this opportunity to discuss an issue that is very dear to my heart. I feel that education needs to be made a major priority in our state. As a student I have both benefitted from the current education system and seen its short comings. I have learned a great deal from my talented teachers and coaches but I have also seen the difficulty that arises when they try to do more for the students but are limited by national standards, WASL requirements and lack of funding. However, the short comings from the school system can't all be blamed on these three things. Time Magazine recently published an article titled "How to bring our schools out of the 20th Century." What it talked about was not smaller class sizes; more teachers; and more funding but, rather, what our children need to be taught in order to function in the global economy. They suggested that our students need to learn more about other countries; learn more foreign languages; be able to solve abstract problems; work in teams; and be able to distinguish good information from bad. The article also stated that our schools focus too much on the basics of reading, writing and arithmetic and they're ignoring all the other very important aspects of a global education like,

science, technology, emotional intelligence and speaking ability. None of this ever-important growth, however, can take place without the proper funding. Schools can not be expected to go beyond the basics if they don't have what they need to function, never-the-less thrive. I know that the high expectations of Time Magazine can be accomplished with proper help. The Lincoln School here in Olympia has an optional program for children to learn emotional intelligence. The school can't afford to make the program available to all students, though they would like to. This program could and should be implemented in all schools but they need the funding for it. My cousin in Woodinville attends a bilingual school where half of the class is made up of native English speakers and the other half is made up of native Spanish speakers. The students work together to teach each other the different foreign languages. Teaching them how to work in groups as well as very important foreign language, but unfortunately examples like these schools are few and far between. Programs of this ingenuity and importance could be a part of main stream public schools if only we could afford them and be able to take the focus off tradition and onto the future. You are here today to make momentous decisions for our state and its people about many issues, including education. I wish you the best of luck in your negotiations and discussions and hope that you'll be able to work together to do what is best for our state and it's beautiful people. Thank you."

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Senator Mark L. Doumit
19th Legislative District

October 17, 2006

The Honorable Christine Gregoire
Office of the Governor
P. O. Box 40002
Olympia, WA 98504

Dear Governor Gregoire:

It is with mixed feelings that I am announcing my resignation from the Washington State Senate to take the position of Executive Director of the Washington Forest Protection Association. My decade serving in the Legislature has been a wonderful experience, and in particular, it has been especially enjoyable and memorable working with you.

Therefore, I hereby tender my notice of resignation, effective November 1, 2006, as set forth in RCW 42.12.020.

Respectfully,
MARK L. DOUMIT, 19th Legislative District

November 17, 2006

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

Dear Governor Gregoire:

The Boards of County Commissioners of Cowlitz, Grays Harbor, Pacific and Wahkiakum Counties did meet jointly at 11:30 a.m., November 17, 2006, at the Cowlitz County Administration Building, Commissioners' Hearing Room, 207 Fourth Avenue North, Kelso, Washington, to select a successor for the Senate seat vacated by the resignation of Mark Doumit (D), in the 19th Legislative District.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Cowlitz, Grays Harbor, Pacific and Wahkiakum Counties appointed Brian Hatfield to fill the 19th Legislative District Senate vacancy created by the resignation of Mark Doumit. Enclosed is the resolution of appointment.

By Direction,
Board of County Commissioners
of Cowlitz County, Washington
Tiffany Ostreim, Clerk of the Board

ATTEST:
TIFFANY OSTREIM, Acting Clerk of the Board

COWLITZ COUNTY COUNCIL, SIGNATURE REPORT
COWLITZ COUNTY, WASHINGTON

Joint Resolution No. 06-001

WHEREAS, Senator Mark Doumit has submitted his resignation for his position as senator for the 19th Legislative District and that position is now vacant; and

WHEREAS, the State Democratic Central Committee has submitted a list of three names for consideration by the Joint Boards of Commissioners for Cowlitz County, Wahkiakum County, Pacific County, and Grays Harbor County; and

WHEREAS, the Joint Boards of County Commissioners for Cowlitz County, Wahkiakum County, Pacific County, and Grays Harbor County have convened in joint session and duly considered the three names submitted by the State Democratic Central Committee, now, therefore;

IT IS HEREBY RESOLVED by Joint Boards of County Commissioners for the counties of the 19th Legislative District meeting in special session, that Brian Hatfield be and is hereby appointed to fill the vacant position of Senator for the 19th Legislative District.

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

Approved this 17th day of November, 2006.

COWLITZ COUNTY COUNCIL
COWLITZ COUNTY, Washington
JEFF RASMUSSEN, Chairman
KATHLEEN A. JOHNSON, Commissioner

GRAYS HARBOR COUNCIL
GRAYS HARBOR COUNTY, Washington
BOB BEERBOWER, Chairman
MIKE WILSON, Commissioner
ALBERT A. CARTER, Commissioner

PACIFIC COUNTY COUNCIL
PACIFIC COUNTY, Washington
JON C. KAINO, Chairman
PAT HAMILTON, Commissioner
NORMAN B. CUFFEL, Commissioner

WAHKIAKUM COUNTY COUNCIL
WAHKIAKUM COUNTY, Washington
DANIEL L. COTHREN, Chairman
GEORGE A. TROTT, Commissioner
MARK E. LINQUIST, Commissioner

ATTEST:
TIFFANY OSTREIM, Acting Clerk of the Board

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Senator Alex Deccio
14th Legislative District

November 7, 2007

To the Honorable:
Brad Owen, Lieutenant Governor
Office of the Lieutenant Governor
220 Legislative Building

Mike Hewitt
Senate Republican Minority Leader
314 Legislative Building

John Tierney, Chair
Yakima County Republican Central Committee

Yakima County Commissioners: Mike Leita; Ron Gamache;
Jesse Palacios

Dear Colleagues:

Please accept this letter as official notice that I am retiring as a member of the Washington State Senate effective January 1, 2007.

I will be officially resigning my senate office on that date.

With kind regards,
ALEX DECCIO, 14th Legislative District

YAKIMA COUNTY COUNCIL
YAKIMA COUNTY, WASHINGTON

Resolution No. 3-2007

In the matter of appointing a Senator for retiring State Senator Alex Deccio of the 14th legislative District.

WHEREAS, Alex Deccio, the duly elected State Senator of the 14th Legislative District, resigned from the office effective January 1, 2007; and

WHEREAS, Article 2, Section 15 of the Washington State Constitution requires that a vacancy in any partisan state office shall be filled by appointment by the Board of County Commissioners of a person from the same political party as the elective officer whose office has been vacated and who shall be one of three persons who shall be nominated by the county central committee of that party; and,

WHEREAS, the Republican Central Committee has advanced three names for nomination to the position of State Senator for the 14th District; and

WHEREAS, the Board of Yakima County Commissioners met publicly with the three nominated candidates on December 5th and,

WHEREAS, the Board of Yakima County Commissioners finds that Jim Clements would be the most qualified of the three candidates to be appointed to the vacant State Senate seat for the 14th Legislative District; now, therefore,

BE IT HEREBY RESOLVED by the Board of Yakima County Commissioners that Jim Clements is hereby appointed to the position of State Senator of the 14th Legislative District effective immediately upon adoption of this resolution to hold such office until he or his successor is elected at the next general election.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to Brad Owens, Lieutenant Governor of Washington State.

Done this 5th day of January 2007.

MICHAEL D. LEITA, Chairman
RONALD F. GAMACHE, Commissioner

FIRST DAY, JANUARY 8, 2007

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RAND ELLIOT, Commissioner

MESSAGE FROM THE SECRETARY OF STATE

ATTEST:
CHRISTINA S. STEINER, Deputy Clerk of the Board

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

YAKIMA COUNTY COUNCIL

MR. PRESIDENT:

January 5, 2007

Brad Owens
Lieutenant Governor
State Legislative Building
P. O. Box 40400
Olympia, WA 98504

I, Sam Reed, Secretary of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the State of Washington on the seventh day of November, 2006, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

Dear Honorable Lt. Governor Brad Owens,

SENATORS ELECTED NOVEMBER 7, 2006

The Board of Yakima County Commissioners, as per Article 2, Section 15 of the Washington State Constitution has met publicly with the three nominated candidates on January 5, 2007 at 11:00 a.m. at Special Agenda.

Please accept our appointment of Jim Clements to the vacant State Senate seat for the 14th Legislative District. Mr. Clements was duly sworn into office by Judge Hutton this 5th day of January 2007.

DISTRICT	COUNTIES REPRESENTED	NAME
No. 06	Spokane*	Marr (D)
No. 07	Ferry, Lincoln, Okanagan*, Pend Oreille, Spokane*, Stevens	Morton (R)
No. 08	Benton*	Delvin (R)
No. 13	Benton*, Grant* Kittitas, Yakima*	Holmquist(R)
No. 15	Benton*, Klickitat, Skamania*, Yakima*	Honeyford (R)
No. 21	Snohomish*	Shin (D)
No. 26	Kitsap*, Pierce*	Kilmer (D)
No. 29	Pierce*	Franklin (D)
No. 30	King*	Eide (D)
No. 31	King*, Pierce*	Roach (R)
No. 32	King*, Snohomish*	Fairley (D)
No. 33	King*	Keiser (D)
No. 34	King*	Poulsen (D)
No. 35	Grays Harbor*, Kitsap*, Mason, Thurston*	Sheldon (D)
No. 36	King*	Kohl-Welles (D)
No. 37	King*	Kline (D)
No. 38	Snohomish*	Berkey (D)
No. 42	Whatcom*	Brandland (R)
No. 43	King*	Murray (D)
No. 44	Snohomish*	Hobbs (D)
No. 45	King*	Oemig (D)
No. 46	King*	Jacobsen (D)
No. 47	King*	Kauffman (D)
No. 48	King*	Tom (D)

Sincerely,
CHRISTINA S. STEINER, Deputy Clerk of the Board of Yakima county Commissioners

LETTER OF RESIGNATION

WASHINGTON STATE SENATE
Senator Joyce Mulliken
13th Legislative District

Dear Governor Gregoire,

Please let this serve as my notice of resignation from the Washington State Senate, effective yesterday November 14, 2006 as per my conversation with Marty Brown this morning. I understand my appointment to the Eastern WA Growth Management Hearings Board (EWGMHB) begins today, November 15, and a sitting state legislator cannot assume this position until the resignation is effective.

I have been working with Senate Accounting and Office of Financial Management (OFM) to provide for a seamless transition, and there will be no overlapping of salary or benefits according to them.

I'm looking forward to continuing my service to the people in the state of Washington as a member of the EWGMHB, and have been orienting myself by participating in meetings and teleconference calls with other GMHB members.

I appreciate your confidence in me and appreciate the opportunity.

Sincerely,
JOYCE MULLIKEN, 13th Legislative District

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Honorable Chanho Kwon, Consul General of the Consulate General of the Republic of Korea who was seated in the gallery.

MOTION

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

HOLDOVERS

DISTRICTS	COUNTIES REPRESENTED	NAME
No. 01	King*, Snohomish*	McAuliffe (D)
No. 02	Pierce*, Thurston*	Rasmussen (D)
No. 03	Spokane*	Brown (D)
No. 04	Spokane*	McCaslin (R)
No. 05	King*	Pflug (R)
No. 09	Adams, Asotin, Franklin, Garfield, Spokane Whitman	Schoesler (R)
No. 10	Island, Skagit*, Snohomish*	Haugen (D)
No. 11	King*	Prentice (D)
No. 12	Chelan, Douglas, Grant*, Okanogan*	Parlette (R)

No. 14	Yakima*	Deccio (R)
No. 16	Benton*, Columbia, Franklin*, Walla Walla*	Hewitt (R)
No. 17	Clark*	Benton (R)
No. 18	Clark*, Cowlitz*	Zarelli (R)
No. 19	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Hatfield (D)
No. 20	Lewis*, Thurston*	Swecker (R)
No. 22	Thurston*	Fraser (D)
No. 23	Kitsap*	Rockefeller (D)
No. 24	Clallam, Grays Harbor*, Jefferson	Hargrove (D)
No. 25	Pierce*	Kastama (D)
No. 27	Pierce*	Regala (D)
No. 28	Pierce*	Carrell (R)
No. 39	King*, Skagit*, Snohomish*, Whatcom*	Stevens (R)
No. 40	San Juan, Skagit*, Whatcom*	Spanel (D)
No. 41	King*	Weinstein (D)
No. 49	Clark*	Pridemore (D)

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia this eighth day of January, 2007.

SAM REED, Secretary of State

(Seal)

The Secretary called the roll of the following holdover members of the Senate and all were present with the exception of Senators Benton, Stevens and Zarelli: Senators Brown, Carrell, Fraser, Hargrove, Haugen, Hewitt, Kastama, McAuliffe, McCaslin, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Spanel, Swecker and Weinstein.

APPOINTMENT OF SPECIAL COMMITTEE

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

The President welcomed and introduced the Honorable Gerry Alexander, Chief Justice of the Supreme Court of the state of Washington, who was present to administer the oaths of office to the newly re-elected Senators and newly elected Senators.

The Secretary called the roll of the following newly re-elected members of the Senate and all were present with the exception of Senators Deccio and Morton: Senators Berkey, Brandland, Delvin, Eide, Fairley, Franklin, Honeyford, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Roach, Sheldon and Shin.

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

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

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

The acting Sergeant at Arms escorted each of the newly re-elected members to their seats in the senate chamber.

The Secretary called the roll of the following newly elected members of the Senate and all were present: Senators Hobbs, Holmquist, Kauffman, Kilmer, Marr, Murray, Oemig and Tom.

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

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

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

The acting Sergeant at Arms escorted each of the newly elected members to their seats in the senate chamber.

The President recognized Secretary of State Sam Reed who was present at the rostrum.

The Secretary called the roll of the following newly appointed members of the Senate and all were present: Senators Clements and Hatfield.

The acting Sergeant at Arms escorted each of the newly appointed members of the Senate to the bar of the Senate to receive the oath of office.

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

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

The acting Sergeant at Arms escorted each of the newly appointed members to their seats in the senate chamber.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to congratulate all the Senators, the newly re-elected and newly elected and appointed ones to the Senate and wish you the best. Congratulations to all of you."

ELECTION OF PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR HARGROVE

Senator Hargrove: "Thank you Mr. President. I would like to nominate the fair lady from the Twenty-Ninth District, Senator Rosa Hargrove. Well, first of all I'd like to say that Senator Franklin is the complete opposite of me, in many ways that are obvious, some that aren't so obvious. She represents an urban district, I represent a rural district. She's very graceful, she's very wise, she's very smart, she's much better looking than I am. She's very hard working and very competent. Also something that's really important when serving as President Pro Tempore is she has an incredible amount of stamina. In fact, I think she can stand at the rostrum longer than you Mr. President without having to excuse herself, for whatever. And, in fact just like the President, she makes us all look good. The current President of the Senate, Lt. Governor Brad Owen, makes us look very good when we're on TVW and when Senator Franklin get's up there she carries on that tradition. We look very good here in the Senate with her presiding over the Senate. She has one of the fastest gavels, so for all you newcomers if you want a division on an amendment you better be yelling it while the gavel is still in the air. She is such a sweet lady that you always know that she's fair and that she's going to preside over this body with great fairness and justice. So, its with great pleasure and honor

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that I nominate Senator Rosa Franklin to be our President Pro Tempore.”

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: “Thank you Mr. President. Well, I would like to second the nomination, sweet, wonderful Senator Franklin as our President Pro Tempore. I’ve known Rosa for well over twenty years and I’ve always been amazed at her wisdom, kindness, gentleness, sweetness. She’s a wonderful, wonderful person but you put a gavel in her hand and she all of a sudden brings all that sweetness and kindness but she puts it in fast, accurate, deliberate motion and she does make us all look good. I am very, very proud and honored to have her as a colleague to put her name forth as President Pro Tempore. She’s a wonderful person, has done a great job and we would just love to have another two years. Thank you.”

MOTION

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

ROLL CALL

The Secretary called the roll and Rosa Franklin was elected President Pro Tempore: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 44.

Absent: Senators Benton, Delvin, Morton, Stevens and Zarelli - 5.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Hatfield and Parlette to escort Senator Rosa Franklin to the rostrum.

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

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

REMARKS BY PRESIDENT PRO TEMPORE FRANKLIN

Senator Franklin: “Thank you Mr. President, ladies and gentlemen. It is indeed, when I view this chambers and everyone here, it is indeed an honor to serve. This moment it’s always a historical moment. I promise as always to serve with dignity, to respect my colleagues and to respect and carry out the rules of the Senate. To respect this awesome, awesome institution. It sends shivers over my body when I view these chambers and we sit here and also to view each one and to say that our Senate is truly a diverse body. It represents the state of Washington. I thank you for electing me once again and giving me the honor to serve with this wonderful President that we have.”

ELECTION OF VICE PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR FRANKLIN

Senator Franklin: “Thank you Mr. President. I place the name of Senator Paull Shin for Vice President Pro Tempore of the Senate. Senator Paull Shin has been a wonderful partner in performing the duties of Vice President Pro Tempore. When the President of the Senate is away he’s dependable and understands that it really is a team effort between the Vice President Pro Tempore and the President Pro Tempore. He is respectful of the institution. He’s respectful of each one of our colleagues. It gives me an honor and pleasure once again to nominate, place his name in nomination, of Vice President Pro Tempore of the Senate.”

REMARKS BY SENATOR JACOBSEN

Senator Jacobsen: “Thank you Mr. President. I’d like to second the nomination of Paull Shin. Paull is really a very impressive individual. He started life as an uneducated kid wandering the streets Seoul during the Korean War. Now, coming to the United States and being elected as State Senator in Olympia, Washington is a story of a dream that can only come true in America. Paull signifies everything everybody dreams about America. The other thing, when the Korean’s celebrated one-hundred years of Korean immigration to the United States, 1905-2005 they picked their ten most outstanding immigrants and Paull was one of those ten. He’s a very exceptional person; well known in our country; well known over seas; well known in Washington D. C., personal friend of the new Secretary General of the United Nations. We’re fortunate to have Paull in our body. I urge everybody to support the nomination of Paull Shin.”

MOTION

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

ROLL CALL

The Secretary called the roll and Paull Shin was elected Vice President Pro Tempore: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46.

Absent: Senators Benton, Morton and Stevens - 3.

APPOINTMENT OF SPECIAL COMMITTEE

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

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

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

REMARKS BY VICE PRESIDENT PRO TEMPORE SHIN

Senator Shin: “My dear colleagues in the Senate, and my family, wife and grandchildren, my friends in the Asian community, Korean community over there, Consul General: It is an honor to be called upon such a respectable position, an awesome position, to fulfill the duties of the Senate in

Washington State. As Senator Jacobsen says, it's hard to imagine a boy without a home coming to this country. Rising to not only to the professor in a University serving as state senator and serving in an awesome compacity. If this is not a blessing, I don't know what it is and I thank you for making this opportunity possible for me and I promise I'll do my utmost to serve this state of Washington and this position called to serve. Again, thank you very much."

ELECTION OF SECRETARY OF THE SENATE

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

REMARKS BY SENATOR SPANEL

Senator Spanel: "Thank you Mr. President. I nominate Tom Hoemann for position of Secretary of the Senate. Tom Hoemann has, for over twenty years, been of service to the people of the state of Washington and in the State Senate. For the past few two years he has performed the job of Secretary of Senate for us and done a very good job. I know that he will continue to perform this job in the professional way that he has in the past and continue to make our work here proceed as smoothly as possible. I ask for your support of this nomination. Thank you."

MOTION

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

ROLL CALL

The Secretary called the roll and Tom Hoemann was elected Secretary of the Senate: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45.

Absent: Senators Benton, Morton, Roach and Stevens - 4.

APPOINTMENT OF SPECIAL COMMITTEE

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

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

The President introduced the Secretary of the Senate, Tom Hoemann.

REMARKS BY THE PRESIDENT

President Owen: "Senator Shin, when he was making his remarks reminded the President that many members have family and friends here today when he acknowledged his wife Donna and his daughter and grandchildren here. The President would like to welcome all of those friends and family and unfortunately can't introduce them all but thank you all for being here. It compliments the process very much by having you with us today. Thank you for your attendance and the ceremonies."

ELECTION OF SERGEANT AT ARMS

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

REMARKS BY SENATOR KASTAMA

Senator Kastama: "Thank you Mr. President. I would like to nominate Jim Ruble for Sergeant at Arms. Jim Ruble has served with dignity as a Sergeant at Arms starting last year. He's known to us as a person of course whose very knowledgeable, someone who is polite or as a member told me 'very kindly'. He's gracious and of course he's the one with the red cape, who come to help us at times in an emergency. There's more to Jim than just that. He's been distinguished career at education, teaching the youth of Washington's state civics. In fact, much of my information on government comes from him as he was my teacher in junior high for civics. He was also my football coach which probably has something to do with the alignment of my nose. His lovely wife, Barbara, is an artist and a former music teacher and we are fortunate to have his service and I ask for his vote. Thank you."

MOTION

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

ROLL CALL

The Secretary called the roll and Jim Ruble was elected Sergeant at Arms: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45.

Absent: Senators Benton, Morton, Roach and Stevens - 4.

APPOINTMENT OF SPECIAL COMMITTEE

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

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

The President introduced the Sergeant at Arms, Jim Ruble.

REMARKS BY JIM RUBLE

Jim Ruble: "Thank you Mr. President and members of the Senate. It is indeed a privilege to serve as the Senate Sergeant at Arms. I will strive to carry out the duties of the office and to meet the needs of the Senate. I am sincerely grateful for this honor. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Well, Chief Justice Alexander, I believe that your duties are completed. You have great stamina and we appreciate you coming in once again doing a great job for us that you have."

APPOINT OF SPECIAL COMMITTEE

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The President of the Senate appointed a committee of honor consisting of Senators Rockefeller and Honeyford to escort Chief Justice Alexander from the senate chamber.

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. I just wanted to welcome everyone to our new session-all of the senators on the floor here today as well as the staff who do so much for us during the session and all the family members. I wanted to take just a moment Mr. President, as you did just a moment earlier, to remind us that we take our oath as individuals but we serve here as members of families and communities. As we well know during this one-hundred and five days that requires certain personal sacrifices on behalf of our families. So, let's just take a moment to recognize and think of them in sickness and in health and we have members here with challenges in their families right now, health challenges of parents, of children, of spouses and let's just take a moment to remember that when we are here as individuals and in the heat of debate, we are also here as members of families and as members of communities from around the state of Washington. In that spirit I'd like to close with a quote. We all know that this is a session where everyone here cares passionately about our children, our future. We'll be working hard on education and so I will close with a quote that my son sent me in an email this morning. 'Don't gain the world, but loose your soul, wisdom is better than silver and gold,' that's from Bob Marley. Thank you Mr. President."

MOTION

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8600

By Senators Brown and Hewitt

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

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

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution No. 8600, the President appointed Senators Hatfield, Kilmer, Holmquist and Clements to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

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

COMMITTEE FROM THE HOUSE

A Committee from the House of Representatives consisting of Representatives Barlow, Hailey, McDonald and Pedersen

appeared before the bar of the Senate and notified the Senate that the House is organized and ready to conduct business.

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

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8601

By Senators Brown and Hewitt

BE IT RESOLVED, That the Rules of the Senate for the 2005 Regular Session of the 59th Legislature, as amended in the 2006 Regular Session, be adopted as amended as the Rules for the 2007 Regular Session of the 60th Legislature, to read as follows:

PERMANENT RULES
OF THE
SENATE
SIXTIETH LEGISLATURE
2007

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

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

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses- Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
- Rule 11** ENGROSSED Printing of Bills
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SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
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- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
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SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
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SECTION V - COMMITTEES

- Rule 41** Committees- Appointment and Confirmation
- Rule 42** Subcommittees
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- Rule 44** Duties of Committees
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SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

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

SECTION I OFFICERS-MEMBERS-EMPLOYEES Duties of the President

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

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

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

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

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

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

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

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

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

President Pro Tempore

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

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

Secretary of the Senate

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

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

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

Sergeant at Arms

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

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

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any

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employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

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

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

Conduct of Members and Officers

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

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

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

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

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

SECTION II OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

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

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

thereof. The committee on facilities and operations shall issue postage only as follows:

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

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

Use of Senate Chambers

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

Admission to the Senate

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

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

Printing of Bills

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

Furnishing Full File of Bills

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

Regulation of Lobbyists

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

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

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or

possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

**SECTION III
RULES AND ORDER**

Time of Convening

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

Quorum

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

Order of Business

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

FIRST.

Reports of standing committees.

SECOND.

Reports of select committees.

THIRD.

Messages from the governor and other state officers.

FOURTH.

Messages from the house of representatives.

FIFTH.

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

SIXTH.

Second reading of bills.

SEVENTH.

Third reading of bills.

EIGHTH.

Presentation of petitions, memorials and floor resolutions.

NINTH.

Presentation of motions.

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

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

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

Special Order

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

Unfinished Business

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

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

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

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

Precedence of Motions

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

PRIVILEGED MOTIONS

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

INCIDENTAL MOTIONS

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

SUBSIDIARY MOTIONS

- 1st Rank: To lay on the table
- 2nd Rank: For the previous question
- 3rd Rank:

To postpone to a day certain

To commit or recommit

To postpone indefinitely

4th Rank:

To amend

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

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

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

Voting

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

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the

reason for not voting by a brief statement not to exceed fifty words in the journal.

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

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

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

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

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

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

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

Announcement of Vote

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

Call of the Senate

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

One Subject in a Bill

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

No Amendment by Mere Reference to Title of Act

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

Reading of Papers

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

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

Comparing Enrolled and Engrossed Bills

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

SECTION IV PARLIAMENTARY PROCEDURE

Rules of Debate

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

Recognition by the President

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

Call for Division of a Question

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

Point of Order - Decision Appealable

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

Question of Privilege

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

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

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be

entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

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

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

Previous Question

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

Reconsideration

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

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

Motion to Adjourn

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

Yeas and Nays - When Must be Taken

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

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

Reed's Parliamentary Rules

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

**SECTION V
COMMITTEES**

Committees - Appointment and Confirmation

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

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

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

(1. Agricultural and Rural Economic Development	7
2. Early Learning, K-12 and Higher Education	16
3. Financial Institutions, Housing and Consumer Protection	11
4. Government Operations and Elections	10
5. Health and Long-Term Care	11
6. Human Services and Corrections	7
7. International Trade and Economic Development	7
8. Judiciary	9
9. Labor, Commerce, Research and Development	9
10. Natural Resources, Ocean and Recreation	9

11. Rules	19
12. Transportation	16

13. Water, Energy and Environment	9
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14. Ways and Means	17)
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Standing Committee

Total Membership

<u>1. Agriculture and Rural Economic Development</u>	<u>6</u>
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<u>2. Consumer Protection and Housing</u>	<u>9</u>
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<u>3. Early Learning and K-12 Education</u>	<u>13</u>
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<u>4. Economic Development, Trade and Management</u>	<u>6</u>
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<u>5. Financial Institutions and Insurance</u>	<u>8</u>
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<u>6. Government Operations and Elections</u>	<u>7</u>
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<u>7. Health and Long-Term Care</u>	<u>9</u>
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<u>8. Higher Education</u>	<u>6</u>
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<u>9. Human Services and Corrections</u>	<u>7</u>
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<u>10. Judiciary</u>	<u>8</u>
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<u>11. Labor, Commerce, Research and Development</u>	<u>7</u>
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<u>12. Natural Resources, Ocean and Recreation</u>	<u>9</u>
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<u>13. Rules</u>	<u>18 (plus the Lieutenant Governor)</u>
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14. Transportation 17

15. Water, Energy and Telecommunications 11

16. Ways and Means 21

Subcommittees

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

Subpoena Power

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

Duties of Committees

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

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

Committee Rules

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

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

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

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

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

- a. Do pass(=);
- b. Do pass as amended(=);
- c. That a substitute bill be substituted therefor, and the substitute bill do pass(=);
- ~~d. That the bill be referred to another committee;)~~; or ((=)) d. Without recommendation.

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

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection ((3)) 4 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

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

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

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

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

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

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

Committee Meetings During Sessions

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

No committee shall sit during any scheduled caucus.

Reading of Reports

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

Recalling Bills from Committees

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

Bills Referred to Rules Committee

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

Rules Committee

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

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

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

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the

majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

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

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

Appropriation Budget Bills

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

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

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

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

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

Prefiling

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

Introduction of Bills

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

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

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from

the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

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

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

Joint Resolutions and Memorials

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

Senate Concurrent Resolutions

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

Committee Bills

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

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

Committee Reference

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

FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

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

First Reading

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

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

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

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

No committee chair shall exercise a pocket veto of any bill. Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

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

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

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

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

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

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

Third Reading

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

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

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

Scope and Object of Bill Not to be Changed

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

Matters Related to Disagreement Between the Senate and House

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

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

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

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an

appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

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

Confirmation of Gubernatorial Appointees

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

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

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

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

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

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

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

MOTION

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

MESSAGE FROM THE HOUSE

January 8, 2007

MR. PRESIDENT:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4400,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 8, 2007

MR. PRESIDENT:

The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4401,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 8, 2007

MR. PRESIDENT:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4402,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 8, 2007

MR. PRESIDENT:
The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 4403,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

PERSONAL PRIVILEGE

Senator Delvin: "Before coming over-indeed its good to be back-before coming over, I retired from the Richland Police Department after almost twenty-eight years. I just wanted you to know I will no longer be armed on the floor and that's why, since, I've moved down here for better protection."

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Zarelli, Benton, Parlette, Holmquist, Stevens, Swecker, Pflug, Delvin, McCaslin, Brandland, Schoesler, Honeyford, Hewitt, Roach and Sheldon

AN ACT Relating to a rainy day reserve fund; reenacting and amending RCW 43.84.092 and 43.135.045; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; creating a new section; repealing RCW 43.33A.220 and 43.135.051; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5001 by Senators Benton, Pflug, Carrell, Schoesler, Morton, Stevens, Delvin, McCaslin, Holmquist, Zarelli, Roach, Hewitt, Honeyford and Sheldon

AN ACT Relating to reenacting and reaffirming the one hundred one percent levy limit; reenacting RCW 84.55.005 and 84.55.0101; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

SB 5002 by Senators Hewitt, Pflug, Honeyford, Swecker, Morton, Stevens, Parlette, Delvin, McCaslin, Schoesler and Sheldon

AN ACT Relating to tuition waivers for veterans' families; and amending RCW 28B.15.621, 28B.15.910, and 28B.15.385.

Referred to Committee on Higher Education.

SB 5003 by Senator Pflug

AN ACT Relating to the state parks and recreation commission centennial 2013 account; reenacting and amending RCW 43.79A.040; adding new sections to chapter 79A.75 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5004 by Senators Carrell, Kilmer and Schoesler

AN ACT Relating to reducing the reporting requirements and business and occupation tax on small business; amending RCW 82.32.030, 82.32.045, and 82.04.4451; and creating a new section.

Referred to Committee on Ways & Means.

SB 5005 by Senators Brandland and Fraser

AN ACT Relating to increasing the nonconstruction loan limit for projects using financing through the public works board; amending RCW 43.155.050; reenacting and amending RCW 43.155.050; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5006 by Senators Fraser, Brandland, Sheldon and Kilmer

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

Referred to Committee on Ways & Means.

SB 5007 by Senators Jacobsen and McCaslin

AN ACT Relating to the sales and use taxation of vessels; amending RCW 88.02.030; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5008 by Senators Weinstein, Tom, Murray, Kohl-Welles, Kline, Jacobsen and Poulsen

AN ACT Relating to increasing school district levy and equalization rates; amending RCW 84.52.0531, 84.52.0531, 84.52.053, 28A.500.020, and 28A.500.020; reenacting and amending RCW 28A.500.030; providing effective dates; and providing an expiration date.

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

SB 5009 by Senators Haugen, Hatfield, Poulsen, Sheldon, Holmquist, Rasmussen, Schoesler, Kline and Shin

AN ACT Relating to exempting biodiesel fuel used for farm use from sales and use taxation; amending RCW 82.08.865 and 82.12.865; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5010 by Senators Honeyford and Hewitt

AN ACT Relating to creating a state park foster home pass; and amending RCW 79A.05.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5011 by Senators Kohl-Welles, Parlette, Keiser and Rasmussen

AN ACT Relating to removing the expiration date on chapter 302, Laws of 2006; and amending 2006 c 302 s 14 (uncodified).

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

SB 5012 by Senator Pflug

AN ACT Relating to distributions to the education legacy trust account; amending RCW 82.24.026, 28A.505.220, and 84.52.068; providing an effective date; and declaring an emergency.

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

SB 5013 by Senators Schoesler, Sheldon and Holmquist

AN ACT Relating to tuition setting authority; amending RCW 28B.15.067; and creating a new section.

Referred to Committee on Higher Education.

SB 5014 by Senator Pridemore

AN ACT Relating to the process for adopting contribution rates for the actuarial funding of the state retirement systems; amending RCW 41.45.030, 41.45.060, 41.45.0604, 41.45.061, 41.45.0631, and 41.45.110; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5015 by Senators Jacobsen, Poulsen and Shin

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5016 by Senator Jacobsen

AN ACT Relating to petitions for guardianship; and amending RCW 11.88.030.

Referred to Committee on Judiciary.

SB 5017 by Senators Jacobsen and Shin

AN ACT Relating to guardianship fees and costs; and amending RCW 11.88.090 and 11.92.180.

Referred to Committee on Judiciary.

SB 5018 by Senators Jacobsen, Kline and Roach

AN ACT Relating to guardianship roles; and amending RCW 11.88.010 and 11.88.090.

Referred to Committee on Judiciary.

SB 5019 by Senators Jacobsen, McCaslin, Poulsen, Delvin, Kline, Rockefeller and Murray

AN ACT Relating to higher education; amending RCW 28B.50.873; adding new sections to chapter 28B.50 RCW; and creating a new section.

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

SB 5020 by Senators Jacobsen, McCaslin, Poulsen, Delvin, Kilmer, Kline, Franklin, Murray and Kohl-Welles

AN ACT Relating to higher education; adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency.

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

SB 5021 by Senators Jacobsen, McCaslin, Poulsen, Delvin, Franklin, Rockefeller and Murray

AN ACT Relating to faculty salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

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

SB 5022 by Senators Jacobsen, Kline and Kohl-Welles

AN ACT Relating to authorizing county taxes for the construction, design, repair, or improvement of viaducts and bridges; amending RCW 36.100.040, 36.38.010, and 36.38.040; adding new sections to chapter 82.14 RCW; and providing contingent expiration dates.

Referred to Committee on Transportation.

SB 5023 by Senators Jacobsen and Shin

AN ACT Relating to the fuel tax rate used to determine fuel tax distributions to fund nonhighway expenditures; and amending RCW 46.10.170.

Referred to Committee on Transportation.

SB 5024 by Senators Jacobsen and Kline

AN ACT Relating to increasing fees to fund community traumatic brain injury services; amending RCW 46.20.311 and 46.68.041; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5025 by Senators Jacobsen and Kline

AN ACT Relating to administration of American Indian scholarship funds; and amending RCW 28B.108.020 and 28B.108.060.

Referred to Committee on Higher Education.

SB 5026 by Senators Murray and Sheldon

AN ACT Relating to a sales and use tax exemption for recovered wood waste boiler equipment used in steam production; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5027 by Senators Kohl-Welles, Murray, Jacobsen and Kline

AN ACT Relating to the excise taxation of zoos; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5028 by Senators Eide, McAuliffe, Weinstein, Jacobsen, Shin, Kohl-Welles, Pridemore, Kastama, Spanel, Rockefeller, Fairley, Tom, Poulsen, Hatfield, Prentice, Kline, Haugen, Regala, Keiser, Kilmer, Murray, Fraser, Marr, Rasmussen, Franklin and Kauffman

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.

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

SB 5029 by Senators Hobbs, Fairley, Roach, Kastama, Swecker, Pridemore, Keiser, Rasmussen and Shin

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

Referred to Committee on Government Operations & Elections.

SB 5030 by Senators Hobbs, Fairley, Roach, Kastama, Swecker, Pridemore, Sheldon, Keiser, Kilmer, Rasmussen, Shin and Franklin

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AN ACT Relating to veterans' benefits; amending RCW 41.04.007; and repealing RCW 73.08.060.

Referred to Committee on Government Operations & Elections.

SB 5031 by Senators Jacobsen, Murray and Kline

AN ACT Relating to the protection of tenants of conversion condominiums; and amending RCW 64.34.440.

Referred to Committee on Consumer Protection & Housing.

SB 5032 by Senators Pridemore and Zarelli

AN ACT Relating to the Vancouver national historic reserve; adding new sections to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5033 by Senators Prentice, Parlette, Kohl-Welles, Rasmussen, Regala, Fairley, Rockefeller, Kline, Haugen, Weinstein, McAuliffe, Spanel, Kastama, Franklin, Keiser, Shin, Hatfield, Pridemore, Hargrove, Jacobsen, Berkey, Poulsen, Kilmer, Murray, Fraser, Marr, Kauffman and Roach

AN ACT Relating to women's suffrage day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5034 by Senators Regala, Eide, Swecker, Weinstein, Franklin, Rasmussen, Brandland, Spanel, Jacobsen, McAuliffe, Poulsen, Keiser, Shin, Pridemore, Fraser, Fairley, Rockefeller, Kline, Kohl-Welles, Tom, Murray and Oemig

AN ACT Relating to phasing out the use of polybrominated diphenyl ethers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 5035 by Senators Hatfield, Schoesler and Rasmussen

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5036 by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles

AN ACT Relating to repealing the application of the sunset act to the intermediate driver's license program; and repealing RCW 43.131.397 and 43.131.398.

Referred to Committee on Transportation.

SB 5037 by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles

AN ACT Relating to the use of a wireless communications device while operating a moving motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5038 by Senators Eide, Shin, Weinstein, Hobbs, Oemig, Marr, Murray, Regala, Rockefeller, Rasmussen, Hatfield, Kilmer, Keiser, Jacobsen, Poulsen, Haugen, McAuliffe and Kohl-Welles

AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.038, 13.40.210, and 9A.56.096; reenacting and amending RCW 9.94A.525; adding a new section to chapter 13.40 RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 48.22 RCW; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5039 by Senators Eide, Murray, Marr, Shin, Rockefeller, Weinstein, Rasmussen, Kauffman, Keiser, Jacobsen, Haugen and Kohl-Welles

AN ACT Relating to the investment of scholarship endowment funds; amending RCW 28B.108.060 and 28B.116.060; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5040 by Senators Eide, Franklin, Fairley, Shin, Rockefeller, Weinstein, Marr, Oemig, Hobbs, Haugen, Kilmer, Murray, Keiser, Rasmussen, Jacobsen, Kauffman and Kohl-Welles

AN ACT Relating to the creation of a survivors' endowed scholarship program; amending RCW 28B.76.540; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5041 by Senator Prentice

AN ACT Relating to insurance commissioner regulatory assessment fees; and amending RCW 48.02.190 and 48.46.120.

Referred to Committee on Ways & Means.

SB 5042 by Senators Berkey and Shin

AN ACT Relating to insurance; amending RCW 48.111.020, 48.12.010, 48.21.200, 48.36A.260, 48.13.120, 48.13.265, 48.13.275, 48.24.070, 48.31.045, 48.31.131, 48.31.155, and 48.43.018; reenacting and amending RCW 48.22.030; adding a new section to chapter 48.11 RCW; repealing RCW 48.12.120, 48.12.130, and 48.14.050; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5043 by Senators Haugen, Jacobsen, Fairley, Keiser, Regala, Hatfield, Berkey, Fraser, Sheldon, Poulsen, Rasmussen and Kohl-Welles

AN ACT Relating to dedicating a portion of the state property tax levy to state parks; amending RCW 84.52.043, 84.52.065, and 79A.05.215; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8200 by Senators Zarelli, Benton, Parlette, Holmquist, Stevens, Swecker, Pflug, Delvin, McCaslin, Brandland, Schoesler, Roach, Hewitt, Honeyford and Carrell

Creating a rainy day reserve fund.

Referred to Committee on Ways & Means.

SJR 8201 by Senator Franklin

Amending the state Constitution to provide for a revenue stabilization fund.

Referred to Committee on Ways & Means.

SJR 8202 by Senators Eide, McAuliffe, Weinstein, Jacobsen, Shin, Kohl-Welles, Pridemore, Fairley, Spanel, Rockefeller, Berkey, Rasmussen, Kastama, Keiser, Poulsen, Hatfield, Tom, Prentice, Haugen, Regala, Franklin, Brown, Kilmer, Murray, Fraser, Marr, Kline and Kauffman

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

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

SJR 8203 by Senators Eide, McAuliffe, Weinstein, Jacobsen, Shin, Kohl-Welles, Pridemore, Kastama, Spanel, Rockefeller, Fairley, Tom, Poulsen, Hatfield, Prentice, Haugen, Regala, Brown, Kilmer, Murray, Fraser, Marr, Rasmussen, Kline, Franklin and Kauffman

Amending the Constitution to provide for a simple majority of voters voting to authorize a school district bond measure.

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

SJR 8204 by Senators Haugen, Jacobsen, Fairley, Keiser, Regala, Hatfield, Berkey, Fraser, Sheldon, Poulsen, Murray, Rasmussen, Shin and Kohl-Welles

Dedicating a portion of the state property tax levy to state parks.

Referred to Committee on Natural Resources, Ocean & Recreation.

SCR 8400 by Senators Brown and Hewitt

Adopting joint rules.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5007 and Senate Bill No. 5027 which were referred to the Committee on Ways & Means and Senate Concurrent Resolution No. 8400 under suspension of the rules was placed on the second reading calendar.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HCR 4400 by Representatives Kessler, Ericksen, Haler and Wallace

Notifying the Governor that the Legislature is organized.

HCR 4401 by Representatives Kessler, Ericksen and Wallace

Establishing cutoff dates for the 2007 regular session.

HCR 4402 by Representatives Kessler, Ericksen, Haler and Wallace

Calling joint sessions for various purposes.

HCR 4403 by Representatives Kessler, Ericksen, Haler and Wallace

Calling a joint session to honor deceased former members.

MOTION

On motion of Senator Eide, the rules were suspended and the measures listed on the Supplemental Introduction and First Reading report, were placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4400, by Representatives Kessler, Ericksen, Haler and Wallace

Notifying the Governor that the Legislature is organized.

The measure was read the second time.

MOTION

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

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

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

APPOINTMENT OF SPECIAL COMMITTEE

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

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Governor that the Legislature is ready to transact business.

MOTION

On motion of Senator Eide, the appointments were confirmed.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Kessler, Ericksen and Wallace

Establishing cutoff dates for the 2007 regular session.

The measure was read the second time.

MOTION

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

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

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler, Ericksen, Haler and Wallace

Calling joint sessions for various purposes.

The measure was read the second time.

MOTION

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

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

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives Kessler, Ericksen, Haler and Wallace

Calling a joint session to honor deceased former members.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Concurrent Resolution No. 4403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Concurrent Resolution No. 4403.

HOUSE CONCURRENT RESOLUTION NO. 4403, was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators Brown and Hewitt

Adopting joint rules.

The measure was read the second time.

MOTION

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

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

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

MOTION

On motion of Senator Eide, Senate Concurrent Resolution No. 8400 was immediately transmitted to the House of Representatives.

STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2007 Standing Committee assignments.

2007 PROPOSED SENATE STANDING COMMITTEE ASSIGNMENTS

Agriculture & Rural Economic Development – Senators Rasmussen, Hatfield, Jacobsen, Shin, Morton and Schoesler

Consumer Protection & Housing – Senators Weinstein, Kauffman, Haugen, Jacobsen, Kilmer, Tom Delvin, Honeyford and McCaslin

Early Learning & K-12 Education – Senators McAuliffe, Tom, Eide, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein, Brandland, Clements, Hewitt, Holmquist and Zarelli

Economic Development, Trade & Management – Senators Kastama, Kilmer, Kauffman, Shin, Clements and Zarelli

Financial Institutions & Insurance – Senators Berkey, Hobbs, Franklin, Prentice, Hatfield, Benton, Parlette and Schoesler

Government Operations & Elections – Senators Fairley, Oemig, Kline, Pridemore, Benton, Roach and Swecker

Health & Long-Term Care – Senators Keiser, Franklin, Fairley, Kastama, Kohl-Welles, Marr, Carrell, Parlette and Pflug

Higher Education – Senators Shin, Kilmer, Berkey, Sheldon, Delvin and Schoesler

Human Services & Corrections – Senators Hargrove, Regala, Marr, McAuliffe, Brandland, Carrell and Stevens

Judiciary – Senators Kline, Tom, Hargrove, Murray, Weinstein, Carrell, McCaslin and Roach

Labor, Commerce, Research & Development – Senators Kohl-Welles, Keiser, Franklin, Murray, Prentice, Clements and Holmquist

Natural Resources, Ocean & Recreation – Senators Jacobsen, Rockefeller, Fraser, Hargrove, Poulsen, Spanel, Morton, Stevens and Swecker

Rules – Senators Franklin, Brown, Eide, Fraser, Haugen Kline, Kohl-Welles, McAuliffe, Murray, Poulsen, Regala, Spanel, Hewitt, Parlette, Pflug, Schoesler, Stevens and Zarelli

Transportation – Senators Haugen, Marr, Murray, Berkey, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel, Benton, Clements, Delvin, Holmquist, Pflug and Swecker

Water, Energy & Telecommunications – Senators Poulsen, Rockefeller, Fraser, Marr, Oemig, Pridemore, Regala, Delvin, Holmquist, Honeyford and Morton

Ways & Means – Senators Prentice, Fraser, Pridemore, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller, Tom, Brandland, Carrell, Hewitt, Honeyford, Parlette, Roach, Schoesler, and Zarelli

MOTION

On motion of Senator Eide, the appointments were confirmed.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

MR. PRESIDENT OWEN:

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

Substitute Senate Bill No. 6234
Substitute Senate Bill No. 6241
Engrossed Substitute Senate Bill No. 6384
Engrossed Substitute Senate Bill No. 6386
Engrossed Substitute Senate Bill No. 6428
Substitute Senate Bill No. 6555

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 8th day of March, 2006.

(Seal) SAM REED, Secretary of State

MESSAGE FROM THE GOVERNOR

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill No. 6411 entitled:

“AN ACT Relating to collective bargaining agreements.”

This bill allows bargaining a contract of up to six years for

public employees who are covered by the Public Employees’ Collective Bargaining Act (PECBA). The intent of the legislation is to provide stability and lower costs for smaller local governmental entities. However, current law restricts contracts under PECBA to a three-year duration.

PECBA covers mainly city, county and local government employees. It also includes several state employee groups, including state troopers, the University of Washington Print Shop, and several other higher education classified units. At least one of the state employee groups covered by the PECBA has binding interest arbitration-state troopers. In addition, home health care workers, and family childcare providers, who are also covered by PECBA, have binding interest arbitration. This dispute resolution mechanism could lead to settlements that violate the principle that the state cannot obligate future legislatures beyond the current biennium.

If an imposed settlement violated this principle, court challenges could ensue. While I understand that current law allows for contracts to exceed the two-year budget cycle, this was not an issue of concern for the state until last year when changes in the state troopers’ bargaining law allowed for bargaining over wages and benefits. In the last several years, the addition of collective bargaining rights for home care workers and family child care workers also increases the likelihood of legal challenges over contract duration.

If legislation were introduced in the next session with provisions to address the above concerns regarding state employee groups, I would certainly look much more favorably on the bill.

For these reasons, I have vetoed Senate Bill No. 6411 in its entirety.

Respectfully submitted,
CHRISTINE O. GRÉGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6781 entitled:

“AN ACT Relating to environmental remediation.”

This bill would provide sales and business tax incentives for environmental remediation actions.

Cleaning up historic contamination is usually a key step in the redevelopment of our urban lands. However, past tax incentives for environmental remediation did not measurably increase the number of cleanup actions. And for cleanup actions conducted by state agencies and local governments, this bill would inappropriately shift the cost burden from the dedicated toxics cleanup accounts to the state general fund.

For these reasons, I have vetoed Substitute Senate Bill No. 6781 in its entirety.

Respectfully submitted,
CHRISTINE O. GRÉGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Substitute Senate Bill No. 6369 entitled:

“AN ACT Relating to excise tax exemptions for water services provided by small water systems.”

This Substitute Senate Bill No. 6369 exempts water-sewer, irrigation, and public utility districts that provide water services to small customer bases from the public utility tax and business and occupation tax as long as at least 90 percent of the value of the tax exemptions would be used to repair, equip, upgrade, or maintain the system.

This bill provides inadequate accountability to the state’s taxpayers. The tax exemptions are not limited by sunsets. Only one study of the effectiveness of the tax exemptions, due in 2010, will be made. After that, the tax exemptions will continue on in perpetuity without scrutiny.

In addition, the legislation’s self-stated goal, of providing assistance to small public water systems that are in most need, would be more efficiently met through a grant program. Through a grant program, pressing needs can be met first and all needs can actually be assessed. A grant program could also help those small water systems that are already exempt from the state’s business and occupation tax and public utility tax as well. As Governor, I think part of my duty is to meet the needs in the most efficient way possible.

For these reasons, I have vetoed Substitute Senate Bill No. 6369 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 29, 2006

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

Ladies and Gentlemen:

I am returning, without my approval, Senate Bill No. 6412 entitled:

“AN ACT Relating to superior court judges.”

The substance of this bill was already accomplished through House Bill No. 2344, which I signed into law on March 9, 2006. Therefore, I am vetoing Senate Bill No. 6412 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR

March 31, 2006

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

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 6330 entitled:

“AN ACT Relating to the establishment of the Washington trade corps fellowship program.”

This bill is being vetoed for two reasons. First, given the limited resources and high demands of our international trade office, this program would not be a priority. I commend the Legislature for adding resources to trade and to trade offices. However, the specific purpose proposed in this bill is not the most effective approach. Second, the budget for this project is exceptionally large given the task that is proposed. These are funds that simply should not be allocated for studying funding opportunities.

For these reasons, I have vetoed Substitute Senate Bill No. 6330 in its entirety.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 2,107,370 votes cast by the 3,264,511 registered voters of the state for and against the initiatives and resolution which were submitted to the vote of the people at the state general election held on the 7th day of November, 2006, as received from the County Auditors.

INITIATIVE MEASURE NO. 920

“Initiative Measure No. 920 concerns estate tax. This measure would repeal Washington’s state laws imposing tax, currently dedicated for the education legacy trust fund, on transfers of estates of persons dying on or after the effective date of this measure.”

Yes	778,047
No	1,258,110

INITIATIVE MEASURE NO. 933

“Initiative Measure No. 933 concerns government regulation of private property. This measure would require compensation when government regulation damages the use of value of private property, would forbid regulations that prohibit existing legal uses of private property, and would provide exceptions or payments.”

Yes	839,992
No	1,199,679

INITIATIVE MEASURE NO. 937

“Initiative Measure No. 937 concerns energy resource use by certain electric utilities. This measure would require certain electric utilities with 25,000 or more customers to meet certain targets for energy conservation and use of renewable energy resources, as defined, including energy credits, or pay penalties.”

Yes	1,042,679
No	972,747

HOUSE JOINT RESOLUTION 4223

“The Legislature has proposed a constitutional amendment on increasing an exemption from the personal property tax. This amendment would authorize the Legislature to increase the personal property tax exemption for taxable personal property owned by each “head of a family” from three thousand (\$3,000) to fifteen thousand (\$15,000) dollars.”

Approved	1,581,373
Rejected	399,684

I further certify that, according to the provisions of RCW 42.07.030, I have canvassed the returns of the votes cast at the state general election held on the 7th day of November, 2006, for all federal, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

U. S. SENATOR

Maria Cantwell	Democrat	1,184,659
Mike McGavick	Republican	832,106
Bruce Guthrie	Libertarian	29,331
Robin Adair	Independent	16,384
Aaron Dixon	Green	21,254

U. S. REPRESENTATIVE DISTRICT #1

Jay Inslee	Democrat	163,832
Larry W. Ishmael	Republican	78,105

U. S. REPRESENTATIVE DISTRICT #2

Rick Larsen	Democrat	157,064
Doug Roulstone	Republican	87,730

U. S. REPRESENTATIVE DISTRICT #3

Brian Baird	Democrat	147,065
Michael Messmore	Republican	85,915

U. S. REPRESENTATIVE DISTRICT #4

Richard Wright	Democrat	77,054
Doc Hastings	Republican	115,246

U. S. REPRESENTATIVE DISTRICT #5

Peter J Goldmark	Democrat	104,357
Cathy McMorris	Republican	134,967

U. S. REPRESENTATIVE DISTRICT #6

Norm Dicks	Democrat	158,202
Doug Cloud	Republican	65,883

U. S. REPRESENTATIVE DISTRICT #7

Jim McDermott	Democrat	195,462
Steve Beren	Republican	38,715
Linnea S. Noreen	Independent	11,956

U. S. REPRESENTATIVE DISTRICT #8

Darcy Burner	Democrat	122,021
Dave Reichert	Republican	129,362

U. S. REPRESENTATIVE DISTRICT #9

Adam Smith	Democrat	119,038
Steven C. Cofchin	Republican	62,082

STATE REPRESENTATIVE DISTRICT #1 POSITION #1

Al O’Brien	Democrat	32,274
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STATE REPRESENTATIVE DISTRICT #1 POSITION #2

Mark Ericks	Democrat	25,739
Mark Davies	Republican	15,843

STATE REPRESENTATIVE DISTRICT #2 POSITION #1

Jean Marie Christenson	Democrat	16,997
Jim McCune	Republican	22,107

STATE REPRESENTATIVE DISTRICT #2 POSITION #2

Jeff Stephan	Democrat	15,734
Tom Campbell	Republican	23,221

STATE REPRESENTATIVE DISTRICT #3 POSITION #1

Alex Wood	Democrat	19,801
Laura D. Carder	Republican	9,618

STATE REPRESENTATIVE DISTRICT #3 POSITION #2

Timm Ormsby	Democrat	23,682
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STATE REPRESENTATIVE DISTRICT #4 POSITION #1

Larry Crouse	Republican	36,391
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STATE REPRESENTATIVE DISTRICT #4 POSITION #2

Ed Foote	Democrat	15,940
Lynn Schindler	Republican	29,661,

STATE REPRESENTATIVE DISTRICT #5 POSITION #1

Jay Rodne	Republican	33,732
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STATE REPRESENTATIVE DISTRICT #5 POSITION #2

Glenn Anderson	Republican	32,998
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STATE SENATOR DISTRICT #6

Chris Marr	Democrat	29,794
Brad Benson	Republican	24,852

STATE REPRESENTATIVE DISTRICT #6 POSITION #1

Don A. Barlow	Democrat	26,228
John W. Serben	Republican	25,968

STATE REPRESENTATIVE DISTRICT #6 POSITION #2

Barbara Lampert	Democrat	20,504
John E. Ahern	Republican	31,405

STATE SENATOR DISTRICT #7

Chris Zaferes	Democrat	14,439
Bob Morton	Republican	31,243

STATE REPRESENTATIVE DISTRICT #7 POSITION #1

Jack Miller	Democrat	16,762
Bob Sump	Republican	28,702

STATE REPRESENTATIVE DISTRICT #7 POSITION #2

Joel Kretz	Republican	34,543
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STATE SENATOR DISTRICT #8

Jerome Delvin Republican 32,963

STATE REPRESENTATIVE DISTRICT #8 POSITION #1

Shirley Hankins Republican 32,475

STATE REPRESENTATIVE DISTRICT #8 POSITION #2

Larry Haler Republican 32,303

STATE REPRESENTATIVE DISTRICT #9 POSITION #1Caitlin Ross Democrat 14,736
Steve Hailey Republican 23,485**STATE REPRESENTATIVE DISTRICT #9 POSITION #2**

David W. Buri Republican 29,239

STATE REPRESENTATIVE DISTRICT #10 POSITION #1

Chris Strow Republican 33,971

STATE REPRESENTATIVE DISTRICT #10 POSITION #2Tim Knue Democrat 23,982
Barbara Bailey Republican 25,479**STATE REPRESENTATIVE DISTRICT #11 POSITION #1**

Zach Hudgins Democrat 19,409

STATE REPRESENTATIVE DISTRICT #11 POSITION #2Bob Hasegawa Democrat 18,589
John Potter Republican 7,123**STATE REPRESENTATIVE DISTRICT #12 POSITION #1**

Cary Condotta Republican 29,456

STATE REPRESENTATIVE DISTRICT #12 POSITION #2

Mike Armstrong Republican 30,082

STATE SENATOR DISTRICT #13Lisa Bowen Democrat 11,911
Janea Holmquist Republican 24,391**STATE REPRESENTATIVE DISTRICT #13 POSITION #1**

Judith Warnick Republican 27,731

STATE REPRESENTATIVE DISTRICT #13 POSITION #2

Bill Hinkle Republican 27,490

STATE REPRESENTATIVE DISTRICT #14 POSITION #1Don Hinman Democrat 11,082
Mary Skinner Republican 21,771**STATE REPRESENTATIVE DISTRICT #14 POSITION #2**Ron Bonlender Democrat 13,052
Earl Johnson Republican 17,940**STATE SENATOR DISTRICT #15**

Tomas A. Villanueva Democrat 10,782

Jim Honeyford Republican 17,944

STATE REPRESENTATIVE DISTRICT #15 POSITION #1Glen Howard Pinkham Democrat 10,781
Bruce Chandler Republican 17,517**STATE REPRESENTATIVE DISTRICT #15 POSITION #2**William J. Yallup Democrat 10,226
Dan Newhouse Republican 18,197**STATE REPRESENTATIVE DISTRICT #16 POSITION #1**George Fearing Democrat 12,445
Maureen Walsh Republican 23,958**STATE REPRESENTATIVE DISTRICT #16 POSITION #2**Bill Grant Democrat 22,192
Kevin Young Republican 14,682**STATE REPRESENTATIVE DISTRICT #17 POSITION #1**Pat Campbell Democrat 18,173
Jim Dunn Republican 18,503**STATE REPRESENTATIVE DISTRICT #17 POSITION #2**Deb Wallace Democrat 21,361
Paul Harris Republican 15,674**STATE REPRESENTATIVE DISTRICT #18 POSITION #1**Johnathan Fant Democrat 19,632
Richard Curtis Republican 28,398**STATE REPRESENTATIVE DISTRICT #18 POSITION #2**Julie McCord Democrat 20,799
Ed Orcutt Republican 27,851**STATE REPRESENTATIVE DISTRICT #19 POSITION #1**Dean A. Takko Democrat 25,197
Tim Sutinen Republican 14,086**STATE REPRESENTATIVE DISTRICT #19 POSITION #2**Brian E. Blake Democrat 26,503
Keath Huff Republican 12,387**STATE REPRESENTATIVE DISTRICT #20 POSITION #1**Mike Rechner Democrat 19,098
Richard DeBolt Republican 26,508**STATE REPRESENTATIVE DISTRICT #20 POSITION #2**

Gary C. Alexander Republican 34,409

STATE SENATOR DISTRICT #21

Paull H. Shin Democrat 30,132

STATE REPRESENTATIVE DISTRICT #21 POSITION #1

Mary Helen Roberts Democrat 28,635

STATE REPRESENTATIVE DISTRICT #21 POSITION #2

Brian Sullivan Democrat 28,947

STATE REPRESENTATIVE DISTRICT #22 POSITION #1

Brendan W. Williams Democrat 34,907

STATE REPRESENTATIVE DISTRICT #22 POSITION #2

Sam Hunt Democrat 34,103
Kevin Bonagofski Republican 12,351

STATE REPRESENTATIVE DISTRICT #23 POSITION #1

Sherry Appleton Democrat 31,561
Charles R. Ross Republican 19,791

STATE REPRESENTATIVE DISTRICT #23 POSITION #2

Christine Rolfes Democrat 26,980
Beverly Woods Republican 22,597

STATE REPRESENTATIVE DISTRICT #24 POSITION #1

Kevin Van De Wege Democrat 29,853
Jim Buck Republican 26,766

STATE REPRESENTATIVE DISTRICT #24 POSITION #2

Lynn Kessler Democrat 42,752

STATE REPRESENTATIVE DISTRICT #25 POSITION #1

Jonathan E. Bristol Democrat 15,879
Joyce McDonald Republican 22,923

STATE REPRESENTATIVE DISTRICT #25 POSITION #2

Dawn Morrell Democrat 23,223
Wally Nash Republican 15,552

STATE SENATOR DISTRICT #26

Derek Kilmer Democrat 28,341
Jim Hines Republican 18,924

STATE REPRESENTATIVE DISTRICT #26 POSITION #1

Patricia Lantz Democrat 26,617
Beckie Krantz Republican 20,330

STATE REPRESENTATIVE DISTRICT #26 POSITION #2

Larry Seaquist Democrat 25,542
Ron Boehme Republican 20,920

STATE REPRESENTATIVE DISTRICT #27 POSITION #1

Dennis Flannigan Democrat 23,447
Stan Barker Republican 9,470

STATE REPRESENTATIVE DISTRICT #27 POSITION #2

Jeannie Darneille Democrat 23,124
Bret Edensword Republican 9,583

STATE REPRESENTATIVE DISTRICT #28 POSITION #1

Troy Kelley Democrat 17,752
Don Anderson Republican 16,613

STATE REPRESENTATIVE DISTRICT #28 POSITION #2

Tami Green Democrat 19,096
Bob Lawrence Republican 15,459

STATE SENATOR DISTRICT #29

Rosa Franklin Democrat 17,496

STATE REPRESENTATIVE DISTRICT #29 POSITION #1

Steve Conway Democrat 17,192

STATE REPRESENTATIVE DISTRICT #29 POSITION #2

Steve Kirby Democrat 17,096

STATE SENATOR DISTRICT #30

Tracey J. Eide Democrat 18,366
Renee Maher Republican 12,499

STATE REPRESENTATIVE DISTRICT #30 POSITION #1

Mark Miloscia Democrat 20,080
Anthony Kalchik Republican 10,358

STATE REPRESENTATIVE DISTRICT #30 POSITION #2

Helen Stanwell Democrat 12,646
Skip Priest Republican 17,808

STATE SENATOR DISTRICT #31

Yvonne Ward Democrat 18,771
Pam Roach Republican 21,315

STATE REPRESENTATIVE DISTRICT #31 POSITION #1

Karen Willard Democrat 18,261
Dan Roach Republican 21,465

STATE REPRESENTATIVE DISTRICT #31 POSITION #2

Christopher Hurst Democrat 20,867
Jan Shabro Republican 18,671

STATE SENATOR DISTRICT #32

Darlene Fairley Democrat 31,850
David Baker Republican 15,320

STATE REPRESENTATIVE DISTRICT #32 POSITION #1

Maralyn Chase Democrat 33,087
Norine Federow Republican 12,669

STATE REPRESENTATIVE DISTRICT #32 POSITION #2

Ruth Kagi Democrat 32,281
Steve Gibbs Republican 14,418

STATE SENATOR DISTRICT #33

Karen Keiser Democrat 18,083
Karen Steele Republican 10,898

STATE REPRESENTATIVE DISTRICT #33 POSITION #1

Shay Schual-Berke Democrat 19,212
Mike Cook Republican 9,507

STATE REPRESENTATIVE DISTRICT #33 POSITION #2

Dave Upthegrove Democrat 21,005

STATE SENATOR DISTRICT #34

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2007 REGULAR SESSION

Erik Poulsen	Democrat	35,713
Paul Byrne	Republican	9,026

STATE REPRESENTATIVE DISTRICT #34 POSITION #1

Eileen L. Cody	Democrat	34,078
James K. Nickerson	Republican	9,667

STATE REPRESENTATIVE DISTRICT #34 POSITION #2

Joe McDermott	Democrat	35,476
Savun Neang	Republican	8,710

STATE SENATOR DISTRICT #35

Tim Sheldon	Democrat	32,963
Mark E. Shattuck	Republican	12,622

STATE REPRESENTATIVE DISTRICT #35 POSITION #1

Kathy Haigh	Democrat	28,724
Marco Brown	Republican	18,022

STATE REPRESENTATIVE DISTRICT #35 POSITION #2

William 'IKE' Eickmeyer	Democrat	28,301
Randy Neatherlin	Republican	18,663

STATE SENATOR DISTRICT #36

Jeanne Kohl-Welles	Democrat	41,792
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STATE REPRESENTATIVE DISTRICT #36 POSITION #1

Helen Sommers	Democrat	41,311
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STATE REPRESENTATIVE DISTRICT #36 POSITION #2

Mary Lou Dickerson	Democrat	41,212
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STATE SENATOR DISTRICT #37

Adam Kline	Democrat	28,417
Brian Thomas	Republican	4,433

STATE REPRESENTATIVE DISTRICT #37 POSITION #1

Sharon Tomiko Santos	Democrat	27,541
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STATE REPRESENTATIVE DISTRICT #37 POSITION #2

Eric Pettigrew	Democrat	28,847
Kwame Wyking Garrett	Republican	3,333

STATE SENATOR DISTRICT #38

Jean Berkey	Democrat	23,648
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STATE REPRESENTATIVE DISTRICT #38 POSITION #1

John McCoy	Democrat	16,963
Kim Halvorson	Republican	13,858

STATE REPRESENTATIVE DISTRICT #38 POSITION #2

Mike Sells	Democrat	23,425
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STATE REPRESENTATIVE DISTRICT #39 POSITION #1

Scott Olson	Democrat	19,036
Dan Kristiansen	Republican	22,444

STATE REPRESENTATIVE DISTRICT #39 POSITION #2

Kirk Pearson	Republican	30,912
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STATE REPRESENTATIVE DISTRICT #40 POSITION #1

Dave Quall	Democrat	36,953
Yoshe Revelle	Republican	11,272

STATE REPRESENTATIVE DISTRICT #40 POSITION #2

Jeff Morris	Democrat	37,962
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STATE REPRESENTATIVE DISTRICT #41 POSITION #1

Dale Murphy	Democrat	23,323
Fred Jarrett	Republican	26,600

STATE REPRESENTATIVE DISTRICT #41 POSITION #2

Judy Clibbom	Democrat	32,250
Erik Fretheim	Republican	17,573

STATE SENATOR DISTRICT #42

Jesse Salomon	Democrat	22,684
Dale E. Brandland	Republican	25,836

STATE REPRESENTATIVE DISTRICT #42 POSITION #1

Jasper MacSarrow	Democrat	21,798
Doug Ericksen	Republican	26,676

STATE REPRESENTATIVE DISTRICT #42 POSITION #2

Kelli Linville	Democrat	31,583
Craig Mayberry	Republican	15,282

STATE SENATOR DISTRICT #43

Ed Murray	Democrat	42,296
Loren Nelson	Republican	4,876

STATE REPRESENTATIVE DISTRICT #43 POSITION #1

Jamie Pedersen	Democrat	37,747
Hugh Foskett	Republican	6,104
Linde Knighton	Progressive	2,081

STATE REPRESENTATIVE DISTRICT #43 POSITION #2

Frank Chopp	Democrat	41,700
Will "Chopper" Sohn	Republican	4,260

STATE SENATOR DISTRICT #44

Steve Hobbs	Democrat	23,582
Dave Schmidt	Republican	21,518

STATE REPRESENTATIVE DISTRICT #44 POSITION #1

Hans Dunshee	Democrat	25,380
Mike Hope	Republican	20,262

STATE REPRESENTATIVE DISTRICT #44 POSITION #2

John Lovick	Democrat	26,703
Robert Legg	Republican	18,549

STATE SENATOR DISTRICT #45

Eric Oemig	Democrat	25,027
Toby Nixon	Republican	22,247

STATE REPRESENTATIVE DISTRICT #45 POSITION #1

Roger E. Goodman	Democrat	24,742
Jeffrey Possinger	Republican	21,316

STATE REPRESENTATIVE DISTRICT #45 POSITION #2

Larry Springer	Democrat	27,596
Tim Lee	Republican	19,173

STATE SENATOR DISTRICT #46

Ken G. Jacobsen	Democrat	41,948
Brian Tavis	Republican	7,839

STATE REPRESENTATIVE DISTRICT #46 POSITION #1

Jim McIntire	Democrat	41,042
September S. Secrist	Republican	8,003

STATE REPRESENTATIVE DISTRICT #46 POSITION #2

Phyllis G. Kenney	Democrat	40,344
Keith Nils Ljunghammar	Republican	8,179

STATE SENATOR DISTRICT #47

Claudia Kauffman	Democrat	19,501
Mike Riley	Republican	17,868

STATE REPRESENTATIVE DISTRICT #47 POSITION #1

Geoff Simpson	Democrat	22,210
Donna Watts	Republican	15,016

STATE REPRESENTATIVE DISTRICT #47 POSITION #2

Pat Sullivan	Democrat	21,846
Andrew Franz	Republican	15,193

STATE SENATOR DISTRICT #48

Rodney Tom	Democrat	21,868
Luke Esser	Republican	19,112

STATE REPRESENTATIVE DISTRICT #48 POSITION #1

Ross Hunter	Democrat	26,877
Nancy Potts	Republican	13,039

STATE REPRESENTATIVE DISTRICT #48 POSITION #2

Deborah H. Eddy	Democrat	23,015
Bret Olson	Republican	16,913

STATE REPRESENTATIVE DISTRICT #49 POSITION #1

Bill Fromhold	Democrat	21,735
Nancy De Leo	Republican	11,867

STATE REPRESENTATIVE DISTRICT #49 POSITION #2

Jim Moeller	Democrat	20,630
Sharon Long	Republican	12,989

STATE SUPREME COURT JUSTICE POSITION #2

Susan Owens	Nonpartisan	1,058,020
Stephen Johnson	Nonpartisan	710,144

STATE SUPREME COURT JUSTICE POSITION #8

Gerry L. Alexander	Nonpartisan	1,356,969
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STATE SUPREME COURT JUSTICE POSITION #9

Tom Chambers	Nonpartisan	1,351,858
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COURT OF APPEALS DIVISION I DISTRICT #1 POSITION #4

Ronald E. Cox	Nonpartisan	355,355
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COURT OF APPEALS DIVISION I DISTRICT #1 POSITION #7

Marlin J Applewick	Nonpartisan	351,438
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COURT OF APPEALS DIVISION I DISTRICT #3 POSITION #1

Mary Kay Becker	Nonpartisan	97,658
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COURT OF APPEALS DIVISION II DISTRICT #1 POSITION #3

Christine Quinn-Brintnall	Nonpartisan	149,408
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COURT OF APPEALS DIVISION II DISTRICT #2 POSITION #2

David H. Armstrong	Nonpartisan	169,450
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COURT OF APPEALS DIVISION II DISTRICT #3 POSITION #1

Joel Penoyar	Nonpartisan	124,643
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COURT OF APPEALS DIVISION III DISTRICT #1 POSITION #1

John A. Schultheis	Nonpartisan	133,702
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COURT OF APPEALS DIVISION III DISTRICT #3 POSITION #2

Teresa C. Kulik	Nonpartisan	74,468
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SUPERIOR COURT JUDGE POSITION #8

Anne Hirsch	Nonpartisan	43,539
Jim Powers	Nonpartisan	29,308

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the state of Washington, this 6th day of December, 2006.

SAM REED, Secretary of State

Seal

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAURA ANDERSON, reappointed February 10, 2005, for the term ending January 4, 2011, as Member of the Personnel Resources Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SONIA AREVALO-HAYES, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

September 30, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TONI M. ASPIN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BERNAL BACA, appointed January 30, 2006, for the term ending January 30, 2009, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 27, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE BIANCHI, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

September 30, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PEGGY BIERBAUM, reappointed August 25, 2005, for the term ending June 30, 2011, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF

WASHINGTON

Ladies and Gentlemen:

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

REBECCA BOWERS, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

AMY BRAGDON, appointed January 30, 2006, for the term ending January 30, 2009, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL BRUMSICKLE, appointed March 30, 2005, for the term ending December 31, 2008, as Member of the Public Disclosure Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

September 17, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ETHELAD BURKE, appointed August 3, 2005, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REUVEN CARLYLE, appointed April 5, 2005, for the term ending April 3, 2009, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

August 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY COHN, appointed July 25, 2005, for the term ending June 30, 2009, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENISE COLLEY, reappointed February 10, 2005, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RITA CREIGHTON, appointed March 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

June 3, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES CUNNINGHAM, appointed May 26, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Bellingham Technical College District No. 25.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD DELMORE, reappointed March 10, 2005, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

June 22, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CALHOUN DICKINSON, reappointed June 6, 2005, for the term ending June 17, 2011, as Member of the Industrial Insurance Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER ERSKINE, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 1, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHEILA L. FOX, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL P. GEORGE, appointed January 9, 2006, for the term ending January 17, 2007, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 20, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL GRINSTEIN, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

November 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY GUENTHER, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Centralia Community College District No. 12.

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ALFRED HALLOWELL, reappointed February 10, 2005, for the term ending January 17, 2011, as Member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

July 21, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

WILLIAM HANSON, appointed June 6, 2005, for the term ending August 2, 2010, as Member of the Lottery Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

October 24, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

RUSSELL D. HAUGE, reappointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

March 16, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

CHRIS HEDRICK, appointed March 16, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ARLISTA D. HOLMAN, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

November 8, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

RONALD KESSLER, appointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

November 8, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

KRISTINE A. KLAVEANO, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

July 1, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

DENNIS KLOIDA, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

November 30, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ROBERT LENIGAN, appointed October 20, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

January 1, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ERIC LIU, appointed January 20, 2006, for the term ending January 30, 2007, as Member of the State Board of Education.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

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

ASBURY LOCKETT, reappointed February 10, 2005, for the term ending June 30, 2007, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DEAN S. LUM, reappointed March 10, 2005, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE D. MARAVE, reappointed February 10, 2005, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTINA MAYER, appointed January 30, 2006, for the term ending January 30, 2007, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM J. MCDOWELL, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN MILLER, reappointed February 10, 2005, for the term ending at the governor's pleasure, as a Chair of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

October 13, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVE S. MILLER, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bellevue Community College District No. 8.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

November 7, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE MOHORIC, reappointed October 1, 2003, for the term ending September 30, 2008, as Member, Board of Trustees, Centralia Community College District No. 12.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOUGLAS MOONEY, reappointed February 10, 2005, for the term ending September 8, 2009, as Member of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GERALD L. MORGAN, reappointed February 10, 2005, for the term ending July 26, 2007, as Member of the Personnel Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 25, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL MOSER, appointed January 9, 2006, for the term ending June 30, 2011, as Member of the Transportation Commission.

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

January 5, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.

DON MUKAI, appointed October 7, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

March 0, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

JAMES L. NAGLE, reappointed March 10, 2005, for the term ending August 2, 2007, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

JANE NISHITA, reappointed February 10, 2005, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

DORA NOBLE, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

November 29, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following appointment, subject to your confirmation.

JANE NOLAND, appointed December 31, 2005, for the term ending December 31, 2010, as Member of the Public Disclosure Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

January 6, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

LENELL NUSSBAUM, reappointed October 24, 2005, for the term ending August 2, 2008, as Member of the Sentencing Guidelines Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

June 22, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

TIM OTANI, reappointed July 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

November 14, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

TERESA PAN, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

SHERRY PERRY, reappointed February 10, 2005, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

February 10, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

ROBERT C. PETERSEN, reappointed February 10, 2005, for the term ending December 31, 2008, as Member of the Parks and Recreation Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to the Committee on Rules.

September 21, 2005
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRIS POMIANEK, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DOLORITA REANDEAU, reappointed February 10, 2005, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 24, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRUCE REID, appointed January 25, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BARBARA ROFKAR, reappointed February 10, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL ROLLINS, JR., reappointed February 10, 2005, for the term ending October 1, 2008, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY JEAN RYAN, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

October 24, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARILYN SAYAN, reappointed September 14, 2005, for the term ending September 8, 2011, as a Chair of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

August 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROBERT SCARBROUGH, reappointed August 3, 2005, for the term ending August 2, 2011, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KENNETH SCHELLBERG, appointed March 30, 2005, for the term ending December 31, 2009, as Member of the Public Disclosure Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIOT SCULL, reappointed February 10, 2005, for the term ending December 31, 2010, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

March 31, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

TERRY SEBRING, appointed May 1, 2005, for the term ending March 1, 2011, as a Chair of the Tax appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

August 1, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FAOUZI SEFRIQUI, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

September 30, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES SHIPMAN, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 25, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL SMITH-MERKULOV, appointed July 17, 2005, for the term ending January 17, 2009, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

November 17, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLAIRE SPAIN-REMY, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE STEIN, reappointed February 10, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LARRY E. SWIFT, reappointed February 10, 2005, for the term ending July 1, 2009, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

July 22, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES TIFFANY, appointed July 6, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVONNE ULLAS, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD VAN HOLLEBEKE, appointed August 15, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CARLOS VELIZ, reappointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Everett Community College District No. 5.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF VINCENT, appointed January 30, 2006, for the term ending January 30, 2010, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CECILIA VOGT, reappointed February 10, 2005, for the term ending December 31, 2010, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN WILDER CRANE, reappointed February 10, 2005, for the term ending February 21, 2007, as Member of the Washington State Apprenticeship and Training Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARLENE WILDER, reappointed February 10, 2005, for the term ending September 30, 2007, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIC WISEMAN, reappointed February 10, 2005, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAY ADAMSON, reappointed February 10, 2005, for the term ending July 1, 2008, as Member of the State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

September 12, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEVEN ADELSTEIN, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAUL ALMEIDA, reappointed February 10, 2005, for the term ending September 25, 2007, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

June 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MAX D. ANDERSON, appointed July 1, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 1, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANTHONY ARONICA, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

WASHINGTON

Ladies and Gentlemen:

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

ASAAD AWAM, reappointed February 10, 2005, for the term ending January 19, 2007, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

July 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RONNIE BEHNKE, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SALVADOR BELTRAN, JR., reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Columbia Basin Community College District No. 19.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

May 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLEY BINGHAM, appointed May 3, 2006, for the term ending June 30, 2010, as a Member of the Higher Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTIANNE BLAKE, appointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALLYSON BROOKS, appointed July 25, 2006, for the term ending at the governor's pleasure, as a Director of the Dept. of Archaeology & Historic Preservation.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KAREN BROWN, reappointed February 10, 2005, for the term ending March 26, 2007, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LARRY BROWN, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUNE CANTY, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAY CARMONY, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 14, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL CIRAULO, appointed September 14, 2006, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 24, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAT E. CLOTHIER, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

June 22, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFFRY COLLITON, appointed July 15, 2006, for the term ending January 1, 2012, as Member of the Horse Racing Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DENNIS R. COLWELL, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 26, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RITA COLWELL, appointed October 1, 2005, for the term ending October 1, 2007, as Member, Board of Trustees, The Life Sciences Discovery Fund Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

April 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN COMSTOCK, appointed April 2, 2006, for the term ending August 2, 2008, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD COX, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 11, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROOSEVELT J. CURRIE, appointed April 24, 2006, for the term ending June 30, 2010, as Chief Administrative Law Judge of the Administrative Hearings Office.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JULIE DAVIDSON, appointed February 16, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 1, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES DAVIS, reappointed January 9, 2006, for the term ending December 26, 2009, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

May 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

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

PAM DERKACHT, appointed May 8, 2006, for the term ending at the governor's pleasure, as a Director of the Department of Printing.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONNA DOCKTER, reappointed February 10, 2005, for the term ending January 19, 2007, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

January 24, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROSEMARIE DUFFY, appointed January 30, 2006, for the term ending January 19, 2010, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHILIP EATON, reappointed February 10, 2005, for the term ending March 26, 2008, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TARI EITZEN, appointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

September 22, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHANNON ESPINOZA, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

April 14, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHARON FAIRCHILD, reappointed April 4, 2006, for the term ending April 3, 2010, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JENNIFER FAUBION, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH FORD, reappointed June 16, 2006, for the term ending June 15, 2011, as Member of the Marine Employees' Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

June 24, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRANCOIS FORGETTE, appointed May 11, 2005, for the term ending September 30, 2007, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELMIRA FORNER, reappointed July 1, 2006, for the term ending June 30, 2012, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

October 5, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ISAURA GALLEGOS, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARC GASPARD, appointed November 1, 2006, for the term ending September 30, 2008, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

WILLIAM H. GATES, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Regents, University of Washington.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TERRY GLENN, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

October 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYNN GOODING, appointed September 21, 2006, for the term ending at the governor's pleasure, as a Director of the Pollution Liability Insurance Program.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Management.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY HARRIS, appointed March 8, 2005, for the term ending February 7, 2009, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

January 4, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JUDY L. HARTMAN, appointed February 10, 2005, for the term ending at the governor's pleasure, as Member of the K-20 Educational Network Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Government Operations & Elections.

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JERRY R. HENDRICKSON, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Walla Walla Community College District No. 20.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

REBECCA HILLE, reappointed February 10, 2005, for the term ending January 19, 2008, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

September 30, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE HUDSON, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER K. JACKSON, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

June 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LYLE JACOBSEN, reappointed August 3, 2006, for the term ending August 2, 2012, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

EDWARD JAMES, JR., appointed February 10, 2005, for the term ending September 30, 2008, as Member, Board of Trustees, Renton Technical College District No. 27.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 24, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOLLY P. JENSEN, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DWAYNE JOHNSON, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Peninsula Community College District No. 1.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF JOHNSON, appointed July 24, 2006, for the term ending April 30, 2010, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 2, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ALLIE M. JOINER, appointed August 30, 2006, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

YVETE JOSEPH-FOX, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

November 7, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

TOM KARIER, reappointed January 16, 2007, for the term ending January 15, 2010, as Member of the Northwest Power and Conservation Council.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

March 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CAROL KELJO, reappointed February 10, 2005, for the term ending August 2, 2008, as Member of the Lottery Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

June 19, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JAMES L. KEMP, appointed May 25, 2006, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

June 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAWRENCE KENNEY, reappointed July 1, 2006, for the term ending June 30, 2010, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

November 21, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RUTHANN KUROSE, appointed January 16, 2007, for the term ending January 15, 2013, as Member of the Liquor Control Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

July 7, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHIHO LAI, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHERYL LAMBERTON, PHD, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CLARENCE "JOE" F. LEGEL, reappointed February 10, 2005, for the term ending June 19, 2007, as Member of the Health Care Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

November 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANET LEWIS, appointed November 14, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HOWARD LINCOLN, appointed January 27, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAT LOVETT, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

June 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL LYNCH, reappointed May 3, 2006, for the term ending June 30, 2012, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

July 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANIS MACHALA, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL MARTINO, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

November 20, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICIA MATTSSEN NOTTER, appointed November 20, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 14, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK MCELLIGOT, reappointed January 1, 2007, for the term ending December 31, 2009, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions & Insurance.

April 12, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANDREA MCNAMARA DOYLE, appointed March 22, 2006, for the term ending June 30, 2008, as Member of the Pollution Control/Shorelines Hearings Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

November 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NEIL MCREYNOLDS, reappointed November 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRIS MIKKELSEN, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICIA B. MORGAN, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

November 20, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MARY MOSS, appointed November 20, 2006, for the term ending September 30, 2008, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BOB MYERS, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 2, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES P. NELSON, reappointed September 29, 2006, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GREGORY OCHOA, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHARON OKAMOTO, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ROGER OLSTAD, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Shoreline Community College District No. 7.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 24, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LISA PARKER, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 26, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CALVIN PEARSON, appointed June 15, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Bates Technical College District No. 28.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DARLENE PETERS, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Olympic Community College District No. 3.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL DAVID PETERSON, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MASON PETIT, appointed September 11, 2006, for the term ending December 31, 2008, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions & Insurance.

October 12, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

QUENTIN POWERS, appointed October 12, 2006, for the term ending September 30, 2009, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

November 17, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

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

ANNE PROFFITT, appointed November 16, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, The Evergreen State College.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. STEPHEN RAINEY, reappointed February 10, 2005, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL V. REGEIMBAL, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Highline Community College District No. 9.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

June 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KELLEY REINSMITH, appointed May 30, 2006, for the term ending December 5, 2009, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEROME REMICK, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVE REMINGTON, reappointed February 10, 2005, for the term ending June 30, 2008, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

February 17, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHARLES ROBINSON, appointed November 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 8, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GEORGE ROE, reappointed March 8, 2005, for the term ending January 19, 2009, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN RUSHING, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

August 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PHIL SHARPE, appointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Western Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

May 1, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

MANFORD SIMCOCK, appointed March 30, 2006, for the term ending March 26, 2010, as Member of the Higher Education Facilities Authority.

Sincerely,

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

July 7, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KYLE SMITH, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Regents, Washington State University.

Sincerely,

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

September 29, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JONATHAN SPROUFFSKE, appointed September 29, 2006, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board.

Sincerely,

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

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID STEWART, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Human Services & Corrections.

November 14, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL TANAKA, reappointed November 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

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

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN TEIL BOYER, reappointed February 10, 2005, for the term ending January 19, 2008, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHERYL TERRY, reappointed February 10, 2005, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL THURMAN, appointed December 13, 2004, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN TURNER, appointed December 1, 2004, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

September 26, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JILL VAN GLUBT, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

February 2, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BRIAN VANCE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

FIRST DAY, JANUARY 8, 2007

2007 REGULAR SESSION

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

THUY VO, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Lower Columbia Community College District No. 13.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 2, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

HEYWARD WATSON, appointed May 25, 2005, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

July 31, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHAUNA WEATHERBY, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Clover Park Technical College District No. 29.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 19, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIRANDA WECKER, reappointed January 1, 2007, for the term ending December 31, 2012, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

August 8, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN D. WHITE, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Clark Community College District No. 14.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELIZABETH A. WILLIS, appointed November 1, 2006, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 19, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEANNETTE WOOD, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Edmonds Community College District No. 23.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 12, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MICHAEL WORTHY, appointed October 12, 2006, for the term ending September 30, 2012, as Member, Board of Regents, Washington State University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

September 11, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONNA ZICKUHR, appointed September 11, 2006, for the term ending June 30, 2007, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

October 3, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

INES ZOZAYA-GEIST, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF

WASHINGTON

Ladies and Gentlemen:

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

JO ANN KAUFFMAN, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Eastern Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

THOMAS HOEMANN, Secretary of the Senate

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ANNABELLE FITTS, reappointed February 10, 2005, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAMELA BRADBURN, reappointed February 10, 2005, for the term ending September 8, 2008, as Member of the Public Employment Relations Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to the Committee on Rules.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Marr and Brandland appeared before the bar of the Senate and reported that the Governor had been notified, under the provision of HOUSE CONCURRENT RESOLUTION NO. 4400, that the Legislature is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

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

AFTERNOON SESSION

The Senate was called to order at 3:00 p.m. by President Owen.

MOTION

At 3:01 p.m., on motion of Senator Eide, the Senate adjourned until 12:00, noon Tuesday, January 9, 2007.

BRAD OWEN, President of the Senate

SECOND DAY, JANUARY 9, 2007

2007 REGULAR SESSION

SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 9, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 5, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JONE BOSWORTH, appointed September 11, 2006, for the term ending at the governor's pleasure, as a Director of the Washington State Department of Early Learning.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

December 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

MIKE BRASFIELD, reappointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

October 4, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SUSAN COLE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 6, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ELLEN FAIR, reappointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

January 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LEONOR FULLER, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, South Puget Sound Community College District No. 24.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

December 14, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

ERIC LIU, reappointed February 1, 2007, for the term ending January 30, 2011, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

December 14, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

KRISTINA MAYER, reappointed February 1, 2007, for the term ending January 30, 2011, as Member of the State Board of Education.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 4, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK J. OSHIE, reappointed January 2, 2007, for the term ending January 1, 2013, as Member of the Utilities and Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Water, Energy & Telecommunications.

December 15, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SECOND DAY, JANUARY 9, 2007

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WILLIAM SNYDER, appointed December 14, 2006, for the term ending December 31, 2007, as Member of the Board of Pilotage Commissioners.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2007

MR. PRESIDENT:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5044 by Senators Weinstein, Oemig, Franklin, Rockefeller, Fraser, Brown, Kauffman, Rasmussen, Keiser, Regala, Jacobsen, McAuliffe and Kohl-Welles

AN ACT Relating to the real property statute of repose; and amending RCW 4.16.310.

Referred to Committee on Judiciary.

SB 5045 by Senators Weinstein, Fairley, Oemig, Franklin, Regala, Fraser, Kauffman, Pridemore, Haugen, Keiser, Spanel, Jacobsen and Kohl-Welles

AN ACT Relating to contractor licensing; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.065, 18.27.070, 18.27.075, 18.27.080, 18.27.090, 18.27.100, 18.27.104, 18.27.110, 18.27.114, 18.27.117, 18.27.120, 18.27.130, 18.27.200, 18.27.210, 18.27.225, 18.27.270, 18.27.310, 18.27.320, 18.27.340, 18.27.342, 18.27.360, 18.27.370, 18.100.140, 18.106.020, 18.106.180, 18.106.250, 18.160.030, 19.28.051, 19.28.191, 19.28.420, 19.158.020, 39.04.155, 39.06.010, 49.26.100, 50.04.145, 50.24.130, 51.08.070, 51.08.180, 51.12.070, 51.12.120, 60.04.011, 60.04.041, 70.87.220, and 70.87.240; reenacting and amending RCW 19.28.161; adding new sections to chapter 18.27 RCW; creating a new section; and providing an effective date.

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

SB 5046 by Senators Weinstein, Fairley, Regala, Oemig, Keiser, Fraser, Jacobsen, McAuliffe, Kohl-Welles and Kline

AN ACT Relating to creating a cause of action for defects in construction on a residence; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5047 by Senators Weinstein, Franklin, Kauffman, Rockefeller, Fraser, Pridemore, Jacobsen, Kohl-Welles and Kline

AN ACT Relating to contractor's surety bonds; and amending RCW 18.27.040.

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

SB 5048 by Senators Weinstein, Kauffman, Brown, Eide, Pridemore, Fraser, Franklin, Rockefeller, Murray, Keiser, Oemig, Regala, Jacobsen, Kohl-Welles and Kline

AN ACT Relating to tolling the statute of limitations for construction defect actions; and amending RCW 64.50.020.

Referred to Committee on Consumer Protection & Housing.

SB 5049 by Senators Weinstein, Jacobsen, Kohl-Welles and Kline

AN ACT Relating to new home warranties; amending RCW 4.16.300; and adding a new chapter to Title 64 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5050 by Senators Weinstein, Franklin, Kauffman, Rockefeller, Oemig, Murray, Rasmussen, Keiser and Kohl-Welles

AN ACT Relating to mileage tolling of nonconforming vehicles; and amending RCW 19.118.041.

Referred to Committee on Consumer Protection & Housing.

SB 5051 by Senators Weinstein, Oemig, Kauffman, Jacobsen, Shin and Kohl-Welles

AN ACT Relating to scholar's designations on high school transcripts; amending RCW 28A.655.061; and reenacting and amending RCW 28A.230.125.

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

SB 5052 by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin and Parlette

AN ACT Relating to auto glass repair and third party administrators; adding a new section to chapter 48.30 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5053 by Senators Keiser, Kohl-Welles and Kline

AN ACT Relating to creating the office of the ombudsman for workers of industrial insurance self-insured employers; amending RCW 51.44.150; and adding new sections to chapter 51.14 RCW.

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

SB 5054 by Senators Kastama, Haugen, Fairley, Roach, Kline and Kilmer

AN ACT Relating to emergency workers; amending RCW 38.52.010 and 38.52.180; and repealing RCW 38.52.570.

Referred to Committee on Government Operations & Elections.

SB 5055 by Senators Prentice, Kohl-Welles, Keiser and Kline

AN ACT Relating to removing expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act; and amending RCW 9.46.36001.

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

SB 5056 by Senators Rasmussen, Schoesler, Shin, Berkey, Hatfield, Jacobsen, Haugen, Kline and Sheldon

AN ACT Relating to the small farm direct marketing assistance program; and amending RCW 15.64.050.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5057 by Senators Rasmussen, Schoesler, Shin, Hatfield and Jacobsen

AN ACT Relating to the regulation of food lockers; amending RCW 19.02.110 and 43.70.900; and repealing RCW 19.32.005, 19.32.010, 19.32.020, 19.32.030, 19.32.040, 19.32.050, 19.32.055, 19.32.060, 19.32.090, 19.32.100, 19.32.110, 19.32.150, 19.32.160, 19.32.165, 19.32.170, 19.32.180, and 19.32.900.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5058 by Senators Marr, McCaslin, Brown, Parlette, Haugen, Shin, Murray and Roach

AN ACT Relating to establishing the eastern Washington state veterans' cemetery; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5059 by Senators Honeyford and Schoesler

AN ACT Relating to the business and occupation tax rate for custom farming services; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5060 by Senators Honeyford, Schoesler and Sheldon

AN ACT Relating to attempting to elude a pursuing police vehicle; reenacting and amending RCW 9.94A.515; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5061 by Senators Honeyford, Schoesler and Sheldon

AN ACT Relating to taking a motor vehicle without permission; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5062 by Senators Prentice, Rasmussen, Honeyford, Schoesler, Franklin, Shin and Roach

AN ACT Relating to membership in plan 1 of the public employees' retirement system; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5063 by Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser and Shin

AN ACT Relating to removing gender references; amending RCW 41.08.020, 41.08.030, 41.08.075, 41.08.080, 41.08.090, 41.08.100, 41.08.150, 41.08.220, 41.12.020, 41.12.030, 41.12.075, 41.12.080, 41.12.090, 41.12.100, 41.12.150, 41.12.220, 41.16.010, 41.16.020, 41.16.030, 41.16.040, 41.16.050, 41.16.070, 41.16.080, 41.16.100, 41.16.110, 41.16.120, 41.16.130, 41.16.140, 41.16.145, 41.16.150, 41.16.160, 41.16.170, 41.16.180, 41.16.190, 41.16.200, 41.16.210, 41.16.220, 41.16.230, 41.16.250, 41.18.010, 41.18.015, 41.18.020, 41.18.030, 41.18.040, 41.18.045, 41.18.050, 41.18.060, 41.18.080, 41.18.090, 41.18.100, 41.18.102, 41.18.130, 41.18.140, 41.18.150, 41.18.160, 41.18.165, 41.18.170, 41.18.180, 41.18.190, and 41.18.210; and creating a new section.

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

SB 5064 by Senators Jacobsen and Haugen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5065 by Senator Jacobsen

AN ACT Relating to interchange and associated fees; amending RCW 63.14.010; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5066 by Senator Jacobsen

AN ACT Relating to animal protection orders; and amending RCW 26.50.070.

Referred to Committee on Judiciary.

SECOND DAY, JANUARY 9, 2007

2007 REGULAR SESSION

AFTERNOON SESSIONSB 5067 by Senator Jacobsen

AN ACT Relating to vehicle headlights; and amending RCW 46.37.020.

Referred to Committee on Transportation.

SB 5068 by Senator Jacobsen

AN ACT Relating to creating an international airport expedited security screening task force; and creating new sections.

Referred to Committee on Transportation.

SB 5069 by Senators Prentice, Regala, Tom, Kauffman, Oemig, Hobbs, McAuliffe, Kline, Jacobsen, Keiser and Kohl-Welles

AN ACT Relating to retirement benefits for domestic partners; amending RCW 2.10.030, 2.12.030, 2.12.048, 2.14.110, 28B.10.400, 28B.10.431, 41.20.085, 41.24.180, 41.26.030, 41.26.030, 41.26.090, 41.26.160, 41.26.161, 41.26.460, 41.26.470, 41.26.510, 41.26.520, 41.32.260, 41.32.520, 41.32.785, 41.32.790, 41.32.805, 41.32.810, 41.32.865, 41.32.895, 41.35.010, 41.35.115, 41.35.220, 41.35.440, 41.35.460, 41.35.470, 41.35.650, 41.35.710, 41.37.010, 41.37.170, 41.37.250, 41.37.260, 41.40.010, 41.40.0931, 41.40.185, 41.40.188, 41.40.190, 41.40.220, 41.40.235, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700, 41.40.710, 41.40.805, 41.44.030, 41.40.835, 41.44.170, 41.44.190, 41.44.210, 41.44.220, 41.50.700, and 41.54.034; reenacting and amending RCW 41.24.172, 41.32.010, and 41.40.170; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SJR 8205 by Senator Jacobsen

Relating to the constitutional provisions regarding initiatives and referendums.

Referred to Committee on Government Operations & Elections.

SCR 8401 by Senators Jacobsen, Murray, Kohl-Welles and Kline

Resolving to create a state poet laureate.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5045 and Senate Bill No. 5047 which were referred to the Committee on Labor, Commerce, Research & Development.

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate was declared to be at recess until 4:15 p.m.

The Senate was called to order at 4:15 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate was declared to be at ease for the purpose of Joint Session to receive the State of the State Address from Governor Gregoire.

JOINT SESSION

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

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

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

REMARKS BY THE PRESIDENT

President Owen: "The purpose of the Joint Session is to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Eddy, Goodman, Hailey and Rodne, and Senators Carrell and Roach.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives Dunn, Kelley, Orcutt and Seaquist, and Senators Clements and Holmquist.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Hinkle and Van De Wege, and Senator Delvin.

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

The statewide elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State Sam Reed, State Auditor Brian Sonntag, Superintendent of Public Instruction Terry Bergeson, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the special guests present in the gallery: Former Governors Booth Gardner and Mike Lowry; King County Executive Ron Sims; Snohomish County Executive Aaron Reardon; the Honorable Fawn Sharp, President of the Quinault Nation; the Honorable Lee Adolph, Member of the Colville Business Council; and the Honorable Brian Cladoosby, Chairman of the Swinomish Tribe.

SECOND DAY, JANUARY 9, 2007

2007 REGULAR SESSION

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Consular Corps: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Michael Virr, Consul General of Canada; Jorge Gilbert, Consul of Chile; Frank Brozovich, Consul of Croatia; Kazuo Tanaka, Consul General of Japan; Kwon, Chanho, Consul General of The Republic of Korea; Roberto Caldera, Acting Consul of Mexico; Kim Nesselquist, Consul of Norway; Alexander Doronin, Consul General of the Russian Federation; Philippe Goetschel, Consul of Switzerland; and Robert Chen, Director General, Taipei Economic and Cultural Office.

Governor Christine Gregoire and her husband Mike Gregoire and daughter Michelle Gregoire arrived, were escorted to the Rostrum and were introduced.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard. Heidi Fredericks sang the National Anthem. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Rabbi Dan Bridge, Rabbi Emeritus, Hillel, Foundation for Jewish Life at the University of Washington.

Rabbi Bridge: "This week all across the world, Jews begins reading the Book of Exodus. In Hebrew, the Book is called '*Shemot*/Names' because it begins with a list of the names of the tribal leaders.

The Book of Proverbs also emphasizes the importance of names, claiming that "A good name is preferable to great riches" (Proverbs 22:1). Our name – it's how others call us – it is what defines us – and, based on the actions associated with it, our name will be the label of a positive legacy or not.

In a famous passage from the *Mishnah*, a third century legal code, we learn that 'there are three crowns – the Crown of *Torah*, the crown of the Priesthood, and the crown of Governance. But the verse concludes "the Crown of a Good Name surpasses them all."

The late political scientist, Daniel Elazar, interprets this saying – allow me to paraphrase – the Crown of Priest is worn by our spiritual leaders. The Crown of *Torah* is worn by our jurists those who interpret and teach the law to members of our society. And the Crown of *good* Governance is worn by the legislators who ensure acts of mercy in Society.

Finally we come to the conclusion of the saying, according to which *ketershem tov*, the Crown of a Good Name, stands above the other three – a reminder to all types of leaders to wear one crown above all others – the crown of character, the crown of a good name.

Governor, legislators, jurists and honored guests – it is my prayer that what begins here today – in this new year, this new session – that it will give honor to your names and will speak eloquently of your character to this and future generations. May your words lead to actions that will be a worthy legacy – not each for his or her own constituency, but rather for sake of this honorable State and for our common future.

Ken yih ratzon – may it be so."

The President introduced Governor Christine Gregoire.

STATE OF THE STATE

Governor Gregoire: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, Governor Rosellini, Governor Gardner, Governor Lowry, King County Executive Sims, Snohomish County Executive Reardon, the Honorable Brian Cladoosby, the Honorable Fawn Sharp, and the Honorable Lee Adolph, members of the Consular Association of Washington, my fellow citizens:

Good evening. It is an honor once again to stand before you and talk about the state of this great state.

Thank you, Rabbi Bridge, for starting us off this evening with the opening prayer.

Joining me at the rostrum is my husband Mike – or First Mike as he has become known. He is a Vietnam combat veteran and has spent the last two years working on veterans issues, a subject which he is passionate about. He is a great dad to our two daughters, and a great husband, who, to borrow a line, knows me best and loves me anyway.

Also joining me is my daughter, Michelle, who will graduate from college in May. She not only has gotten darn good grades, she has provided us with four great years of college soccer which we will dearly miss. Michelle, along with her older sister, Courtney, who can't be with us today, can always be counted on to keep me grounded.

I would also like to introduce Mike's mother, Mary Gregoire, and his brother, Denny, and Denny's wife, Barb Tennis.

Not joining us is our dog, Trooper. It has been a long time since Mike and I had a puppy – if you know what I mean.

Like you, my family is the center of my life, and making life better for our families is the real measure of our work here in Olympia. It has been a hard year for many Washington families as wind, fires, and floods plagued the state in an unprecedented series of natural disasters. Sadly, some families suffered the ultimate loss in 2006 when family members in the armed services, law enforcement, and firefighting lost their lives. Still others perished from natural disasters in our state. Would you please join me in a moment of silence for these individuals and their families?

Thank you.

Despite the damage from storms and fires and the terrible toll of lives lost, Washington families have a bright future. They have a bright future because we have adopted a basic principle: the status quo in Washington is not good enough. We have fought for change – responsible change. We have demanded accountability. And the results are clear. Thousands of children will have a better shot at life thanks to our new emphasis on early learning. We have kept our promise to cut class sizes in our K-12 schools. We honored the wishes of voters and approved teacher pay raises. We opened the doors to colleges and universities to more students. We promised to provide health care to more children than ever before – and we delivered. More people are working – 155,000 new jobs were created in the last two years. Exports from our trade-dependent state are up 40 percent – headed to a record \$45 billion year, and based on successes from my trade missions, I look forward to more growth in the future.

Together, we have taken steps to help forest land owners and farmers. We cut taxes on diesel fuel, farm equipment, and the timber B&O tax. Last year we promised to set aside money for the future, and we delivered. Let's deliver again this session. It is the responsible thing to do.

New 21st century industries – like a biodiesel plant in Grays Harbor – are forming. Reducing our dependence on foreign oil must be a priority.

We did what some thought was impossible – we negotiated medical malpractice reform, and patient safety has been enhanced as a result.

Together we have fought discrimination.

We passed tough new crime-fighting bills. One has helped reduce the number of meth labs by 50 percent.

We protected our children and communities by increasing sentences for sex offenders and prohibiting sex offenders from entering areas frequented by children, such as schools, parks and playgrounds.

And when law enforcement said they needed help locating sex offenders who have been released from prison, we passed tough new sex offender registration laws.

We broke a decades-long stalemate with an agreement that will provide farms, fish and communities water they desperately need from the Columbia River.

We increased access to state parks and began preparing for the centennial celebration of our parks system in 2013.

We promoted investments in renewable energy and green buildings, and we curbed auto emissions.

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We've taken on these challenges, solved real problems for real people, demanded accountability and made the kinds of changes the state needs to continue moving families forward.

We have made real progress and we are changing the way we do business.

In the past we saw a state without a clear vision for the future. Today we see hope, opportunity and steady progress toward a secure future. In the past, we've seen partisanship, bureaucratic inertia, political caution and business as usual in Olympia. Today, together, we are fighting for change that is responsible, demands accountability, and is providing the solutions Washington needs. This is the Washington we all want.

But just in case anyone here thinks we can rest on our laurels, I have one message for you. You ain't seen nothin' yet!

We have turned the corner, but we have work to do. In too many cases we are using 20th century tools to solve 21st century problems, and nothing short of change will allow us to produce a better future for Washington families. I have traveled the state and listened to our citizens from Spokane to Everett and Vancouver to Tacoma. We all want the same things for our families – quality education, reliable health insurance, and a good job. Our challenge is to stand in the shoes of our citizens, see the future through their eyes, and find common ground that provides the change needed for a future Washington families can count on. Today I want to talk about a vision for change and an agenda that provides:

- An education system families can rely on;
- An economy that offers opportunity for family-wage jobs;
- Health insurance families can afford;
- An environment where families can thrive;
- Communities where families feel safe;

And a state government that is performance-driven and accountable to Washington's families.

I still vividly remember going to work with my mom on Saturdays at the Rainbow Café in Auburn. She was a single parent and a short order cook who never let me forget how much she loved me and taught me a lot about hard work. Mom also taught me about the importance of education, and as I think back on it, I guess she never let there be a doubt that with hard work I would be the first person in our family to get a college degree. Mom, as usual, was right, and the power of a good education is even truer today. We need an education system families can rely on to prepare their kids for the globally competitive job market of the 21st century.

That's why my number one priority this session is education. I ask that you join me in addressing this priority. The best way to grow our economy and secure a bright future for our children is to make significant investments in a renewed education system now. There is no better example of where we have held on to a 20th century system while we face 21st century problems.

We need change when about a third of our students don't complete high school and about half of our kids aren't ready to learn when they enter kindergarten. Even parents of kids who are graduating are worried. They want to know that our education system is preparing their children to compete for good jobs with students from countries like China, India, and Ireland. We have students, teachers and school administrators with the right stuff, but we have saddled them with an education system built for yesterday's needs. We must change our education system and invest in it now. For far too long our early childhood education system has fallen behind the rest of the country. Last session we began the necessary change by recognizing that our children are born ready to learn. We invested in early learning so more kids in the first five years of life have a chance to succeed in school and life.

Now let's take the next step. Let's give more kids a chance to get quality early learning opportunities so they enter kindergarten ready to learn. I am proposing we add more early learning slots for kids than we have in almost two decades. The research is clear. For every dollar we invest in early childhood education we get \$8 in return with children who are more likely to graduate from high school and college, get a good job and raise their families and less likely to get stuck in our social

service net or the criminal justice system. But perhaps the power of early learning is better expressed by a mom.

Here's what Shanta Hibbit of Seattle wrote to the Tiny Tots Development Center.

"Today is a wonderful day. My son Avery is on the pathway to Kindergarten next year. Do you know that Avery can write his full name? He is so excited about that. He shows me every chance he gets. He recognizes colors, shapes, and even speaks some Spanish. Being a single mother can be stressful and difficult. I work very hard daily in the office and at home for the purpose of creating a future for my children. Raising my children in a community where opportunity for education at times is limited, is extremely challenging. Avery's self-esteem and excitement about learning is beyond belief at times. The early learning programs at Tiny Tots are wonderful opportunities for families like mine."

Parents are the first and best teachers, but as Shanta says, we can all use some help. I am proposing we invest in a voluntary five-star rating system for child care facilities to raise the quality of early learning. We rate restaurants, hotels, and music, don't you think we should rate the places we entrust with our children?

And let's lead the rest of the nation and give our five-year-olds the early boost they may need by phasing in voluntary all-day kindergarten. I propose we focus first on schools with high poverty levels where students can benefit the most. We all know teachers teach and students learn better in smaller classrooms, particularly in the early grades of Kindergarten through 3rd. Let's continue to lower those class sizes and ensure our children are truly ready for the 4th grade with a solid foundation in reading, math, science, arts and music, a foreign language and the skills needed to be good citizens.

This nation met the challenge of President Kennedy in the 1960's to be the first to put a man on the moon. Our modern day moon challenge is to meet the math and science crisis facing our state and nation. Three-quarters of Americans believe that if our next generation fails to improve skills in math, science, and engineering, it risks becoming the first generation of Americans who are worse off economically than their parents. They have good reason to be concerned when about half our students failed the 10th grade math WASL last year. But I will contend that our students didn't fail, our math education system failed them. So let's attack this challenge with the same zeal and success that we did the moon challenge. I propose that for the first time we reduce math and science class sizes to the nationally recognized standard of 25 students to 1 teacher.

But it doesn't help to have small class sizes without skilled teachers. In Washington, only about half of our math teachers have a degree in math. We need to help our teachers teach by providing them the training and coaching they deserve. My goal is to recruit 750 new math and science teachers by offering college scholarships, loan forgiveness, and recruiting those in the private sector who want to contribute to our children's future.

And we must change the hodge-podge of math curricula we have in our state and even within the same school districts. For many students, math and science are tough enough. When a family moves, let's help our kids succeed. If a child starts school in Aberdeen and finishes in Ritzville, she should be learning the same material. We should have no more than three curricula options in the state and we need to tie our math and science education to international standards so we know our kids can compete with anyone.

The good news is that if we continue to press for responsible change, we will get results. I have seen it happen at Eisenhower Middle School in Everett where teacher Shannon Depew has started a new, more personalized program for students who failed the math WASL. Shannon's once-struggling students are excelling at math, and it just shows that with talented teachers and our increased investment in an education system for the 21st century, we can make a difference. We have the vision to succeed and the opportunity to invest in that vision. But we also need to make sure schools are accountable to our families. I am proposing new performance standards so we invest in programs

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that work and show that tax dollars are being used wisely. A high school education in the future may not be enough to find a good job. That's why we need to continue our investment in running start for the trades, our school-to-work partnerships and mentoring programs to provide the kinds of specialized skills our economy needs. In the past few years we have done a good job of opening the doors to our colleges and universities. We created unprecedented new access to college degrees at campuses in Vancouver, Tri-Cities, Bothell and Tacoma. Students now can enroll in a B.A. degree program at community colleges in South Seattle, Port Angeles, Bellevue and Bremerton. But we need to do more. We need to provide graduates in high-demand fields.

A survey of Washington businesses shows that we are not keeping pace with employer needs – especially in fields like computer science, engineering and construction. We're importing workers for good-paying jobs. Don't you think our sons and daughters should get a shot at those jobs? I am proposing we expand college and university enrollment by 8,300 students, including an unprecedented 3,300 slots in high-demand fields ranging from nurse's aides to doctors, and engineers to construction workers.

Our University of Washington schools of Medicine and Dentistry and Washington State University's School of Nursing are top-notch. Let's expand these programs in Spokane to train doctors, dentists and nurses that will serve our health care needs in more rural areas. It is long overdue for our state to have a tuition policy. For example, in 1994 tuition was raised by over 12 percent and the next year by almost 15 percent. We must make the costs predictable and affordable for students and families.

So let's cap tuition increases at all our colleges and universities. To encourage more students to enroll at our community and technical colleges, I am proposing we freeze tuition. The single greatest investment we can make in our economic security is education. But if we are to make these changes real, we must do it together.

I was proud of a Yakima Herald-Republic editorial last summer that said I was shredding the Cascade Curtain and creating one Washington. I'd like to invite you to join me at the shredder and help us expand our economy to make sure all regions of our state have a chance to attract good family-wage jobs. In the last few years we have invested in 21st century opportunities that tie our state's economy together.

One example is our initiative to launch a new biodiesel industry which will help us be energy-independent, lead the nation, if not the world in alternative energy, provide new markets for Washington agricultural products, and stimulate new businesses. In Grays Harbor, Imperium Renewables is building the largest biodiesel refinery in North America. The plant will provide 50 family-wage jobs and buy from Washington farmers, so we will support those families, too.

Another example is our 2005 initiative creating the Life Sciences Discovery Fund. Our state is among the leaders in global health research. The promise is real in our laboratories today where we are discovering cures to the world's most dreaded diseases, driving up health care quality and driving down costs. This card is one example of the future. It is a lab on a card where at a cost of maybe \$5 to make one of these you can get results within an hour, where today it can cost \$200 and take 5 to 7 days. It is being developed right here in our state. This holds the promise of changing the cost and quality of our health care. It can also create good Washington jobs. At the center of these 21st century jobs are our two internationally recognized research institutions. Let's continue to support global health research at the University of Washington and alternative energy at Washington State University.

Now picture yourself in the Tri-Cities, Seattle, Spokane or Vancouver. Within a five-minute walk, you pass by cutting edge research facilities and offices of four or five of the world's leading companies in health care technology, silicon chip production, or alternative fuels. This vision is not far-fetched. I have personally seen its beginnings around the world. We have much of the foundation in place, now all we have to do is help regions create Innovation Zones which can serve as a powerful

magnet attracting investment money, new businesses, creative people and good 21st century jobs.

Economically, we really are more like a small nation than a state. We export more than twice as much per worker as any other state in the country and the sky is the limit. With our container ports initiative, we will continue to be the gateway to America for goods from Asia, and a leading exporter of high quality products whether it's airplanes, software, wine, potatoes or cherries. While we need a new economic vision, some things don't change. We have to take care of our traditional business base. Forbes recently ranked us the 12th best state for business. But there is intense competition and we need to stay competitive. We need a new partnership, investments and support for our local economic development councils. I propose opening new small business development centers in Pullman, Grays Harbor and Kelso, and we need to improve broadband service to rural communities.

And let's not forget that small business remains the backbone of our economy.

This year we will keep more dollars in the pockets of workers and businesses by reducing their payments to unemployment and workers' compensation by more than \$400 million. That's the kind of economic incentive we need to keep creating good family-wage jobs. And in my dictionary, good family-wage jobs are those that pay well and provide affordable health insurance. For many people in Washington, they fear they are a diagnosis away from bankruptcy. I know that many of the solutions to the health care crisis facing our nation must involve the federal government. But we have to step forward and find innovative solutions for Washingtonians. Join me again this session and invest in kids' health care so we can continue our steady progress toward our goal of all children having access to health care by 2010. I propose covering an additional 32,000 children.

Children's health insurance without access to a doctor is unacceptable. Raising the reimbursement rates for pediatricians can make health care real for our children. And we will protect kids in our state from preventable diseases by spending \$26 million to increase childhood immunizations, making our state one of the few in the nation providing vaccines to all children.

Changes in Medicare have been a real challenge to many of our senior citizens who found themselves having to split, skip, or go without life-saving medications. We need to make sure Washington's seniors have access to their medications. Over the last two years we have saved \$46 million by bulk purchasing drugs for state health care systems. We can save an additional \$21 million next year.

We are blessed in Washington to have wonderful agricultural and farm forestry communities. How many of you know where Windust, Washington is? Not many. Let me help you. It is near Kahlotus. I'm still getting a lot of blank stares. Windust is a wide spot in the road in Southeast Washington. It is in the heart of wheat growing country. As a young girl, I spent summers in Windust helping on the farm while my uncle harvested wheat. It was hot, hard work, but what really made an impression on me was the wonderful culture and values in our farming communities. Hard work. Independence. Strong families. Love of the land. A sense of stewardship and an intense desire to keep the land in the family and in farming for generations. Together farming and forestry are an economic powerhouse for this state, with forestry providing 50,000 jobs and the food and agricultural industry generating a \$29 billion economy.

Thanks to our Columbia River initiative, farmers like Clark Kagele have real hope for the future. He and his neighbors above the Odessa aquifer have watched in desperation for years as their wells, livelihoods and lifetime investments in their farms go dry. But now work has begun to bring Columbia River water to the Odessa.

We need more change if we want to preserve our forest and farm lands from pressure to convert to housing developments or shopping malls. We need new tools to help owners of working farms and forests capture some of the higher economic value, and preserve the working farm for generations to come. I urge you to create an office within the Conservation Commission to

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put these tools to use, allowing families to do what they love and do best, farm.

In Washington we have an environment that is good for our economy and allows our families to thrive. Our quality of life is why most of us live here and it keeps and draws businesses to our state. We began the cleanup in Hood Canal. But we have more work to do to protect the jewel of the Northwest, Puget Sound. Today, it looks beautiful on its surface but beneath that surface, it is sick and in some places dying. I think the goals for Puget Sound cleanup are pretty simple. I want families to be able to swim in it, fish in it, and dig shellfish from its beaches. If all the contaminated sites in Puget Sound were put together, they would cover nine square miles, an area the size of Edmonds. Mercury, lead, arsenic and other poisons in the sediments can pass up the food chain to fish. That won't meet my measure of fishable. You can think of the marine waters of Puget Sound like a bathtub – they swirl and circulate around instead of being flushed out to the Pacific Ocean. Every time it rains or snows, millions of gallons of stormwater pick up pollution as it runs off roofs, streets, parking lots and highways and flows into our bathtub. You wouldn't put your child in this bathtub. So we must stop this flow of stormwater, or the Sound won't meet my test for swimmable. Every day, we flush more than 175 million gallons of water and human waste into septic systems – the equivalent of filling 265 Olympic size swimming pools every 24 hours. Many septic systems are aging and in disrepair, allowing waste to reach the Sound. If we don't solve this septic problem, we can't depend on the Sound being diggable.

Thanks to the work of the Puget Sound Partnership, we can reach a healthy Puget Sound by 2020. It will take all of us recognizing we are part of the problem, and working together, we are all part of the solution. I am proposing we make an aggressive start to clean up the mess before it's too late. And by the way, I am calling for real on-the-ground work that will bring results all of us can see and the life under the surface can feel. A Washington that families can count on requires that the state do what it can to ensure the safety and security of families in their communities.

Despite inflation from the costs of foreign oil and materials demand around the world, I am asking that we continue to fund all the transportation projects we promised the public over the last few years with safety projects coming first. I am requesting that we take action before it is too late on our mega-projects like the Viaduct in Seattle, the 520 bridge, the bridge connection from Vancouver to Portland and the north-south freeway in Spokane. And when we think transportation, let's think 21st century in terms of need, funding, safety and design. When disaster strikes in most communities across this country, we have found that first responders have different communications systems so they can't talk to each other. We are no different. For a \$13 million investment we can take the steps toward solving this problem in Washington. While we can't prevent a natural disaster, we can be prepared. I won't accept the status quo in state government, so we are changing the culture of state government and holding it accountable for results. Early in my career I prosecuted cases of child abuse and neglect, so I know how important quick response to complaints can be. That's why I required a response to cases of child abuse and neglect within 24 hours, seven days a week. DSHS is meeting those deadlines and we now know the quick response is reducing child abuse and neglect. The vision, agenda, and budget I propose to you today is guided clearly and distinctly by the principle of responsibility. We have a responsibility to change the status quo, to fight for innovation, and to make changes that will mean a better life for Washington families. We have a responsibility to invest wisely in education, health care, our economy, and the environment. We have a responsibility to provide a helping hand to those in need. And we have a responsibility to save for the future and plan ahead for tough times.

We advise families to save for a rainy day and government should be no different. A year ago, we delivered on our promise to keep surplus dollars in the bank. We need to do it again. And also create a permanent Rainy Day Fund as part of our Constitution. Today, I am asking you to join me with an initial

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investment of \$262 million in that Rainy Day Fund. Nothing can be a more important lesson in responsibility than showing future generations that we know how to save. We can save money and still invest in a future families can count on – a future with an education system families can rely on, an economy that offers opportunity for family-wage jobs, health insurance families can afford, an environment where families can thrive, and communities where families feel safe. I want to thank those of you who are returning this session for your work and cooperation the last two years.

And I'd like to take a moment to thank those legislators who are not back this year. It is a big sacrifice to be away from your families, jobs and communities, and I want to recognize their great contributions to this state. Many, like Senators Alex Deccio and Pat Thibaudeau, served years in Olympia and we will miss them.

For returning members and our new members this year, I promise you I will have an open door. I will be honest with you and you will know where I stand. I will listen to and respect you and your ideas. All I ask in return is a willingness to put aside differences, find common ground and do the work of the people of our great state. I suspect I don't have to remind anyone here, but during this 105-day session I will be downstairs helping you, nudging you, pushing you to take action.

When this session ends let's have people say we got things done, we made change – responsible change – and we continued providing families a future they can count on.

In closing, let me read a few lines from Aujzha Taylor-Shaw, a graduate of Madrona Elementary School in Seattle.

"I believe people are the world and we can make it a better place. I believe that all people should have joy and hope that is unbreakable, that no one can shatter.

Let's go forward with Aujzha's sense of optimism. Together, let's leave her the inheritance she and future generations deserve. And most important, let's not forget that her optimism, and the optimism of all our families, will happen if we remain committed to the principle that the status quo is not good enough and we will provide the kind of change families can count on.

May God bless all of you and God bless the great state of Washington."

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the statewide elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Lovick presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin, Republican Leader Mike Hewitt and members of the Washington State Senate from the House Chamber.

EVENING SESSION

The Senate was called to order at 6:06 p.m. by President Owen

MOTION

At 6:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 10, 2007.

BRAD OWEN, President of the Senate

THIRD DAY, JANUARY 10, 2007

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THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 10, 2007

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGE FROM THE STATE OFFICES

December 8, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington Apple Commission, Accountability Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

State Auditor, Brian Sonntag

The Washington Apple Commission, Accountability Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 12, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington Apple Commission, Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

State Auditor, Brian Sonntag

The Washington Apple Commission, Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 5, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Evergreen State College Housing Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

State Auditor, Brian Sonntag

The Evergreen State College Housing Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Dept. of Ag, Implementation of Section 192. This report is mandated under RCW 15.110.060.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Assistant to the Director

The Washington State Dept. of Ag, Implementation of Section 192 is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

January 5, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Department of Health, Adoption Data Collection System. This report is mandated under Substitute Senate Bill No. 6635.

Sincerely,

Mary C. Selecky, Secretary

The Washington State Department of Health, Adoption Data Collection System is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

December 1, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

THIRD DAY, JANUARY 10, 2007

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Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Foster & Adoptive Home Placement. This report is mandated under RCW 74.13.031.

If you have any questions about the report, please call 360-902-7919.

The Dept. of Social & Health Services, Foster & Adoptive Home Placement is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE STATE OFFICES

December 31, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Washington State Dept. Community, Trade & Ec. Dev., Recommendation of the Hope Card Committee.

The Washington State Dept. Community, Trade & Ec. Dev., Recommendation of the Hope Card Committee is on file in the Office of the Secretary of the Senate.

MOTION

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

MESSAGE FROM THE HOUSE

January 9, 2007

MR. PRESIDENT:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,
HOUSE CONCURRENT RESOLUTION NO. 4403,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 8400,

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,
HOUSE CONCURRENT RESOLUTION NO. 4403,

MOTION

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

INTRODUCTION AND FIRST READING

SB 5070 by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer

AN ACT Relating to reentry of offenders into the community; amending RCW 9.94A.728, 9.94A.737, and 72.09.460; adding new sections to chapter 72.09 RCW; adding new sections to chapter 43.43 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding a new chapter to Title 72 RCW; creating new sections; making appropriations; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

SB 5071 by Senators Fairley, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Human Services & Corrections.

SB 5072 by Senators Honeyford and Schoesler

AN ACT Relating to the exemption of fraternal organizations from property taxation; amending RCW 84.36.840; reenacting and amending RCW 84.36.805; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5073 by Senators Honeyford, Schoesler and Delvin

AN ACT Relating to phasing out building permit moratoriums for cities with unprocessed water right permit applications; and amending RCW 19.27.097.

Referred to Committee on Water, Energy & Telecommunications.

SB 5074 by Senators Honeyford, Poulsen, Schoesler and Delvin

AN ACT Relating to watershed planning; and amending RCW 90.82.060.

Referred to Committee on Water, Energy & Telecommunications.

SB 5075 by Senators Honeyford, Rasmussen, Hewitt, Clements, Schoesler, Roach and Parlette

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Water, Energy & Telecommunications.

SB 5076 by Senators Honeyford, Rasmussen, Schoesler, Clements, Shin, Sheldon and Parlette

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AN ACT Relating to agricultural operations, activities, and practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section.

cameras in state highway work zones; amending RCW 46.63.170; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Transportation.

SB 5077 by Senators Honeyford, Rasmussen, Schoesler, Clements, Sheldon, Roach and Parlette

SB 5084 by Senators Murray, Swecker, Haugen and Delvin

AN ACT Relating to exempting propane fuel sold to farm fuel users for nonhighway use from the retail sales and use tax; amending RCW 82.08.865 and 82.12.865; and providing an effective date.

AN ACT Relating to rail transit safety plans; and amending RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.112.180, and 81.104.115.

Referred to Committee on Agriculture & Rural Economic Development.

Referred to Committee on Transportation.

SB 5078 by Senators Honeyford and Kline

SB 5085 by Senators Haugen, Swecker and Murray

AN ACT Relating to approaching stationary emergency vehicles or police vehicles; and amending RCW 46.61.212, 46.61.100, and 46.61.120.

AN ACT Relating to increasing the proportionate share of earnings from surplus balance investments that are deposited in transportation-related accounts; and reenacting and amending RCW 43.84.092.

Referred to Committee on Transportation.

Referred to Committee on Transportation.

SB 5079 by Senators Marr, Kline and McCaslin

SB 5086 by Senators Haugen, Swecker and Murray

AN ACT Relating to including supreme court and court of appeals commissioners to solemnize marriages; and amending RCW 26.04.050.

AN ACT Relating to increasing the population threshold for state highway maintenance responsibility in cities and towns; and amending RCW 47.24.020.

Referred to Committee on Judiciary.

Referred to Committee on Transportation.

SB 5080 by Senators Marr, Swecker, Murray, Weinstein, Kauffman, Rasmussen, Hatfield, Hobbs, Berkey, Pridemore, Regala, Tom, McCaslin, Oemig, Jacobsen and Rockefeller

SB 5087 by Senators Haugen, Swecker and Murray

AN ACT Relating to extending waste tire removal fees; amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; and adding a new section to chapter 70.95 RCW.

AN ACT Relating to compliance with the federal REAL ID Act of 2005; adding a new section to chapter 43.41 RCW; and adding new sections to chapter 46.20 RCW.

Referred to Committee on Transportation.

Referred to Committee on Transportation.

SB 5081 by Senators Marr, Swecker, Kauffman and Murray

SB 5088 by Senators Haugen, Swecker and Shin

AN ACT Relating to requesting the issuance and sale of general obligation bonds for category C state highway improvements; and amending RCW 47.10.812 and 47.10.813.

AN ACT Relating to vehicles boarding ferries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

Referred to Committee on Transportation.

SB 5082 by Senators Spanel, Swecker, Murray and Kohl-Welles

SB 5089 by Senators Regala, Zarelli, Eide, Shin, Franklin, Keiser, Rockefeller, Weinstein, Pridemore, Marr, Hobbs, Rasmussen, Murray, Prentice, Fairley, Fraser, Spanel, Berkey, Tom, Kohl-Welles, McAuliffe and Kline

AN ACT Relating to time periods for collective bargaining by state ferry employees; and amending RCW 47.64.170, 47.64.210, and 47.64.300.

AN ACT Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement; amending RCW 82.32.020, 82.08.037, 82.12.037, 82.02.210, 82.32.030, 82.14.020, 82.14.390, 82.32.520, 82.04.065, 82.04.065, 82.08.0289, 82.08.0289, 82.04.060, 82.04.190, 82.14B.020, 82.72.010, 82.32.555, 35A.82.055, 35A.82.060, 35A.82.060, 35A.82.065, 35.21.712, 35.21.714, 35.21.714, 35.21.715, 35.21.860, 35.102.020, 82.04.530, 82.16.010, 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.04.470, 82.12.035, 82.08.010, 82.08.010, 82.32.430, and 82.32.330; amending 2004 c 153 s 502 (uncodified); reenacting and amending RCW 82.04.050, 82.14B.030, and 82.08.050; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 44.28 RCW; creating new sections; providing an

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

SB 5083 by Senators Kilmer, Swecker, Murray and Keiser

AN ACT Relating to the use of automated traffic safety

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effective date; providing contingent effective dates; and providing expiration dates.

Referred to Committee on Ways & Means.

SB 5090 by Senators Kastama, Shin, Franklin, Kilmer, Marr, Kauffman, Murray and Rasmussen

AN ACT Relating to innovation partnership zones; amending RCW 39.102.070 and 82.14.370; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 5091 by Senators Fairley, Marr, Keiser, Kauffman, Franklin, Jacobsen, Regala, Kohl-Welles, McAuliffe, Kline and Kilmer

AN ACT Relating to implementing the part D drug copayment program; and amending RCW 74.09.520.

Referred to Committee on Health & Long-Term Care.

SB 5092 by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen

AN ACT Relating to contracts with associate development organizations for economic development services; amending RCW 43.330.080; adding new sections to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5093 by Senators Marr, Keiser, Franklin, Shin, Fairley, Hobbs, Weinstein, Kauffman, Pridemore, Oemig, Eide, Brown, Tom, Kohl-Welles, Regala, McAuliffe, Spanel, Rockefeller and Rasmussen

AN ACT Relating to health care services for children; amending RCW 74.09.402; adding new sections to chapter 74.09 RCW; adding a new section to chapter 28A.210 RCW; and repealing RCW 74.09.405, 74.09.415, 74.09.425, 74.09.435, and 74.09.450.

Referred to Committee on Health & Long-Term Care.

SB 5094 by Senators Sheldon, Swecker, Hatfield, Hargrove, Honeyford, Haugen, Schoesler, Clements and Rasmussen

AN ACT Relating to the sales and use tax for public facilities in counties; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Trade & Management.

SB 5095 by Senators McCaslin and Delvin

AN ACT Relating to expanding the DNA identification system to include DNA samples from persons arrested on criminal charges; and amending RCW 43.43.735 and 43.43.754.

Referred to Committee on Judiciary.

SB 5096 by Senators McCaslin, Murray, Marr, Sheldon, Hatfield and Rasmussen

AN ACT Relating to primary elections costs; amending RCW 29A.04.410 and 29A.04.420; and adding a new section to chapter 29A.04 RCW.

Referred to Committee on Government Operations & Elections.

SB 5097 by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen

AN ACT Relating to safe school plans; and amending RCW 28A.320.125.

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

SB 5098 by Senators Rockefeller, Keiser, Weinstein, Fairley, Marr, Murray, Kastama, Kohl-Welles, Rasmussen, McAuliffe, Kauffman, Kilmer, Tom and Shin

AN ACT Relating to the guaranteed opportunities scholarship; amending RCW 28B.95.020, 28B.95.030, and 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5099 by Senator Rockefeller

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.010, 43.131.401, and 43.131.402; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5100 by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen

AN ACT Relating to information for students regarding health insurance; and adding a new section to chapter 28A.210 RCW.

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

SB 5101 by Senators Hobbs, McAuliffe, Fairley, Weinstein, Marr, Shin, Oemig, Fraser, Kline, Regala, Rasmussen, Tom, Kohl-Welles and Haugen

AN ACT Relating to waiving tuition and fees for public and vocational school teachers and other certificated instructional staff; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

SB 5102 by Senators McAuliffe, Pridemore, Fairley, Shin, Berkey, Kohl-Welles, Delvin, Rasmussen, Prentice, Hobbs, Jacobsen and Kilmer

AN ACT Relating to modifying the legislative youth

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advisory council; amending RCW 28A.300.801; creating a new section; and declaring an emergency.

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

SB 5103 by Senators McAuliffe, Pridemore, Shin, Weinstein, Kohl-Welles, Berkey, Hobbs, Fairley, Rasmussen, Keiser, Prentice and Kline

AN ACT Relating to safety belts on school buses; amending RCW 46.37.510 and 46.61.688; adding a new section to chapter 46.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

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

SB 5104 by Senators McAuliffe, Tom, Rockefeller, Shin, Oemig, Berkey, Brandland, Fairley, Pflug, Delvin, Rasmussen, Kohl-Welles, Keiser, Zarelli, Prentice, Eide, Kline, Hobbs, Clements and Kilmer

AN ACT Relating to the applied baccalaureate degree pilot program; amending RCW 28B.50.810; and creating a new section.

Referred to Committee on Higher Education.

SB 5105 by Senators McAuliffe, Brandland, Kohl-Welles, Tom, Rockefeller, Hobbs, Pridemore, Shin, Oemig, Delvin, Berkey, Rasmussen, Eide, Keiser, Zarelli, Prentice, Kline, Clements, Marr, Kilmer and Parlette

AN ACT Relating to a college in the high school program that is distinct from the running start program; amending RCW 28A.150.275, 28A.225.290, 28A.600.160, and 28A.600.300; adding new sections to chapter 28A.600 RCW; and creating a new section.

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

SB 5106 by Senators Jacobsen, Kohl-Welles, Murray and Rasmussen

AN ACT Relating to emergency preparedness planning for service animals and household pets; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5107 by Senators Haugen and Swecker

AN ACT Relating to requesting the issuance and sale of general obligation bonds for state highway improvements; and amending RCW 47.10.812, 47.10.813, 47.10.861, and 47.10.873.

Referred to Committee on Transportation.

SB 5108 by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette

AN ACT Relating to farmland preservation; adding a new chapter to Title 89 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5109 by Senators Rockefeller, Poulsen, Kohl-Welles and Murray

AN ACT Relating to the department of ecology's adoption of rules to implement California's motor vehicle emissions standards; and amending RCW 70.120A.010.

Referred to Committee on Water, Energy & Telecommunications.

SB 5110 by Senators Fraser and Brandland

AN ACT Relating to creating the water quality capital account; adding a new section to chapter 70.146 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5111 by Senators Fraser and Brandland

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

Referred to Committee on Ways & Means.

SB 5112 by Senators Schoesler, Kohl-Welles, Rasmussen, Pridemore, Clements, Sheldon, Morton, Hatfield and Honeyford

AN ACT Relating to auctioning vessels; and amending RCW 88.02.230 and 46.70.011.

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

SB 5113 by Senators Schoesler, Rasmussen, Holmquist, Clements, Morton, Hatfield and Pridemore

AN ACT Relating to barley straw for water clarification; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SJR 8206 by Senators Brown, Zarelli, Eide, Hewitt, Haugen, Franklin, Kilmer, Kauffman, Marr, Rasmussen, Berkey, Sheldon, Keiser, Tom, McAuliffe, Parlette and Rockefeller

Creating the budget stabilization account in the state Constitution.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5075 which was referred to the Committee on Water, Energy & Telecommunications and Senate Bill No. 5080 which was referred to the Committee on Transportation.

MOTION

At 10:06 a.m., on motion of Senator Eide, the Senate

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adjourned until 12:00 noon, Thursday, January 11, 2007.

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BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FOURTH DAY, JANUARY 11, 2007

FOURTH DAY

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RICHARD NAFZIGER, Chief Clerk

NOON SESSION

Senate Chamber, Olympia, Thursday, January 11, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 5, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GLENN GORTON, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions & Insurance.

January 5, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DAVID SCOTT, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE HOUSE

January 10, 2007

MR. PRESIDENT:

The Speaker has signed:

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

MOTION

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

INTRODUCTION AND FIRST READING

SB 5114 by Senators Rockefeller, Parlette, Eide, Weinstein, Fairley, Keiser, Shin, Kohl-Welles, Murray, McAuliffe, Rasmussen, Kauffman, Kilmer, Franklin and Holmquist

AN ACT Relating to student transportation funding; amending RCW 28A.160.160 and 28A.160.170; creating a new section; and providing an effective date.

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

SB 5115 by Senators Kilmer, Kastama, Kauffman, Marr, Shin, Eide, Rasmussen and Regala

AN ACT Relating to expanding competitive local infrastructure financing tools projects; amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.120, 82.14.475, and 39.102.140; adding a new section to chapter 39.102 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 5116 by Senators Kastama, Kilmer, Kauffman, McAuliffe, Shin, Parlette, Kohl-Welles, Rasmussen and Regala

AN ACT Relating to creating a public-private tourism partnership; amending RCW 67.40.040, 43.330.096, 43.330.090, and 43.330.094; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.330.096; and repealing RCW 43.330.095.

Referred to Committee on Economic Development, Trade & Management.

SB 5117 by Senators Kilmer and Jacobsen

AN ACT Relating to the geographic residency requirements for appointments to the fish and wildlife commission; amending RCW 77.04.030; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5118 by Senators Kohl-Welles, Brandland, Keiser, Murray, Prentice, McAuliffe, Marr and Shin

AN ACT Relating to developing sexual harassment policies, procedures, and mandatory training for all state employees; and adding a new section to chapter 41.06 RCW.

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

SB 5119 by Senators Kohl-Welles, Keiser, Spanel and Murray

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AN ACT Relating to legislative requests under the sunrise review process; amending RCW 18.118.020; and adding a new section to chapter 18.118 RCW.

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

SB 5120 by Senators Kohl-Welles, Poulsen, Rockefeller, Schoesler, Brown, Delvin, Hatfield and Kilmer

AN ACT Relating to requiring a survey on the deployment of broadband technologies among households in the state; adding a new section to chapter 42.56 RCW; creating new sections; and making an appropriation.

Referred to Committee on Water, Energy & Telecommunications.

SB 5121 by Senators Kohl-Welles, Parlette and Keiser

AN ACT Relating to the summary suspension of liquor licenses; and amending RCW 66.08.150.

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

SB 5122 by Senators Rockefeller and Swecker

AN ACT Relating to preserving the current regulatory assistance program with cost reimbursement changes; amending RCW 43.42.005, 43.42.010, 43.42.020, 43.42.030, 43.42.040, 43.42.050, 43.42.060, 43.42.070, 43.42.080, 43.21A.690, 43.30.490, 43.70.630, 43.300.080, 70.94.085, 43.131.401, and 43.131.402; creating a new section; decodifying RCW 43.42.905; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5123 by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe

AN ACT Relating to protecting persons with veteran or military status from discrimination; and amending RCW 49.60.010, 49.60.020, 49.60.030, 49.60.040, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.180, 49.60.190, 49.60.200, 49.60.215, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on Government Operations & Elections.

SB 5124 by Senators Fraser, Swecker, Jacobsen, Rockefeller and Shin

AN ACT Relating to abolishing the Washington wildlife rescue coalition; amending RCW 90.56.110; and repealing RCW 90.56.100.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5125 by Senators Jacobsen, Morton, Swecker, Hatfield, Rockefeller, Shin, Parlette, Rasmussen, Sheldon, Delvin, Franklin and Roach

AN ACT Relating to hunting and fishing license fees; amending RCW 77.08.010, 77.32.400, 77.32.480, and 77.32.550; and repealing RCW 77.32.490.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5126 by Senators Hargrove, Swecker, Jacobsen, Rockefeller, Morton and Rasmussen

AN ACT Relating to the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5127 by Senators Jacobsen, Swecker and Rockefeller

AN ACT Relating to rockfish research; amending RCW 77.65.150, 77.65.210, and 77.32.470; adding a new section to chapter 77.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5128 by Senators Jacobsen and Swecker

AN ACT Relating to a secondary commercial fish receiver's failure to account for commercial harvest; amending RCW 77.15.568; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5129 by Senators Jacobsen and Shin

AN ACT Relating to unlawfully hunting while upon the property of another; amending RCW 77.15.420; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5130 by Senator Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5131 by Senators Swecker and Jacobsen

AN ACT Relating to inspections and sampling of fish, wildlife, and shellfish by department of fish and wildlife employees; amending RCW 77.15.360; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5132 by Senators Regala, Jacobsen, Swecker, Rockefeller, Spanel, Hatfield, Hargrove and Rasmussen

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AN ACT Relating to funding the department of fish and wildlife; amending RCW 77.12.177 and 77.95.090; reenacting and amending RCW 77.12.170; and repealing RCW 77.32.510.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5133 by Senators Haugen, Swecker and Murray

AN ACT Relating to commercial driver's license requirements; amending RCW 46.25.060 and 46.25.060; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

SB 5134 by Senators Haugen, Swecker, Rasmussen and Delvin

AN ACT Relating to authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses; and amending RCW 46.55.113.

Referred to Committee on Transportation.

SB 5135 by Senators Eide, Hobbs, Keiser, Weinstein, Tom and Rasmussen

AN ACT Relating to equalizing school district salary allocations; amending RCW 84.52.0531 and 84.52.0531; adding a new section to chapter 28A.150 RCW; providing an effective date; and providing an expiration date.

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

SB 5136 by Senators Haugen, Swecker, Marr and Sheldon

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170 and 47.29.170; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5137 by Senators Kohl-Welles and Keiser

AN ACT Relating to revising the industry average unemployment contribution rates; amending RCW 50.29.025; and creating new sections.

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

SB 5138 by Senators Haugen, Swecker and Marr

AN ACT Relating to transportation funding and appropriations; amending 2006 c 370 ss 227, 228, 229, 301, 302, 304, 305, 309, 401, 402, 404, 405, and 406 (uncodified); amending 2005 c 313 s 204 (uncodified); adding new sections to 2005 c 313 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SB 5139 by Senators Prentice and Pridemore

AN ACT Relating to fiscal matters; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 129, 137, 138, 140, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 214, 216, 217, 219, 221, 222, 225, 302, 303, 307, 308, 309, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 610, 701, 703, 704, 705, 706, 707, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 s 707 (uncodified); adding new sections to 2005 c 518 (uncodified); repealing 2006 c 372 s 713 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5140 by Senators Prentice and Pridemore

AN ACT Relating to fiscal matters; amending RCW 46.09.170 and 70.105D.070; reenacting and amending RCW 38.52.540 and 70.146.030; creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5141 by Senators Fraser and Swecker

AN ACT Relating to affirming the applicability of land use regulations to divisions of land created by testamentary provisions or the laws of descent; and amending RCW 58.17.040.

Referred to Committee on Government Operations & Elections.

SB 5142 by Senators Fraser and Swecker

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Water, Energy & Telecommunications.

SB 5143 by Senators Fraser, Swecker and Franklin

AN ACT Relating to agricultural land under the open space program; amending RCW 84.34.020; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5144 by Senators Carrell, Kastama, Stevens, Hargrove, Marr, McAuliffe, Shin and Rasmussen

AN ACT Relating to certificates of need criteria for nursing home beds; amending RCW 70.38.115; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5145 by Senators Haugen and Rasmussen

AN ACT Relating to clarifying existing requirements for conservation of agricultural lands; amending RCW 36.70A.020, 36.70A.060, and 36.70A.177; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

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SB 5146 by Senators Haugen, Swecker and Kauffman

AN ACT Relating to the imposition of motor vehicle excise taxes by regional transit authorities; and amending RCW 81.104.160 and 81.112.130.

Referred to Committee on Transportation.

SB 5147 by Senators Haugen and Swecker

AN ACT Relating to creating a surcharge on vehicle liability insurance policies to be used for additional emphasis patrols in high-accident-corridor locations; amending RCW 48.18.170 and 48.18.180; adding new sections to chapter 46.68 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 35.102 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 5148 by Senators Haugen and Swecker

AN ACT Relating to clarifying the definition of development activity with regard to regional transit authorities; and amending RCW 82.02.090.

Referred to Committee on Transportation.

SB 5149 by Senators Pridemore, Swecker, Fairley, Oemig and Shin

AN ACT Relating to modifying county treasurer administrative provisions; and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200.

Referred to Committee on Government Operations & Elections.

SB 5150 by Senator Franklin

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, 84.69.020, 39.89.020, 43.99H.060, and 43.99I.040; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways & Means.

SB 5151 by Senators Franklin, Kohl-Welles and Keiser

AN ACT Relating to the registration of persons who provide or offer to provide athletic coaching services to children under the age of eighteen; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 19 RCW; creating a new section; and prescribing penalties.

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

SB 5152 by Senators Franklin, Weinstein, Shin, Keiser, Prentice, Fairley, Rockefeller, Regala, Spanel, Kohl-Welles and Fraser

AN ACT Relating to transporting children on motorcycles or motor-driven cycles; and amending RCW 46.37.530.

Referred to Committee on Transportation.

SB 5153 by Senators Franklin, Kohl-Welles, Shin, Weinstein, Oemig, Keiser, Kauffman, Rockefeller, Fairley, Hargrove, Rasmussen, Spanel, Fraser, Jacobsen and Haugen

AN ACT Relating to encouraging employers to be infant-friendly; amending RCW 43.70.640; and making an appropriation.

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

SB 5154 by Senators Franklin, Brandland, Kohl-Welles, McAuliffe, Weinstein, Carrell, Kilmer, Kastama, Keiser, Poulsen, Kauffman, Swecker, Pridemore, Rockefeller, Zarelli, Rasmussen, Regala, Hargrove, Sheldon, Hatfield, Jacobsen, Shin and Parlette

AN ACT Relating to tax relief to promote affordable housing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Consumer Protection & Housing.

SB 5155 by Senators Kilmer, Hargrove, Shin, Murray, Marr, Kauffman, Rockefeller, Kohl-Welles, Tom, Schoesler, Sheldon, Berkey, Delvin, McAuliffe, Keiser, Rasmussen and Franklin

AN ACT Relating to helping former foster care youth gain postsecondary education and providing scholarships to former foster care youth for this purpose; adding a new chapter to Title 28B RCW; and making appropriations.

Referred to Committee on Higher Education.

SB 5156 by Senators Fraser, Brandland, Prentice, Marr and McAuliffe

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 70.105D.070, 43.43.944, and 43.155.050; amending 2005 c 488 ss 165 and 955 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5157 by Senator Fairley

AN ACT Relating to organizing the department of retirement systems; and amending RCW 41.50.050 and 41.50.070.

Referred to Committee on Ways & Means.

SB 5158 by Senator Jacobsen

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AN ACT Relating to the taxation of oil and gas production; adding a new section to chapter 84.36 RCW; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5159 by Senator Jacobsen

AN ACT Relating to authorizing personal rapid transit and magnetic levitation transit systems; amending RCW 81.104.015; adding new sections to chapter 81.104 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5160 by Senators Jacobsen, Kohl-Welles and Rasmussen

AN ACT Relating to formation of an organic foods commission; adding a new section to chapter 15.24 RCW; adding a new section to chapter 15.26 RCW; adding a new section to chapter 15.28 RCW; adding a new section to chapter 15.44 RCW; adding a new section to chapter 15.62 RCW; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 16.67 RCW; adding a new section to chapter 43.78 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5161 by Senator Jacobsen

AN ACT Relating to food from cloned animals; and adding a new section to chapter 15.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5162 by Senator Jacobsen

AN ACT Relating to creation of a telework enhancement funding board; and adding a new chapter to Title 47 RCW.

Referred to Committee on Transportation.

SB 5163 by Senator Jacobsen

AN ACT Relating to creating the Washington state capitol park; amending RCW 79.24.710, 79.24.730, 46.08.150, 43.34.080, 27.48.040, 43.34.090, 46.08.172, 79.24.300, 79.24.540, 79.24.560, and 79.24.570; adding new sections to chapter 79A.05 RCW; repealing RCW 43.19.125 and 79.24.530; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5164 by Senators Jacobsen, Hobbs, Shin, Rasmussen, Kilmer and Franklin

AN ACT Relating to expanding the veterans conservation corps program; amending RCW 43.60A.150; amending 2005 c 257 s 1 (uncodified); adding new sections to chapter

43.60A RCW; creating a new section; and making appropriations.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5165 by Senators McAuliffe, Franklin, Fairley, Shin and Rasmussen

AN ACT Relating to providing temporary graduation provisions for students who do not meet standards on the high school mathematics assessments but meet all other graduation requirements; amending RCW 28A.655.061 and 28A.155.045; adding a new section to chapter 28A.655 RCW; and declaring an emergency.

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

SB 5166 by Senators Shin, Kastama, Marr, Murray, Kauffman, Kilmer, Zarelli, Eide, Berkey, Franklin, Jacobsen, Rockefeller, McAuliffe, Regala, Pridemore, Clements, Keiser, Rasmussen, Sheldon, Delvin and Roach

AN ACT Relating to the designation of the thirteenth day of January of each year as Korean-American day; amending RCW 1.16.050 and 43.117.070; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5167 by Senators Shin, Kastama, Kilmer, Zarelli, Haugen and Pridemore

AN ACT Relating to expanding the definition of training system; and amending RCW 28C.18.010.

Referred to Committee on Higher Education.

SB 5168 by Senators Shin, Kastama, Kauffman, Kilmer and Kohl-Welles

AN ACT Relating to sales tax refunds for low-income students; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Higher Education.

SB 5169 by Senators Shin, Kastama, Zarelli, Pridemore, Haugen, Jacobsen, Kohl-Welles, Rasmussen, Delvin and Roach

AN ACT Relating to the Washington international relations foundation; adding a new section to chapter 42.52 RCW; adding a new chapter to Title 44 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 5170 by Senators Shin, Kastama, Zarelli, Kilmer, Kauffman, Jacobsen, Clements, Parlette and Rasmussen

AN ACT Relating to the state trade fair fund; amending RCW 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.840, and 43.31.850; and repealing RCW 43.31.833 and 43.31.834.

Referred to Committee on Economic Development, Trade & Management.

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SJM 8000 by Senators Shin, Kastama, Fairley, Kauffman, Marr, Murray, Spanel, Oemig, Franklin, Keiser, Kohl-Welles, Berkey, Hobbs, Pridemore, Kline and Tom

Requesting the restoration of funding for the study and observation of the global atmospheric transport of pollution.

Referred to Committee on Water, Energy & Telecommunications.

SJR 8207 by Senators Eide, Pridemore, Marr, McAuliffe, Weinstein, Shin, Tom, Kohl-Welles, Rasmussen, Kilmer, Franklin and Regala

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

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

SJR 8208 by Senators Haugen and Swecker

Amending the state Constitution by requiring toll facility or operation revenue to be used solely for the facility or operation.

Referred to Committee on Transportation.

SJR 8209 by Senators Franklin and Kohl-Welles

Amending the Constitution to allow an income tax.

Referred to Committee on Ways & Means.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 12, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTH DAY, JANUARY 12, 2007

2007 REGULAR SESSION

FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, January 12, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Delvin, Haugen, Hewitt, Kline, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli

The Sergeant at Arms Color Guard consisting of Pages Drew Norton and Jennifer Peterson, presented the Colors. Reverend Irene Martin of Saint James Episcopal Church offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 11, 2007
SB 5100 Prime Sponsor, Hobbs: Regarding health insurance information for students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Health & Long-Term Care.

January 11, 2007
SB 5106 Prime Sponsor, Jacobsen: Requiring emergency preparedness planning for service animals and household pets. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Without recommendation. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR

December 14, 2006
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PAUL P. GEORGE, reappointment January 18, 2007, for the term ending January 17, 2013, as a member of the Horse Racing Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

MOTION

On motion of Senator Eide, Senate Rule 69 was suspended.

EDITORS NOTE: Senate Rule 69 requires names of appointees be referred to standing committees.

MOTION

On motion of Senator Eide, the reappointment of Paul P. George, as a member of the Horse Racing Commission for a term beginning January 18, 2007 thru January 17, 2013 was substituted for Gubernatorial Appointment 9021, appointing Paul P. George to the Horse Racing Commission expiring January 17, 2007; the reappointment took its number; and was placed on the Gubernatorial Appointment floor calendar.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5171 by Senators Schoesler, Pridemore, Fairley, McAuliffe, Shin, Prentice, Sheldon, Franklin, Kline and Rasmussen

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5172 by Senators Fraser, Schoesler, Pridemore, Fairley, Rockefeller, McAuliffe, Shin, Jacobsen, Eide, Keiser, Sheldon, Franklin, Kline, Murray, Rasmussen and Roach

AN ACT Relating to purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system; amending RCW 41.35.070 and 41.37.060; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5173 by Senators Pridemore, McAuliffe, Fairley, Kline and Rasmussen

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; prescribing penalties; providing an effective date; and declaring an emergency.

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Referred to Committee on Ways & Means.

SB 5174 by Senators Pridemore and Schoesler

AN ACT Relating to technical corrections in the public retirement systems; amending RCW 41.04.410, 41.04.440, 41.04.445, 41.04.450, 41.05.320, 41.24.400, 41.26.195, 41.31A.020, 41.37.010, and 41.45.203; reenacting and amending RCW 6.15.020; and creating a new section.

Referred to Committee on Ways & Means.

SB 5175 by Senators Pridemore, Schoesler, Fraser, Fairley, McAuliffe, Shin, Jacobsen, Prentice, Franklin and Rasmussen

AN ACT Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount; amending RCW 41.40.197 and 41.32.489; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5176 by Senators Pridemore, Schoesler, Fairley, Rockefeller, Keiser, McAuliffe, Jacobsen, Franklin, Berkey, Rasmussen and Fraser

AN ACT Relating to the portability of public retirement benefits; amending RCW 41.54.010, 41.54.030, and 41.54.070; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5177 by Senators Fraser, Schoesler, Pridemore, Fairley, McAuliffe, Jacobsen, Prentice, Keiser, Franklin, Rasmussen and Roach

AN ACT Relating to death benefits for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, 41.40.0932, and 43.43.285; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5178 by Senators Fraser, Sheldon, Kline, Eide, Fairley, Rockefeller, Prentice, McAuliffe, Franklin, Shin, Weinstein and Rasmussen

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system; amending RCW 41.40.124, 41.40.127, 41.40.870, 41.40.873, and 41.32.584; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5179 by Senators Kastama and Rasmussen

AN ACT Relating to operating unregistered snowmobiles; and amending RCW 46.10.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5180 by Senators Kastama, Marr, Berkey, Shin, Murray, Rasmussen and Pflug

AN ACT Relating to regulating tattooing and body piercing businesses; amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

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

SB 5181 by Senators Kastama, Fairley, Murray, Kauffman, Shin, Kline, Kohl-Welles, McAuliffe, Keiser, Rockefeller, Spanel, Pridemore, Jacobsen, Marr and Weinstein

AN ACT Relating to requiring initiative and referendum signature gatherers to wear identification that indicates whether they are paid workers or are volunteers; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on Government Operations & Elections.

SB 5182 by Senators Kastama, Shin, Tom, Marr, Keiser, Oemig, Rockefeller, Kohl-Welles, Brown, Spanel, Murray, Kline, Regala and Jacobsen

AN ACT Relating to requiring signature gatherers to sign each initiative or referendum petition they circulate for signatures; and amending RCW 29A.72.110, 29A.72.120, and 29A.72.130.

Referred to Committee on Government Operations & Elections.

SB 5183 by Senators Hatfield, Roach, Pridemore, Poulsen, Holmquist, Sheldon, Fairley, Keiser, Kline, Kilmer, Hobbs, Kauffman, Rasmussen and Kohl-Welles

AN ACT Relating to cost savings on course materials for students at community and technical colleges; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

SB 5184 by Senators Hatfield, Clements and Rasmussen

AN ACT Relating to public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Economic Development, Trade & Management.

SB 5185 by Senators Morton, Roach, Holmquist, Swecker, Clements and McCaslin

AN ACT Relating to hunting while operating certain off-road vehicles; and amending RCW 46.09.130 and 46.10.130.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5186 by Senators Morton, Swecker, Hewitt, Holmquist, Pflug, McCaslin, Brandland, Parlette, Schoesler, Clements, Roach, Carrell and Berkey

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AN ACT Relating to beneficial use of discarded vehicle tires; amending RCW 70.95.020, 70.95.030, 70.95.260, 70.95.300, 70.95.500, 70.95.530, and 70.95.535; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 5187 by Senators Haugen, Oemig, Kline, Marr, Kauffman, Keiser, Kilmer, Pridemore, Spanel, Jacobsen and Rasmussen

AN ACT Relating to exempting a portion of the valuation of residential property from property taxation; amending RCW 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 5188 by Senators Haugen, Jacobsen, Prentice, Fairley, Kline, Marr, Kohl-Welles, Tom, Murray, Keiser and Rasmussen

AN ACT Relating to a wildlife rehabilitation program; amending RCW 46.16.606; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5189 by Senators Hargrove, McCaslin and Shin

AN ACT Relating to administrative proceedings; and amending RCW 26.21A.525, 26.21A.520, 26.27.441, 53.48.030, and 13.34.080.

Referred to Committee on Human Services & Corrections.

SB 5190 by Senators Hargrove, McCaslin and Shin

AN ACT Relating to the collection of legal financial obligations; amending RCW 72.09.480; and reenacting and amending RCW 70.58.107.

Referred to Committee on Human Services & Corrections.

SB 5191 by Senators Hatfield, Brandland, Sheldon and Delvin

AN ACT Relating to missing persons; amending RCW 43.103.110, 36.28A.110, 36.28A.120, and 43.43.751; reenacting and amending RCW 68.50.320; and creating a new section.

Referred to Committee on Judiciary.

SB 5192 by Senators Hatfield, Brandland, Sheldon and Delvin

AN ACT Relating to the powers and funding of the forensic investigations council; and reenacting and amending RCW 43.103.090 and 70.58.107.

Referred to Committee on Judiciary.

SB 5193 by Senators Brandland, Hewitt, Parlette,

Morton, Schoesler, Swecker, Clements, Stevens, McCaslin, Carrell, Keiser, Berkey and Kohl-Welles

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

Referred to Committee on Judiciary.

SB 5194 by Senators Kohl-Welles, Swecker, Fairley, Sheldon and Rasmussen

AN ACT Relating to establishing the joint task force on siting of essential public facilities; adding a new section to chapter 36.70A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5195 by Senators Kohl-Welles and Keiser

AN ACT Relating to defining employment and reporting requirements for third party payers, temporary staffing services companies, service referral agencies, and common paymasters; amending RCW 50.04.245 and 50.24.170; adding a new section to chapter 50.12 RCW; adding new sections to chapter 50.04 RCW; creating a new section; and providing an effective date.

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

SB 5196 by Senators Kohl-Welles, Fairley, Oemig, Shin, Rockefeller, Murray and Tom

AN ACT Relating to eliminating a primary election for nonpartisan offices in which only two candidates file for election; and amending RCW 29A.36.171 and 29A.52.220.

Referred to Committee on Government Operations & Elections.

SB 5197 by Senators Tom, Kohl-Welles, Kline, Fairley, Murray, Weinstein, Regala and Jacobsen

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

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

SB 5198 by Senators Brandland and Haugen

AN ACT Relating to the admissibility of failing to properly use safety belt and child restraint systems; amending RCW 46.61.688; and reenacting and amending RCW 46.61.687.

Referred to Committee on Judiciary.

SB 5199 by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser

AN ACT Relating to adding enforcement provisions regarding fraud, deception, and unlicensed internet lending to the chapter governing check cashers and sellers; and adding a new section to chapter 31.45 RCW.

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Referred to Committee on Financial Institutions & Insurance.

SB 5200 by Senators Delvin, Weinstein, Kohl-Welles, Morton, Pridemore, Kilmer, Rasmussen and Kline

AN ACT Relating to tax credits for contributions to low-income housing efforts; and adding a new chapter to Title 82 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5201 by Senators McCaslin, Kilmer, Holmquist and Kline

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381, 84.36.383, and 84.38.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5202 by Senators Delvin, Eide, Hewitt, Brandland, Pridemore, Holmquist, McCaslin, Haugen, Jacobsen, Honeyford, Rasmussen and Roach

AN ACT Relating to permissible weaponry for on-duty law enforcement officers; and amending RCW 9.41.250.

Referred to Committee on Judiciary.

SB 5203 by Senators Delvin, Kohl-Welles, Pflug and Roach

AN ACT Relating to membership of the Washington state medical quality assurance commission; amending RCW 18.71.015; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5204 by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton

AN ACT Relating to the enforcement of animal health laws; amending RCW 16.36.050, 16.36.010, 20.01.610, and 20.01.380; adding new sections to chapter 16.36 RCW; recodifying RCW 16.36.092; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5205 by Senators Sheldon and Morton

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5206 by Senators Haugen and Swecker

AN ACT Relating to tires with retractable studs; and amending RCW 46.04.272, 46.37.420, 46.37.4215, and 46.37.4216.

Referred to Committee on Transportation.

SB 5207 by Senators Haugen, Murray and Spanel

AN ACT Relating to creating the freight congestion relief account to improve freight corridors with funding from the imposition of a fee on the processing of shipping containers; reenacting and amending RCW 43.84.092; adding a new chapter to Title 47 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 5208 by Senators Swecker, Marr and Haugen

AN ACT Relating to bond amounts for department of transportation highway contracts; and amending RCW 39.08.030.

Referred to Committee on Transportation.

SB 5209 by Senators Haugen and Jacobsen

AN ACT Relating to the preservation of historical state park resources; and amending RCW 79A.05.305.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5210 by Senators Kastama, Kauffman, Berkey, Haugen, Murray, Marr, Pflug and Rasmussen

AN ACT Relating to transportation concurrency under the growth management act; and amending RCW 36.70A.020 and 36.70A.070.

Referred to Committee on Transportation.

SB 5211 by Senators Carrell and Stevens

AN ACT Relating to adult family homes; and amending RCW 70.128.005, 70.128.007, and 70.128.040.

Referred to Committee on Health & Long-Term Care.

SB 5212 by Senators McAuliffe and Rasmussen

AN ACT Relating to the suspension of payment of a teacher, principal, supervisor, superintendent, or other certificated employee's salary while conducting a hearing on probable cause for discharge or adverse effect in contract status; and amending RCW 28A.405.300.

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

SB 5213 by Senator Jacobsen

AN ACT Relating to strengthening Washington's ocean management policies; adding new sections to chapter 43.143 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5214 by Senator Jacobsen

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, 76.48.070, 76.48.110, and 76.48.030.

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Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5215 by Senators Jacobsen and Kline

AN ACT Relating to recreational access to private land; and amending RCW 4.24.210.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5216 by Senators Jacobsen and Sheldon

AN ACT Relating to maintaining Washington's working forest land base; amending RCW 79.17.200; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 76 RCW; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5217 by Senators Jacobsen and Pridemore

AN ACT Relating to operation and maintenance of open space, agricultural, and timber lands acquired through the conservation futures program; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5218 by Senator Jacobsen

AN ACT Relating to the sale of logs and wood from state-owned aquatic lands; and reenacting and amending RCW 79.105.150.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5219 by Senator Jacobsen

AN ACT Relating to the Northwest weather and avalanche center; adding new sections to chapter 79A.05 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5220 by Senators Jacobsen, Kohl-Welles and Fraser

AN ACT Relating to providing incentives to promote nature-based tourism; amending RCW 67.28.1815 and 67.28.181; adding a new section to chapter 67.28 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5221 by Senators Hargrove, Marr, Stevens, Carrell, Eide, Regala, Brandland, Kilmer and Rasmussen

AN ACT Relating to the release of offenders; and amending RCW 9.95.420, 9.95.435, and 9.96.050.

Referred to Committee on Human Services & Corrections.

SB 5222 by Senators Hargrove, Marr, Stevens, Eide, Carrell, Regala, Brandland and Kilmer

AN ACT Relating to the appointment of indeterminate sentence review board members; and amending RCW 9.95.003.

Referred to Committee on Human Services & Corrections.

SB 5223 by Senators Keiser, Parlette, Franklin, Kastama, Kohl-Welles, Pflug, Regala, Rasmussen and Kline

AN ACT Relating to providing insurance coverage to dependent children; amending RCW 48.20.420, 48.21.150, 48.44.200, 48.44.210, and 48.46.320; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health & Long-Term Care.

SJM 8001 by Senators Jacobsen and Rasmussen

Requesting that Congress amend federal tax law to provide for the more uniform taxation of timber harvests among all private forest ownership structures to encourage ownership structures that promote sustainable forestry and strengthen the ability of the forest products manufacturing sector to compete in a global market.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJR 8210 by Senators Haugen, Oemig, Kline, Marr, Brown, Kauffman, Keiser, Pridemore, Kilmer, Franklin, Spanel and Jacobsen

Providing a homestead exemption from property taxation for principal residences.

Referred to Committee on Government Operations & Elections.

SJR 8211 by Senators Haugen, Swecker, Marr, Kauffman and Murray

Increasing state indebtedness limits for transportation projects.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5180 which was referred to the Committee on Labor, Commerce, Research & Development.

MOTION

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

MOTION

Senator Franklin moved adoption of the following resolution:

FIFTH DAY, JANUARY 12, 2007
SENATE RESOLUTION
8602

2007 REGULAR SESSION
MOTION

By Senators Franklin, Tom, Kohl-Welles, Regala, Prentice, Clements, Kauffman, McAuliffe, Weinstein, Kilmer, Rasmussen, Hewitt, Jacobsen, Parlette, Shin, Fairley, Keiser, Rockefeller, Pridemore, Haugen, Kline, Hargrove, Hobbs, McCaslin, Kastama and Morton

WHEREAS, Through his leadership and his faith, the Rev. Dr. Martin Luther King Jr. inspired others to engage in civic and social activism during the civil rights movement of the 1960s; and

WHEREAS, Dr. King once said, "Everyone can be great because anybody can serve. You only need a heart full of grace. A soul generated by love"; and

WHEREAS, His philosophy of nonviolence and equal access to rights promoted the principles of justice and opportunities for all Americans; and

WHEREAS, Ultimately paying the highest price to make democracy a reality, Dr. King was assassinated in Memphis, Tennessee, in 1968; and

WHEREAS, In 1986, Dr. Martin Luther King Jr. Day became a federal holiday; and

WHEREAS, In 1994, Congress passed the King Holiday and Service Act, designating the King Holiday as a national day of volunteer service; and

WHEREAS, In life, Dr. King called on others to make a personal commitment to serve humanity by helping the less fortunate, uniting as a global family, and acting with kindness and open hearts; and

WHEREAS, In the spirit of other great civil rights leaders such as Mrs. Coretta Scott King and Rosa Parks, this holiday is a reminder that communities benefit through compassion and citizen involvement; and

WHEREAS, Each year, people of all backgrounds celebrate Dr. King's legacy by turning community concerns into citizen action;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the life and contributions of Rev. Dr. Martin Luther King Jr., and our responsibility to serve humankind; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Commission on African-American Affairs.

Senators Franklin and Schoesler spoke in favor of adoption of the resolution.

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

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

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9017, Calhoun Dickinson, as a member of the Industrial Insurance Appeals Board, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Haugen, Kline, Prentice, Brown, Poulsen and Rasmussen were excused.

On motion of Senator Brandland, Senators Delvin, Hewitt, Holmquist, McCaslin, Pflug, Stevens and Zarelli were excused.

APPOINTMENT OF CALHOUN DICKINSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9017, Calhoun Dickinson as a member of the Industrial Insurance Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9017, Calhoun Dickinson as a member of the Industrial Insurance Appeals Board and the appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 0; Excused, 11.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 38

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 11

Gubernatorial Appointment No. 9017, Calhoun Dickinson, having received the constitutional majority was declared confirmed as a member of the Industrial Insurance Appeals Board.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9065, Terry Sebring, as a Chair of the Tax Appeals Board, be confirmed.

Senators Pridemore and Regala spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

APPOINTMENT OF TERRY SEBRING

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9065, Terry Sebring as a Chair of the Tax Appeals Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9065, Terry Sebring as a Chair of the Tax Appeals Board and the appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 36

Absent: Senator Roach - 1

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

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Gubernatorial Appointment No. 9065, Terry Sebring, having received the constitutional majority was declared confirmed as a Chair of the Tax Appeals Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9003, Bernal Baca, as a member of the State Board of Education, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF BERNAL BACA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9003, Bernal Baca as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9003, Bernal Baca as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9003, Bernal Baca, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9008, Amy Bragdon, as a member of the State Board of Education, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF AMY BRAGDON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9008, Amy Bragdon as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9008, Amy Bragdon as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 36; Nays, 0; Absent, 1; Excused, 12.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 36

Absent: Senator Berkey - 1

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9008, Amy Bragdon, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9020, Sheila L. Fox, as a member of the State Board of Education, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF SHEILA L. FOX

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9020, Sheila L. Fox as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9020, Sheila L. Fox as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9020, Sheila L. Fox, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9060, Mary Jean Ryan, as a member of the State Board of Education, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF MARY JEAN RYAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9060, Mary Jean Ryan as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9060, Mary Jean Ryan as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield,

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Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9060, Mary Jean Ryan, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9076, Jeff Vincent, as a member of the State Board of Education, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF JEFF VINCENT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9076, Jeff Vincent as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9076, Jeff Vincent as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9076, Jeff Vincent, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9011, Reuven Carlyle, as a member of the State Board for Community and Technical Colleges, be confirmed.

Senators Spanel and Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF REUVEN CARLYLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9011, Reuven Carlyle as a member of the State Board for Community and Technical Colleges.

The Secretary called the roll on the confirmation of

Gubernatorial Appointment No. 9011, Reuven Carlyle as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 0; Excused, 12.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Excused: Senators Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Stevens and Zarelli - 12

Gubernatorial Appointment No. 9011, Reuven Carlyle, having received the constitutional majority was declared confirmed as a member of the State Board for Community and Technical Colleges.

MOTION

On motion of Senator Regala, Senators Shin and Berkey were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9012, Gary Cohn, as a member of the Professional Educator Standards Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF GARY COHN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9012, Gary Cohn as a member of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9012, Gary Cohn as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 32; Nays, 3; Absent, 0; Excused, 14.

Voting yea: Senators Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Spanel, Swecker, Tom and Weinstein - 32

Voting nay: Senators Benton, Morton and Schoesler - 3

Excused: Senators Berkey, Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Shin, Stevens and Zarelli - 14

Gubernatorial Appointment No. 9012, Gary Cohn, having received the constitutional majority was declared confirmed as a member of the Professional Educator Standards Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

FIFTH DAY, JANUARY 12, 2007

Senator Spanel moved that Gubernatorial Appointment No. 9001, Sonia Arevalo-Hayes, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF SONIA AREVALO-HAYES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9001, Sonia Arevalo-Hayes as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9001, Sonia Arevalo-Hayes as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 0; Excused, 14.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Swecker, Tom and Weinstein - 35

Excused: Senators Berkey, Brown, Delvin, Haugen, Hewitt, Kline, McAuliffe, McCaslin, Pflug, Poulsen, Prentice, Shin, Stevens and Zarelli - 14

Gubernatorial Appointment No. 9001, Sonia Arevalo-Hayes, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

MOTION

At 11:10 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Monday, January 15, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTH DAY, JANUARY 15, 2007

2007 REGULAR SESSION

EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 15, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

MESSAGES FROM THE STATE OFFICES

January 12, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Columbia Basin Community College, Accountability Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Columbia Basin Community College, Accountability Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 12, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Information Services, Accountability Audit Report. This report is mandated under RCW 43.09..310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Dept. of Information Services, Accountability Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 12, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Agriculture, Implementation of the National Animal Identification System. This report is mandated under Chapter 150, Laws of 2006 (SHB 3033).

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Policy Assistant to the Director
The Dept. of Agriculture, Implementation of the National Animal Identification System is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Agriculture, Accomplishments of the Small Farm & Direct Marketing Program. This report is mandated under RCW 15.63.053.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Policy Assistant to the Director
The Dept. of Agriculture, Accomplishments of the Small Farm & Direct Marketing Program is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Medicaid Treatment Child Care. This report is mandated under ESSB 6386 Section 202(1), Chapter 372, Laws of 2006.

If you have any questions about the report, please call 360-902-7939.

The Dept. of Social & Health Services, Medicaid Treatment Child Care is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON

EIGHTH DAY, JANUARY 15, 2007
Olympia, Washington 98504-5000

2007 REGULAR SESSION

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Homecare Health Options. This report is mandated under ESSB 6386, Section 206, Chapter 372, Laws of 2006.

If you have any questions about the report, please call 360-725-2555.

The Dept. of Social & Health Services, Homecare Health Options is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction. This report is mandated under RCW 9A.44.130.

If you have any questions about the report, please call 360-725-6046.

Sincerely,

Dr. Terry Bergeson, State Superintendent of Public Instruction

The Superintendent of Public Instruction is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRED OLSON, appointed January 1, 2007, for the term ending December 31, 2012, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5224 by Senators Jacobsen, Rockefeller and Kilmer

AN ACT Relating to the salmon recovery office; amending RCW 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.090, 77.85.150, 77.85.200, 43.41.270, and 79A.25.240; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5225 by Senators Oemig, Poulsen, Honeyford and Spanel

AN ACT Relating to regulation of gas and hazardous liquid pipelines; amending RCW 81.88.010, 81.88.040, 81.88.050, 81.88.060, 81.88.080, 81.88.090, 81.88.100, 19.122.020, and 81.04.490; adding a new section to chapter 81.88 RCW; and repealing RCW 80.28.205, 80.28.207, 80.28.210, 80.28.212, 80.28.215, and 81.88.150.

Referred to Committee on Water, Energy & Telecommunications.

SB 5226 by Senators Oemig, Fairley, Rockefeller, Kohl-Welles and Kline

AN ACT Relating to funding of judicial election campaign expenses; amending RCW 42.52.180, 42.17.020, 42.17.128, 42.17.130, and 42.17.640; adding new sections to chapter 42.17 RCW; and creating new sections.

Referred to Committee on Government Operations & Elections.

SB 5227 by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer

AN ACT Relating to animal abandonment; amending RCW 16.52.207 and 16.52.011; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5228 by Senators Kline, McCaslin and Weinstein

AN ACT Relating to protection of indirect purchasers for injuries arising from violations of state antitrust laws; amending RCW 19.86.080 and 19.86.090; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5229 by Senators Kline, McCaslin and Kastama

AN ACT Relating to marketing of estate distribution documents; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

SB 5230 by Senators Kohl-Welles, Keiser, Prentice, Franklin and Kline

AN ACT Relating to funding the administration of Title 50 RCW, unemployment compensation; amending RCW 50.20.190, 50.24.014, 50.29.063, and 50.16.010; and creating a new section.

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

SB 5231 by Senators Berkey, Roach, Fairley, Pridemore and Shin

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

SB 5232 by Senators Haugen, Prentice, Kastama, Rasmussen and Holmquist

AN ACT Relating to excise tax exemptions for water services provided by small water systems; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

SB 5233 by Senators Hatfield, McCaslin, Pridemore, Fairley and Haugen

AN ACT Relating to special purpose district commissioner per diem compensation; and amending RCW 35.61.150, 52.14.010, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.460, 36.57A.050, and 85.38.075.

Referred to Committee on Government Operations & Elections.

SB 5234 by Senators Kastama, Shin, Swecker, Berkey, Haugen, Sheldon, Pridemore, Franklin, Keiser and Carrell

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5235 by Senators Prentice, Zarelli, Berkey, Hobbs, Kilmer, Benton, Brandland, Fairley, Schoesler, Hewitt, Rockefeller, Rasmussen, Franklin, Shin, Holmquist and Roach

AN ACT Relating to the business and occupation taxation of licensed mortgage brokers; reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5236 by Senators Parlette, Fraser and Rockefeller

AN ACT Relating to public lands management; and adding a new section to chapter 79A.25 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5237 by Senators Poulsen, Honeyford, Kohl-Welles and Keiser

AN ACT Relating to the purchase of carbon credits from entities that remove methane from the environment; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5238 by Senators Poulsen, Honeyford, Kohl-Welles and Keiser

AN ACT Relating to creating a tax credit against the public utility tax for eligible light and power businesses; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5239 by Senators Tom, McAuliffe, Marr, Shin and Keiser

AN ACT Relating to a segmented mathematics alternative assessment; and amending RCW 28A.655.065.

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

SB 5240 by Senators Hatfield, Swecker, Rasmussen, Schoesler, Morton and Keiser

AN ACT Relating to powers and authority of port districts; and amending RCW 53.04.010, 53.04.150, 53.04.180, and 53.08.290.

Referred to Committee on Government Operations & Elections.

SB 5241 by Senators Kohl-Welles, Kline, Rasmussen, Shin, Keiser, Prentice, Hobbs, Poulsen and Fairley

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; and amending RCW 51.08.178.

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

SB 5242 by Senators Hobbs, Hewitt, Haugen, Kastama, Fairley, Shin, Kline, Clements, Kohl-Welles, Keiser, Tom, Brandland, Murray, Roach, Spanel, Kauffman, Rockefeller, Regala, Jacobsen, McAuliffe, Berkey, Carrell, Sheldon, Kilmer, Rasmussen, Holmquist and Honeyford

AN ACT Relating to an internship program for wounded combat veterans; adding a new section to chapter 47.01 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 5243 by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach

AN ACT Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration; amending RCW 13.40.210; and prescribing penalties.

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Referred to Committee on Human Services & Corrections.

SB 5244 by Senators Hargrove, Stevens and Brandland

AN ACT Relating to implementation of the deficit reduction act; amending RCW 26.18.170, 26.23.035, 26.23.050, 26.23.110, 74.20.040, 74.20.330, 74.20A.030, and 74.20A.055; and reenacting and amending RCW 74.20A.056.

Referred to Committee on Human Services & Corrections.

SB 5245 by Senators Hargrove, Brandland, McAuliffe, Stevens, Rockefeller and Shin

AN ACT Relating to compliance with the federal safe and timely interstate placement of foster children; amending RCW 13.34.138 and 13.34.145; and adding new sections to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

SB 5246 by Senators Hargrove, Brandland, McAuliffe and Stevens

AN ACT Relating to the placement of children; amending RCW 13.34.130; and reenacting and amending RCW 74.15.020.

Referred to Committee on Human Services & Corrections.

SB 5247 by Senators Spanel and Haugen

AN ACT Relating to superior court judicial positions; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Judiciary.

SB 5248 by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist

AN ACT Relating to preserving the viability of agricultural lands; and amending RCW 36.70A.060.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5249 by Senators Jacobsen, Kline, Poulsen, Murray and Kohl-Welles

AN ACT Relating to the reimbursement of election costs on a certain transportation replacement project ballot measure; amending 2005 c 313 s 223 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

SB 5250 by Senators Swecker, Haugen, Kilmer, Kline, Rockefeller and Shin

AN ACT Relating to transferring motor vehicle ownership; and amending RCW 46.12.101.

Referred to Committee on Transportation.

SB 5251 by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield

AN ACT Relating to the term of existence of a collective bargaining agreement; and amending RCW 41.56.070.

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

SB 5252 by Senators Keiser, Kohl-Welles, Franklin and Kline

AN ACT Relating to personal liability for failure to pay unemployment taxes; amending RCW 50.04.080; adding a new section to chapter 50.24 RCW; and creating a new section.

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

SB 5253 by Senators Kilmer, Swecker, Hobbs, Shin, Kohl-Welles, Regala, Marr, Hatfield, Murray, Weinstein, Rockefeller, Keiser, Sheldon, McAuliffe, Clements, Kauffman, Franklin, Eide, Jacobsen, Rasmussen and Honeyford

AN ACT Relating to veteran-owned businesses; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Government Operations & Elections.

SB 5254 by Senators Kilmer, Kastama, Fairley, Rockefeller, Kauffman, Marr, Hatfield, Weinstein, Keiser, Sheldon, McAuliffe, Eide, Kohl-Welles, Shin, Murray, Tom, Regala, Spanel and Kline

AN ACT Relating to industry skill panels; amending RCW 28C.18.010; adding new sections to chapter 28C.18 RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

SB 5255 by Senators Pridemore, Roach, Prentice, Fairley, Eide, Hobbs, Kastama, Fraser, Kohl-Welles, Rasmussen, Shin, Holmquist, Honeyford and Keiser

AN ACT Relating to high school diplomas for persons who leave school before graduation to serve in the United States armed forces; and amending RCW 28A.230.120.

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

SB 5256 by Senators Prentice, Roach, Fairley, Kastama, Eide, Hobbs, Fraser, Rockefeller, Kohl-Welles, Rasmussen, Franklin, Kilmer, Honeyford and Keiser

AN ACT Relating to excluding veterans benefits from the income calculation for the retired person property tax relief program; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5257 by Senators Jacobsen, Swecker, Parlette, Rockefeller and Fraser

AN ACT Relating to changing the name of the interagency committee for outdoor recreation; making technical, nonsubstantive changes in order to facilitate the name change; amending RCW 42.17.2401, 43.03.028, 43.21J.030,

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43.41.270, 43.60A.150, 43.83C.040, 43.99A.070, 43.99B.016, 43.99B.032, 43.99N.060, 43.99N.120, 46.09.020, 46.09.110, 46.09.165, 46.09.170, 46.09.240, 46.09.250, 46.09.280, 77.85.110, 77.85.120, 77.85.140, 79.10.140, 79.70.070, 79A.05.785, 79A.15.010, 79A.15.020, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.065, 79A.15.070, 79A.15.080, 79A.15.100, 79A.15.110, 79A.15.120, 79A.15.130, 79A.25.005, 79A.25.010, 79A.25.020, 79A.25.030, 79A.25.060, 79A.25.080, 79A.25.090, 79A.25.100, 79A.25.110, 79A.25.120, 79A.25.130, 79A.25.140, 79A.25.150, 79A.25.190, 79A.25.200, 79A.25.210, 79A.25.220, 79A.25.230, 79A.25.240, 79A.25.250, 79A.25.820, 79A.25.830, 79A.25.310, 79A.25.370, 79A.35.010, 79A.35.030, 79A.35.050, 79A.35.060, 79A.35.070, 79A.35.090, 79A.35.100, 79A.35.110, 79A.35.120, 79A.60.590, 84.34.055, and 90.71.020; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5258 by Senators Regala, Stevens and Shin

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; and amending RCW 43.121.020.

Referred to Committee on Human Services & Corrections.

SB 5259 by Senators Jacobsen and Morton

AN ACT Relating to disposal of unneeded park land; and amending RCW 79A.05.175.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5260 by Senators Jacobsen and Morton

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5261 by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline

AN ACT Relating to granting the insurance commissioner the authority to review individual health benefit plan rates; amending RCW 48.18.110, 48.44.020, and 48.46.060; adding a new section to chapter 48.43 RCW; and repealing RCW 48.20.025, 48.44.017, and 48.46.062.

Referred to Committee on Health & Long-Term Care.

SB 5262 by Senators Franklin, Hobbs, Berkey and Hatfield

AN ACT Relating to the capital and surplus requirements necessary to transact insurance; and amending RCW 48.05.340.

Referred to Committee on Financial Institutions & Insurance.

SB 5263 by Senators Franklin, Hobbs, Berkey and Hatfield

AN ACT Relating to medical malpractice closed claim reporting; and amending RCW 48.140.020.

Referred to Committee on Financial Institutions & Insurance.

SB 5264 by Senators Haugen and Swecker

AN ACT Relating to naming or renaming state transportation facilities; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 5265 by Senators McAuliffe, Fairley, Eide, Kohl-Welles and Kline

AN ACT Relating to outdoor education and recreation; adding a new section to chapter 79A.05 RCW; and creating a new section.

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

SB 5266 by Senators McAuliffe, Hargrove, Stevens, Regala, Fairley, Franklin and Shin

AN ACT Relating to juveniles in the custody of law enforcement officers; amending RCW 13.40.140; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Human Services & Corrections.

SB 5267 by Senators McAuliffe, Eide, Brandland, Fairley and Kohl-Welles

AN ACT Relating to the use of the school district capital projects funds for technology; amending RCW 28A.320.330 and 84.52.053; and creating a new section.

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

SB 5268 by Senators McAuliffe, Prentice, Fairley, Oemig, Kline, Shin, Kohl-Welles, Tom, Regala, Brandland, Rockefeller, Rasmussen and Keiser

AN ACT Relating to requiring reviews and revisions of the essential academic learning requirements; amending RCW 28A.655.070; and creating a new section.

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

SB 5269 by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer

AN ACT Relating to establishing the first peoples' language, culture, and history teacher certification program; amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections.

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

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SB 5270 by Senators Kohl-Welles, Hewitt, Prentice, Rasmussen, Keiser, Kauffman and Honeyford

AN ACT Relating to advance deposit wagering; and amending RCW 67.16.260.

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

SB 5271 by Senators Pridemore, Benton, Kline, Swecker, Roach and Rasmussen

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

Referred to Committee on Government Operations & Elections.

SB 5272 by Senators Haugen and Sheldon

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.029, 82.36.031, 82.36.035, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.090, 82.38.100, 82.38.110, 82.38.130, 82.38.140, 82.38.150, 82.38.160, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

SB 5273 by Senators Swecker, Murray and Keiser

AN ACT Relating to motorcycle driver's license endorsement and education; and amending RCW 46.20.505, 46.81A.020, 46.82.420, and 28A.220.080.

Referred to Committee on Transportation.

SB 5274 by Senators Kohl-Welles and Brandland

AN ACT Relating to the accuracy and completeness of information available in background check reports; and amending RCW 19.182.005, 19.182.010, 19.182.040, and 19.182.070.

Referred to Committee on Consumer Protection & Housing.

SB 5275 by Senators Kohl-Welles, Brandland and Hargrove

AN ACT Relating to establishing a work group to ensure seamless access to information for all background checks for noncriminal justice purposes; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5276 by Senators Kohl-Welles, Poulsen, Rockefeller, Morton, Shin, Pridemore, Holmquist and Rasmussen

AN ACT Relating to automatic dialing and announcing devices; adding a new chapter to Title 19 RCW; repealing RCW 80.36.400; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5277 by Senator Franklin

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5278 by Senators Franklin, Kastama, Kline, Spanel, Keiser, Kohl-Welles, McAuliffe, Regala, Pridemore, Poulsen, Fraser, Rasmussen and Rockefeller

AN ACT Relating to use of public funds for political purposes; and amending RCW 42.17.128.

Referred to Committee on Government Operations & Elections.

SB 5279 by Senators Franklin, Fairley, Kohl-Welles, Rasmussen, Regala, Keiser and Jacobsen

AN ACT Relating to the children's environmental health and protection advisory council; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5280 by Senators Jacobsen, Rasmussen, Shin, Kilmer and Honeyford

AN ACT Relating to military scholarships; adding a new section to chapter 28B.15 RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

SJR 8212 by Senators Hargrove, Carrell, Regala and Stevens

Revising limitations on use of inmate labor.

Referred to Committee on Human Services & Corrections.

SCR 8402 by Senators Kohl-Welles, Swecker, Jacobsen, Fairley, Rockefeller and Oemig

Resolving to create a commission on the evaluation of the legislature.

Referred to Committee on Government Operations & Elections.

MOTION

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

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Tuesday, January 17, 2007.

EIGHTH DAY, JANUARY 15, 2007

BRAD OWEN, President of the Senate

2007 REGULAR SESSION

THOMAS HOEMANN, Secretary of the Senate

NINTH DAY, JANUARY 16, 2007

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 16, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 10, 2007
SGA 9121 LYNN GOODING, appointed September 21, 2006, for the term ending at the governor's pleasure, as a Director of the Pollution Liability Insurance Program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Water, Energy & Telecommunications.

MOTION

On motion of Senator Rockefeller, the measure listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

August 19, 2004
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

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

HAROLD ABBE, appointed August 11, 2004, for the term ending June 12, 2008, as Member of the Columbia River Gorge Commission.

Sincerely,
 GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

February 10, 2005
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

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

2007 REGULAR SESSION

VINCE ADDINGTON, reappointed December 3, 2004, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
 GARY LOCKE, Governor

Referred to Committee on Transportation.

July 31, 2003

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

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

FRANK L. CASSIDY, JR, reappointed July 16, 2003, for the term ending July 15, 2007, as Member of the Salmon Recovery Funding Board.

Sincerely,
 GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

December 21, 2004

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

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

KENNETH CHEW, reappointed January 1, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
 GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

December 27, 2004

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

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

KAREN DAUBERT, reappointed December 15, 2004, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
 GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 15, 2007

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

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

JOHN DRISCOLL, reappointed December 7, 2006, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind.

Sincerely,
 CHRISTINE O. GREGOIRE, Governor

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

January 25, 2006

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

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

NINTH DAY, JANUARY 16, 2007

JERRY GUTZWILER, appointed March 15, 2005, for the term ending December 31, 2008, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICK M. HANNIGAN, appointed February 10, 2005, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

June 15, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JANE L. JACOBSEN, reappointed June 13, 2003, for the term ending June 12, 2007, as Member of the Columbia River Gorge Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

October 24, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CRAIG LEE, reappointed October 24, 2003, for the term ending December 26, 2007, as Member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 16, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LORRAINE LEE, appointed November 16, 2006, for the term ending January 15, 2011, as a Chair of the Liquor Control Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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

December 14, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

2007 REGULAR SESSION

OLIVER E. MACKEY, reappointed December 3, 2004, for the term ending December 26, 2008, as Member of the Board of Pilotage Commissioners.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

July 15, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RICHARD MCIVER, reappointed July 15, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Consumer Protection & Housing.

January 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

VAL OGDEN, reappointed January 4, 2006, for the term ending December 31, 2008, as a Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 11, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEFF PARSONS, appointed February 10, 2005, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 10, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOE RYAN, appointed January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

June 28, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

NINTH DAY, JANUARY 16, 2007

HONNA SHEFFIELD, appointed June 12, 2005, for the term ending June 11, 2009, as Member of the Columbia River Gorge Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 4, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

FRED A. SHIOSAKI, reappointed March 14, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

March 29, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

SHIRLEY SOLOMON, appointed March 15, 2005, for the term ending December 31, 2008, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

May 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN P. SULLIVAN, reappointed June 16, 2002, for the term ending June 15, 2007, as Member of the Marine Employees' Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

October 13, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JOHN SWANSON, appointed October 10, 2003, for the term ending June 15, 2008, as a Chair of the Marine Employees' Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Transportation.

January 28, 2004

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

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RAYMOND C. REICKERS, appointed January 26, 2004, for the term ending June 30, 2007, as Member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Consumer Protection & Housing.

MOTION

On motion of Senator Rockefeller, all appointees listed on the gubernatorial appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5281 by Senators Clements, Rasmussen, Schoesler, Honeyford and Roach

AN ACT Relating to the interest rate calculation on property removed from current use classification; amending RCW 84.34.108; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5282 by Senators Murray, Haugen, Pflug, Jacobsen, Tom and Shin

AN ACT Relating to a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election; amending RCW 36.120.070 and 81.112.030; adding a new section to chapter 29A.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 5283 by Senators Weinstein, Jacobsen and Kline

AN ACT Relating to the acquisition of insurance for regional transit authority projects over one hundred million dollars; and amending RCW 81.112.060.

Referred to Committee on Transportation.

SB 5284 by Senators Keiser, Franklin and Kohl-Welles

AN ACT Relating to eligibility for long-term care services; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5285 by Senator Keiser

AN ACT Relating to residential services and support enforcement standards; reenacting RCW 71A.12.270; creating a new section; and recodifying RCW 71A.12.270.

Referred to Committee on Health & Long-Term Care.

SB 5286 by Senators Rockefeller, Pridmore, Murray, Regala, Hobbs, Kilmer and Kohl-Welles

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AN ACT Relating to state financial assistance programs contributing to Puget Sound water quality cleanup; amending RCW 70.146.020, 70.146.070, and 90.50A.010; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 90.71 RCW; and providing an effective date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5287 by Senators Rockefeller, Poulsen, Kilmer, Regala, Murray, Shin, Kline and Kohl-Welles

AN ACT Relating to renewable energy; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5288 by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen

AN ACT Relating to including cyberbullying in school district harassment prevention policies; and amending RCW 28A.300.285.

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

SB 5289 by Senators Kilmer, Swecker, Kastama, Kauffman, Shin, Clements, Rockefeller, Hobbs, Franklin, Honeyford and Rasmussen

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

Referred to Committee on Government Operations & Elections.

SB 5290 by Senators Keiser, Kohl-Welles and Clements

AN ACT Relating to industrial insurance medical and chiropractic advisory committees for the department of labor and industries; and adding new sections to chapter 51.36 RCW.

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

SB 5291 by Senators Murray and Kohl-Welles

AN ACT Relating to workers excluded from prevailing wages on public works provisions; and amending RCW 39.12.020.

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

SB 5292 by Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073, 18.74.090,

18.74.120, 18.74.130, 18.74.150, 18.74.160, and 18.74.170; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5293 by Senators Franklin, Fairley, Keiser and Kohl-Welles

AN ACT Relating to dental hygiene; and amending RCW 18.29.056 and 18.29.220.

Referred to Committee on Health & Long-Term Care.

SB 5294 by Senators Spanel, Jacobsen, Fairley, Regala, Kline, Pridemore and Brandland

AN ACT Relating to the considerations of corporate directors in exercising their duties; and amending RCW 23B.08.300.

Referred to Committee on Judiciary.

SB 5295 by Senators Kastama, Swecker, Fraser, Kohl-Welles, Marr, Regala, Rasmussen and McAuliffe

AN ACT Relating to creating an office of corrections ombudsman; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SB 5296 by Senators Kastama, Swecker, Rasmussen, Hobbs, Franklin and Kline

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; amending RCW 48.18.170 and 48.18.180; adding new sections to chapter 38.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5297 by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr and Kohl-Welles

AN ACT Relating to providing medically and scientifically accurate sexual health education in schools; adding a new section to chapter 28A.300 RCW; and creating new sections.

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

SB 5298 by Senators Haugen and Swecker

AN ACT Relating to the regulation of transportation providers; amending RCW 80.01.040, 81.04.010, 81.04.080, 81.04.130, 81.04.150, 81.04.160, 81.04.220, 81.04.240, 81.04.250, 81.04.270, 81.04.280, 81.04.300, 81.04.330, 81.04.350, 81.04.360, 81.08.010, 81.12.010, 81.16.010, 81.24.010, 81.28.010, 81.28.020, 81.28.030, 81.28.040, 81.28.050, 81.28.080, 81.28.180, 81.28.190, 81.28.200, 81.28.210, 81.28.220, 81.28.230, 81.28.250, 81.28.260, 81.29.010, 81.29.020, 81.44.010, 81.44.020, 81.44.040, 81.61.020, 81.66.040, 81.66.060, 81.68.010, 81.68.015, 81.68.020, 81.68.040, 81.68.060, 81.68.065, 81.68.080, 81.68.090, 81.70.020, 81.70.030, 81.70.230, 81.70.250, 81.70.280, 81.70.290, 81.70.320, 81.70.330,

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81.70.340, 81.77.010, 81.77.040, 81.77.100, 81.80.010, 81.80.020, 81.80.045, 81.80.060, 81.80.070, 81.80.080, 81.80.130, 81.80.140, 81.80.150, 81.80.170, 81.80.190, 81.80.220, 81.80.230, 81.80.250, 81.80.260, 81.80.270, 81.80.272, 81.80.280, 81.80.305, 81.80.330, 81.80.370, 81.80.371, 81.80.430, 81.84.020, 47.76.230, 47.76.240, 81.68.030, 81.84.060, 79A.40.100, 81.53.261, and 15.66.270; reenacting and amending RCW 81.84.010; adding new sections to chapter 81.04 RCW; adding a new section to chapter 81.66 RCW; adding a new section to chapter 81.68 RCW; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.77 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 81.48 RCW; recodifying RCW 81.56.120; and repealing RCW 15.65.610, 81.04.170, 81.04.180, 81.04.190, 81.04.520, 81.08.070, 81.36.070, 81.40.040, 81.40.100, 81.44.031, 81.44.032, 81.44.050, 81.44.060, 81.44.065, 81.44.091, 81.44.092, 81.44.093, 81.44.094, 81.44.095, 81.44.096, 81.44.097, 81.44.0971, 81.44.0972, 81.44.098, 81.44.0981, 81.44.0982, 81.44.099, 81.44.100, 81.44.101, 81.44.102, 81.44.103, 81.44.104, 81.44.105, 81.44.110, 81.44.120, 81.48.010, 81.48.015, 81.52.010, 81.52.020, 81.52.030, 81.52.040, 81.56.010, 81.56.020, 81.56.030, 81.56.040, 81.56.050, 81.56.060, 81.56.070, 81.56.080, 81.56.100, 81.56.110, 81.56.130, 81.56.140, 81.56.150, 81.56.160, 81.68.070, 81.70.300, 81.77.015, 81.77.070, 81.80.030, 81.80.175, 81.80.240, 81.80.301, 81.80.312, 81.80.318, 81.80.340, 81.80.346, 81.80.375, 81.80.380, 81.80.381, 81.80.391, 81.80.395, 81.80.400, 81.80.410, 81.80.420, 81.80.440, 81.80.450, and 81.80.460.

Referred to Committee on Transportation.

SB 5299 by Senators Haugen and Swecker

AN ACT Relating to the intervention authority of the department of transportation on railroad shipping matters; amending RCW 47.76.240; and repealing RCW 81.28.250.

Referred to Committee on Transportation.

SB 5300 by Senator Jacobsen

AN ACT Relating to health and safety standards for employee's airline seats; adding a new section to chapter 49.17 RCW; and creating a new section.

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

SB 5301 by Senators Haugen and Rasmussen

AN ACT Relating to voluntary measures to protect critical areas; amending RCW 36.70A.070; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5302 by Senators Haugen and Rasmussen

AN ACT Relating to limiting the assessed value of real property to the lesser of the property's current assessed value or a five percent increase from the previous year's assessed value; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; adding a

new section to chapter 84.40 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 5303 by Senators Haugen, Holmquist, Jacobsen and Swecker

AN ACT Relating to examination requirements for a certificate of ownership; and amending RCW 46.12.030.

Referred to Committee on Transportation.

SB 5304 by Senators Eide, Tom, Haugen, Shin and Kline

AN ACT Relating to special fuel taxes; and amending RCW 82.38.080.

Referred to Committee on Transportation.

SB 5305 by Senators Franklin, Hargrove, Brandland, Eide, Hobbs, Spanel, Swecker, McAuliffe, Regala, Kauffman, Kohl-Welles, Fairley, Tom, Murray, Zarelli, Jacobsen, Keiser, Shin, Honeyford, Parlette, Rasmussen, Roach, Kline and Marr

AN ACT Relating to extending medicaid coverage for foster youth; amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5306 by Senators Regala, Stevens, Hargrove and Kline

AN ACT Relating to earned release time; and amending RCW 9.94A.728.

Referred to Committee on Human Services & Corrections.

SB 5307 by Senators Hargrove, Stevens, Regala, Hatfield and Kohl-Welles

AN ACT Relating to the protection of employees, contract staff, and volunteers of a correctional agency from stalking; and amending RCW 9A.46.110.

Referred to Committee on Human Services & Corrections.

SB 5308 by Senators Clements, Holmquist and Honeyford

AN ACT Relating to making a claim for worker's compensation; amending RCW 51.28.020; and providing an effective date.

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

SJR 8213 by Senators Haugen, Franklin and Rasmussen

Limiting the amount that the assessed value of real property may increase in any one year.

Referred to Committee on Government Operations & Elections.

MOTION

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

MOTION

At 12:03 p.m., on motion of Senator Rockefeller, the Senate adjourned until 11:30 a.m. Wednesday, January 17, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TENTH DAY, JANUARY 17, 2007

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TENTH DAY

January 15, 2007

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 17, 2007

The Senate was called to order at 11:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Delvin, Fairley, Hargrove, Jacobsen, Marr, McAuliffe, McCaslin, Pflug, Poulsen, Rockefeller, Stevens, Tom, Weinstein and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Lauren Wiley and Seth Rieger, presented the Colors.

REMARKS BY THE PRESIDENT

President Owen: "I know we're all creatures of habit and if something doesn't seem right today, that is the prayer. It will be offered during the joint session today."

REMARKS BY THE PRESIDENT

President Owen: "I would like to welcome Mary Wiley back today, she's going to observe Linda and make sure that everything is being done correctly here. Her other four grandchildren. Is that right? Five other grandchildren are in the gallery and we'd like to welcome you here today, both you and your grand kids. Thank you for being here."

EDITORS NOTE: Mrs. Mary Wiley served as Senate Journal Clerk from 1983-2003.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 16, 2007

SB 5056 Prime Sponsor, Rasmussen: Continuing the small farm direct marketing assistance program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 16, 2007

SB 5057 Prime Sponsor, Rasmussen: Repealing the statutes regulating food lockers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

SB 5063 Prime Sponsor, Kohl-Welles: Removing gender references. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

January 16, 2007

SB 5072 Prime Sponsor, Honeyford: Exempting fraternal organizations from property taxation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 16, 2007

SB 5187 Prime Sponsor, Haugen: Exempting a portion of the valuation of residential property from property taxation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 16, 2007

SB 5201 Prime Sponsor, McCaslin: Providing property tax relief for senior citizens and persons retired because of physical disability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 16, 2007

SJR 8210 Prime Sponsor, Haugen: Providing a homestead exemption from property taxation for principal residences. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore and Swecker

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 16, 2007

SGA 9208 GLENN GORTON, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

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Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

LAWTON CASE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Green River Community College District No. 10.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 12, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CECILIA DELUNA-GAETA, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Big Bend Community College District No. 18.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

February 13, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

DONALD ROOT, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

October 24, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

PATRICIA SHEA, appointed October 5, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5309 by Senators Kastama, Shin, Rasmussen and Hatfield

AN ACT Relating to the creation of certified capital companies to promote economic development through investment in start-up and emerging Washington businesses; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Management.

SB 5310 by Senator Brandland

AN ACT Relating to the collection of judgments; and amending RCW 4.16.020 and 6.17.020.

Referred to Committee on Judiciary.

SB 5311 by Senators Brown, Zarelli, Prentice, Marr, Tom, McAuliffe and Kilmer

AN ACT Relating to a budget stabilization account; amending RCW 43.135.035; reenacting and amending RCW 43.84.092 and 43.135.045; adding new sections to chapter 43.79 RCW; adding a new section to chapter 82.33 RCW; creating a new section; repealing RCW 43.33A.220 and 43.135.051; providing a contingent effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5312 by Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens

AN ACT Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties; amending RCW 19.60.020 and 19.60.085; reenacting and amending RCW 19.60.066; adding new sections to chapter 19.60 RCW; creating a new section; repealing RCW 9.91.110; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5313 by Senators Haugen, Schoesler, Kilmer, Hatfield, Shin and Rasmussen

AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system; amending RCW 43.43.250; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5314 by Senators Kauffman, Schoesler, Prentice, Marr, McAuliffe, Regala, Oemig, Hobbs, Rasmussen, Franklin, Keiser, Kilmer, Jacobsen, Tom, Spanel, Shin, Kline, Kohl-Welles, Sheldon and Roach

AN ACT Relating to record checks for developmental disabilities service providers; and adding a new section to chapter 71A.12 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5315 by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach

AN ACT Relating to property access during forest fires; amending RCW 76.04.600, 76.04.016, 47.48.040, and 76.04.610; and adding a new section to chapter 47.48 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5316 by Senators Kohl-Welles, Hargrove, Stevens and Regala

AN ACT Relating to day-care insurance; and amending RCW 43.215.535.

Referred to Committee on Human Services & Corrections.

SB 5317 by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe

AN ACT Relating to child care safety; amending RCW 43.215.005, 43.215.010, 43.215.200, 43.215.525, and 43.215.530; adding new sections to chapter 43.215 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5318 by Senators Poulsen and Jacobsen

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

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5319 by Senators Berkey, Morton and Fairley

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Government Operations & Elections.

SB 5320 by Senators Franklin, McCaslin, Kline, Stevens, Prentice, Parlette, Regala, Hargrove, Rasmussen, Murray, Jacobsen, Hewitt, Keiser and Roach

AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary; and adding a new chapter to Title 2 RCW.

Referred to Committee on Judiciary.

SB 5321 by Senators Carrell, Regala, Stevens, Schoesler, Clements and Rasmussen

AN ACT Relating to child welfare; amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, and 74.15.130; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5322 by Senators Berkey, Shin, Haugen, Schoesler, Hobbs, Kilmer and Marr

AN ACT Relating to identifying sites and programs for a four-year institution of higher education serving the Snohomish-Island-Skagit county region; and creating new sections.

Referred to Committee on Higher Education.

SB 5323 by Senators Morton, Honeyford and Kohl-Welles

AN ACT Relating to social security number privacy; and adding a new section to chapter 50.13 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5324 by Senators Jacobsen, Shin, Rasmussen and Kohl-Welles

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

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

SB 5325 by Senator Jacobsen

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

Referred to Committee on Judiciary.

SB 5326 by Senator Jacobsen

AN ACT Relating to creating nonpartisan commissions for judicial nominees; amending RCW 2.04.100 and 2.06.080; adding new sections to chapter 2.04 RCW; and providing a contingent effective date.

Referred to Committee on Judiciary.

SB 5327 by Senator Jacobsen

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

Referred to Committee on Higher Education.

SB 5328 by Senator Jacobsen

AN ACT Relating to preventing the release of petroleum products into the environment; amending RCW 70.148.020;

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adding a new section to chapter 70.148 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5329 by Senator Jacobsen

AN ACT Relating to the archiving of mailed political advertising; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Government Operations & Elections.

SB 5330 by Senators Poulsen, Pridemore, Kohl-Welles, Kline and Jacobsen

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Government Operations & Elections.

SB 5331 by Senators Swecker, Pflug, Haugen, Delvin and Hatfield

AN ACT Relating to a window tint exemption for law enforcement vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

SB 5332 by Senators Roach, Prentice and Rasmussen

AN ACT Relating to creating a statewide automated victim information and notification system; amending RCW 36.28A.040; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5333 by Senators Murray, Eide, Jacobsen, Marr, Spanel and Shin

AN ACT Relating to teenage drivers; amending RCW 46.20.025, 46.20.055, 46.20.075, 46.20.100, 46.20.267, 46.82.280, 46.82.290, 46.82.300, 46.82.320, and 46.82.430; adding a new section to chapter 46.82 RCW; adding a new section to chapter 28A.320 RCW; repealing RCW 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.040, 28A.220.050, 28A.220.060, 28A.220.070, 28A.220.080, 28A.220.900, 43.131.397, 43.131.398, and 46.82.400; and prescribing penalties.

Referred to Committee on Transportation.

SB 5334 by Senators Murray and Jacobsen

AN ACT Relating to motor fuel vendors; amending RCW 19.112.010; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Transportation.

SB 5335 by Senators Murray, Regala, Kohl-Welles, Fairley, Prentice, Kline, Pridemore, Weinstein, Poulsen, Fraser, Jacobsen and Keiser

AN ACT Relating to civil marriage equality, recognizing the right of all citizens of Washington state, including couples of the same gender, to obtain civil marriage licenses; amending RCW 26.04.010 and 26.04.020; and creating a new section.

Referred to Committee on Judiciary.

SB 5336 by Senators Murray, Kohl-Welles, Fairley, Prentice, Regala, Oemig, Tom, Kline, Hobbs, Pridemore, Keiser, Berkey, Franklin, Brown, Weinstein, Rockefeller, Poulsen, Fraser, Jacobsen, Spanel and McAuliffe

AN ACT Relating to protecting individuals in domestic partnerships by granting certain rights and benefits; amending RCW 41.05.065, 7.70.065, 70.02.050, 11.07.010, 11.94.080, 68.32.020, 68.32.030, 68.32.040, 68.32.060, 68.32.110, 68.32.130, 68.50.100, 68.50.101, 68.50.105, 68.50.160, 68.50.200, 68.50.550, 11.04.015, and 11.28.120; adding a new section to chapter 43.07 RCW; adding a new section to chapter 41.05 RCW; and adding a new chapter to Title 26 RCW.

Referred to Committee on Government Operations & Elections.

SB 5337 by Senators Schoesler, Fairley, Swecker, Zarelli, Pridemore, Brandland, Oemig, Honeyford, Rasmussen and Roach

AN ACT Relating to construction or improvements at fire stations and buildings; and amending RCW 52.14.110.

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

SB 5338 by Senators Kilmer and McCaslin

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073, 46.63.160, and 46.63.170.

Referred to Committee on Transportation.

SB 5339 by Senators Kilmer, Kastama, Rockefeller and Rasmussen

AN ACT Relating to authorizing the acquisition and operation of tourism-related facilities by port districts; and amending RCW 53.08.255.

Referred to Committee on Economic Development, Trade & Management.

SB 5340 by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser

AN ACT Relating to the definition of disability in the Washington law against discrimination, chapter 49.60 RCW; amending RCW 49.60.040; and creating new sections.

Referred to Committee on Judiciary.

SB 5341 by Senators Kline, Weinstein and Hobbs

AN ACT Relating to breaches of security that compromise personal information; amending RCW 19.255.010 and

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42.56.590; adding a new section to chapter 19.86 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5342 by Senators Kline, Roach and Kohl-Welles

AN ACT Relating to drug courts; and amending RCW 2.28.170.

Referred to Committee on Judiciary.

SB 5343 by Senator Kline

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

Referred to Committee on Judiciary.

SB 5344 by Senators Kline and Weinstein

AN ACT Relating to false or fraudulent refusal of an insurance claim; amending RCW 48.30.230; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5345 by Senators Kline, McCaslin, Fairley, Hobbs, Delvin, Rasmussen and Roach

AN ACT Relating to requirements for ignition interlock devices; and amending RCW 46.20.391.

Referred to Committee on Judiciary.

SB 5346 by Senators Kline and Hargrove

AN ACT Relating to interest on judgments entered against offenders; and amending RCW 10.82.090.

Referred to Committee on Judiciary.

SB 5347 by Senators Kline, McCaslin, Hargrove, Carrell and Roach

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.537, 9.94A.431, and 43.10.030.

Referred to Committee on Judiciary.

SB 5348 by Senators Kline, Franklin, Kohl-Welles, Prentice, Fairley, Pridemore and McAuliffe

AN ACT Relating to reporting drug overdoses; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Judiciary.

SB 5349 by Senators Kline, Franklin, Kohl-Welles and Weinstein

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5350 by Senators Kline and Hargrove

AN ACT Relating to telephone records; amending RCW 9.26A.140 and 19.86.090; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Judiciary.

SB 5351 by Senators Kline and Spanel

AN ACT Relating to the court of appeals; amending RCW 2.06.040; and adding a new section to chapter 2.06 RCW.

Referred to Committee on Judiciary.

SB 5352 by Senators Kline, Keiser, Fairley, Kohl-Welles and Franklin

AN ACT Relating to the burden of proof in disciplinary actions involving health professionals; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5353 by Senators Kline, McCaslin, Swecker and Pridemore

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.040, 3.50.050, 3.50.057, 3.50.075, 3.50.805, 39.34.180, and 10.14.150; adding a new section to chapter 3.50 RCW; repealing RCW 3.50.055 and 3.50.070; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5354 by Senators Kline, Poulsen, Weinstein, Pridemore and Kohl-Welles

AN ACT Relating to the scope of agency actions under the administrative procedure act; amending RCW 34.05.010; and creating a new section.

Referred to Committee on Judiciary.

SB 5355 by Senators Kline, Kohl-Welles, Pridemore and Weinstein

AN ACT Relating to the time at which rights vest in land use permit applications; amending RCW 19.27.095, 58.17.033, and 58.17.170; and adding a new section to chapter 36.70B RCW.

Referred to Committee on Government Operations & Elections.

SB 5356 by Senators Kline, Fairley, Fraser, Kohl-Welles, Pridemore, Regala, Poulsen, Keiser, Tom and McAuliffe

AN ACT Relating to paid petition signature gathering; amending RCW 29A.84.280; reenacting RCW 29A.84.250; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

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SB 5357 by Senators Kline, McCaslin, Kauffman and Fairley

AN ACT Relating to privileged communications; and reenacting and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 5358 by Senators Kline, Kohl-Welles, Fairley, McCaslin and Marr

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 5359 by Senators Rockefeller, Poulsen, Oemig, Marr, Pridemore, Regala, Fraser, Kline and McAuliffe

AN ACT Relating to the creation of the greenhouse gas reporting study panel; and creating new sections.

Referred to Committee on Water, Energy & Telecommunications.

SB 5360 by Senators Parlette, Pridemore and Holmquist

AN ACT Relating to mosquito control districts; and amending RCW 17.28.255 and 79.44.010.

Referred to Committee on Government Operations & Elections.

SB 5361 by Senators Jacobsen and Shin

AN ACT Relating to the performance of Taps at veterans' funerals; adding a new section to chapter 73.24 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5362 by Senators Jacobsen, Pridemore, Rasmussen and Kline

AN ACT Relating to a conservation futures levy; and amending RCW 84.34.230.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5363 by Senator Jacobsen

AN ACT Relating to using traffic safety cameras on arterial highways; and amending RCW 46.63.170.

Referred to Committee on Transportation.

SB 5364 by Senator Jacobsen

AN ACT Relating to the director of the department of fish and wildlife; and amending RCW 43.17.020 and 77.04.013.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5365 by Senator Jacobsen

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

Referred to Committee on Higher Education.

SB 5366 by Senators Haugen and Jacobsen

AN ACT Relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 5367 by Senators Shin, Kastama, Kilmer, Kauffman, Clements, Berkey and Rasmussen

AN ACT Relating to the establishment of the Washington trade corps fellowship program; adding new sections to chapter 43.31 RCW; creating a new section; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5368 by Senators Shin, Kastama, Berkey, Kilmer, Kauffman, Clements and McAuliffe

AN ACT Relating to workplace entrepreneurial training for youth; amending RCW 28A.300.230, 28A.300.235, and 28A.630.881; adding a new section to chapter 28C.18 RCW; adding a new section to chapter 28A.300 RCW; recodifying RCW 28A.630.881; and making appropriations.

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

SB 5369 by Senators Shin, Berkey and Kilmer

AN ACT Relating to creating a scholarship for students entering mathematics and science professions; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5370 by Senators Shin, Berkey, Rasmussen and Kline

AN ACT Relating to job skills training for juvenile offenders; amending RCW 28A.190.030 and 28A.190.040; adding a new section to chapter 13.06 RCW; and creating a new section.

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

SB 5371 by Senators Brandland, Kohl-Welles, Holmquist, Tom and Rasmussen

AN ACT Relating to record checks for school employees; amending RCW 28A.400.303 and 43.43.838; adding a new section to chapter 72.41 RCW; and adding a new section to chapter 72.42 RCW.

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

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SB 5372 by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray

AN ACT Relating to the Puget Sound partnership; amending RCW 90.71.005, 90.71.100, 43.17.010, 43.17.020, and 42.17.2401; adding a new section to chapter 41.06 RCW; adding a new section to chapter 77.85 RCW; adding new sections to chapter 90.71 RCW; adding a new section to chapter 70.118 RCW; recodifying RCW 90.71.100; decodifying RCW 90.71.902 and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing an effective date; and declaring an emergency.

Referred to Committee on Water, Energy & Telecommunications.

SJR 8214 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SJR 8215 by Senator Jacobsen

Requiring that supreme court vacancies be filled according to statute.

Referred to Committee on Judiciary.

SCR 8403 by Senator Jacobsen

Creating a joint select committee concerning Latino accessibility to higher education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5337 which was referred to the Committee on Labor, Commerce, Research & Development and Senate Bill No. 5368 which was referred to the Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Brandland, Senators Benton, Delvin, McCaslin, Morton, Pflug, Stevens and Zarelli were excused.

MOTION

At 11:39 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of Joint Session to hear the State of the Judiciary in the House of Representatives.

JOINT SESSION

The Sergeant at Arms announced the Senate had arrived. The Speaker (Representative Lovick presiding) instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, Vice President Pro Tempore Paull Shin and Republican Leader Mike Hewitt to seats on the

Rostrum. The Senators were invited to seats within the Chamber.

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

The Speaker (Representative Lovick presiding) called upon President of the Senate Owen to preside.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Supreme Court Justices to the Chamber: Representatives Dickerson, Flannigan, Haler and Rodne, Senators Benton, Pridemore, Regala and Swecker.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the State Elected Officials to the Chamber: Representatives Chandler, Kretz, Moeller and Simpson, Senators Eide, Oemig, Pflug and Schoesler.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her to the Chamber: Representatives Kenney and Ross, Senators Haugen and Morton.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort Chief Justice Gerry Alexander to the Chamber: Representatives Lantz and Priest, Senators Carrell and Keiser.

The Supreme Court Justices arrived, were escorted to the front of the Chamber and were introduced: Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Bobbe Bridge, Justice Tom Chambers, Justice Susan Owens, Justice Mary Fairhurst and Justice Jim Johnson.

The State Elected Officials arrived, were escorted to the front of the Chamber and were introduced: State Auditor Brian Sonntag, State Treasurer Mike Murphy, Attorney General Rob McKenna and Superintendent of Public Instruction Terry Bergeson.

Governor Christine Gregoire arrived and was escorted to the Rostrum.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ryan Gutierrez and Dessie Larson. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Bernise S. Brown, Faith, Love and Hope Ministry, Olympia.

STATE OF THE JUDICIARY

Chief Justice Alexander: "President Owen, Speaker Chopp, Governor Gregoire, elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen. Good afternoon.

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Let me first extend thanks to the members of the legislature for the warm welcome you have accorded me and my fellow justices. We are very honored to be here for the purpose of allowing me to present, on behalf of our court and the judiciary of this state, the biennial State of the Judiciary address, the fourth I have had the privilege of delivering since I first became chief justice.

My colleagues and I are aware that time is precious to legislators during legislative sessions, and we are grateful for the opportunity to speak to you as well as to our state's elected officials and the people of Washington.

While the halls of this legislature are in close proximity to the offices of our state elected officials and the Temple of Justice, our respective branches of government have very different functions and we do not have many opportunities like this to gather together. While some may feel that this is as it should be under the doctrine of separation of powers, it is my view that occasions like this and the governor's State of the State message, can lead us all to better appreciate the important role that each branch performs in our democracy.

As you know, our state's justice system is present in every county in our state as well as in most of our cities and towns. It functions in courthouses and municipal court buildings, and is presided over by nine justices of the Supreme Court, 23 judges of our court of appeals, 182 superior court judges and 204 full and part-time judges of our district and municipal courts. These justices and judges can't, of course, manage the system alone and, fortunately, they have the assistance of dedicated court commissioners, county clerks, and staff that work hard managing caseloads that collectively total more than two million filings each year—more than one filing for every three citizens of our state.

I wish I could have every judicial officer in the state here today, but as you will be able to tell from my remarks they have plenty to do at home. I did, though, ask a few judges to be here to represent the judiciary of our state. Representing our hardworking court of appeals is its presiding chief judge, Steve Brown of Yakima. Judge Brown, would you please stand. Also present are the presidents of our two excellent trial court associations, Kittitas County Superior Court Judge Michael Cooper, president of the Superior Court Judges' Association of Washington and Grant County District Court Judge Richard Fitterer, president of the District and Municipal Court Judges' Association. I would like them to stand as well and be recognized. Sitting with these judges are members of the Board for Judicial Administration, the policy setting board for the entire judiciary, which had its monthly meeting here in Olympia earlier today. Would they please stand.

I am immensely proud of these judges and the judicial officers that they represent at the four levels of our court system. I have been fortunate to serve at three of those levels during my judicial career—the superior court, the Court of Appeals, and for the last 12 years at the Supreme Court—and I can tell you from my almost 34 years of experience in our justice system, that we have one of the hardest working and innovative collection of judges in the nation. In my view, the quality of Washington's judiciary has never been better than it is at this moment.

At every level, our courts have a direct affect on the lives of individuals. This is particularly true of our trial courts. At the superior court, judges determine child custody issues, protect victims of domestic violence from harm, preside over felony criminal cases and all manner of significant civil disputes. At the limited jurisdiction level, judges handle misdemeanor and gross misdemeanor cases, traffic infractions, and a myriad of other matters, including, at the district court, small claims cases and civil actions where \$50,000 or less is sought. Our limited jurisdiction trial court judges see huge numbers of persons in their courts each year and these courts can truly be called our

"people's courts."

When reflecting upon the important work of each level of court in our state, and the challenges they face, I am reminded of the old saying that, "If we do not maintain justice, justice will not maintain us." These words go to the very essence of our great republic and contribute to the pride we feel about our nation, our state, and our system of government. As Americans and Washingtonians, we revere justice, and we show that by periodically facing our nation's flag and reciting these words: "liberty and justice for all." Maintaining a strong and fair justice system is, I believe, of great concern to all of our citizens.

Unfortunately, we have not done the best job as a state government in maintaining our justice system at the trial level. Allow me to elaborate. Since we first became a state in 1889, our trial courts have been funded almost entirely by local governments—our counties and cities. This means of funding our trial courts was not problematic in earlier times because our court system was relatively small and local governments did not have huge demands placed on their resources. But as the years have gone by the number of cases flowing into our courts rose dramatically as our population increased and a variety of new laws and regulations were enacted at the state and local level. At the same time local governments have assumed financial obligations that were unknown to their predecessors. As a consequence of all of this, our trial courts have been severely challenged as they have endeavored to keep up with increasing caseloads. In some jurisdictions, particularly in our metropolitan areas, we have seen delays in getting cases to trial due to crowded court calendars, difficulties in obtaining qualified interpreters for non-English speakers, criminal defense attorneys with caseloads that are too large, and large numbers of persons going without representation in civil cases, particularly in family court matters.

Faced with all of this, the state's Board for Judicial Administration addressed, what it concluded was the crisis facing our trial courts, in the "Justice in Jeopardy Initiative," first presented to you in 2005.

This initiative flowed out of the hard work of the Court Funding Task Force and its workgroups, a body that was formed in 2002. It was comprised of more than 100 persons from across the state and from all backgrounds, including members of the legislature: Representatives Ruth Kagi and Pat Lantz and Senators Adam Kline, Mike Hewitt and Jim Kastama.

You may recall that when we first spoke to you about the Justice in Jeopardy initiative, we relayed a startling statistic from the task force's report—that Washington State ranked last among the state's of the union, in terms of state government participation in the funding of trial courts, indigent defense and prosecution.

Today, despite the advent of additional state funding in the last two years, budget-strapped local governments still bear more than 80 percent of the costs of maintaining our trial courts. Although state government funds the rest, less than 1 percent of the state budget goes to maintain our justice system and the courts, which compose the key component of that system, courts that are provided for in our state constitution—a constitution that says that justice is to be administered "without unnecessary delay."

The report of the Court Funding Task Force and the other studies that have been done over the years have recommended that eventually, the State should pay 50 percent of the cost of trial court operations and indigent criminal defense, and assume a substantially greater role in funding civil legal aid services for Washington's low-income residents. We think that this partnership approach between state and local government makes more sense than a complete state takeover of the cost of our trial courts, the path that California and Oregon have followed. We say this because we believe that local jurisdictions should have a stake in how the courts operate in their jurisdictions.

We recognized, however, that obtaining an increase in state funding of the magnitude we envision is a major change, and, thus, we have opted for recommending to you an incremental approach. The more we reflect on the Task Force recommendations, the more we are convinced that we have developed the best approach in the nation, a shared responsibility between state and local government.

The judiciary has been immensely gratified by the support that the legislature has given since we first approached you with the Justice in Jeopardy initiative. In the sessions of 2005 and 2006 you recognized that state government had a responsibility to pay a higher proportion of the costs of the state's justice system. In those sessions, you appropriated significant funds, much of which was derived from higher user fees, and applied it to the support of our trial courts, public defense and civil legal aid.

More specifically, in 2005, in Senate Bill 5454, the Office of Civil Legal Aid bill, and House Bill 1542, you provided for state funding of a portion of district and municipal court judges' salaries, and for trial court improvement accounts, as well as for legal representation for indigent parents in termination and dependency cases; civil legal aid programs; and indigent criminal defense.

In 2006, you appropriated additional funds for a pilot jury project, expansion of the parents' representation program and provided additional funds for civil legal aid programs.

While much more remains to be done, I am pleased to highlight the positive changes that have been made as a consequence of what this legislature has done in the two previous sessions.

CIVIL EQUAL JUSTICE

Let me first talk about civil equal justice. In 2005, the new Office of Civil Legal Aid, OCLA for short, got underway and began to administer state-funded legal aid services to the poor, monitor the use of state funds, and report on the status of access to the civil justice system for low-income people.

OCLA, headed by Jim Bamberger, a long-time legal aid attorney, and watched over by the Civil Legal Aid Oversight Committee has worked with the Supreme Court's Access to Justice Board to establish delivery objectives and accountability systems to close the gap documented in the landmark 2003 Civil Legal Needs Study.

The civil legal needs of Washington's low income people run the gamut from employment and housing issues to problems such as those faced by Dawn Seljestad, a low income mother of two children from Shelton, who endured years of controlling and abusive behavior by her husband. With the assistance of a lawyer from the Northwest Justice Project Dawn was able to get a protective order, a decree of dissolution, and an order requiring her abuser to enter into treatment to deal with his conduct. I am pleased to say that Dawn Seljestad is with us—would you please join me in recognizing this courageous woman.

Despite recent gains, biennial funding for civil legal aid still falls \$33 million short of the level necessary to fully address the needs chronicled in the landmark 2003 Civil Legal Needs Study. One gaping hole is the lack of any meaningful legal aid services in the rural areas of our state. We encourage the legislature to provide additional funding so that legal services offices can be re-established to serve low income citizens in Colville, Pullman, Port Angeles, Aberdeen, Omak, Moses Lake, Longview, and Pasco.

TRIAL COURT OPERATIONS

Regarding trial court operations, important steps forward were taken in 2005 and 2006 when this legislature recognized the state's duty to partner with local jurisdictions in funding our

trial courts.

As a result of your actions, local governments across the state have obtained funds that have enabled them to pay a portion of the salaries of district court judges and elected municipal court judges. Thanks to you, Trial Court Improvement Accounts have also been established, which have enabled jurisdictions to improve and enhance a range of trial court operations.

Although the money was just beginning to flow into these accounts by mid-2006, let me give you a few examples of what is going on in jurisdictions across the state as a consequence of the creation of Trial Court Improvement Accounts:

- Benton County is upgrading the recording system in its district court courtrooms.
- Clallam County is adding a court security office position.
- The City of Everett is installing new video equipment that will connect its municipal court with the Snohomish County Jail so that arraignments can be conducted while the defendant remains in jail, thereby making it unnecessary to transport the defendant to the municipal court.
- Lewis County is partially funding an assistant court administrator for its district court.
- Yakima County is using the funds to operate a district court satellite facility in Grandview to better serve the southeast part of that county.

Your creation of trial court improvement accounts recognized that each jurisdiction has different needs. These accounts allow trial courts to tailor improvements to best serve the citizens of their judicial district. We anticipate that these accounts will have a very beneficial effect in coming years, and we will continue to update you on how the funds are being utilized.

Next year, we will also provide you with the results of the study you authorized on the effect of increasing the daily attendance fee for jurors in three jurisdictions: Des Moines Municipal Court, Franklin County Superior Court, and Clark County Superior Court. We believe that is the first time a project like this has been undertaken anywhere in the United States and we look forward to sharing the results of the study with you.

COURT INTERPRETERS

Let me now direct my comments to what we are proposing to you this year as a part of our continuing Justice in Jeopardy Initiative. In the area of trial court improvements we are asking for an additional \$8 million dollars in the biennium to carry out the promise of a statute that was enacted by this legislature in 1989. I refer to RCW 2.43.010, which says that it is the policy of this state to secure the constitutional rights of persons who are unable to readily understand or communicate in English and cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

When I was a superior court judge years ago, we rarely needed interpreters in court. But our society has changed and has become more diverse. Indeed, you passed the statute that I just referred to after you took note of an audit that showed that thousands of non-English speakers were routinely unable to understand what was being said in court. Unfortunately, although we have probably the best system in the nation for certifying court interpreters, many jurisdictions are not able to follow the letter or the spirit of the law because of a lack of funds. The result is that far too often uncertified court interpreters are being utilized because of low pay and/or an inability to obtain a certified interpreter. This, of course, can result in testimony and evidence not being accurately presented

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to the trier of fact, thereby increasing the possibility that a wrong decision may result.

Although this is not a cost that the State has heretofore underwritten, we fear that the problems I have just described will not be eliminated unless there is an investment of dollars from state government to assist our hard pressed local jurisdictions meet their statutory obligations.

PUBLIC DEFENSE

Let me next talk about public defense in criminal cases. A vital element of our Justice in Jeopardy Initiative relates to the necessity of meeting the constitutional mandate that in all criminal prosecutions the accused shall have the assistance of effective counsel for his or her defense. We can be proud that Washington recognized this right long before the U.S. Supreme Court ruled in 1963 in the famous case of *Gideon v. Wainwright* that states must provide such legal assistance. Indeed, Washington's then attorney general, John J. O'Connell, rejected a request from Florida's attorney general to present a friend of the court brief in support of Florida's position that Gideon, although indigent, was not entitled to a publicly funded defense. Instead, our attorney general presented an amicus curiae brief on behalf of Gideon.

Despite this history, it is fair to say that we have not fully heeded *Gideon's* trumpet. I say that because too often in our state, indigent defendants are represented in criminal cases by lawyers who lack the training and experience to be considered effective or who are overburdened with caseloads that are so large that they are unable to devote adequate time to the defense. This is not, of course, true in every case. We have many dedicated public defenders in this state who do a fine job, often for inadequate compensation. But the systems we have in the state for providing public defense vary greatly and, consequently, we have a "crazy quilt" of public defender systems with no two systems being exactly the same.

They all have some problems, though, and I believe this has been borne out by the investigative series that ran in the *Seattle Times* in 2004, the recent litigation in Grant County, and the report of the Blue Ribbon Task Force on Public Defense of the Washington State Bar Association.

While state law dictates that counties adopt standards for administering public defense systems, using Washington State Bar Association standards as guidelines, I am told by our state's director of the Office of Public Defense, Joanne Moore, that presently no county public defense system is compliant.

Fortunately, positive steps are being taken to reverse this trend. As I have already observed, in 2005 this legislature adopted HB 1542, which provides that state funding will be progressively distributed to counties for the purpose of improving public defense.

We believe that with additional state funding our state's defender systems can become compliant with WSBA standards. Last year, \$3 million was distributed to counties pursuant to HB 1542 and I can report to you that 38 of the state's 39 counties are now participating in the application process, administered by the Office of Public Defense. We need, though, to make a substantial leap forward in 2007-2009 toward closing what the *Spokesman Review* called an "embarrassing funding gap" so that our systems of public defense can deliver on our constitutional duty to provide adequate representation to all indigent criminal defendants.

The Office of Public Defense has also made incredible strides since I last addressed you in expanding to 18 counties the program that provides representation of indigent parents in dependency and termination actions. Studies show that with better representation, parents are better able to access court services and work through their problems, thus increasing their ability to be reunited with their children. We are asking that you

expand the Parents Representation Program to every county.

CASA

Let me say a word about CASA, Court Appointed Special Advocates. This is a terrific program that trains volunteers to be advocates in dependency cases for abused and neglected children. As a part of our Justice in Jeopardy Initiative we are requesting additional funding for CASA to accomplish essentially two things: first, to provide stability for CASA programs in rural areas and, second, to allow CASA to serve a minimum of 10,000 children statewide each year, up from the approximately 7,000 who are benefiting now. CASA is a huge bargain to the State because the public money only goes to provide supervision and training. The service to the children is provided by unpaid volunteers like Patricia Scott of Jefferson County who has contributed over 2,200 hours of service as a CASA volunteer. Ms. Scott, who was recently named CASA Volunteer of the Year, is here with a group of CASA volunteers, and I would like them to stand and be recognized for their service.

TECHNOLOGY IN THE COURTS

Allow me to take a brief moment to discuss positive developments in technology in the judicial branch. We have decided to pursue purchase of a case management system for statewide implementation to replace our 20-plus year old systems. This approach will greatly mitigate risks and accelerate the time to full implementation.

We will be seeking your authorization to expend funds from the dedicated JIS account toward this end and are developing a court rule change to increase revenues generated from traffic infraction penalties to pay for this project.

Although I am not a technical whiz, it is my vision that by the time my service on the Supreme Court comes to an end, the foundation will have been laid so that the work of all of the courts of this state will find support in a common case management system.

JUDICIAL ELECTIONS

Before I close, I would like to say something about the subject of judicial elections, a subject that was of considerable interest to me in 2006. I recognize that a number of proposals are now before the legislature that are aimed at reforming the process by which we elect judges. Some of these relate to the public financing of judicial campaigns and others endeavor to reign in the influence of independent expenditures by special interests. You may even be presented with proposals to amend the constitution to provide for an entirely different way to select judges. At this point, the judiciary as a whole has not taken a position in response to any of these specific proposals but I can assure you that we are intensely interested in the subject and we may take a position on all or some of these proposals, provided we can do so without compromising our ethical obligations. I do feel comfortable, though, in restating the long-standing position of the judiciary favoring a publicly financed voters' pamphlet in the primary election. As you know, many judicial elections are decided in the primary so we support the proposals for creation of a statewide primary voters' pamphlet that would be mailed to every household. The judiciary is also of the view that as long as we continue to elect judges in the manner set forth in our state constitution, we should elect *all* judges including municipal court judges. We believe that this is necessary to assure independence of the judicial branch.

Let me close by saying that we know that this legislature will be presented with a myriad of requests to increase funding for a variety of governmental functions—for common schools

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and universities, for public employee salaries, for projects to improve the physical environment, and for corrections, and so on. All of these proponents, I am sure, will have a legitimate case to make. I don't mean to tell you how to sort out all of these competing requests, other than to say that the provision of justice, on both the criminal and civil side, is a core function of government that should be adequately supported by all taxpayers, not just users of the system. The first building that was placed on this campus, courtesy of a long ago appropriation from the legislature, was called the Temple of Justice and the first building that every county built after this state came into being was a county courthouse. This reflects the fact that provision of justice has always been a priority for Washingtonians. In order for our state's judiciary to continue to provide the quality of justice that our citizens expect us to provide, we must make the recommendations I have outlined. We hope that you will give these reasonable requests favorable consideration. Thank you for listening to me so courteously and for inviting me to present this address."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the Rostrum.

The President asked the special committee to escort the Governor from the Rostrum.

The President asked the special committee to escort the statewide elected officials from the Chamber.

The President asked the special committee to escort the Supreme Court Justices from the Chamber.

MOTION

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

The President thanked the Speaker (Representative Lovick presiding) and members of the House for their hospitality, and returned the gavel to him.

AFTERNOON SESSION

The Senate was called to order at 12:42 p.m. by President Owen.

MOTION

At 12:43 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 18, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ELEVENTH DAY, JANUARY 18, 2007

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ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 18, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 2007

SGA 9149 MICHAEL MARTINO, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Zarelli

Passed to Committee on Higher Education.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5373 by Senators Kohl-Welles, Prentice, Keiser, Franklin and Kline

AN ACT Relating to reporting, penalty, and corporate officer provisions of the unemployment insurance system; amending RCW 50.12.070, 50.29.021, 50.12.220, 50.04.165, 50.04.310, 50.12.070, 50.20.070, 50.04.245, 50.24.170, and 50.04.080; adding a new section to chapter 50.12 RCW; adding new sections to chapter 50.04 RCW; adding a new section to chapter 50.24 RCW; creating new sections; prescribing penalties; and providing an effective date.

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

SB 5374 by Senators Murray, Clements, Prentice and Kohl-Welles

AN ACT Relating to the exclusion of certain persons from

licensed gambling premises; adding a new section to chapter 9.46 RCW; and prescribing penalties.

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

SB 5375 by Senators Murray, Clements, Prentice, Kohl-Welles, Shin and Roach

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

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

SB 5376 by Senators Murray, Clements, Prentice and Kohl-Welles

AN ACT Relating to the temporary issuance, summary suspension, and renewal of licenses by the gambling commission; and amending RCW 9.46.070.

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

SB 5377 by Senators Weinstein and Kline

AN ACT Relating to the disposition of certain assets; amending RCW 11.02.005, 11.07.010, 11.12.260, 11.24.010, and 11.96A.150; adding a new chapter to Title 11 RCW; and repealing RCW 11.05.010, 11.05.020, 11.05.030, 11.05.040, 11.05.050, 11.05.900, and 11.05.910.

Referred to Committee on Judiciary.

SB 5378 by Senators Weinstein, Kline and Rockefeller

AN ACT Relating to deeds of trust; and amending RCW 61.24.005, 61.24.010, 61.24.030, 61.24.040, 61.24.045, and 61.24.130.

Referred to Committee on Judiciary.

SB 5379 by Senators Weinstein, Delvin, Kline, Tom, Haugen and Shin

AN ACT Relating to the keeping of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5380 by Senators Prentice, Zarelli, Marr, Morton and Shin

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

Referred to Committee on Ways & Means.

SB 5381 by Senators Hargrove, Stevens, Regala, McAuliffe and Shin

AN ACT Relating to dependent children; amending RCW 13.34.138 and 13.34.025; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.101 RCW;

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adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5382 by Senators Kauffman, Prentice, McAuliffe, Marr, Hobbs, Rasmussen, Regala, Franklin, Keiser, Shin and Kohl-Welles

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

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

SB 5383 by Senators Hargrove, Poulsen, Hatfield, Rockefeller, Rasmussen and Kohl-Welles

AN ACT Relating to the energy freedom program; amending RCW 15.110.005, 15.110.010, 15.110.020, and 15.110.040; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5384 by Senators Fraser, Shin, Brandland, Delvin, Murray, Tom and Kohl-Welles

AN ACT Relating to the University of Washington's and Washington State University's local borrowing authority; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5385 by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles

AN ACT Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds; amending RCW 28B.07.030; adding new sections to chapter 28B.07 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5386 by Senators Prentice, Zarelli, Rasmussen, Schoesler, Pridemore, Pflug, Tom, Holmquist, Regala, Parlette, Shin, Morton, Swecker, Murray, Brandland, Kohl-Welles, Honeyford, Hatfield, Delvin, Jacobsen, Fraser, Sheldon and Kilmer

AN ACT Relating to environmental remediation; amending RCW 82.04.190; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5387 by Senators Kastama, Kilmer, Kauffman and Shin

AN ACT Relating to promoting economic development through commercialization of technologies; amending RCW 28B.20.297; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5388 by Senators Sheldon, Kilmer, Clements, Morton, Schoesler and Shin

AN ACT Relating to financing economic development officers; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Trade & Management.

SB 5389 by Senator Hewitt

AN ACT Relating to importing a simulcast race of regional or national interest on horse race days; amending RCW 67.16.200; and declaring an emergency.

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

SB 5390 by Senators Swecker, Jacobsen, Schoesler, Hatfield, Rasmussen, Delvin and Shin

AN ACT Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2007; and amending RCW 82.14.390.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5391 by Senators Kilmer, Swecker, Haugen and Rockefeller

AN ACT Relating to photo enforcement of traffic infractions; and amending RCW 46.63.030 and 46.63.160.

Referred to Committee on Transportation.

SB 5392 by Senators Kohl-Welles, Swecker, Fairley and Murray

AN ACT Relating to changing the initiative filing fee; amending RCW 29A.72.010; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5393 by Senators Kline, Poulsen, Pridemore, Rockefeller and Kohl-Welles

AN ACT Relating to hazardous waste releases and cleanup at other sites requiring twenty or more years to remediate; adding new sections to chapter 70.105 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Water, Energy & Telecommunications.

SB 5394 by Senator Rockefeller

AN ACT Relating to the crime victims' compensation program; amending RCW 7.68.130; adding a new section to chapter 7.68 RCW; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5395 by Senators Clements, Holmquist, Hobbs, Kauffman, Rasmussen, Zarelli, Brandland and McAuliffe

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AN ACT Relating to school districts not being required to make up school days missed due to unforeseen natural events or mechanical failures occurring during the 2006-07 school year; creating a new section; providing an expiration date; and declaring an emergency.

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

SB 5396 by Senators Clements, McAuliffe, Oemig, Hobbs, Rasmussen, Kauffman, Eide, Hewitt, Zarelli, Brandland, Rockefeller and Roach

AN ACT Relating to grants for school districts recruiting mathematics and special education teachers on college campuses; creating a new section; making appropriations; and providing an expiration date.

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

SB 5397 by Senators Rasmussen, Schoesler, Parlette, Hewitt, Hatfield and Shin

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2005 c 234 s 1 (uncodified).

Referred to Committee on Agriculture & Rural Economic Development.

SB 5398 by Senators Marr, Brandland and Keiser

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5399 by Senators Kilmer, Kastama, Kauffman, Shin, Schoesler, Berkey, Delvin, Rockefeller and Rasmussen

AN ACT Relating to supporting industry clusters as an economic development tool; amending RCW 43.330.090; and adding new sections to chapter 43.330 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 5400 by Senators Kilmer, Kastama, Kauffman, Shin, Berkey and Delvin

AN ACT Relating to aligning economic development and workforce development; amending RCW 43.162.010 and 28C.18.020; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5401 by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield

AN ACT Relating to Christmas tree grower licensure; amending RCW 15.13.250, 15.13.260, 15.13.265, 15.13.270, 15.13.340, 15.13.370, 15.13.390, 15.13.400, 15.13.420, 15.13.430, 15.13.440, 15.13.455, 15.13.470, and 15.13.490; adding new sections to chapter 15.13 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5402 by Senators Kilmer, Delvin, Shin and Rockefeller

AN ACT Relating to private vocational school programs; amending RCW 28C.10.020, 28C.10.050, and 28C.10.120; and making appropriations.

Referred to Committee on Higher Education.

SB 5403 by Senators Rasmussen, Brandland and Jacobsen

AN ACT Relating to certifying animal massage practitioners; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5404 by Senators Jacobsen, Haugen, McCaslin, Kline, Weinstein and Kohl-Welles

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers that provide affordable housing; amending RCW 84.14.005, 84.14.007, 84.14.010, 84.14.030, 84.14.040, 84.14.050, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; adding new sections to chapter 84.14 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 5405 by Senators Carrell, Kline and McCaslin

AN ACT Relating to judicial orders concerning distraint of personal property; and amending RCW 6.17.160.

Referred to Committee on Judiciary.

SB 5406 by Senators Kline, Fairley and Fraser

AN ACT Relating to state employee whistleblower protection; and amending RCW 42.40.020 and 42.40.050.

Referred to Committee on Government Operations & Elections.

SB 5407 by Senators Regala, Carrell, Hargrove and Brandland

AN ACT Relating to certificates of discharge; amending RCW 9.94A.637 and 9.96.050; and repealing RCW 29A.08.660.

Referred to Committee on Human Services & Corrections.

SB 5408 by Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield

AN ACT Relating to primary election ballots; and amending RCW 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

Referred to Committee on Government Operations & Elections.

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SB 5409 by Senators Fairley, Roach, Swecker, Kohl-Welles, Kline and Rasmussen

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on Government Operations & Elections.

SB 5410 by Senators Berkey, Shin, Delvin and Kohl-Welles

AN ACT Relating to creating postsecondary opportunity programs; amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5411 by Senators Delvin, Shin, Kilmer and Kohl-Welles

AN ACT Relating to awarding the state need grant; and amending RCW 28B.92.060.

Referred to Committee on Higher Education.

SB 5412 by Senators Murray, Swecker, Marr, Clements and Haugen

AN ACT Relating to realigning goals and objectives of certain transportation agencies; amending RCW 47.01.011, 47.01.012, 47.01.071, 47.01.075, 47.01.330, 47.05.030, 47.05.035, 47.06.020, 47.06.030, 47.06.043, 47.06.045, 47.06.050, 47.06.060, 47.06.070, 47.06.080, 47.06.090, 47.06.100, 47.06.110, 47.06.140, and 81.104.060; and repealing RCW 47.05.051, 47.01.370, 47.06.040, and 47.06.120.

Referred to Committee on Transportation.

SB 5413 by Senators Roach, Clements, Pflug, Stevens, Carrell, Hewitt, Swecker, Schoesler, Morton and McCaslin

AN ACT Relating to auto theft; amending RCW 9.94A.505; reenacting and amending RCW 9.94A.515 and 13.40.160; adding new sections to chapter 36.28A RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5414 by Senators Kastama, Regala, Franklin, Eide and Keiser

AN ACT Relating to authorizing local option motor vehicle fuel taxes for completing funding of certain projects in the south central Puget Sound region; amending RCW 82.80.010, 82.80.110, and 82.80.120; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Transportation.

SB 5415 by Senators Kohl-Welles, McAuliffe, Keiser, Franklin, Murray, Rasmussen, Hobbs and Tom

AN ACT Relating to school health advisory councils;

adding new sections to chapter 28A.210 RCW; and creating a new section.

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

SB 5416 by Senators Kohl-Welles, Poulsen, Rockefeller, Honeyford, Shin, Pridemore, Delvin, Tom and Kline

AN ACT Relating to minimizing the environmental cost of greenhouse gas emissions by encouraging mitigation for carbon dioxide; adding a new section to chapter 82.04 RCW; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 5417 by Senators Keiser, Brandland, Franklin and Pflug

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5418 by Senators Roach, Oemig, Fairley, Eide, Clements, Schoesler, Carrell, Kauffman, Pflug and Kline

AN ACT Relating to requiring statements of tax implications on ballot measures; and amending RCW 29A.36.071.

Referred to Committee on Government Operations & Elections.

SB 5419 by Senators Roach, Fairley, Eide, Carrell, Kauffman and Pflug

AN ACT Relating to publication of a public hospital district's proposed annexation in a voters' pamphlet; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

SB 5420 by Senators Roach, Fairley, Kauffman, Clements, Schoesler and Pflug

AN ACT Relating to posting information on public agencies' web sites; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Government Operations & Elections.

SB 5421 by Senators Fraser, Morton, Poulsen, Swecker, Marr, Regala, Rockefeller, Pridemore, Oemig, Honeyford, Rasmussen, Shin, Kohl-Welles and Kline

AN ACT Relating to environmental covenants; amending RCW 35.21.755, 69.50.511, 70.105D.020, 70.105D.030, and 70.105D.060; and adding a new chapter to Title 64 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SJM 8002 by Senators Oemig, Roach, Fairley, Weinstein, Hobbs, Marr, Brown, Pridemore and Fraser

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Requesting that Election Day be changed to coincide with the Veterans Day holiday.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Karen's husband, John Bolin, and her two children, Ehren Bolin and Elaine Bolin-Parsons.

Referred to Committee on Government Operations & Elections.

Senators Roach, Haugen, Eide, Sheldon and Stevens spoke in favor of adoption of the resolution.

SCR 8404 by Senators Shin, Delvin and Kilmer

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8603.

Approving the 2006 update to the state comprehensive plan for workforce training.

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

Referred to Committee on Higher Education.

INTRODUCTION OF SPECIAL GUESTS

MOTION

The President welcomed and introduced Karen Bolin's family, husband John Bolin, daughter Elaine Parsons and sister Jane Cheney who were seated in the gallery.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5390 which was referred to the Committee on Agriculture & Rural Economic Development.

MOTION

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 19, 2007.

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

BRAD OWEN, President of the Senate

MOTION

THOMAS HOEMANN, Secretary of the Senate

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION
8603

By Senators Roach, Haugen and Sheldon

WHEREAS, Karen Bolin was born as Karen Frances in Barberton, Ohio, on July 24, 1953; and

WHEREAS, Karen loved her family very much, marrying John Bolin in 1974 and possessing a close marriage highlighted by mutual devotion, fun, and adventure, raising two wonderful children, Ehren and Elaine, enjoying one adorable grandson, Colin, and remaining very close to her sister, Jane Chaney; and

WHEREAS, Karen Bolin was a 27-year resident of Auburn and worked as a bookseller at the Barnes & Noble bookstore in Federal Way; and

WHEREAS, Karen enjoyed gardening and especially motorcycle riding, an activity she began with her husband John in the late 1980s; and

WHEREAS, Her interest in motorcycle riding led Karen to become involved as one of the original members of the Washington Road Riders Association, a group that now has more than 500 members; and

WHEREAS, Karen distinguished herself in the Washington State Legislature as an official and lobbyist for the Washington Road Riders Association, advocating for issues and causes benefiting motorcycling, as well as helping to improve several bills affecting motorcyclists; and

WHEREAS, Karen Bolin helped broaden the influence of motorcyclists by using her very bright mind, political savvy, and astute observations, and showing motorcyclists how to work constructively with legislators and other officials; and

WHEREAS, Karen's dynamic and friendly personality, excellent sense of humor, and loyalty to principles earned her many friends and admirers in Olympia and throughout the motorcycling community in Washington and other states; and

WHEREAS, Although Karen Bolin lost her battle to cancer on October 30, 2006, she fought her battle to the end with courage, strength, and inspiration;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington remember and honor the life and work of Karen Bolin; and

TWELFTH DAY, JANUARY 19, 2007

2007 REGULAR SESSION

TWELFTH DAY

Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette, Prentice and Schoesler

MORNING SESSION

Senate Chamber, Olympia, Friday, January 19, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Carrell, Fairley, Hargrove, Hewitt, Honeyford, McCaslin, Poulsen, Rockefeller, Sheldon, Stevens and Weinstein.

The Sergeant at Arms Color Guard consisting of Pages Alexander Cobb and Andrea Hawley, presented the Colors. Pastor Jon Sanne' of the Calvary Chapel Church offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 2007

SB 5042 Prime Sponsor, Berkey: Regulating the business of insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette, Prentice and Schoesler

Passed to Committee on Rules for second reading.

January 17, 2007

SB 5079 Prime Sponsor, Marr: Including supreme court and court of appeals commissioners to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

January 18, 2007

SB 5179 Prime Sponsor, Kastama: Regarding the operation of snowmobiles. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Poulsen, Spanel and Swecker

Passed to Committee on Transportation.

January 17, 2007

SB 5199 Prime Sponsor, Berkey: Restricting small loan practices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by

Passed to Committee on Rules for second reading.

January 18, 2007

SJR 8207 Prime Sponsor, Eide: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENT**

January 16, 2007

SGA 9209 DAVID SCOTT, reappointed January 1, 2005, for the term ending December 31, 2007, as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE STATE OFFICES

January 17, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Children's Services Annual Quality Assurance Report. This report is mandated under RCW 43.20A. 870 AND RCW 74.13.031(5).

If you have any questions about the report, please call 360-902-7903.

The Dept. of Social & Health Services, Children's Services Annual Quality Assurance Report is on file in the Office of the Secretary of the Senate.

TWELFTH DAY, JANUARY 19, 2007

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MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON
January 17, 2007

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Community, Trade and Economic Development, Manufactured/Mobil Home Landlord-Tenant Complaint Determinations Report.

The Dept. of Community, Trade and Economic Development, Manufactured/Mobil Home Landlord-Tenant Complaint Determinations Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Corrections, Integrated Electronic Health Record System. This report is mandated under SHB 2573 (2006).

If you have any questions about the report, please call 360-725-8700.

Sincerely,

Harold W. Clarke, Secretary

The Dept. of Corrections, Integrated Electronic Health Record System is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 10, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Corrections, Extraordinary Medical Placement. This report is mandated under Chapter 324, Laws of 2006.

If you have any questions about the report, please call 360-725-8700.

Sincerely,

Harold W. Clarke, Secretary

The Dept. of Corrections, Extraordinary Medical Placement is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Corrections, co-payments. This report is mandated under RCW 72.10.020(2).

If you have any questions about the report, please call 360-725-8700.

Sincerely,

Harold W. Clarke, Secretary

The Dept. of Corrections, co-payments is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

December 1, 2006

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Options for Providing Financial Incentives. This report is mandated under ESSB 6090.

If you have any questions about the report, please call 360-725-1880.

The Dept. of Social & Health Services, Options for Providing Financial Incentives is on file in the Office of the Secretary of the Senate.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5422 by Senators Honeyford and Clements

AN ACT Relating to driving privileges; amending RCW 9A.48.090, 46.20.265, and 46.20.285; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5423 by Senators Keiser, Pflug, Parlette, Franklin, Kastama, Marr, Tom, Delvin, Clements, Kilmer, Kohl-Welles and Kline

AN ACT Relating to improving the quality of health care through the use of health information technologies; amending RCW 41.05.021; adding a new section to chapter

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82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5424 by Senators Keiser, Kohl-Welles, Kastama, Franklin, Rockefeller, Shin, Clements and Rasmussen

AN ACT Relating to background checks for health care providers; amending RCW 18.130.310; adding new sections to chapter 18.130 RCW; adding a new section to chapter 43.70 RCW; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5425 by Senators Kohl-Welles, Hargrove, Stevens and Regala

AN ACT Relating to adding additional appropriate locations for the transfer of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5426 by Senators Sheldon and Rasmussen

AN ACT Relating to volunteer firefighters; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 5427 by Senators Keiser, Kohl-Welles, Fairley, Marr, Franklin and Rasmussen

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Ways & Means.

SB 5428 by Senator Pflug

AN ACT Relating to distributions to the education legacy trust account; amending RCW 82.24.026, 28A.505.220, and 84.52.068; providing an effective date; and declaring an emergency.

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

SB 5429 by Senators Franklin and Kohl-Welles

AN ACT Relating to deductions from moneys received by an inmate; and amending RCW 72.09.480.

Referred to Committee on Human Services & Corrections.

SB 5430 by Senators Hobbs, Fairley, Kilmer, Pridemore, Roach, Swecker, Shin, Benton, Rasmussen and Kohl-Welles

AN ACT Relating to shared leave for state employees in the uniformed services; amending RCW 41.04.665; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5431 by Senators Rasmussen, Schoesler, Jacobsen, Parlette, Hatfield and Shin

AN ACT Relating to a state public utility tax deduction for certain transportation activities with respect to agricultural commodities; and amending RCW 82.16.050.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5432 by Senators Swecker, Roach, Hatfield, Zarelli, Kline, Brandland, Benton and Rasmussen

AN ACT Relating to allowing fire protection districts to have additional fire commissioners; and amending RCW 52.14.010, 52.14.015, 52.14.013, and 52.14.017.

Referred to Committee on Government Operations & Elections.

SB 5433 by Senators Schoesler, Rasmussen, Morton, Swecker, Brandland and Honeyford

AN ACT Relating to exempting public work performed by fire district employees from competitive bidding requirements; and amending RCW 52.14.110.

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

SB 5434 by Senators Poulsen, Schoesler, Kastama, Zarelli, Prentice, Regala, Benton and Rasmussen

AN ACT Relating to the excise taxation of sales of tangible personal property originating from or destined to foreign countries; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5435 by Senators Kauffman, Pflug, Swecker and Keiser

AN ACT Relating to the public records exemptions accountability committee; and adding a new section to chapter 42.56 RCW.

Referred to Committee on Government Operations & Elections.

SB 5436 by Senators Pflug, Swecker and Kauffman

AN ACT Relating to the statute of limitations for actions under the public records act; and reenacting and amending RCW 42.56.550.

Referred to Committee on Government Operations & Elections.

SB 5437 by Senators Pflug, Swecker and Kauffman

AN ACT Relating to making adjustments to the recodification of the public records act; amending RCW 42.56.010 and 42.56.030; reenacting and amending RCW 42.56.270, 42.56.270, and 42.56.400; providing an effective date; and providing an expiration date.

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Referred to Committee on Government Operations & Elections.

SB 5438 by Senators Eide, Rockefeller, Kohl-Welles, Keiser, Rasmussen, Pridemore, Shin, McAuliffe and Benton

AN ACT Relating to after-school care programs; adding a new section to chapter 28A.215 RCW; creating a new section; and providing an effective date.

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

SB 5439 by Senators Eide, Haugen, McAuliffe, Benton, Rasmussen and Kohl-Welles

AN ACT Relating to protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities; amending RCW 9A.44.050 and 9A.44.100; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5440 by Senators Keiser, Kauffman and Rockefeller

AN ACT Relating to public facilities districts and regional centers under the authority of such districts; amending RCW 35.57.010 and 82.14.390; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 5441 by Senators Hobbs, Fairley, Holmquist, Rasmussen, Kohl-Welles, Franklin, Fraser, Tom, Zarelli, Parlette, Clements, Rockefeller, Shin, McAuliffe, Benton and Kilmer

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

Referred to Committee on Government Operations & Elections.

SB 5442 by Senators Hobbs, Shin, Hewitt, Zarelli, Swecker, Roach, Clements, Kauffman, Kilmer, Pridemore, Hatfield, Keiser, Parlette, Haugen, McAuliffe, Delvin, Benton, Rasmussen and Holmquist

AN ACT Relating to tuition waivers for eligible veteran or national guard medal recipients; and amending RCW 28B.15.621 and 28B.15.910.

Referred to Committee on Higher Education.

SB 5443 by Senators Kohl-Welles and Keiser

AN ACT Relating to the suppression of workers' compensation claims; amending RCW 51.28.010, 51.28.025, and 51.28.050; and prescribing penalties.

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

SB 5444 by Senators Carrell, Kline, Holmquist, Swecker, Morton, Hewitt, McAuliffe, Tom, Sheldon, Honeyford, Clements, Schoesler, Brandland, Benton, Roach, Zarelli, Spanel, Marr, Kohl-Welles, Eide, Oemig, McCaslin, Shin, Pflug, Delvin, Rasmussen, Fairley, Weinstein, Kastama, Parlette, Stevens, Kilmer, Hatfield, Jacobsen, Haugen, Rockefeller and Keiser

AN ACT Relating to adequate notice to property owners regarding acquisition of property for public purposes through the exercise of eminent domain; amending RCW 8.12.530; adding a new section to chapter 8.25 RCW; ; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; and adding a new section to chapter 8.20 RCW.

Referred to Committee on Judiciary.

SB 5445 by Senators Jacobsen, Morton and Rasmussen

AN ACT Relating to cost-reimbursement agreements under chapter 78.52 RCW; and adding a new section to chapter 78.52 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 5446 by Senators Keiser, Prentice, Brown, Kohl-Welles, Kline, Fairley, Tom, Murray, Rockefeller, Regala and Spanel

AN ACT Relating to extending existing mental health parity requirements to individual and small group plans; amending RCW 48.21.241, 48.44.341, 48.46.291, and 48.41.110; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.41 RCW; repealing RCW 48.21.240, 48.44.340, and 48.46.290; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5447 by Senators Hatfield, Jacobsen, Honeyford, Hargrove, Poulsen, Benton and Rasmussen

AN ACT Relating to ensuring a sustainable coastal Dungeness crab fishery; adding a new section to chapter 77.12 RCW; adding a new section to chapter 77.70 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5448 by Senators Swecker, Benton, Sheldon, Pflug and Delvin

AN ACT Relating to parent taught driver training education courses; and amending RCW 28A.220.020, 46.82.280, 46.82.290, and 46.82.300.

Referred to Committee on Transportation.

SB 5449 by Senators Swecker, Rockefeller, Jacobsen, Kastama, Clements, Pflug, Haugen, Benton and Rasmussen

AN ACT Relating to authorizing voluntary environmental management and incentive zone plans for subareas; amending RCW 36.70A.060; adding a new section to chapter 36.70A RCW; creating a new section; and making an appropriation.

Referred to Committee on Government Operations & Elections.

SB 5450 by Senators Rasmussen, McAuliffe, Tom and Keiser

AN ACT Relating to students with disabilities; adding a new section to chapter 28A.155 RCW; creating new sections; and declaring an emergency.

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

SB 5451 by Senators Rasmussen and McAuliffe

AN ACT Relating to the certificate of individual achievement for students with disabilities; and amending RCW 28A.155.045.

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

SB 5452 by Senator Rockefeller

AN ACT Relating to providing for reunification after termination of parental rights; amending RCW 13.34.200; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5453 by Senators Morton, Clements and Stevens

AN ACT Relating to registration of contractors; amending RCW 18.27.020, 18.27.030, 18.27.040, and 18.27.200; and prescribing penalties.

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

SB 5454 by Senators Morton and Rasmussen

AN ACT Relating to rural public utility districts; adding a new section to chapter 82.16 RCW; adding a new section to chapter 54.16 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Water, Energy & Telecommunications.

SB 5455 by Senators Morton and Rasmussen

AN ACT Relating to community revitalization partnerships in distressed counties; adding a new chapter to Title 43 RCW; making appropriations; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5456 by Senator Morton

AN ACT Relating to nonresidents' participation in hunting and organized shooting events; and amending RCW 9.41.170.

Referred to Committee on Judiciary.

SB 5457 by Senators Morton and Benton

AN ACT Relating to special meetings; and amending RCW 42.30.080.

Referred to Committee on Government Operations & Elections.

SB 5458 by Senators Morton, Benton and Rasmussen

AN ACT Relating to excluding disability benefits related to the performance of military duties from the income calculation for the retired person property tax relief program; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5459 by Senators Haugen, Swecker, McAuliffe, Benton and Rasmussen

AN ACT Relating to Washington state patrol longevity bonuses; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

SB 5460 by Senators Swecker, Fraser, Jacobsen, Morton and Hargrove

AN ACT Relating to clarifying the authority of the department of natural resources with respect to certain aquatic lands; and amending RCW 79.105.210 and 79.120.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5461 by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen

AN ACT Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands; creating a new section; and repealing 2004 c 218 s 10 (uncodified).

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5462 by Senators Jacobsen, Hargrove, Morton, Rockefeller and Shin

AN ACT Relating to maintaining deductions from proceeds of transactions authorized on state lands as determined by the board of natural resources; and amending RCW 79.64.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5463 by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen

AN ACT Relating to forest fire protection assessments; and amending RCW 76.04.610.

Referred to Committee on Natural Resources, Ocean & Recreation.

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SB 5464 by Senators Jacobsen, Swecker, Morton, Hatfield, Rockefeller, Schoesler and Hargrove

AN ACT Relating to the inclusion of the department of natural resources' law enforcement officers in the Washington public safety employees' retirement system by adding the department of natural resources to the definition of "employer" under chapter 41.37 RCW; and amending RCW 41.37.010.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5465 by Senators Schoesler, Kline, Carrell and Hatfield

AN ACT Relating to clarifying the process for restoration of the right to possess firearms; amending RCW 9.41.040, 9.41.047, 9.41.070, and 46.20.265; and creating a new section.

Referred to Committee on Judiciary.

SB 5466 by Senators Shin, Delvin, Kilmer, Holmquist, Keiser, Parlette, Kohl-Welles, Clements and McAuliffe

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5467 by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach

AN ACT Relating to creating the individual and family services program for people with developmental disabilities; adding a new section to chapter 71A.12 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5468 by Senators Oemig, Zarelli, Regala and Schoesler

AN ACT Relating to the administration of tax programs administered by the department of revenue; amending RCW 82.16.120, 82.24.120, 82.24.135, 82.24.280, 82.32.033, 82.32.050, 82.32.100, 82.32.130, 82.32.140, 82.32.160, 82.32.170, 82.45.100, 84.12.260, 84.16.036, 84.36.815, 84.36.820, 84.36.825, 84.36.830, and 84.36.840; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SB 5469 by Senators Prentice, Parlette, Franklin, Benton, Hobbs, Keiser and Schoesler

AN ACT Relating to pawnbrokers; and amending RCW 19.60.060 and 19.60.061.

Referred to Committee on Financial Institutions & Insurance.

SB 5470 by Senators Hargrove, Stevens, McAuliffe, Brown and Regala

AN ACT Relating to dissolution proceedings; amending RCW 26.09.002, 26.12.240, 26.09.015, 2.56.180, 26.09.030, 26.09.187, and 26.09.197; adding new sections to chapter 26.09 RCW; adding a new section to chapter 2.53 RCW; creating new sections; and making appropriations.

Referred to Committee on Human Services & Corrections.

SB 5471 by Senators Stevens, Hargrove, Hobbs, Clements, Sheldon, Pridemore, Kilmer, Rasmussen, Rockefeller, Swecker, Roach and Benton

AN ACT Relating to limiting the power of cities and towns to license businesses; and amending RCW 35.22.280, 35.23.440, and 35.27.370.

Referred to Committee on Government Operations & Elections.

SB 5472 by Senators Kastama, Holmquist, Rasmussen, Regala, Marr, Carrell, Hargrove, Roach, Jacobsen, Kilmer, Sheldon, Swecker, Shin, Franklin, Clements and Keiser

AN ACT Relating to a pilot program for family counseling; creating a new section; and making an appropriation.

Referred to Committee on Human Services & Corrections.

SB 5473 by Senators Oemig, Morton, Regala and Clements

AN ACT Relating to changing the definition of floodway in the shoreline management act; and amending RCW 90.58.030.

Referred to Committee on Water, Energy & Telecommunications.

SB 5474 by Senators Oemig, Morton, Rockefeller and Regala

AN ACT Relating to providing a one-year extension for shoreline master program updates in RCW 90.58.080; and amending RCW 90.58.080.

Referred to Committee on Water, Energy & Telecommunications.

SB 5475 by Senators Poulsen, Honeyford, Regala and Kohl-Welles

AN ACT Relating to underground storage tanks; amending RCW 90.76.005, 90.76.010, 90.76.020, 90.76.050, 90.76.070, 90.76.080, 90.76.090, 90.76.110, 43.21B.300, 43.131.393, and 43.131.394; and repealing RCW 90.76.120.

Referred to Committee on Water, Energy & Telecommunications.

SB 5476 by Senators Shin, Berkey, Schoesler, Kohl-Welles, Delvin, Spanel, Hewitt, McAuliffe and Rasmussen

AN ACT Relating to a mentoring program for students in grades eight through twelve; adding a new section to chapter 28B.35 RCW; creating a new section; and making appropriations.

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Referred to Committee on Higher Education.

MOTION

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

MOTION

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

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION
8604

By Senators Fraser, Roach, Kohl-Welles, Parlette, McCaslin, Pridemore, Fairley, Eide, Rasmussen, Oemig, Spanel, Benton, Hatfield, Honeyford, Keiser, Kauffman, Franklin, Stevens, Regala, Hobbs, Prentice and Haugen

WHEREAS, In 1910 Washington State distinguished itself by becoming the first state in the twentieth century and the fifth state in the nation to permanently enact women's suffrage; and

WHEREAS, This right is contained in the 5th Amendment to the Washington State Constitution, which was approved by the all-male Legislature in 1909 and by the all-male voters in 1910; and

WHEREAS, Washington's action inspired and reinvigorated the national suffrage movement, which culminated in the passage of the 19th Amendment to the United States Constitution in 1920, assuring all women in the nation the right to vote; and

WHEREAS, 2010 will mark the one hundredth anniversary of women's suffrage in Washington State; and

WHEREAS, In commemorating the Washington Women's Suffrage Centennial, Washingtonians will be celebrating the basic inclusive principles of democracy, the long and arduous road to achievement of women's suffrage, and the continually expanding roles of women in public and private life; and

WHEREAS, The Washington Women's History Consortium has been charged by the Legislature with providing leadership for statewide and community celebrations of the centennial of women's suffrage; and

WHEREAS, Public information about the Washington women's suffrage movement and centennial is available today in the Columbia Room of the Legislative Building;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate:

(1) Recognize the centrality of women's suffrage to democratic values; and

(2) Express appreciation to those who have prepared public exhibits for the Legislative Building; and

(3) Encourage all to visit, enjoy, and learn from these displays and exhibitors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington Women's History Consortium.

Senators Fraser, Roach, Haugen and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8604.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the

Women's History Consortium Board of Advisors, Janet Gallimore, Chair, Sue Lean, Dorothy Young Sale and Shanna Stevenson, Coordinator who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Brandland: "Mr. President, I just wanted to just make a brief acknowledgment. I can't tell you how relieved I was to see Senator Holmquist in support of this last measure. I have mixed feelings because Senator Holmquist is younger than my youngest child so. I did notice when, I did appreciate when she was interviewed by the newspaper, she wanted to clarify to the public that the legislature is not just a bunch of fifty year old men. I appreciate her acknowledgment of that and I appreciate her letting the public know that as well. Thank you."

MOTION

At 10:22 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 22, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTEENTH DAY, JANUARY 22, 2007

2007 REGULAR SESSION

FIFTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, January 22, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 2007

SB 5029 Prime Sponsor, Hobbs: Revising veterans' scoring criteria in examinations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 18, 2007

SB 5030 Prime Sponsor, Hobbs: Addressing veterans' benefits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 18, 2007

SB 5032 Prime Sponsor, Pridemore: Concerning the Vancouver national historic reserve. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5032 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 19, 2007

SB 5034 Prime Sponsor, Regala: Phasing out the use of polybrominated diphenyl ethers. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist, Honeyford and Morton

Passed to Committee on Rules for second reading.

January 18, 2007

SB 5058 Prime Sponsor, Marr: Establishing the eastern Washington state veterans' cemetery. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 18, 2007

SB 5080 Prime Sponsor, Marr: Extending waste tire removal fees and the disposition of the fees. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5080 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Murray, Vice Chair; Clements, Delvin and Holmquist

Passed to Committee on Rules for second reading.

January 18, 2007

SB 5085 Prime Sponsor, Haugen: Providing that transportation accounts receive one hundred percent of their proportionate share of earnings. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Ways & Means.

January 18, 2007

SB 5089 Prime Sponsor, Regala: Conforming Washington's tax structure to the streamlined sales and use tax agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Roach

Passed to Committee on Rules for second reading.

January 19, 2007

SB 5158 Prime Sponsor, Jacobsen: Imposing a tax on the production of oil and gas. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation.

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Signed by Senators Poulsen, Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

January 19, 2007

SB 5247 Prime Sponsor, Spanel: Modifying provisions relating to superior court judicial positions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

January 19, 2007

SB 5351 Prime Sponsor, Kline: Changing travel reimbursement provisions affecting judges of the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

January 18, 2007

SB 5380 Prime Sponsor, Prentice: Authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5351 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS
MOTION

December 16, 2004

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

2007 REGULAR SESSION

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

WILLIAM H. CHAPMAN, appointed December 15, 2004, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

September 18, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

BILL RUCKELSHAUS, reappointed September 18, 2003, for the term ending July 15, 2007, as a Chair of the Salmon Recovery Funding Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 9, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

STEPHEN THARINGER, reappointed January 9, 2006, for the term ending July 15, 2009, as Member of the Salmon Recovery Funding Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5477 by Senators Kastama, Keiser, Franklin, McAuliffe and Rasmussen

AN ACT Relating to manufactured/mobile home community registrations and dispute resolution; amending RCW 59.22.050 and 59.22.070; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

SB 5478 by Senators Kastama, Rasmussen and Shin

AN ACT Relating to increasing local economic competitiveness; amending RCW 53.04.023; creating a new section; and providing an expiration date.

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Referred to Committee on Economic Development, Trade & Management.

SB 5479 by Senators Clements, Holmquist, Rasmussen, Eide, Oemig and Benton

AN ACT Relating to classified staff to student ratios; amending RCW 28A.150.260; and creating a new section.

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

SB 5480 by Senators Keiser, Pflug, Kohl-Welles, Parlette and Rasmussen

AN ACT Relating to a voluntary adult family home certification program; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5481 by Senators Oemig, Delvin, Rockefeller, Fraser and Regala

AN ACT Relating to including water conservation in energy conservation provisions; and amending RCW 39.35A.010, 39.35A.020, 39.35A.030, and 39.35C.010.

Referred to Committee on Water, Energy & Telecommunications.

SB 5482 by Senators Brown and McCaslin

AN ACT Relating to reasonable attorneys' fees for dishonored checks; and amending RCW 62A.3-515.

Referred to Committee on Judiciary.

SB 5483 by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin

AN ACT Relating to retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance; amending RCW 47.26.080 and 47.26.164; and reenacting and amending RCW 46.68.110.

Referred to Committee on Transportation.

SB 5484 by Senators Jacobsen, Kline, Murray and Poulsen

AN ACT Relating to allowing dogs in bars; and adding a new section to chapter 66.24 RCW.

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

SB 5485 by Senators Sheldon and Rasmussen

AN ACT Relating to veterinary technicians; amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5486 by Senators Shin, Pflug, Zarelli, Berkey, Morton, Kilmer, Schoesler, Hatfield, Swecker, Delvin, Brandland, Sheldon, Jacobsen, Benton, Parlette and Rasmussen

AN ACT Relating to tax credits for employers employing student employees enrolled in qualified technical programs at Washington institutions of higher education; adding a new section to chapter 82.04 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Higher Education.

SB 5487 by Senators Schoesler, Rasmussen, Honeyford, Holmquist, Stevens, Pflug, Brandland, Clements, Roach, Sheldon, Morton, Jacobsen, Delvin, Benton and Parlette

AN ACT Relating to increasing the amount of the applicable exclusion for the estate tax; and amending RCW 83.100.020 and 83.100.050.

Referred to Committee on Ways & Means.

SB 5488 by Senators Poulsen, Jacobsen, Benton, Kohl-Welles and Spanel

AN ACT Relating to orca recovery; adding a new section to chapter 77.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5489 by Senators Rockefeller and Fairley

AN ACT Relating to alternative public works; amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5490 by Senator Brandland

AN ACT Relating to adult family home advisory committees; and amending RCW 70.128.225.

Referred to Committee on Health & Long-Term Care.

SB 5491 by Senators Franklin, Clements and Kohl-Welles

AN ACT Relating to the regulation of the plumbing profession; and amending RCW 18.106.010, 18.106.020, 18.106.150, 18.106.180, 18.106.250, and 18.106.320.

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

SB 5492 by Senators Clements, Holmquist and Kohl-Welles

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AN ACT Relating to notification to employers of workers' applications for compensation under Title 51 RCW; and amending RCW 51.28.020.

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

SB 5493 by Senators Hargrove, Zarelli, Hatfield, Morton, Sheldon, Rasmussen, Kilmer, McAuliffe, Poulsen, Murray, Clements, Rockefeller, Swecker, Regala, Jacobsen and Shin

AN ACT Relating to the excise taxation of forest products businesses; amending RCW 76.09.405, 82.04.261, 82.04.333, and 82.32.630; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.45 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5494 by Senators Franklin, Kohl-Welles, Marr, Fairley, Rockefeller, Pridemore, Hatfield, Murray, Spanel, Rasmussen and Shin

AN ACT Relating to insurance coverage for colorectal cancer early detection; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5495 by Senators Kohl-Welles, Shin, Kilmer, Clements, Benton, Franklin, McAuliffe and Rasmussen

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5496 by Senators Kilmer, Kastama, Clements, Kauffman, Shin, Delvin and Rasmussen

AN ACT Relating to creating a tax credit against the business and occupation tax for persons who make contributions to the economic development strategic reserve account; amending RCW 43.330.250; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 5497 by Senators McAuliffe, Holmquist, Rasmussen, Oemig, Pridemore, Zarelli, Weinstein, Eide, Hobbs, Keiser, Fraser, Hewitt, Tom, Kauffman, Clements, Hargrove, Kilmer, Franklin, Kohl-Welles and Shin

AN ACT Relating to dropout prevention, intervention, and retrieval; adding new sections to chapter 28A.175 RCW; and creating a new section.

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

SB 5498 by Senators Regala, Clements, Morton, Brandland, Pridemore, Delvin, Prentice, Hatfield and Rasmussen

AN ACT Relating to revising voter-approved funding sources for local taxing districts; and amending RCW 82.14.450 and 84.55.050.

Referred to Committee on Government Operations & Elections.

SB 5499 by Senators Eide, Schoesler, Kauffman, Swecker, Hatfield, Kilmer, Murray, Haugen, McAuliffe, Rasmussen and Shin

AN ACT Relating to Washington state patrol survivor benefits; amending RCW 43.43.285 and 41.05.011; and amending 2006 c 345 s 2 (uncodified).

Referred to Committee on Ways & Means.

SB 5500 by Senators Prentice, Swecker and Rasmussen

AN ACT Relating to removing essential government services as a condition to exempt from taxation property belonging to any federally recognized Indian tribe located in the state; and amending RCW 84.36.010.

Referred to Committee on Ways & Means.

SB 5501 by Senators McAuliffe, Tom, Marr, Eide, Kohl-Welles, Franklin, Hobbs, Oemig, Weinstein, Kauffman, Rasmussen, Shin, Kilmer and Poulsen

AN ACT Relating to implementing Washington learns; amending RCW 43.215.020, 43.215.070, 28A.150.210, 28A.505.210, 28A.310.350, 28A.660.005, 28A.660.050, 28B.102.080, 28B.15.820, 28B.92.080, 28B.76.050, 28B.76.090, and 28B.76.210; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.215 RCW; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.630 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; adding new sections to chapter 28A.660 RCW; adding new sections to chapter 28B.50 RCW; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 43.41 RCW; adding new chapters to Title 28B RCW; creating new sections; repealing RCW 28B.76.100; providing expiration dates; and declaring an emergency.

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

SB 5502 by Senators Benton, Eide, Holmquist, Weinstein, Roach, Tom, Rasmussen, Swecker, Franklin, Zarelli, McCaslin and Hewitt

AN ACT Relating to most serious offenses; reenacting and amending RCW 9.94A.030; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5503 by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe

AN ACT Relating to athletic trainers; amending RCW 18.130.040; and adding a new chapter to Title 18 RCW.

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

Referred to Committee on Health & Long-Term Care.

SB 5504 by Senators Keiser, Kohl-Welles, Franklin, Marr and Carrell

SB 5510 by Senators Kastama, Oemig and Kline

AN ACT Relating to the uniform sanctioning of health care professionals; amending RCW 18.130.050; reenacting and amending RCW 18.130.160; and adding a new section to chapter 18.130 RCW.

AN ACT Relating to public financing of campaigns; amending RCW 42.17.390, 42.17.020, 42.17.095, 42.52.180, 42.17.128, and 42.17.130; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Government Operations & Elections.

SB 5505 by Senators Fairley, Kilmer, Prentice, McCaslin, Rockefeller and Kohl-Welles

SB 5511 by Senators Sheldon, Kastama, Clements, Rasmussen and Shin

AN ACT Relating to establishing the statewide CBRNE response program; amending RCW 43.43.938; adding a new chapter to Title 43 RCW; and making an appropriation.

AN ACT Relating to requiring state agencies to allow volunteer firefighters to respond when called to duty; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Government Operations & Elections.

SB 5506 by Senators Stevens and Shin

SB 5512 by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen

AN ACT Relating to creating the department of family and children's services; amending RCW 43.17.010, 43.17.020, 42.17.2401, 26.44.020, 13.34.025, 13.34.050, 13.70.010, and 74.13.640; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; providing an expiration date; and declaring an emergency.

AN ACT Relating to financing for hospital benefit zones; amending RCW 39.100.010, 39.100.020, 39.100.030, 39.100.040, 39.100.050, 82.14.465, 82.14.470, and 82.32.700; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Ways & Means.

SB 5507 by Senators Kline, Kohl-Welles, Fairley, Pridemore and Jacobsen

SB 5513 by Senators Kilmer, Holmquist, Hobbs, Marr, Oemig, Hatfield, McAuliffe and Rasmussen

AN ACT Relating to Washington's vesting laws; amending RCW 58.17.033, 19.27.095, 36.70A.302, and 80.50.100; adding a new section to chapter 36.70B RCW; and repealing RCW 36.70B.170, 36.70B.180, 36.70B.190, 36.70B.200, and 36.70B.210.

AN ACT Relating to establishing a state government efficiency hotline; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Economic Development, Trade & Management.

SB 5508 by Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen

SJM 8003 by Senators Kohl-Welles, Kline, Pridemore, Shin, Oemig, Prentice, Poulsen, Regala, Spanel and Jacobsen

AN ACT Relating to economic development project permitting; amending RCW 43.155.070, 43.160.060, 39.102.040, 43.160.230, and 43.42.010; creating a new section; making an appropriation; and providing expiration dates.

Calling for no escalation in Iraq.

Referred to Committee on Economic Development, Trade & Management.

Referred to Committee on Government Operations & Elections.

SB 5509 by Senators Kastama, Pflug, Kohl-Welles, Keiser, Parlette, Carrell, Regala and Franklin

SJR 8216 by Senators Benton, Holmquist, Stevens and Roach

AN ACT Relating to disciplinary actions for health care providers regulated under chapter 18.130 RCW; amending RCW 18.130.080, 18.130.180, and 18.130.020; adding new sections to chapter 18.130 RCW; and creating a new section.

Providing a constitutional amendment to limit growth of assessed valuation of real property.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5478 which was referred to the Committee on Economic Development, Trade & Management and Senate Bill No. 5493 which was referred to the Committee on Ways & Means.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 23, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTEENTH DAY, JANUARY 23, 2007

2007 REGULAR SESSION

SIXTEENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 23, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5002 Prime Sponsor, Hewitt: Changing tuition waivers for families of fallen veterans and national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5002 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5009 Prime Sponsor, Haugen: Exempting biodiesel fuel used for nonhighway farm use from sales and use tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5009 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

SB 5040 Prime Sponsor, Eide: Creating a survivors' endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5040 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5100 Prime Sponsor, Hobbs: Regarding health insurance information for students. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

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

SB 5113 Prime Sponsor, Schoesler: Authorizing the application of barley straw to waters of the state. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

SB 5167 Prime Sponsor, Shin: Modifying the definition of "training system" in RCW 28C.18.010. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

SB 5191 Prime Sponsor, Hatfield: Modifying missing persons provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5191 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

SB 5254 Prime Sponsor, Kilmer: Authorizing a grant program for industry skill panels. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5009 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

January 22, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1025,
HOUSE BILL NO. 1051,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1168,

and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

Referred to Committee on Water, Energy & Telecommunications.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5514 by Senators Kohl-Welles, Shin, Keiser, Delvin, Murray, Weinstein, Kline, Kauffman, Kilmer, Fairley, McAuliffe and Regala

AN ACT Relating to employment opportunities at institutions of higher education; adding a new section to chapter 28B.52 RCW; and adding a new section to chapter 41.76 RCW.

Referred to Committee on Higher Education.

SB 5515 by Senators Stevens, Holmquist, Benton, Swecker, Roach and Delvin

AN ACT Relating to prohibiting county assessors from publicizing real property owners' personal information; adding a new section to chapter 36.21 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5516 by Senators Stevens, Benton, Holmquist, Schoesler, Carrell, Swecker, Clements, Delvin and Roach

AN ACT Relating to the seizure or confiscation of firearms during a state of emergency or natural disaster; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5517 by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala

AN ACT Relating to increasing the personal needs allowance for persons receiving state-financed care; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 5518 by Senator Fairley

AN ACT Relating to removing the limitations on the number of divisions and assistant directors within the department of retirement systems; and amending RCW 41.50.050 and 41.50.070.

Referred to Committee on Ways & Means.

SB 5519 by Senators Delvin, Poulsen, Honeyford, McCaslin, Shin and Rasmussen

AN ACT Relating to changes in the point of diversion under a water right; amending RCW 90.03.380, 90.03.395, and 90.03.397; adding a new section to chapter 90.03 RCW; and creating a new section.

SB 5520 by Senators Honeyford and Keiser

AN ACT Relating to the use of video equipment in nursing homes; adding a new section to chapter 18.51 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5521 by Senators Honeyford and Delvin

AN ACT Relating to studying traffic safety education options for students receiving home-based instruction; and creating a new section.

Referred to Committee on Transportation.

SB 5522 by Senators Prentice, Fairley, Weinstein and Kline

AN ACT Relating to the annexation by a city, code city, or town of a portion of a rural county library district; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 5523 by Senators Franklin, Carrell, Keiser, Prentice, Berkey and Parlette

AN ACT Relating to specified disease, hospital confinement, or other fixed payment insurance; and amending RCW 48.43.005.

Referred to Committee on Health & Long-Term Care.

SB 5524 by Senators Berkey, Schoesler, Fairley and Roach

AN ACT Relating to manufactured home parks or manufactured housing communities; and amending RCW 35.63.160.

Referred to Committee on Consumer Protection & Housing.

SB 5525 by Senators Oemig, Swecker and Regala

AN ACT Relating to medical insurance for city officials; and amending RCW 41.04.190.

Referred to Committee on Government Operations & Elections.

SB 5526 by Senators Hargrove, Regala, Prentice and Shin

AN ACT Relating to modifying the definition of criminal act; and amending RCW 7.68.020.

Referred to Committee on Human Services & Corrections.

SB 5527 by Senators Hatfield, Morton, Parlette and Rasmussen

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration; amending RCW 84.33.035, 84.33.130, 84.33.140,

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84.33.145, 84.33.170, 84.34.020, 84.34.030, 84.34.060, 84.34.070, 84.34.080, 84.34.108, 84.34.145, 84.34.155, 84.34.210, 84.34.220, 84.34.300, 84.34.310, 84.34.330, 84.34.340, 84.34.370, and 84.34.380; reenacting and amending RCW 84.34.320 and 84.34.360; and repealing RCW 84.33.077, 84.34.041, and 84.34.131.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5528 by Senators Pflug, Holmquist, Zarelli, Swecker, Clements, Stevens, Roach, Hewitt, Delvin and Parlette

AN ACT Relating to mathematics education; adding a new section to chapter 28A.655 RCW; creating a new section; and declaring an emergency.

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

SB 5529 by Senators Holmquist, Zarelli, Carrell, Benton, Morton, Schoesler, Stevens, Parlette, Pflug, Swecker, Roach, Clements, Delvin and Hewitt

AN ACT Relating to the oath of office; amending RCW 2.04.080, 2.06.085, 2.08.080, 2.08.180, 2.24.020, 3.34.080, 3.50.097, 28A.330.060, 28A.343.360, 35.20.180, and 43.01.020; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 5530 by Senators Kohl-Welles, Kline, Fairley, Oemig and Regala

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.04.079, 29A.08.520, 29A.68.020, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; and repealing RCW 10.64.021 and 29A.08.660.

Referred to Committee on Government Operations & Elections.

SB 5531 by Senator Jacobsen

AN ACT Relating to providing funding for parks and recreational facilities; amending RCW 82.46.010; and reenacting and amending RCW 82.46.035.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5532 by Senators Benton, Holmquist, Rasmussen, Swecker, Roach, Hobbs, Oemig, Morton, Delvin, Keiser and Shin

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

Referred to Committee on Judiciary.

SB 5533 by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt

AN ACT Relating to procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior; amending RCW 71.05.020, 71.05.150, 49.19.010, 71.34.600, 71.24.035, 71.05.160, and 71.05.360; reenacting

and amending RCW 71.05.390; adding new sections to chapter 10.77 RCW; adding a new section to chapter 71.05 RCW; creating new sections; and repealing RCW 10.77.090.

Referred to Committee on Human Services & Corrections.

SB 5534 by Senators Kohl-Welles, Clements and Keiser

AN ACT Relating to an exemption from unemployment compensation contributions for certain small performing arts industries; and amending RCW 50.04.320.

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

SB 5535 by Senators Murray, Jacobsen and Kohl-Welles

AN ACT Relating to school district board of directors; amending RCW 28A.343.300 and 28A.343.400; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.343 RCW; and creating new sections.

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

SB 5536 by Senators Fairley, Pflug, Weinstein, Stevens, Hewitt and Keiser

AN ACT Relating to limiting the regulation of the practice of massage by political subdivisions; amending RCW 18.108.210; creating a new section; and repealing RCW 18.108.100.

Referred to Committee on Health & Long-Term Care.

SB 5537 by Senators Fairley, Kline, Kohl-Welles and Roach

AN ACT Relating to reclassifications, class studies, and salary adjustments; and amending RCW 41.06.152.

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

SB 5538 by Senators Fairley, Pridemore, Shin and Roach

AN ACT Relating to the employee assistance program; and amending RCW 41.04.730.

Referred to Committee on Government Operations & Elections.

SB 5539 by Senators Fairley, Pridemore and Roach

AN ACT Relating to the authority of the director of the Washington state department of personnel and the Washington personnel resources board; amending RCW 41.06.070, 41.06.093, 41.06.420, 41.48.140, 41.04.670, 43.43.832, 70.24.300, 72.01.210, and 72.02.045; reenacting and amending RCW 41.06.150; and repealing RCW 41.06.136.

Referred to Committee on Government Operations & Elections.

SB 5540 by Senators Kastama, Weinstein, Shin and Rasmussen

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AN ACT Relating to making an appropriation to the mobile home park relocation fund; and making an appropriation.

Referred to Committee on Consumer Protection & Housing.

SB 5541 by Senators Kohl-Welles, Keiser, Franklin and Kline

AN ACT Relating to bouncers; and amending RCW 18.170.010 and 18.170.020.

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

SB 5542 by Senators Jacobsen, McAuliffe, Poulsen, Honeyford, Rasmussen and Holmquist

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5543 by Senators Clements, Kilmer, Holmquist, Sheldon, Marr, Hargrove, Regala, Carrell, Delvin, Pridemore, Oemig, Schoesler, Shin and Rasmussen

AN ACT Relating to motorcycles at traffic signals; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5544 by Senators Fraser, Poulsen, Fairley, Weinstein, Jacobsen, Franklin and Kline

AN ACT Relating to environmental noise abatement; amending RCW 46.09.120, 46.09.190, 70.107.060, 70.107.050, 70.107.020, and 46.09.020; adding new sections to chapter 70.107 RCW; adding a new section to chapter 46.09 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5545 by Senators Honeyford, Schoesler and Roach

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

Referred to Committee on Transportation.

SB 5546 by Senators Kline, Fairley and Franklin

AN ACT Relating to small works roster contracting procedures; and amending RCW 39.04.155.

Referred to Committee on Government Operations & Elections.

SB 5547 by Senators Kline, Delvin, Fairley, Kohl-Welles, Keiser, Pflug, Franklin, Brandland, Marr, Regala, Rasmussen, Roach, Parlette, Shin, McAuliffe and Hewitt

AN ACT Relating to the office of the ombudsman for persons with developmental disabilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5548 by Senators Kline, Hargrove and Carrell

AN ACT Relating to creating the probation services task force; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5549 by Senators Kline, Zarelli and Fairley

AN ACT Relating to expanding the responsibilities of the caseload forecast council; and amending RCW 43.88C.010.

Referred to Committee on Ways & Means.

SB 5550 by Senators Weinstein, Kohl-Welles, Murray, Kauffman, Kastama, Tom, Rockefeller, Pridemore, Spanel, Marr, Haugen, Eide, McAuliffe, Hargrove, Hatfield, Fraser, Kilmer, Jacobsen, Brown, Keiser, Shin, Franklin, McCaslin, Poulsen, Oemig, Kline and Regala

AN ACT Relating to real property; amending RCW 4.16.310; and adding a new chapter to Title 64 RCW.

Referred to Committee on Consumer Protection & Housing.

SJM 8004 by Senators Stevens, Swecker and Benton

Requesting the withdrawal of the United States from participation in the Security and Prosperity Partnership of North America.

Referred to Committee on Economic Development, Trade & Management.

SJM 8005 by Senators Stevens, Benton, Swecker and Kline

Requesting the suspension of implementing the federal REAL ID Act.

Referred to Committee on Transportation.

SJM 8006 by Senators Holmquist, Benton, Zarelli, Schoesler, Carrell, Parlette, Delvin, Pflug, Swecker, Morton, Clements, Stevens, Hewitt, Roach and Shin

Requesting that the words "under God" remain in the Pledge of Allegiance.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1025 by Representatives Rolfes, Newhouse, Lovick, Armstrong, Dunshee, Eickmeyer, Ericks, Blake, Morrell, Kenney, P. Sullivan, Wallace, Moeller, Warnick, Chase and Miloscia

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

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HB 1051 by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia

AN ACT Relating to high school completion programs; amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

2SHB 1095 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn)

AN ACT Relating to implementing the part D drug copayment program; and amending RCW 74.09.520 and 74.09.010.

HB 1168 by Representatives Roach, Hurst, Newhouse, Santos, Orcutt, Pettigrew, Moeller, Morrell, Priest, Armstrong, Curtis, Haler, Condotta, Buri, Kristiansen, Alexander, Warnick, Strow, Ericksen, Dunshee, Kirby, Chase, Bailey, Springer, McDonald, Ross, Blake, Kenney, Lovick, Appleton, Darneille, McCoy, O'Brien, Sells, Takko, Williams, VanDeWege, Hunter, Ormsby, Schual-Berke, Pearson, Fromhold, Hinkle, Simpson, Clibborn, Lantz, Linville, Campbell, Kelley, Green, Eddy and McCune

AN ACT Relating to disorderly conduct; amending RCW 9A.84.030; prescribing penalties; and declaring an emergency.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Second Substitute House Bill No. 1095 and House Bill No. 1168 which were placed on the second reading calendar under suspension of the rules.

MOTION

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

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8605

By Senators Shin, Pridemore, Kastama, Berkey, Jacobsen and Rasmussen

WHEREAS, The United States and the Republic of Korea have maintained a respectful, supportive, and long-lasting friendship; and

WHEREAS, The Republic of Korea and Washington state have enjoyed a fruitful relationship with strong economic ties, trade exchanges, and the sharing of knowledge; and

WHEREAS, This mutually beneficial relationship is evident in the cooperation and bond between Lake Washington

Technical College and the 43 Korean Polytechnic Colleges known as KOPO; and

WHEREAS, The signing of the memorandum by Governor Christine Gregoire, Senator Paull Shin, and Dr. Yong Ung Park, chief executive officer of the Korea Polytechnic College Board, signified this growing tie; and

WHEREAS, The visit today, January 23, 2007, by the Korean delegates: Dr. Soon Hie Kang, secretary to the president for Labor Affairs; Mr. Chang Hyun Park, director of the National Assembly; Mr. Kyung Mun Han, junior supervisor of the Ministry of Education; Mr. Kyong Sub Jung, deputy director of the Ministry of Labor Affairs; Dr. Sang Duk Lee, president of Korea Polytechnics; Dr. Joon Chul Eom, executive director of Korea Polytechnics; and Ms. Jung Hye Yoon, a KOPO coordinator, to Washington state further deepens the network of relations between the colleges; and

WHEREAS, Earlier today, Governor Christine Gregoire proclaimed this as Korea Washington-Partners for Workforce Education Day;

NOW, THEREFORE, BE IT RESOLVED, That today the Washington state Senate honors the expanding collaboration between Washington state technical colleges and the 43 polytechnic colleges represented by KOPO; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington state Senate, members of the Korean delegation, KOPO, and Lake Washington Technical College.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8605.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Korean Delegation who were seated in the gallery.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8607

By Senators Rasmussen, Schoesler, Shin, Morton, Jacobsen and Hatfield

WHEREAS, Twenty percent of the nation's potatoes are produced in the state of Washington; and

WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in per acre yield of potatoes; and

WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy with over \$300 million of potatoes being exported annually through the ports in Tacoma and Seattle alone; and

WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate value of over \$500 million, and total value of processed potato products of \$2.5 billion; and

WHEREAS, Washington potato growers have won national awards for environmentally friendly and efficient use of water and fertilizers;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and women in the state of Washington who work to make the Washington potato industry successful; and

BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this valuable industry makes to the strength and vitality of the state's economy and wishes to thank the Washington Potato Commission for the

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opportunity to sample the great WATATO (Yes, ladies and gentlemen, that's right WATATO) today on the Capitol Campus.

Senators Rasmussen and Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8607.

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

MOTION

At 12:15 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 24, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 24, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Delvin, Fairley, Hatfield, Hewitt, Holmquist, Sheldon and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Nathan Joo and Kelly Lopez presented the Colors.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 2007

SB 5166 Prime Sponsor, Shin: Designating Korean-American day. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 22, 2007

SB 5291 Prime Sponsor, Murray: Clarifying what workers are excluded from prevailing wages on public works provisions. Revised for 1st Substitute: Addressing public workers excluded from prevailing wages on public works provisions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5291 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

January 22, 2007

SB 5330 Prime Sponsor, Poulsen: Modifying the provisions of the local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 23, 2007

SB 5401 Prime Sponsor, Rasmussen: Licensing Christmas tree growers. Reported by Committee on Agriculture & Rural Economic Development

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5551 by Senators Prentice, Kohl-Welles, Clements and Rasmussen

AN ACT Relating to enforcement of liquor and tobacco laws; amending RCW 82.26.105; adding a new section to chapter 66.08 RCW; and adding a new section to chapter 82.24 RCW.

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

SB 5552 by Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig

AN ACT Relating to discharges of oil; amending RCW 90.48.366, 90.48.368, and 90.56.330; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 5553 by Senators Spanel, Fraser, Rockefeller, Poulsen, Haugen, Regala, Tom, Kohl-Welles, Kline, Oemig and Keiser

AN ACT Relating to protecting all of Washington's waters by enhancing the state's oil spill program; amending RCW 82.23B.020, 90.56.500, 90.56.510, 79.100.100, 82.23B.010, 82.23B.030, and 82.23B.045; adding new sections to chapter 82.23B RCW; adding new sections to chapter 90.56 RCW; creating a new section; and repealing RCW 82.23B.040.

Referred to Committee on Water, Energy & Telecommunications.

SB 5554 by Senators McAuliffe, Clements and Kohl-Welles

AN ACT Relating to self-service storage facilities; and amending RCW 19.150.010, 19.150.040, 19.150.060, 19.150.070, 19.150.080, and 19.150.100.

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

SB 5555 by Senators Shin, Morton, Schoesler, Rasmussen, Kilmer, Delvin, Sheldon, Berkey, Jacobsen, Tom, Kohl-Welles, McAuliffe and Roach

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AN ACT Relating to the GET ready for math and science scholarship program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5556 by Senators Shin, McCaslin, Fairley, Kline and Swecker

AN ACT Relating to statewide nonpartisan offices; amending RCW 29A.24.181, 29A.24.191, 29A.36.121, 29A.36.171, 29A.52.111, and 29A.52.231; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5557 by Senators Hargrove, Prentice, Zarelli, Hatfield, Brandland, Brown, Poulsen, Pridemore and McAuliffe

AN ACT Relating to authorizing counties to impose additional sales and use taxes for construction or improvements for economic development facilities; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Management.

SB 5558 by Senators Prentice, Honeyford, Kohl-Welles, Delvin, Franklin, Pflug, Keiser, Marr, Fairley and Clements

AN ACT Relating to regulating house-banked social card games; amending RCW 9.46.295 and 9.46.070; adding new sections to chapter 9.46 RCW; and creating new sections.

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

SB 5559 by Senators Kohl-Welles, Murray and Keiser

AN ACT Relating to youth soccer referees; and amending RCW 26.28.060 and 51.12.020.

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

SB 5560 by Senators Schoesler, Zarelli, Regala and Prentice

AN ACT Relating to making changes of a technical nature to laws relating to taxes or tax programs, administered by the department of revenue; amending RCW 76.09.405, 82.04.250, 82.04.261, 82.04.294, 82.04.4281, 82.04.440, 82.04.4461, 82.04.4462, 82.04.530, 82.08.02745, 82.08.841, 82.12.0284, 82.12.841, 82.14B.020, 82.32.520, 82.32.545, 82.32.550, 82.32.555, 84.33.140, 84.34.108, 84.52.010, and 84.52.054; amending 2006 c 84 s 9 (uncodified); reenacting and amending RCW 82.04.050, 82.04.260, and 82.14B.030; reenacting RCW 82.32.600 and 82.32.600; creating a new section; repealing RCW 84.55.012 and 84.55.0121; repealing 2005 c 514 s 113, 2004 c 153 s 502, 2003 c 168 s 902, and 2002 c 67 s 18 (uncodified); repealing 2005 c 514 s 112 and 2003 c 168 s 503; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5561 by Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe

AN ACT Relating to allowing voter registration up to and on election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and amending RCW 29A.04.611; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on Government Operations & Elections.

SB 5562 by Senators Oemig, Kohl-Welles, Fairley and Brown

AN ACT Relating to procedures for the circumstance in which two or more candidates file for office and have the same or similar names; reenacting and amending RCW 29A.04.611; and adding a new section to chapter 29A.24 RCW.

Referred to Committee on Government Operations & Elections.

SB 5563 by Senators Hargrove, Stevens, Keiser, Rockefeller, Roach, Regala, Fairley, Shin, Swecker, Kauffman, Kilmer, McAuliffe, Kohl-Welles, Tom, Murray, Zarelli, Carrell, Franklin, Kastama, Delvin, Poulsen, Kline, Rasmussen, Oemig, Benton, Haugen and Spanel

AN ACT Relating to home visits by mental health professionals; adding new sections to chapter 71.05 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5564 by Senators Marr, Pflug, Keiser and Parlette

AN ACT Relating to providing the administrator with authority to administer grants on behalf of the health care authority; and amending RCW 41.05.021.

Referred to Committee on Health & Long-Term Care.

SB 5565 by Senators Keiser, Pflug, Zarelli, Prentice, Kohl-Welles, Parlette, McAuliffe, Rasmussen and Marr

AN ACT Relating to authorizing purchase of brand name drugs when cost-effective for all state purchased health care programs; and amending RCW 70.14.050.

Referred to Committee on Health & Long-Term Care.

SB 5566 by Senators Franklin and Kohl-Welles

AN ACT Relating to providing for privacy protection for certain voter registration information; and amending RCW 29A.08.710 and 29A.40.091.

Referred to Committee on Government Operations & Elections.

SB 5567 by Senators Swecker, Jacobsen, Poulsen and Stevens

AN ACT Relating to creating the salmon and watershed planning integration work group; creating a new section; and providing an expiration date.

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Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5568 by Senators Rasmussen, Clements, Shin, Schoesler, Jacobsen, Morton, Holmquist and Honeyford

AN ACT Relating to extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5569 by Senators Schoesler, Rasmussen, Hatfield, Shin, Morton and Sheldon

AN ACT Relating to providing relief to schools by creating a sales and use tax exemption for heating oil; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

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

SB 5570 by Senators Jacobsen, Kohl-Welles, Murray, Kline, Poulsen, Rasmussen, Keiser and Shin

AN ACT Relating to county property tax levies for school purposes; amending RCW 29A.36.210, 84.52.043, and 84.55.005; adding a new section to chapter 84.52 RCW; and creating a new section.

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

SB 5571 by Senator Jacobsen

AN ACT Relating to student athletes' bill of rights; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 5572 by Senators Murray and Weinstein

AN ACT Relating to excise tax relief for certain limited purpose public corporations, commissions, and authorities; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Government Operations & Elections.

SB 5573 by Senators Hatfield, Schoesler, Zarelli and Kastama

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.020, 82.62.030, and 82.62.045; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5574 by Senators Weinstein and Regala

AN ACT Relating to the printing and publishing business and occupation tax classification; amending RCW

82.04.250, 82.04.250, 82.04.270, 82.04.120, 82.04.240, 82.04.240, 82.04.460, 82.04.280, 82.04.280, 82.08.0253, 82.08.806, 82.08.820, 82.08.820, 82.12.020, and 35.102.150; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.050 and 34.05.328; adding new sections to chapter 82.04 RCW; repealing RCW 82.04.214; providing effective dates; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SB 5575 by Senators Hobbs, Schoesler, Zarelli and Kilmer

AN ACT Relating to an exemption from the business and occupation tax for the resale of natural or manufactured gas by consumers; and amending RCW 82.04.310.

Referred to Committee on Ways & Means.

SB 5576 by Senators Roach, Benton and Keiser

AN ACT Relating to prohibiting the condemnation of unblighted private property for private use; amending RCW 35.81.005, 35.81.080, and 35.81.090; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5577 by Senators Roach, Benton, Holmquist, Carrell, Stevens, Clements, Delvin and Schoesler

AN ACT Relating to protecting private property rights; adding a new chapter to Title 8 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5578 by Senators Keiser, Kastama, Franklin and Kohl-Welles

AN ACT Relating to health professions administrative penalties; amending RCW 18.130.040, 18.130.050, 18.130.140, 18.130.150, 18.130.165, 18.130.170, 18.130.172, 18.130.180, 9.96A.020, and 9.95.240; reenacting and amending RCW 18.130.160; adding new sections to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5579 by Senators Keiser, Kastama, Franklin and Kohl-Welles

AN ACT Relating to credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5580 by Senators Kohl-Welles, Keiser and Franklin

AN ACT Relating to requiring tanning facility businesses to

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post cancer warning signs; adding new sections to chapter 70.01 RCW; and creating a new section.

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

SB 5581 by Senators Kohl-Welles, McAuliffe, Shin, Tom, Berkey, Oemig, Clements, Keiser, Holmquist and Roach

AN ACT Relating to mathematics and science education; amending RCW 28A.230.090; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28A.655 RCW; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5582 by Senators Clements and Kohl-Welles

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.220.040, 18.220.130, 18.220.050, 18.165.170, 18.170.180, 18.235.005, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175, 18.85.343, 18.220.140, 18.220.150, 18.220.170, and 18.220.180.

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

SB 5583 by Senators Clements and Kohl-Welles

AN ACT Relating to boxing, mixed martial arts, and wrestling events; amending RCW 67.08.002, 67.08.007, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.110, 67.08.140, 67.08.160, 67.08.170, 67.08.180, and 67.08.200; reenacting and amending RCW 67.08.090 and 67.08.100; adding new sections to chapter 67.08 RCW; creating a new section; repealing RCW 67.08.010, 67.08.040, 67.08.130, 67.08.220, and 67.08.240; prescribing penalties; and providing an effective date.

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

SB 5584 by Senators Regala, McAuliffe and Keiser

AN ACT Relating to protecting children under the age of seven by creating the crime of homicide by abuse in the second degree; amending RCW 9A.32.055, 9A.32.060, 13.40.0357, 13.34.180, 43.43.830, and 9A.04.080; reenacting and amending RCW 9.94A.515, 9.94A.030, 9.94A.411, and 9.94A.712; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5585 by Senators Tom, Keiser, Weinstein, Oemig, Kohl-Welles, Marr, Fraser, Prentice and Franklin

AN ACT Relating to parent and child health services provided by the department of health; amending RCW 43.70.080 and 43.70.010; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5586 by Senators Murray, Poulsen, Rockefeller, Kline, Kilmer, Regala, Marr, Weinstein, Oemig, Hargrove, Keiser, Fairley, Tom, Kohl-Welles and McAuliffe

AN ACT Relating to providing for the means to encourage the use of cleaner energy thereby providing for healthier communities by reducing emissions; amending RCW 46.68.020, 53.08.040, 70.94.017, 19.112.010, 19.112.120, 82.04.4334, and 82.08.955; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 15.110 RCW; adding a new section to chapter 19.112 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 28B.30 RCW; creating new sections; prescribing penalties; and making appropriations.

Referred to Committee on Water, Energy & Telecommunications.

SB 5587 by Senators Honeyford and Roach

AN ACT Relating to the judicial conduct commission; and amending RCW 2.64.030, 2.64.060, 2.64.111, 2.64.115, and 2.64.120.

Referred to Committee on Judiciary.

SB 5588 by Senators Franklin, Roach, Brandland, Delvin, Parlette and Rasmussen

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 5589 by Senators Keiser, Schoesler, Kohl-Welles, Parlette, Rasmussen and Delvin

AN ACT Relating to law enforcement officer and firefighter retirement system plan 2 retiree medical; and amending RCW 41.05.011, 41.05.022, and 41.05.080.

Referred to Committee on Ways & Means.

SB 5590 by Senators Tom, Brandland, Franklin, Delvin, Parlette, Rasmussen, Keiser and Roach

AN ACT Relating to membership on the law enforcement officers' and firefighters' retirement system plan 2 board; amending RCW 41.26.715; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SB 5591 by Senators Roach, Oemig, Kauffman, Brandland, Parlette, Rasmussen, Delvin and Keiser

AN ACT Relating to transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.547; amending 2005 c 459 s 3 (uncodified); amending 2003 c 293 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Ways & Means.

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SB 5592 by Senators Berkey, Poulsen, Honeyford, Shin, Morton, Kilmer, Stevens, Pridemore, Haugen, Hatfield and Rasmussen

AN ACT Relating to the modernization of the regulation of telecommunications; amending RCW 80.24.010; adding a new section to chapter 80.04 RCW; adding a new section to chapter 80.08 RCW; adding a new section to chapter 80.12 RCW; adding a new section to chapter 80.16 RCW; adding a new section to chapter 80.20 RCW; adding a new section to chapter 80.36 RCW; and adding a new chapter to Title 80 RCW.

Referred to Committee on Water, Energy & Telecommunications.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5580 which was referred to the Committee on Labor, Commerce, Research & Development.

MOTION

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

MOTION

Senator McCaslin moved adoption of the following resolution:

SENATE RESOLUTION
8608

By Senator McCaslin

WHEREAS, Senator Alex Deccio served with distinction in public service for 30 years, 4 years as a Yakima county commissioner and 26 years in the Washington State Legislature representing the 14th legislative district; and

WHEREAS, Senator Deccio dedicated his service in the Senate to health care legislation as chair of the Health and Long-Term Care Committee; and

WHEREAS, Senator Deccio sponsored or cosponsored nursing home reform legislation that resulted in Washington state's nursing homes being ranked highest for safety and care in the United States; and

WHEREAS, Senator Deccio's legislation created adult family homes, and set safety and quality standards for assisted living facilities and retirement homes that have benefited countless people over the years; and

WHEREAS, Senator Deccio sponsored the landmark 1988 AIDS Omnibus Act, the first legislation in the nation to present a comprehensive approach to the treatment and prevention of HIV/AIDS; and

WHEREAS, Senator Deccio established the division of alcohol and drug abuse in the Department of Social and Health Services, which set up treatment programs around the state, removing people addicted to alcohol and drugs from our jails and getting them help and recovery; and

WHEREAS, Senator Deccio cosponsored the bill to require reserved parking for persons with disabilities, helping them better navigate in the world and making a huge difference in their daily lives; and

WHEREAS, Senator Deccio was a lifetime advocate for persons with developmental disabilities, cosponsoring a bill to

reform programs in order to give respite care to parents caring for their loved ones; and

WHEREAS, Senator Deccio cosponsored legislation creating a disciplinary commission for all health care providers who have been cited for misconduct, thus saving the innocent from harm; and

WHEREAS, Senator Deccio's work on nursing home legislation and with Medicare resulted in laws that now enable a person to get needed nursing home care without impoverishing their spouse; and

WHEREAS, Senator Deccio served a session as vice-president pro tem, presiding over the state Senate when the Lieutenant Governor was absent; and

WHEREAS, Senator Deccio has always championed the elderly, people with disabilities, and people who are unable to take care of themselves; and he has left a lasting legacy in health care;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize, congratulate, and pay tribute to Senator Alex Deccio for his lifetime of making a difference for all Washingtonians; and

BE IT FURTHER RESOLVED, That the members and staff of the Washington State Senate offer their best wishes for a happy and fulfilling retirement and our deepest gratitude to Senator Alex Deccio.

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "Thank you Mr. President. If the President would allow I could speak for an hour on Alex Deccio but he won't allow it and you don't want to hear me talk for an hour and I can't talk for an hour. I'm a short speaker, not only in stature but in speaking time. Probably the most important 'Whereas' in this; Whereas, Senator Deccio's work on nursing home legislation and Medicare resulted in laws that now enable a person to get to get needed nursing home care without impoverishing their spouse.' Alex Deccio was probably one of the hardest working Senators I've ever known. Did we get along? Absolutely not. We argued constantly, in fact when I'd see him in the morning I'd say, 'Am I mad at you or you mad at me?' because we couldn't keep track. We'd go to movies at night and the first thing he'd do was fall asleep. About half an hour or forty-five minutes later he'd wake up and I'll say 'Let's go' and your sticking it out Alex. You're sticking it out.' Actually, I called him 'Dec.' One of the interesting things about Alex Deccio, in 1981 when Sam Guess, Senator Sam Guess from the 6th District was President Pro Tempore, he could not pronounce Deccio. I would go to Sam, -he was an engineer and he should have been able to say, -I'd say, Listen to me Sam, say 'Dec.' He'd say 'D.' I'd say 'eccio.' I can't even do it now. Anyway, the point of my story is he would always call on Senator 'De-ccio' and we could never, never straighten Sam out on that but anyway he got recognized anyway. I said to him one day, 'Alex, -he was screaming at me, -I said, You've got to learn to control your temper.' He said, 'I don't have a temper, I'm Italian.' Of course some of you know me, you can see why he got mad at me but Alex was a worker and a schemer in getting things done. How things would show up in the capital budget or the operating budget with his name on it I will never know. He never taught me. I don't know how to do it and if you learned from him you learned an awful lot. I'm certainly going to miss him and I hope you miss him too because he was truly, truly one of the most dedicated senators I've ever met. You know he owned a gas station at one time. He was in World War II. He came out a Major which surprised me, I came out a Second Class Radio Operator. How he beat me out with all that money I don't know but he probably weaseled that some way. Anyway, Alex if you get a film of this, I miss you. I wish you the best in health and retirement. Alex has the most wonderful wife, Lucille, that has

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been with him for over sixty years. They have eight children. There's just not enough good things to say about him. So, all I can say is, end with saying. 'God Bless you Alex and God Bless you Lucille.'"

REMARKS BY SENATOR BRANDLAND

Senator Brandland: "I actually had the, I didn't know Alex really, really well but I worked with him on Health Care for four years. In private I called him a crotchety old bugger. I called him 'the old guy' to his face but the reality is, Senator McCaslin is exactly right. I mean I don't know where he's at in his eighties but I hope I am as with it as Alex is because he had such an institutional history in the health care business and for those of us that were kind of new to that committee, he really could tell us about all the things that happened in the past and he was right on the money. A hard working guy. Alex Deccio was a truly one of the hardest working Senators I think I've ever seen. He just never seemed to give up. I saw him struggle that year last that he was here was really a painful experience, I think for all of us, because I think we saw that Alex was slipping. It was a painful thing to kind of watch and I think that we kind of knew that this era was going to be coming to an end as far as his presence in this body. He certainly will be missed. He's a classy, classy guy."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you Mr. President, and ladies and gentlemen of the Senate. I certainly rise to support the resolution that's brought forth by the good Senator. Between Senator McCaslin and Senator Deccio, I knew if one spoke the other one would be speaking afterwards. It was really a pleasure to have served on the Health Care committee with the Senator. I said to him once, 'Senator, how did you happen to get your name all over everything in Yakima. Tell me how you did it.' He actually, I said, 'Then you are Mister Yakima.' For the past thirteen years we served together on the Health Care committee. Alex, you were so tenacious. I had the opportunity to see the action between you and the great Senator from the Twenty-Seventh District who preceded Senator Regala. As a new Senator on the committee and sitting there and seeing the action between the two, sometimes I would cringe. Two tenacious senators, senator you did a great job. You have left a legacy and I respect you for that. There were moments with your temperament but who does not have that and, of course, as you are now in retirement I don't think retirement is for the Senator at all. I am sure he will be working. He did a great job. I hope all goes well with you and your wife as you continue to do what you like to do best and I think to be involved in your community. Was a pleasure to be able to serve with the Senator."

REMARKS BY SENATOR PARLETTE

Senator Parlette: "Thank you Mr. President. I too rise in support of this resolution. I had the privilege to know about Senator Deccio from my predecessor, Senator George Sellar. He always told me about the three musketeers which were: Senator Deccio, Senator Sellar and Senator McCaslin. So, I heard these stories before I even knew Senator Deccio. Then I had the privilege to serve in the House of Representatives and be on the Health Care committee and Senator Deccio was over here. Well, I will never forget the first year we passed a major piece of legislation out of the House of Representatives on nursing home funding. Working closely with colleagues on both sides of the aisle and it passed one-hundred percent out of the House of Representatives. However, testifying in front of the Senate

Health Care committee with one of my colleagues, actually three from the House, it was obvious that we had done something wrong. Senator Deccio with his questions and his mannerisms obviously made us understand whatever we did it wasn't quite up to the standards that we were suppose to do. So, long story short, we later worked that out. Bottom line, I have learned so much from Senator Deccio. He had the ability to zero in on the bottom line at the beginning of a health care hearing. He also had the ability to get you totally off the subject and some how a bill would die and I think he planned that. So, Alex, we've all learned a lot and we miss you and we do wish you good health to you and Lucille. Thank you very much."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President. I too would like to support this resolution. Senator Deccio is one of the sweetest, nicest people I know and I'm sorry that the good Senator from the Fourth District. He really tops you. He served kind of a role model, but I remember when I came over to the Senate there was a Senator 'Slim' Rasmussen and he said, 'You be careful.' He said, 'You watch Senator McCaslin, Senator Deccio and Senator Sellar; and he said, 'You watch them because those are three really wonderful, powerful people that really care.' Senator Deccio and I became friends because well, we share a lot of the same things. We share a lot of the same faith and he's just a fine, good man and I want tell him 'thank you' for his service to the Senate and to his service to all the people to the State of Washington. He's a really a wonderful, sweet person and I love him dearly."

REMARKS BY SENATOR KEISER

Senator Keiser: "Mr. President, it gives me real pleasure to stand and speak in support of this resolution to honor my colleague and my dear friend, Senator Alex Deccio. You know, I'm still a newbie here in the Senate and when I joined the Senate Health and Long Term Care committee, Alex was the Chair and did my jaw drop. What an awesome chair. He had that committee in his control and he was passionate about the issues. He taught me so much. I learned the ropes at his right arm and it has been a real transition for that committee, the Health and Long Term Care committee in the Senate to not have the institutional memory and the experience of either Senator Pat Thibaudeau or Senator Alex Deccio this year. I often look back in fond remembrance and one of the things, in the twenty-eight years he worked in this body he achieved so much. Its sets forth such a standard for all of us to try and match. I'm not sure about the twenty-eight years but consider what, he was advocate for the developmentally disabled and made sure that they were treated the whole community with respect and fairness and consideration. He was passionate about the people of his own district and made sure that his district got the attention that it deserved. He was also one of the very first champions for school nurses and for funding for school nurses, a vital, vital part of our school system and of our health system. He shepherded the Omnibus Aids bill through the Legislature two decades ago. Two decades, we were a leader in the entire nation and it was because of his passion, his legislative acumen and his wonderful ability to work across the aisle that this happened. He was one of the fathers of the Basic Health Plan. He helped give birth to this fundamental program of health services for the citizens of our state. His accomplishments are just legion and I am in awe. Finally, I just have to say, one of the best things about Alex he reminded me of my dad. My dad was an insurance agent, my dad was a small business owner, my dad was a World War II

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Vet. Alex and my dad had a lot in common. I learned a lot from both of them. Thank you very much for this resolution.”

REMARKS BY SENATOR PRENTICE

Senator Prentice: “Thank you Mr. President. Just knowing Senator Deccio isn’t going to be back does bring a lot of heart ache. He and I worked together on the issue of farm worker housing and I’d been, I’m sure he considered meddling in his district. He said, ‘You people from Seattle just mind your own business; and I said ‘If you’d ever show any interest maybe I’d butt out! and he said ‘Well, I’m interested.’ I said ‘Good I’m butting out.’ He said, ‘Oh no you’re not’. From then on he and I worked farm worker housing. The way we looked at it was, if this is such a terrible problem why haven’t we solved it? We kept peeling away the layers, the barriers in the way. I would hope that we always work that way because we would understand and listen to the same thing. We didn’t attack it from different points of view. We wanted to solve the problem. I think we worked on it about five years and it took that long because it was a difficult problem but to work with somebody like that. He and I always said, ‘When you had a couple of hot-headed Latins working on something we were going to see that it got done,’ and eventually we did. It was one of the most important things I think the two of us did here. Certainly meant a lot to both of us. We learned how to work together and I’ll tell you, he was a hot-headed Latin, not nearly as calm as I am. Thanks.”

REMARKS BY SENATOR CLEMENTS

Senator Clements: “Thank you Mr. President and to the body. As you well know I probably have to try to fill shoes that I’ll never fill. Senator McCaslin, I want to thank you for this. An update, I talked to Alex on Saturday. He’s recovering from back surgery very well. There’s going to be a celebration in our community, Mr. President, on February 10. I’m going to go home. I also want you to know that I, not knowing all my friends on the other side of the aisle, I said, ‘Alex, you know, you always reached across the other side and I have no idea how a lot of these members how effective they are and what they do. So he ranked them for me. So if you don’t mind. The truth is he loved this whole body and mentored me from 1994. At times he was better to me than my own father. I like to tell stories and the one story where I really got to know Alex, he has the charm and the ability here to get things in the capital budget in three weeks. Then he’d march over to the House where my good seat, Mary Skinner and I served for twelve years and say, ‘Well, Jim, here’s what I got in the Senate, now just get this in the House.’ It was, the first year that I served, I didn’t know anything about capital budget. I didn’t know any way to run the trap line. So Mary and I were put in the spot. We were trying to get through the Chair of the capital budget. Trying to explain to him that the hotel-motel tax, the expansion of our conversion center was absolute necessity and some of you understand the dynamics of that issue. Well, we weren’t making any progress. Alex was outside the caucus room. We were going to take a major vote on this particular issue the capital budget and I didn’t quite know what to do but a Representative said that he knew very well that the Chair of that budget could be persuaded. I said, ‘What do we need to do?’ He said, ‘You have Representative Skinner go back into the caucus and start bawling her eyes out and you stand up and say, ‘Mr. Chairman, we just always eat our own.’ At the end of the day we got it and we’d walked out. And I learned one thing. Real brief you don’t, you never tease Alex Deccio. I walked out and Alex said, ‘How’d it go.’ I said, ‘Alex I lost the fish, I had it right up to the boat and it ran away.’ He went

straight in the air. The Italian temper, you what! I said ‘Alex I’m teasing you, we got it.’ Pats me on the cheek, ‘Good boy, took off, but for me a man that mentored me, a great man for the district that served, I don’t know how he served so long. Mr. President, it is a great privilege today to honor a man that I respect, a great Senator from the Fourteenth District and some of my constituents, this probably isn’t proper from a college where my kids went to school are here and I couldn’t be more pleased. I’ll end on this, I was suppose to have gifts for the whole body before I spoke. I have them and they’ll be distributed in the most proper way the next time. I want you to know, Senator Franklin, he specially told me how gracious and kind a Senator you were and I say this to make the other people insanely jealous.”

REMARKS BY SENATOR BROWN

Senator Brown: “Thank you Mr. President. I’ll try to do this very briefly but very supportive of this resolution. I’ve just got to say, I will miss the comradery of Senator Deccio and Senator McCaslin and the humor that they brought to the floor. I’d also like to add that the good lady, Senator Franklin, called him ‘tenacious’ but Alex you’re stubborn. That means when you’re on the same side you love and when you’re on the other side, it’s frustrating. You will be very missed by the Senate.”

REMARKS BY SENATOR HONEYFORD

Senator Honeyford: “Thank you Mr. President. I too rise in support of this resolution. Alex and I shared the same district or boundaries for twelve years and no, ten years I guess, ya twelve, and we shared a lot of common causes and so that’s when I really got to know him. I think that he serves as a great example for us, his thoughtfulness, his determination and pursuing the legislation that was good for his district and for the state. The other thing that I really appreciated about him was that when he gave me his word I could take that to the bank and I knew that there wasn’t any change in Alex. He was a very loyal man and so I really appreciate that. I am going to miss him, I feel very honored that I count him as a friend. So Alex, God Bless you and your retirement and you and Lucille have a great time.”

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8608.

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

MOTION

On motion of Senator McCaslin the remarks on Senate Resolution No. 8608 were spread upon the Journal.

REMARKS BY THE PRESIDENT

President Owen: “The President would like to acknowledge a very important date today. It is the birthday of Senator Honeyford. Happy Birthday Senator Honeyford.”

MOTION

At 10:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of Joint Session in the House of Representatives.

JOINT SESSION

The Speaker (Representative Lovick presiding): "It is our privilege to host the Medal of Valor and Medal of Merit ceremonies. We welcome you, President Owen, our colleagues from the Senate and all other guests who are with us today. It is

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now my pleasure to call upon President of the Senate Brad Owen to preside over the Joint Session."

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Statewide Elected Officials and Supreme Court Justices to the House Chamber: Representatives Ahern, Linville, McCoy and Walsh, Senators Fraser, Hobbs, Parlette and Schoesler.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire the Joint Session was assembled and escort her to the House Chamber: Representatives Green and Ross, Senators Franklin and Pflug.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Medal of Valor to the House Chamber: Representatives Ericks and Pearson, and Senators Roach and Stevens.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed a special committee to escort the Medal of Honor to the House Chamber: Representatives Alexander and Roberts, and Senators Kauffman and McAuliffe.

The Statewide Elected Officials arrived and were escorted to the Rostrum. The President introduced Secretary of State Sam Reed; Attorney General Rob McKenna; Insurance Commissioner Mike Kriedler; and Commissioner of Public Lands Doug Sutherland.

The Supreme Court Justices arrived and were escorted to the Rostrum. The President introduced Chief Justice Gerry Alexander, Justice Charles W. Johnson; Justice Barbara A. Madsen; Justice Richard B. Sanders; Justice Bobbe Bridge; Justice Susan Owens; Justice Mary Fairhurst; and Justice Jim Johnson. Chief Justice Alexander was escorted to the Rostrum.

Her Excellency Governor Christine Gregoire and Mike Gregoire arrived and were escorted to the Rostrum.

The Medal of Valor honorees arrived and were escorted to the Rostrum. The President introduced Timothy Bourasaw, Rick Bowers, Edward D. Marsette and Alana Schutt.

The Medal of Merit honorees arrived and were escorted to the Rostrum. The President introduced Dr. Bonnie J. Dunbar, Mr. Dale Chihuly, Dr. Linda Horowicz (on behalf of Dr. Linda Buck) and Daniel J. Evans.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the Consul General of Azerbaijan, Mr. Elin Suleymanov, his wife Lala Abdurahimova and Consul Elman Abdullayev. In November 2005, Consul General Suleymanov was appointed as Azerbaijan's first consul general to Los Angeles. Washington falls under his jurisdiction.

The Flags were escorted to the Rostrum by the Washington State Patrol Honor Guard. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Representative Maureen Walsh. The prayer was offered by Sergeant Charles LeBlanc, Washington State Patrol.

REMARKS BY THE PRESIDENT

President Owen: "The purpose of the joint session is to present Medal of Valor and Medal of Merit awards, honoring eight deserving citizens. It is now my pleasure to present Governor Christine Gregoire."

REMARKS BY GOVERNOR GREGOIRE

Governor Gregoire: "Thank you, Mr. President, Mr. Speaker, Secretary Reed and Chief Justice Alexander, members of our Washington State Legislature, ladies and gentlemen. We gather today to honor several of our fellow Washingtonians who have made great contributions to not only the State of Washington but to our Nation as well.

Our awardees of the Medal of Valor have shown tremendous bravery of moments of grave danger. In a time when many people feel isolated within their communities, when some would feel it was just easier to look the other way, these individuals looked directly into the face of danger. They saw strangers facing great harm and they were willing to put their lives at risk – the ultimate act of selflessness.

Our awardees of the Medal of Merit have made very valuable contributions to our State and to our Nation scientific, cultural and political landscapes. They have pursued careers that not only captured their hearts and their minds, but they have yielded tremendous benefits to our State and to the country. They have been trailblazers in their fields and they have been fine examples of the entrepreneurial spirit that is essential as a part of our State's cultural.

So, Mike and I want to congratulate each of the individuals here. To offer them a heartfelt thank you on behalf of all of the citizens of our State – for their bravery and for their service to others. You have shown us true heroism. You have shown us what real public service is all about. You have made our State very proud. We are proud of you but more importantly everyone in our State – every one of the six and half million people are very proud of you and are very proud to call you a fellow Washingtonian.

I am deeply honored today to present these medals to such deserving Washingtonians. They are true examples of the Washington way – going above and beyond to serve and help our neighbors and our fellow citizens.

Congratulations to each of you!"

REMARKS BY SECRETARY OF STATE

Secretary of State Sam Reed: "It is indeed an honor and privilege that the Legislature has placed the Medals of Merit and Valor programs into the Office of Secretary of State. I am grateful to all of you attending today, and to the families and friends of the recipients.

The medals are awarded by a committee consisting of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chief Justice of the Washington State Supreme Court. The Speaker Pro Tempore represented the Speaker and did an outstanding job. I want to thank the four of them because they took very strong personal interest in this and helped make this happen.

Along with choosing the recipients, the committee also chose the design and layout of both medals and the accompanying certificates. Both the Medal of Valor and the Medal of Merit were produced and designed by the Washington State-based Territorial Mint in Auburn using guidelines laid out in the Revised Code of Washington. They are of the highest quality and are a testament to the professionalism and attention, the detail of the people who made them.

The Medal of Valor is pure silver and displays the seal of the state of Washington, surrounded by a raised laurel wreath and suspended from a silver bar device inscribed "For Valor". The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally valorous service, given in the act of saving the life of another."

The Medal of Merit is solid bronze displaying the seal of

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the state of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally meritorious conduct in performing outstanding services to the people and state of Washington."

The certificate accompanying the medals were signed by each committee member representing three branches of our government: Executive, Judicial and Legislative. It is my honor as the Keeper of the State Seal to affix the Seal of the State of Washington along with my signature to each of the certificates. Life the medals, each certificate bears the name of the recipient and why they have been awarded this prestige honor.

I thank all of those who made this auspicious occasion possible. The staff of the Secretary of State's Office particularly Laurel Juergens and Patrick McDonald; the Legislative staff particularly Patty Moore and to get the staff of the House and Senate to cooperate – I really appreciate the efforts that were made. And a special thanks to all of those who had a hand in making the event a success from the Washington State Patrol and the State Capitol Tours Office.

I especially want to thank and congratulate each recipient being nominated and chosen for this honor.

Finally I thank their family and their friends who traveled to Olympia to be here today for their support and consideration.

Thank you very much."

MEDAL OF VALOR

Mr. President: "The Medal of Valor is awarded to any person who has saved, or attempted to save, the life of another at the risk of serious injury or death to himself or herself."

ALANA SCHUTT

Speaker Pro Tempore Lovick: "On a sunny day in May, Alana Schutt looked out the window of her Lynnwood home and saw three men in trouble on a sinking paddleboat on Martha Lake. She jumped into action before emergency services arrived, launching her family's paddleboat and making her way to the fishermen. One man who couldn't swim was on top of the boat. The other men were in the water. Schutt pulled two men aboard her paddleboat. While encouraging the third man to swim with her, she push the boat to shore. The quick action of the 22 year old Schutt is credited with saving the lives of the three men."

The Governor presented Ms. Schutt with the Medal of Valor and certificate.

Alana Schutt: "Thank you. I am honored to receive this medal on behalf of all the other Washingtonians who have saved the lives of others.

Today I want to share with you the story of a man I met at the Snohomish County Chapter of the American Red Cross's "real heroes" breakfast in December. During a routine at work on November 6, 2006, John Hickman of Granite Falls received a call from his wife regarding the rising flood waters near their home. John responded immediately by driving home to help out his friends and neighbors. By the time he arrived home, many people were wading through water up to five feet deep trying to get to dry land. John began driving his big red dump truck through the water picking up people who were stranded. On his first trip, he picked up 47 people. As the water continued to rise, John made a second and a third trip. On the third trip, the water had risen above the truck's wheels and had reached the gas tank. The truck stalled completely. At that point a search and rescue team had to pick up John and the others who were stranded. In all John rescued somewhere between seventy and ninety people.

My reason for sharing John's story with you today is that the most important thing to make is the decision to react in a crisis situation. John's decision to take action in his big red truck

saved the lives of many. If I hadn't have made the decision to help the men whose boat was sinking, a man would have drowned. John and I are just two ordinary people who have made the most important decision.

I want to thank Battalion Chief Gary Kestle, Sheriff Rick Bart, Representative John Lovick and Representative Hans Dunshee for nominating me for this award. I would also like to thank the Medal of Valor committee, Governor Christine Gregoire, Lieutenant Governor Brad Owen, Speaker of the House Frank Chopp, and Supreme Court Chief Justice Gerry Alexander for presenting me with this award. In addition, I would like to thank my parents who raised me to be responsible and sensible, and my family and friends who support me and mean so much to me.

I leave you today with one last thought. When you least expect it, you may be caught in the middle of a crisis situation. I urge you to make the right decision, the decision to take action. People's lives are at stake and every second counts.

Thank you."

TIMOTHY BOURASAW & RICK BOWERS

Chief Justice Alexander: "Timothy Bourasaw ran from his house when he heard the sound of a head-on collision involving a van and a sports utility vehicle on State Route 530 near Arlington. Both vehicles were in flames. Bourasaw and another volunteer arrived at the scene in February before the emergency services did, and pulled one of the drivers from his vehicle and rolling the man in the grass to put out the flames. Bourasaw played a critical role in saving the lives of Tony Scappini and Marchello Galvez.

Rick Bowers was the other Good Samaritan who joined Timothy Bourasaw in aiding the victims of a head-on collision and care fire in February on State Route 530 near Arlington. Bowers was driving on SR 530 and stopped to render aid before fire and emergency services arrived. Bowers helped pull one of the drivers from his vehicle, the driver's hair and clothing burning, and cut a seat belt to free an unconscious passenger from a car that was quickly engulfed in flames seconds later. His quick action is credited with saving the lives of Tony Scappini and Marchello Galvez."

The Governor presented Mr. Bourasaw and Mr. Bowers with the Medal of Valor and certificate.

Mr. Bourasaw: "All I can say is thank you. I'm not much on speeches. It is deeply appreciated and it is quite an honor. Thank you."

Mr. Bowers: "I want to thank you for having me here. I am really honored to be here. I want to accept this medal in honor of the Lord, Jesus Christ my Savior for having me there at that time to save these individuals. Also, there was a half dozen other civilians that helped us out. Once we got the victims out of the vehicle, there was a nurse who helped one of the individuals who was having seizures. There were other people who were comforting everyone.

I want to thank the Washington State Patrol, the Arlington Police Department and the Arlington Fire Department. I want them to be involved also. Thank you."

EDWARD D. MARSETTE

Mr. President: "On March 15, the first day of his spring break from the University of Washington, Edward D. Marsette was awakened at 1 a.m. by the sound of a car crash outside his home on the Muckleshoot reservation near Auburn. Wearing only his night clothes, Marsette rushed down an embankment to the automobile, which had flipped over, smashed into a utility pole and burst into flames. He pulled four of the six people in the vehicle to safety. Marsette ignored his own burn injuries in the effort to save the 18 year old driver and three 15 year old passengers. When medical personnel arrived on the scene,

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Marsette asked them to treat the crash victims before his own burn wounds. Although Marsette could not save two of the victims in the car, the lives of the four that Marsette pulled to safety are credited to his quick thinking and bravery."

The Governor presented Mr. Marsette with the Medal of Valor and certificate.

Edward Marsette: "Thank you very much on behalf of my family and all my relatives that stand beside us. This has been a very trying year. For me to get over something like this has been a tough chore but I'm dealing with it. And on behalf of all these great honors, it is really astounding that people go out of their way and do things like this and receive awards and get recognition. There are other people out there like our service men. I would really like to recognize those men and women that are overseas and have to put their lives on the line each and every day. Just doing one thing like this, it's just one day that I've done, and they have to count many days over there. I have had several relatives who have spent years in the service – there are not very happy stories when they come back.

On behalf of this great honor, I would like to thank everyone of you once again, the House and Senate and the Governor Gregoire. I would also like to thank Senator Pam Roach, Representative Dan Roach and Peter B. Lewis for giving me this nomination and serving this Medal of Valor.

Thank you for much folks."

Mr. President: "Thank you all for your courage and for your example. We are proud to honor you today."

MEDAL OF MERIT

Mr. President: "The Medal of Merit is to honor those who have been distinguished by exceptionally meritorious conduct in performing outstanding service to the people and State of Washington."

DR. LINDA B. BUCK

Mr. President: "Nobel Prize Laureate and Seattle native, Dr. Linda Buck began her love for the sciences at the University of Washington, studying psychology. She postponed her graduation in the field, however, to study immunology, and graduated in 1975 with degrees in both psychology and immunology.

Dr. Buck has been studying the olfactory system – the neural system that relays signals to the brain, triggering the brain to identify, discriminate between thousands of odors, perceive and remember the smell. Buck's work earned her the 2004 Nobel Prize in Medicine. Her work is foundational to the understanding of relaying sensory signals from the receptor to the central nervous system.

After 11 years teaching at Harvard Medical School, Dr. Buck joined the research team at Fred Hutchinson Cancer Research Center in Seattle in 2002. She is also an affiliate professor at the University of Washington and an associate at the Neurosciences Research Program at the Neurosciences Institute.

In addition to her Nobel Prize, Buck has also been commended by more than twenty-one professional organizations, including the National Academy of Sciences, Washington University School of Medicine, the University of Washington, Johns Hopkins University, and the University of Texas Southwestern Medical Center."

The Governor presented Dr. Horowicz, on behalf of Dr. Buck, with the Medal of Merit and certificate.

Dr. Linda Horowicz (on behalf of Dr. Linda Buck): "It is my honor to be here today representing Dr. Linda Buck. I've had the pleasure to conduct research with her for a number of years. As you know, her travel schedule prevents her from accepting

this personally and on her behalf I would like to thank you for the State's Medal of Merit.

Dr. Buck has prepared a few words and I would like to now share them with all of you.

Good morning. First of all, I want to apologize for being unable to be with you today. I thank my colleague Dr. Lisa Horowicz for accepting this honor on my behalf and I thank all of you for extending this remarkable award to me. I am humbled to be recognized by the State of Washington and to stand in the company of Dale Chihuly, Dan Evans and Bonnie Dunbar.

In 2002, I returned to my home state of Washington from Harvard to conduct my research at Fred Hutchinson Cancer Research Center. I love doing science and feel very fortunate to be able to conduct my research at the Hutchinson Center in Washington State - both entities that understand the importance of biomedical research and that work to support and promote its future. Through my research I was able to identify a family of genes that are central to the olfactory system – a complex network that governs our sense of smell. The genes are blueprints for a family of odor receptor proteins in the nose. These proteins work in different combinations so that the brain can identify a nearly infinite array of odors much like the letters of the alphabet are combined to form different words.

Each odor sensing cell in the nose possesses only one type of odor receptor and each receptor can detect a limited number of odor substances. Using this knowledge, we have determined how the identities of different odors are perceived by the brain to allow us to sense distinct odors. We have been able to uncover sensory maps in parts of the brain known as the olfactory bulb and the olfactory cortex that are virtually identical in all individuals; providing an explanation for similarities and odor perception in different individuals. This work has also shed light on way chemicals with similar structures have different smells and why mixing chemicals together can create novel odor perceptions.

The Hutchinson Center is a very unusual place to conduct scientific research. There is a desire and a devotion to doing excellent science and a commitment to understanding basic biology. It is from the fundamental mechanisms of how life works that we make the greatest advances in treating disease. However, we can't work in isolation. All of us at the Hutchinson Center benefit from the fact that our State recognizes the importance of biomedical research and undertakes efforts to promote and strengthen our endeavors.

Thank you again for the State's Medal of Merit. I appreciate the personal recognition but also that in recognizing me, that other scientists know that Washington values biomedical research and the contributions it makes to our world."

DALE CHIHULY

Speaker Pro Tempore: "Lauded for revolutionizing the studio glass movement in the 1970s, Dale Chihuly's glass art is internationally renowned. His artistic inspiration continues to come from the Pacific Northwest, notably the natural surroundings of his hometown, Tacoma, Washington.

A student of interior and architectural design at the University of Washington, Chihuly left Washington to pursue graduate study at the University of Wisconsin's hot glass program, the first of its kind in the United States. He went on to study in the ceramics program at the Rhode Island School of Design where he later established its well-known glass art program. Returning to his roots in 1983, Chihuly came back to the Northwest and began the Pilchuck Glass School in Stanwood, Washington, now the premier international school for glass artists.

In 1984, he was awarded the Visual Arts Award from the American Council for the Arts and received the first three Governor Arts Awards. Three years later, in 1987, Chihuly finished Puget Sound forms for the Seattle Aquarium, and donated a permanent exhibit collection at the Tacoma Art Museum in memory of his father and brother. Because

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Chihuly's inspiration comes from the Northwest, he is committed to promoting the arts in this area.

In 1993, the University of Washington awarded him the institution's most prestigious honor, Alumnus Summa Laude Dignatus. That same year, Chihuly partnered with the Tacoma Public School District to create an arts program for at-risk youths, a program he still continues to support and mentor today."

The Governor presented Mr. Chihuly with the Medal of Merit and certificate.

Dale Chihuly: "Thank you for this honor."

DR. BONNIE DUNBAR

Chief Justice Alexander: "A Washington native and graduate of the University of Washington, astronaut Dr. Bonnie Dunbar pursued a career in engineering and science during a time when women in the field were few and far between. Dunbar has worked for over 30 years in the aerospace industry. During her undergraduate studies at the University of Washington, Dr. Dunbar helped develop ceramic tiles used to coat space shuttles, equipping the shuttle for re-entry into the atmosphere. From there, her illustrious career in the aerospace industry flourished.

Dr. Dunbar has flown in five space flights, logging more than 50 days in space. She also has thirty years as a licensed private pilot, flying more than 1,000 hours in NASA's T-38 jets. In addition to her flight time, Dr. Dunbar has served as an adjunct professor at the University of Houston. She is also an accomplished and inspirational public speaker.

Currently, Dr. Dunbar is the president and CEO of the Museum of Flight in Seattle, where she is developing youth education programs to inspire youth to enter the science industry. Dunbar uses her own experience and determination as an example for youth. Prior to her appointment at the Museum of Flight in 2005, Dunbar served as the Assistant Director for University Research and Affairs at the Johnson Space center.

Dunbar has been commended by several professional agencies including NASA, the Museum of Flight, the University of Washington, American Ceramic Society, and the National Academy of Engineers."

The Governor presented Dr. Dunbar with the Medal of Merit and certificate.

Dr. Bonnie J. Dunbar: "I am deeply honored and deeply humbled by this recognition. I am standing up here with an invisible team around me starting from a grandfather who immigrated from Scotland and believed anything was attainable by coming to this country. Continuing with two parents who after World War II homesteaded in Washington State in the Yakima Valley and impressed upon me as the oldest of four kids that anything was attainable if you are willing to work for it and study hard. I'm grateful to my first principal, Mr. Stan Snow, for Mr. Eidd, for Sally Sarise, Mr. Jacobsen, my trig teacher, for Mr. Anderson, physics and chemistry teacher, for Doc Muller, my first professor at the University of Washington and a host of other people who enabled this to happen.

I've had a wonderful career in aerospace and research and I'm delighted to be back in the State of Washington and be back home for the next chapter. That chapter is something else my parents instilled in me – at some point in your life it is important to give back. And so at the Museum of Flight we are investing in our youth through our education programs and hopefully will produce a few more engineers and scientists, and promote our Washington Aerospace Scholars Program across the State.

For this, I thank you, Governor, Lieutenant Governor, Mr. Speaker, legislators and the wonderful people who have been award the Medal of Valor and my colleagues here for the Medal of Merit. Thank you very much."

DANIEL J. EVANS

Mr. President: "A graduate of University of Washington, former Governor and U.S. Senator Daniel J. Evans is a long-time public servant. Evans is recognized as one of the most distinguished leaders in the history of Washington State, and a study at the University of Michigan named him one of the ten most outstanding governors of the 20th century.

His public leadership began as a State Representative in 1956, and after serving eight years in the State House of Representatives, Evans was elected governor in 1964. The youngest governor in the history of Washington State, Evans focused on higher education. His leadership led to the creation of the community college system and The Evergreen State College.

Evans also charted new waters during a special session on environmental issues, when he led Washington State to create the nation's first Department of Ecology. Along with this, Evans broke new legislative frontiers, passing the Washington State Environmental Policy Act in 1971, the first framework enabling state government to address how the environment is impacted by decision making.

Serving three terms as governor, Evans declined to run for a fourth term and became President of the Evergreen State College in 1977, where he provided critical leadership for the institution's "alternative curriculum."

Evans was appointed to the U.S. Senate when Henry "Scoop" Jackson died in 1983, and won a special election to serve the remainder of Senator Jackson's term. Evans retired from politics in 1989, and returned to the Northwest.

Following Evans' distinguished political career, he created his own consulting firm, Daniel J. Evans Associates. He served from 1993 to 2005 on the University of Washington's Board of Regents, acting as Vice-President (1995-1996) and President (1996-1997).

Evans has been active on several corporate and civic boards, including COSTCO, Initiative for Global Development and the Nature Conservancy."

The Governor presented the Honorable Daniel J. Evans with the Medal of Merit and certificate.

Daniel J. Evans: "What an honor it is to be on this platform with the winners of the Medal of Valor and my colleagues, the Medal of Merit. I might note in passing that all four of the Medal of Merit winners are University of Washington Huskies.

First let me introduce my family, the former First Lady of the State of Washington, my first lady always, my wife, Nancy Evans. My brother Roger Evans, who has been a bulwork of strength during my campaigns and my time in office. My son, Dan who was four and a half when we moved into the Mansion and my three grandchildren, Eloise, Isobelle and Jackson.

Fifty years ago this month, I stood in this Chamber way back in that corner, and took the oath of office for my first term as a member of this House of Representatives. It was a great thrill and my time here was interesting, provocative and rewarding. I remember with greater clarity many of the things that happened in this Chamber their in my other responsibilities in politics. It was an interesting time. Half a dozen of my colleagues were born before Washington reached statehood. It was that long ago. Spittoons still stood by each of the desks in this Chamber and some of them were still used. We had no staff. Our office was our desk here in the Chambers. Pay was \$100 a month. We met every other year. And the high tech method of communications – the urgent method – from citizen to their legislator was by telegram. Through that system, a modern Washington was built.

There were great times. I remember some of the incidents with great clarity particularly one time when we then in the minority, were harassing the majority – that's what the minority is supposed to do – and the majority was trying to carry on a bill for the Governor. They weren't very happy about pushing it but were inclined to do it. We were debating this bill with great energy. Finally Speaker O'Brien slammed his gavel down and said "It is time we kept the debate on this bill on a high plain." I

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jumped up from that seat right down there where the Gentleman from the 20th District sits now and said, "Mr. Speaker, how can we conduct the bill such a high plain when it is such a low bill?"

With that John O'Brien slammed his gavel down, the head came off the gavel and spun clear down into the audience almost at my feet. As you might guess, that broke the tension and as he walked off the podium, there was that rye little smile on his face. He showed who was still boss.

It is interesting that that legislature, meeting every other year with little in the way of support and staff, really did build modern Washington. The Washington we all enjoy today. I guess the only real message of importance I want to leave with all of you, my former colleagues, is that you too will build not just a Washington for today. The budget you pass and the bills you pass, won't affect us just this year but you are building the Washington that we will enjoy a generation for now. I hope you keep that in mind because you have a great responsibility not just for us and our generation but for our children's and certainly for my own grandchildren and your grandchildren's generation.

It is a great privilege for me to stand in front of you one more time. I was tempted originally to give another keynote State of the State address but I decided to leave that to Governor Gregoire.

Thank you."

Mr. President: "The State of Washington is truly blessed by its people and exceptionally so by the ones we have had an opportunity to recognize here today. We truly appreciate what you have done for the State of Washington.

It is my pleasure to invite everyone to the state reception room after session to greet the honorees and their guests."

The Sergeant at Arms escorted the Medal of Valor and Medal of Honor recipients from the Chambers.

The Sergeant at Arms escorted the Governor and Mr. Gregoire from the Chambers.

The Sergeant at Arms escorted the Statewide Elected Officials from the Chambers.

The Sergeant at Arms escorted Chief Justice Gerry Alexander and the Supreme Court Justices from the Chambers.

MOTION

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

The Senate was called to order at 11:59 p.m. by President Owen.

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, January 25, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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EIGHTEENTH DAY

Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

NOON SESSION

Senate Chamber, Olympia, Thursday, January 25, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 2007

SB 5058 Prime Sponsor, Marr: Establishing the eastern Washington state veterans' cemetery. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 23, 2007

SB 5123 Prime Sponsor, Hobbs: Protecting persons with veteran or military status from discrimination. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5123 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 23, 2007

SB 5193 Prime Sponsor, Brandland: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, McCaslin, Roach and Weinstein

Passed to Committee on Rules for second reading.

January 24, 2007

SB 5242 Prime Sponsor, Hobbs: Establishing an internship program for wounded combat veterans. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide,

Passed to Committee on Rules for second reading.

January 23, 2007

SB 5253 Prime Sponsor, Kilmer: Creating a list of and decal for veteran-owned businesses. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 24, 2007

SB 5280 Prime Sponsor, Jacobsen: Providing postsecondary education grants for national guard and military families. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5280 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 23, 2007

SGA 9091 ALLYSON BROOKS, appointed July 25, 2006, for the term ending at the governor's pleasure, as a Director of the Dept. of Archaeology & Historic Preservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 17, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

JEAN-LUC DEVIS, appointed September 25, 2006, for the term ending at the governor's pleasure, as a Director of the Department of Printing.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

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Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5593 by Senators Fairley, Benton, Haugen, Schoesler, Sheldon, Kline, Swecker, Roach and Rasmussen

AN ACT Relating to the state board for volunteer firefighters and reserve officers; and amending RCW 41.24.250.

Referred to Committee on Government Operations & Elections.

SB 5594 by Senators Kastama, Pridemore and Berkey

AN ACT Relating to petition method of annexation; amending RCW 35A.01.040 and 35.13.130; and repealing RCW 35.13.171, 35.13.172, 35.13.173, and 35.13.174.

Referred to Committee on Government Operations & Elections.

SB 5595 by Senators Holmquist, Hatfield, Honeyford, Shin, Rasmussen, Schoesler, Morton, Roach and Parlette

AN ACT Relating to the excise taxation of persons engaged in farming and farming services; amending RCW 82.04.330; adding a new section to chapter 82.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5596 by Senators Franklin, Benton, Kline, Poulsen, Keiser and Roach

AN ACT Relating to discrimination against chiropractors; adding a new section to chapter 48.43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5597 by Senators Franklin, Benton, Zarelli, Kauffman, Kline, Carrell, Poulsen, Keiser, Kohl-Welles, Delvin and Roach

AN ACT Relating to contracts with chiropractors; adding a new section to chapter 48.43 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5598 by Senators Oemig, Prentice, Fairley, Kohl-Welles, Regala, Kastama, Rasmussen and Shin

AN ACT Relating to facilitating the statewide initiative and referendum processes under Article II, section 1 of the state Constitution; amending RCW 29A.32.070, 29A.72.250, and 29A.72.260; adding a new chapter to Title 29A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5599 by Senators Schoesler, Poulsen and Morton

AN ACT Relating to distributions of tax proceeds from thermal electric generating facilities; and amending RCW 54.28.010 and 54.28.055.

Referred to Committee on Water, Energy & Telecommunications.

SB 5600 by Senators Delvin, Berkey, Stevens, Benton, Swecker, Kastama, Sheldon, Kilmer, Roach and Rasmussen

AN ACT Relating to sales tax exemptions and remittances for nonresidents; and amending RCW 82.08.0273.

Referred to Committee on Ways & Means.

SB 5601 by Senators Oemig, Kline, Roach, Swecker, Rockefeller, Berkey, Kohl-Welles and Parlette

AN ACT Relating to primary election voters' pamphlets; and amending RCW 29A.32.010 and 29A.32.036.

Referred to Committee on Government Operations & Elections.

SB 5602 by Senators Roach, Kline and Swecker

AN ACT Relating to presidential primary ballots; and amending RCW 29A.56.040.

Referred to Committee on Government Operations & Elections.

SB 5603 by Senators Roach, Fairley and Swecker

AN ACT Relating to updating public records provisions; amending RCW 36.22.175, 42.17.020, 10.97.140, 42.56.240, 42.56.320, and 43.07.380; adding new sections to chapter 40.14 RCW; creating a new section; and repealing RCW 40.14.010, 40.14.020, 40.14.022, 40.14.024, 40.14.025, 40.14.027, 40.14.030, 40.14.040, 40.14.050, 40.14.060, 40.14.070, 40.14.080, 40.14.100, 40.14.110, 40.14.120, 40.14.130, 40.14.140, 40.14.150, 40.14.160, 40.14.170, and 40.14.180.

Referred to Committee on Government Operations & Elections.

SB 5604 by Senators Roach, Oemig, Hatfield and Swecker

AN ACT Relating to candidates for elective office; amending RCW 29A.20.111, 29A.20.121, 29A.20.151, 29A.20.171, 29A.20.181, 29A.20.191, 29A.20.201, 29A.24.031, 29A.24.070, 29A.24.091, 29A.24.131, 29A.24.320, 29A.28.041, 29A.32.031, 29A.36.121, 29A.36.191, 29A.40.061, 29A.52.321, 29A.56.320, 29A.80.051, and 35.02.086; adding new sections to chapter 29A.24 RCW; recodifying RCW 29A.28.011 and

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29A.28.021; and repealing RCW 29A.20.131, 29A.20.141, and 29A.20.161.

Referred to Committee on Government Operations & Elections.

SB 5605 by Senators Keiser, Parlette, Swecker, Franklin and Kohl-Welles

AN ACT Relating to insurance coverage of pharmacy services; adding new sections to chapter 48.43 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5606 by Senators Kastama, Roach, Keiser, Swecker, Fairley, Stevens and Rasmussen

AN ACT Relating to improving the cardiac delivery system in the state of Washington by creating a new statutory certificate of need category for adult nonemergent interventional cardiology for hospitals without on-site open heart surgery programs; adding new sections to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5607 by Senator Pridemore

AN ACT Relating to exempting historical property owned by the United States government from leasehold excise taxation; and reenacting and amending RCW 82.29A.130.

Referred to Committee on Ways & Means.

SB 5608 by Senators Berkey, Holmquist, Schoesler, Roach, Rasmussen, Hatfield, McCaslin and Jacobsen

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

SB 5609 by Senators Murray, Kohl-Welles, Clements and Shin

AN ACT Relating to health care eligibility for part-time academic employees of community and technical colleges; amending RCW 41.05.053; and amending 2006 c 308 s 1 (uncodified).

Referred to Committee on Higher Education.

SB 5610 by Senators Pridemore, Honeyford, Rockefeller, Schoesler, Murray, Brandland, Hatfield, Parlette and Shin

AN ACT Relating to sales and use tax exemptions for amenities purchased by lodging businesses for use by lodging guests; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 5611 by Senators Jacobsen, Kohl-Welles, Pflug, Clements and Rasmussen

AN ACT Relating to a location endorsement to certain licenses for microbreweries and domestic breweries; amending RCW 66.24.244 and 66.24.240; reenacting and amending RCW 66.24.244 and 66.24.240; providing an effective date; and providing an expiration date.

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

SB 5612 by Senators Kilmer, Kastama, Kauffman, Sheldon, Shin, Delvin, Brown, Roach and Rasmussen

AN ACT Relating to establishing a statewide online business training and entrepreneurial curriculum; and adding a new section to chapter 43.330 RCW; and making an appropriation.

Referred to Committee on Economic Development, Trade & Management.

SB 5613 by Senators Kilmer, Kastama, Kauffman, Shin, Delvin, Brown and McAuliffe

AN ACT Relating to entrepreneurial training opportunities; and amending RCW 28C.18.060.

Referred to Committee on Economic Development, Trade & Management.

SB 5614 by Senators Rockefeller, Poulsen, Tom and Kline

AN ACT Relating to investment cost recovery incentives for renewable energy systems; and amending RCW 82.16.110 and 82.16.120.

Referred to Committee on Water, Energy & Telecommunications.

SB 5615 by Senators Rockefeller and Rasmussen

AN ACT Relating to penalties against convicted motor vehicle offenders to pay for chemical dependency and prevention programs; amending RCW 3.50.100, 3.62.020, 3.62.090, 10.82.070, 3.46.120, 3.62.040, and 35.20.220; adding a new section to chapter 46.61 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5616 by Senators Marr, McCaslin, Brown, Oemig, Kastama, Regala, McAuliffe, Kilmer, Berkey, Keiser, Spanel, Eide, Murray, Shin and Kohl-Welles

AN ACT Relating to the creation of health sciences and services authorities; reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

SB 5617 by Senators Weinstein, Tom and Oemig

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming

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governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

SB 5618 by Senators Shin, Clements, Sheldon, Rasmussen, Kilmer and Kastama

AN ACT Relating to assisting manufacturers; amending RCW 24.50.010; creating a new section; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5619 by Senators Pflug, Keiser, Parlette, Marr, Weinstein, Fairley, Kastama, Kline and Kohl-Welles

AN ACT Relating to informed consent to health care; amending RCW 7.70.020, 7.70.040, 7.70.050, and 7.70.060; creating a new section; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5620 by Senator Fairley

AN ACT Relating to the civil service commissions for sheriffs' offices; and amending RCW 41.14.050.

Referred to Committee on Government Operations & Elections.

SB 5621 by Senators Kastama, Rasmussen, Clements, Hatfield and Shin

AN ACT Relating to the creation of certified capital companies to promote economic development through investment in start-up and emerging Washington businesses; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Economic Development, Trade & Management.

SB 5622 by Senators Kohl-Welles, Roach, Keiser, Hobbs, Poulsen, Zarelli, Spanel, Shin, Pridemore, Kline, Hatfield, Kilmer, Oemig, Hargrove, Murray, McAuliffe and Rasmussen

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and amending RCW 41.80.005.

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

SB 5623 by Senators Carrell, Brandland, Holmquist, Shin and Delvin

AN ACT Relating to providing a salary bonus for teachers in high market demand subjects; adding a new section to chapter 28A.405 RCW; making an appropriation; and providing an expiration date.

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

SB 5624 by Senators Kastama, Tom, Fairley, Pflug, Carrell and Kohl-Welles

AN ACT Relating to prohibiting discrimination against licensed health care providers; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5625 by Senators Hargrove and Pridemore

AN ACT Relating to contracts for jail services with counties and cities in adjacent states; and amending RCW 70.48.090.

Referred to Committee on Human Services & Corrections.

SB 5626 by Senators McAuliffe, Tom, Hobbs, Eide, Oemig, Weinstein, Clements, Kauffman, Murray and Rasmussen

AN ACT Relating to training for school directors; adding a new section to chapter 28A.343 RCW; and creating a new section.

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

SB 5627 by Senators McAuliffe, Clements, Tom, Weinstein, Rockefeller, Oemig, Kastama, Hobbs, Pridemore, Eide, Franklin, Shin, Regala, Marr, Murray, Spanel, Hargrove, Kline, Kilmer, Haugen, Kohl-Welles and Rasmussen

AN ACT Relating to basic education funding; creating new sections; and declaring an emergency.

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

SB 5628 by Senators Oemig, Fairley, Pridemore and Kohl-Welles

AN ACT Relating to electing the president of the United States by national popular vote; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 5629 by Senators Oemig, Kilmer and Rockefeller

AN ACT Relating to modifying provisions on the canvassing of ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SJR 8217 by Senators Carrell, Kastama, Brandland, Regala and Stevens

Repealing a conflicting residency requirement for voting in a presidential election.

Referred to Committee on Government Operations & Elections.

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

MOTION

At 12:06 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, January 26, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, January 26, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt, McAuliffe, McCaslin, Pflug, Schoesler and Spanel.

The Washington National Guard Color Guard consisting of Sergeant First Class Travis Austin, Specialist Mark Ham, Specialist Martha Mauer and Sergeant Egypt Josala presented the Colors.

Sergeant Ryan Allen performed the national anthem.

Lt. Colonel Christopher Lensch of the Washington Air National Guard offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 2007

SB 5124 Prime Sponsor, Fraser: Abolishing the Washington wildlife rescue coalition. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 25, 2007

SB 5254 Prime Sponsor, Kilmer: Authorizing a grant program for industry skill panels. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Economic Development, Trade & Management.

January 24, 2007

SB 5444 Prime Sponsor, Carrell: Requiring notice to property owners before condemnation decisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin and Weinstein

Passed to Committee on Rules for second reading.

January 25, 2007

SB 5464 Prime Sponsor, Jacobsen: Adding the department of natural resources to the definition of "employer" under RCW 41.37.010. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 25, 2007

SGA 9088 SALVADOR BELTRAN, JR., reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Columbia Basin Community College District No. 19. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9090 KRISTIANNE BLAKE, appointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9093 LARRY BROWN, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9099 DENNIS R. COLWELL, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 2 (Grays Harbor College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 24, 2007

SGA 9103 ROOSEVELT J. CURRIE, appointed April 24, 2006, for the term ending June 30, 2010, as Chief

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Administrative Law Judge of the Administrative Hearings Office. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9112 SHARON FAIRCHILD, reappointed April 4, 2006, for the term ending April 3, 2010, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9119 WILLIAM S. GATES, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9136 JO ANN KAUFFMAN, reappointed February 10, 2005, for the term ending September 30, 2009, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9153 NEIL MCREYNOLDS, reappointed November 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9154 KRIS MIKKELSEN, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

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SGA 9157 BOB MYERS, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Wenatchee Valley Community College District No. 15. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9162 LISA PARKER, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Community College District No. 16 (Yakima Valley Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9182 PAUL TANAKA, reappointed November 1, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9189 THUY VO, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9191 SHAUNA WEATHERBY, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9198 INES ZOZAYA-GEIST, reappointed October 1, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Eastern Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be

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confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9199 JONE BOSWORTH, appointed September 11, 2006, for the term ending at the governor's pleasure, as a Director of the Washington State Department of Early Learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

January 25, 2007

SGA 9203 LEONOR FULLER, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, South Puget Sound Community College District No. 24. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

MESSAGES FROM THE STATE OFFICES

January 19, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is University of Washington Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The University of Washington Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 26, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Naturalization Facilitation. This report is mandated under RCW 74.08A.130.

If you have any questions about the report, please call 360-902-4638.

The Dept. of Social & Health Services, Naturalization Facilitation is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 26, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Foster Parent Report. This report is mandated under Chapter 353, Laws of 2006.

If you have any questions about the report, please call 360-902-7912.

The Dept. of Social & Health Services is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

January 26, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

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

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Reinvesting in Youth. This report is mandated under Chapter 304, Laws of 2006.

If you have any questions about the report, please call 360-902-8079.

The Dept. of Social & Health Services, Reinvesting in Youth is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

September 19, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

RAJIV SHAH, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees,

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 Seattle, So. Seattle and No. Seattle Community Colleges District
 No. 6.

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SB 5636 by Senators Keiser, Oemig, Pridemore and
 Shin

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

AN ACT Relating to signature gathering by sex offenders;
 and adding a new section to chapter 29A.72 RCW.

MOTION

Referred to Committee on Government Operations &
 Elections.

On motion of Senator Eide, the appointee listed on the
 Gubernatorial Appointment report was referred to the committee
 as designated.

SB 5637 by Senators Regala, Franklin, Kastama and
 Rasmussen

MOTION

AN ACT Relating to sexual assault protection orders;
 amending RCW 7.90.020; and adding a new section to
 chapter 7.90 RCW.

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

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING

SB 5630 by Senators Kastama, Kohl-Welles, Kauffman,
 Kilmer and Jacobsen

SB 5638 by Senator Rockefeller

AN ACT Relating to financing community and economic
 development; amending RCW 35.21.735; and creating new
 sections.

AN ACT Relating to publications of the statute law
 committee; and amending RCW 40.04.031, 1.08.110,
 34.05.210, 34.05.312, 34.05.380, and 42.56.580.

Referred to Committee on Economic Development, Trade &
 Management.

Referred to Committee on Judiciary.

SB 5631 by Senators Keiser and Pflug

SB 5639 by Senators Spanel, Clements, Pflug, Kohl-
 Welles, Jacobsen, Rasmussen, Poulsen, Regala and Kline

AN ACT Relating to the wholesale distribution of
 prescription drugs; adding a new chapter to Title 19 RCW;
 and prescribing penalties.

AN ACT Relating to a caterer's endorsement for licensed
 microbreweries; amending RCW 66.24.244; reenacting and
 amending RCW 66.24.244; providing an effective date; and
 providing an expiration date.

Referred to Committee on Health & Long-Term Care.

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

SB 5632 by Senators Kastama, Eide, Delvin, Berkey and
 Tom

SB 5640 by Senators Kauffman, Fairley, Prentice,
 Swecker, Rockefeller, Fraser, Kohl-Welles, Shin, Rasmussen
 and Kline

AN ACT Relating to proof of financial responsibility or
 motor vehicle liability insurance; and amending RCW
 46.16.212, 46.16.210, and 46.30.040.

AN ACT Relating to authorizing tribal governments to
 participate in public employees' benefits board programs;
 amending RCW 41.05.011, 41.05.021, 41.05.050,
 41.05.065, 41.05.080, and 41.05.195; creating a new
 section; and providing an effective date.

Referred to Committee on Transportation.

Referred to Committee on Government Operations &
 Elections.

SB 5633 by Senators Brandland, Kline, Delvin,
 McCaslin and Shin

AN ACT Relating to core training requirements; and
 amending RCW 43.101.350.

SB 5641 by Senators Rasmussen, Honeyford, Schoesler,
 Prentice, Delvin and Holmquist

Referred to Committee on Human Services & Corrections.

AN ACT Relating to exempting wholesale sales of
 unprocessed milk for processing from business and
 occupation tax; and amending RCW 82.04.332.

SB 5634 by Senators Brandland, Kline, McCaslin and
 Delvin

AN ACT Relating to corrections personnel training; and
 amending RCW 43.101.220.

Referred to Committee on Agriculture & Rural Economic
 Development.

Referred to Committee on Human Services & Corrections.

SB 5642 by Senators Kohl-Welles, Rockefeller, Franklin
 and Tom

SB 5635 by Senators Brandland, Kline and Delvin

AN ACT Relating to requiring polygraph tests; and
 amending RCW 49.44.120.

AN ACT Relating to reduced cigarette ignition propensity;
 reenacting and amending RCW 43.79A.040; adding a new
 chapter to Title 19 RCW; prescribing penalties; and
 providing an effective date.

Referred to Committee on Judiciary.

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

SB 5643 by Senators Regala, Delvin, Carrell, Hargrove, Keiser, Kohl-Welles, Shin, Tom and Kline

AN ACT Relating to children and families of incarcerated parents; adding a new section to chapter 72.09 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.63A RCW; creating a new section; and making appropriations.

Referred to Committee on Human Services & Corrections.

SB 5644 by Senators Regala, Brandland, Hargrove, Keiser, Pridemore and Delvin

AN ACT Relating to clubhouse rehabilitation services; and amending RCW 71.24.025, 71.24.037, and 49.19.010.

Referred to Committee on Human Services & Corrections.

SB 5645 by Senators Rockefeller, Morton, Hatfield, Brandland, Sheldon and Rasmussen

AN ACT Relating to shellfish aquaculture; adding new sections to chapter 28B.40 RCW; adding a new chapter to Title 15 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5646 by Senators Rasmussen, Delvin, Sheldon, Spanel, Fraser and Shin

AN ACT Relating to construction work at state and regional universities and The Evergreen State College; and amending RCW 28B.10.350.

Referred to Committee on Higher Education.

SB 5647 by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen

AN ACT Relating to clarifying the use of existing lodging tax revenues for tourism promotion; and amending RCW 67.28.080.

Referred to Committee on Economic Development, Trade & Management.

SB 5648 by Senators Swecker, Schoesler, Hatfield, McCaslin and Rasmussen

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, and 82.12.945; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5649 by Senators Tom, Honeyford, Kohl-Welles, Hatfield, Pridemore, Clements, Jacobsen and Kline

AN ACT Relating to the state poet laureate; adding new sections to chapter 43.46 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5650 by Senators Kauffman, Kohl-Welles, Weinstein and Keiser

AN ACT Relating to disclosure of the percentage of automatic service charges paid to servers; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5651 by Senators Kauffman, Kastama and Kilmer

AN ACT Relating to investigating and assessing performance in meeting community credit needs; and amending RCW 30.60.010 and 32.40.010.

Referred to Committee on Financial Institutions & Insurance.

SB 5652 by Senators Kauffman, Kastama, Kilmer, Brown, Berkey, Rockefeller, Keiser and Shin

AN ACT Relating to microenterprise development; amending RCW 43.330.010; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5653 by Senators Kauffman, Kastama, Brown, Berkey, Rockefeller, Keiser, Franklin, Kohl-Welles and Shin

AN ACT Relating to the establishment of a self-employment assistance program; amending RCW 50.20.095; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 5654 by Senator Shin

AN ACT Relating to dealer warranty reimbursements; and amending RCW 46.96.105.

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

SB 5655 by Senator Fairley

AN ACT Relating to intermediate drivers' licenses; and amending RCW 46.20.267 and 43.131.398.

Referred to Committee on Transportation.

SB 5656 by Senators Jacobsen, Kline, Rockefeller, Regala and Tom

AN ACT Relating to the creation of a regional transfer of development rights program for the purpose of preserving forested, rural, and agricultural lands; and adding a new chapter to Title 43 RCW.

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Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5657 by Senators Keiser, Delvin, Hewitt, Hobbs, Oemig, Murray, Tom, Brandland, Rockefeller, McAuliffe and Kohl-Welles

AN ACT Relating to creating the revised uniform anatomical gift act; adding a new chapter to Title 68 RCW; repealing RCW 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5658 by Senators Keiser, Kohl-Welles, Fairley, Franklin and Rockefeller

AN ACT Relating to establishing a health care reinsurance program for small businesses; amending RCW 48.21.045, 48.44.023, and 48.46.066; adding new sections to chapter 48.43 RCW; adding a new section to chapter 82.24 RCW; creating new sections; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 5659 by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline

AN ACT Relating to family and medical leave insurance; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 49 RCW; and providing for submission of this act to a vote of the people.

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

SB 5660 by Senator Haugen

AN ACT Relating to rural county authority to fund certain power line conversions with sales and use tax collections; and amending RCW 82.14.370.

Referred to Committee on Water, Energy & Telecommunications.

SB 5661 by Senator Prentice

AN ACT Relating to the term of existence of a collective bargaining agreement; and amending RCW 41.56.070.

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

SB 5662 by Senators Weinstein, Honeyford, McCaslin, Delvin, Tom, Kline, Keiser, Shin and Rasmussen

AN ACT Relating to charitable organizations that solicit contributions from the public; amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.100, 19.09.210, and 19.09.440; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095.

Referred to Committee on Consumer Protection & Housing.

SB 5663 by Senators Oemig, Kline, Fairley, Keiser and Kohl-Welles

AN ACT Relating to electronic voter registration; adding a new section to chapter 29A.08 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SB 5664 by Senators Oemig, Fairley, Swecker and Kohl-Welles

AN ACT Relating to voter registration; amending RCW 29A.08.113, 29A.08.115, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.410, 29A.08.430, 29A.08.510, 29A.08.520, 29A.08.605, 29A.08.640, 29A.08.651, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091, and 29A.60.235; reenacting and amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.145, 29A.08.660, and 29A.08.785.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5640 which was referred to the Committee on Government Operations & Elections.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9009, Bill Brumsickle, as a member of the Public Disclosure Commission, be confirmed.

Senators Fairley and Benton spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Haugen, Kastama, McAuliffe, Poulsen and Spanel were excused.

MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

APPOINTMENT OF BILL BRUMSICKLE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9009, Bill Brumsickle as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9009, Bill Brumsickle as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford,

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Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senator Pflug - 1

Excused: Senators Hewitt, McAuliffe, McCaslin, Schoesler and Spanel - 5

Gubernatorial Appointment No. 9009, Bill Brumsickle, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

On motion of Senator Delvin, Senator Pflug was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9049, Jane Noland, as a member of the Public Disclosure Commission, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF JANE NOLAND

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9049, Jane Noland as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9049, Jane Noland as a member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Hewitt, McAuliffe, McCaslin, Pflug, Schoesler and Spanel - 6

Gubernatorial Appointment No. 9049, Jane Noland, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9063, Kenneth Schellberg, as a member of the Public Disclosure Commission, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF KENNETH SCHELLBERG

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9063, Kenneth Schellberg as a member of the Public Disclosure Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9063, Kenneth Schellberg as a

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member of the Public Disclosure Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Hewitt, McAuliffe, McCaslin, Pflug, Schoesler and Spanel - 6

Gubernatorial Appointment No. 9063, Kenneth Schellberg, having received the constitutional majority was declared confirmed as a member of the Public Disclosure Commission.

MOTION

At 10:29 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 11:37 a.m. by President Owen.

MOTION

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

MOTION

Senator Hobbs moved adoption of the following resolution:

SENATE RESOLUTION

8610

By Senators Hobbs, Eide, Prentice, Kohl-Welles, Kauffman, Berkey, Tom, Marr, Spanel, Franklin, Sheldon, Kline, Oemig, Keiser, Fraser, Regala, Parlette, Haugen, McAuliffe, Brandland, Schoesler, Stevens, Rasmussen, Shin, Poulsen, Hewitt, Kastama, Pridemore, Jacobsen, Hatfield and Kilmer

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Guard answered the state's call numerous times in response to firefighting and flood support efforts and to protect lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington Army and Air National Guard provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and

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specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Senator Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8610.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the women and men of the National Guard who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Adjutant General Lowenberg and Mike Gregoire, who was seated at the rostrum.

MOTION

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

SECOND READING

HOUSE BILL NO. 1168, by Representatives Roach, Hurst, Newhouse, Santos, Orcutt, Pettigrew, Moeller, Morrell, Priest, Armstrong, Curtis, Haler, Condotta, Buri, Kristiansen, Alexander, Warnick, Strow, Ericksen, Dunshee, Kirby, Chase, Bailey, Springer, McDonald, Ross, Blake, Kenney, Lovick, Appleton, Darneille, McCoy, O'Brien, Sells, Takko, Williams, VanDeWege, Hunter, Ormsby, Schual-Berke, Pearson, Fromhold, Hinkle, Simpson, Clibborn, Lantz, Linville, Campbell, Kelley, Green, Eddy and McCune

Regarding disorderly conduct.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Rasmussen, Roach, Kohl-Welles and Carrell spoke in favor of passage of the bill.

Senator Kline spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1168.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1168 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senator Kline - 1

Excused: Senators Hewitt, McAuliffe, McCaslin, Pflug, Schoesler and Spanel - 6

HOUSE BILL NO. 1168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1095, by House Committee on Appropriations (originally sponsored by Representatives Barlow, Hinkle, Appleton, Green, Ormsby, Schual-Berke, Cody, Blake, B. Sullivan, Hurst, O'Brien, Clibborn, Morrell, Conway, Kenney, Linville, Rolfes, Moeller and Dunn)

Implementing the part D drug copayment program.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1095.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1095 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Hewitt, McAuliffe, McCaslin, Pflug, Schoesler and Spanel - 6

SECOND SUBSTITUTE HOUSE BILL NO. 1095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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POINT OF ORDER

Senator Delvin: "I don't know if this is a point of personal privilege or maybe a point of order on something that occurred just recent past on this floor. Well, the good gentleman from the Forty-Fourth District, I understand he's new to the body. He stood up and was reading from what looked like a prepared script. I want to applaud his service in the National Guard and I'm not sure what he did, stature, that's kind of... but I won't question that but I think he needs to be reminded about reading from materials without permission from the good Mr. President of the Senate.

REMARKS BY THE PRESIDENT

President Owen: "I appreciate pointing that point of order out to us."

PERSONAL PRIVILEGE

Senator Pridemore: "Well, Mr. President I think that this body should be thrilled to welcome the new member from the forty-fourth. It's going to be wonderful to have a member who can read join us. It's also extremely rare that we have welcomed somebody of his stature, his renown and his ability to this body. It's certainly somebody who has been so successful in business as he has been. As many of us know he was born and raised in San Francisco and attended lectures at Hewitt Packard and Palo Alto where he met somebody who would become vital life long friend in Steve Wozniak. He attended Wozniak bu dropped out after only one semester, returned to California and began working with Mr. Wozniak on Atari computers, eventually leading to the development of what would be become known as the Apple computer."

POINT OF ORDER

Senator Rockefeller: "Thank you Mr. President. I believe the good gentleman from the forty-ninth district is actually referring to Steve Jobs not Steve Hubbs, however, I am told that our good Senator Hubbs has actually invented the internet."

PERSONAL PRIVILEGE

Senator Pridemore: "I'm sorry, it's Hobbs. I thought it was Jobs. What computer did Hobbs ever invent? Mr. President, never mind."

PERSONAL PRIVILEGE

Senator Brandland: "That is a rough act to follow Mr. President but I did want to make a couple of observations. It's really kind of sad to be very honest with you that Senator McCaslin is not here because as much we attempt to make light of our new members, no one can do that like Senator McCaslin. He did make a couple of statements I thought were pretty interesting and that is that what he was talking about the National Guard, and he thought you can not tell us apart. Well, I beg to differ because when I walked in that room back in here his knees were quivering. He was absolutely quivering, was so nervous he could barely talk. I knew what was about to happen but he also kind of distinguished himself I think already in the Senate in a committee that I was in. He took the liberty of introducing himself as a simple person. I gave him more credit than that. I thought you were a little bit better than that.

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Especially somebody that would refer to himself as 'the Hobbinator.' You may not have known that, he is officially referred to as 'the Hobbinator' and I think I've heard, I haven't been there yet, but I understand that if you go to his office it looks like a museum. He's got stuff all over the walls. I think that if you go to anybody else's office it looks pretty bare, not with Senator Hobbs. He's been three weeks, he's already filled the walls with everything imaginable. Every picture of anybody that he's ever known. I don't know if they knew him but he's got their picture on his wall. All kidding aside, I think he did a great job on your speech and we welcome you. We certainly welcome the gifts you're about to give to us. Thank you."

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. I've know Senator Hobbs for about a year and half and I thought that I knew him well but he did say one thing in his speech this morning. He said, 'You can always tell a National Guardsman.' I guess what I've discovered is that you can't tell them much."

PERSONAL PRIVILEGE

Senator Stevens: "Thank you Mr. President. I have perhaps known our new Senator for more years than the rest of you in this chamber. As I had the opportunity to teach him a few things about campaigning and how to run for office and how to take defeat. He took it very well. I would like to say that he has, as it turns out, fine-tuned his skills of speaking since those early, early day when he was but a young, young boy. I would like to also say that certainly the rhetoric that he is using today is much more profound and certainly has more content and more value to this body than it did back then. Mostly I would like to say that it is indeed amazing, if you've been here long enough you will see your opponents sitting in the seat next to you. So, at this time I would just like to say, Welcome Senator Hobbs and we will learn to tolerate further speeches from you I am sure. Thank you."

PERSONAL PRIVILEGE

Senator Jacobsen: "Mr. President, I can see that the good Senator was a little bit nervous earlier so I tried to calm him down. I said 'You know most Americans would rather be shot at than to have to give a speech in public' and he exclaimed to me, 'I'd rather be in Bagdad than have to do this'. I said 'Well, it's not that desperate, you're going to survive this one,' and you did a really good job."

REMARKS BY THE PRESIDENT

President Owen: "The President appreciates Senator Brandlands comments and clarifying for me that he's known as 'the Hobbinator' by his fellow soldiers. I was told that it was the Hobbit.' Whichever, did you wish to respond at all Senator Hobbs?"

PERSONAL PRIVILEGE

Senator Hobbs: "Mr. President. I'd like to apologize to the members. I know that I'm inexperienced, however, my youthful appearance and good looks will get me past this. And because I need your forgiveness and your votes I offer you this gift. We're going to hand out to you, Tee Shirts that say 'Aqua Fest' on it. 'Aqua Fest 2005.' That's all I can afford, but I want you to know

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that the city of Lake Stevens has this Aqua Fest every year. It's a great place, come down, recreate, we got water skiing. We've got parks, coffee shops. We have a great parade. In about four years I'll be in that parade. I'd like to be there for that and I want you to come down. Mr. President, I would like for you to be there, in Aqua Fest and I'll introduce you. They won't know who you are, so I got to do that. But I offer this to you and I ask for your forgiveness."

REMARKS BY THE PRESIDENT

President Owen: "It's under consideration, message received."

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, January 29, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-SECOND DAY, JANUARY 29, 2007

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TWENTY-SECOND DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, January 29, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 2007

SB 5118 Prime Sponsor, Kohl-Welles: Developing sexual harassment policies, procedures, and mandatory training for all state employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

January 25, 2007

SB 5213 Prime Sponsor, Jacobsen: Promoting coordinated ocean management policies. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

January 25, 2007

SB 5258 Prime Sponsor, Regala: Concerning members of the Washington council for the prevention of child abuse and neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Stevens

Passed to Committee on Rules for second reading.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

January 26, 2007

SGA 9121 LYNN GOODING, appointed September 21, 2006, for the term ending at the governor's pleasure, as a Director of the Pollution Liability Insurance Program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2007

SGA 9135 TOM KARIER, reappointed January 16, 2007, for the term ending January 15, 2010, as Member of the Northwest Power and Conservation Council. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2007

SGA 9139 LAWRENCE KENNEY, reappointed July 1, 2006, for the term ending June 30, 2010, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest). Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2007

SGA 9147 BILL LYNCH, reappointed May 3, 2006, for the term ending June 30, 2012, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2007

SGA 9152 ANDREA MCNAMARA DOYLE, appointed March 22, 2006, for the term ending June 30, 2008, as Member of the Pollution Control/Shorelines Hearings Board. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 26, 2007

SGA 9173 DAVE REMINGTON, reappointed February 10, 2005, for the term ending June 30, 2008, as Member of the Executive Board of the Washington Public Power Supply System, (Energy Northwest). Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller,

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Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton,
Oemig, Pridemore and Regala

MOTION

Passed to Committee on Rules for second reading.

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

January 26, 2007

SGA 9206 PATRICK J. OSHIE, reappointed January 2, 2007, for the term ending January 1, 2013, as Member of the Utilities and Transportation Commission. Reported by Committee on Water, Energy & Telecommunications

INTRODUCTION AND FIRST READING

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

SB 5665 by Senators Keiser, Fairley, Franklin and Kohl-Welles

AN ACT Relating to state employee health; amending RCW 41.05.540; adding a new section to chapter 41.05 RCW; making an appropriation; and providing an expiration date.

Passed to Committee on Rules for second reading.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5213 which was referred to the Committee on Ways & Means.

SB 5666 by Senators Marr, Kohl-Welles, Brown, Hobbs, Keiser, Franklin, Kastama, Kilmer and Kline

AN ACT Relating to the linked deposit program; and amending RCW 43.86A.030.

MOTION

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

Referred to Committee on Financial Institutions & Insurance.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 16, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GARY L. DOUVIA, appointed January 15, 2007, for the term ending December 31, 2012, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5667 by Senators Franklin, Eide, Rasmussen, Kilmer, Regala, Marr and Shin

AN ACT Relating to excise tax relief for small businesses; and amending RCW 82.04.4451 and 82.32.045.

Referred to Committee on Economic Development, Trade & Management.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

SB 5668 by Senators Fraser, Rasmussen, Jacobsen, Kohl-Welles and Shin

AN ACT Relating to modifying gain-sharing benefits for the teachers', school employees', and public employees' retirement systems and providing alternative benefits; amending RCW 41.31A.020, 41.32.835, and 41.35.610; decodifying RCW 41.31A.030 and 41.31A.040; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

MOTION

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

SB 5669 by Senators Holmquist, Poulsen, Rasmussen, Pflug, Oemig, Swecker, Clements, Schoesler, Roach, Rockefeller and Kilmer

AN ACT Relating to implementing renewable fuel standards; adding a new section to chapter 43.21C RCW; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

MESSAGE FROM THE HOUSE

January 26, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1064,

HOUSE BILL NO. 1065,

and the same are herewith transmitted.

SB 5670 by Senators Holmquist, Rasmussen and Clements

AN ACT Relating to the basic education funding formula; amending RCW 28A.150.260; and creating a new section.

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

RICHARD NAFZIGER, Chief Clerk

SB 5671 by Senators Holmquist, Poulsen, Honeyford, Carrell, Benton, Stevens, Rasmussen, Roach, Oemig, Schoesler, Swecker, Parlette and Hewitt

AN ACT Relating to exempting alternative fuel from taxation; amending RCW 82.38.080, 82.38.020, and 82.38.130; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5672 by Senator Fairley

AN ACT Relating to posting information on public agencies' web sites; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Government Operations & Elections.

SB 5673 by Senators Holmquist, Clements, Morton, Hewitt, Rasmussen and Stevens

AN ACT Relating to wildlife property damage; and amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, and 77.36.080.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5674 by Senators Haugen, Fairley and Kline

AN ACT Relating to water district commissioner candidates; and amending RCW 57.12.039.

Referred to Committee on Government Operations & Elections.

SB 5675 by Senators Franklin, Kohl-Welles, Keiser, Murray and Kline

AN ACT Relating to increasing minimum industrial insurance benefits; amending RCW 51.32.050 and 51.32.060; reenacting and amending RCW 51.32.090; providing an effective date; and declaring an emergency.

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

SB 5676 by Senators Keiser, Kohl-Welles, Murray, Prentice, Hatfield and Kline

AN ACT Relating to temporary total disability; and reenacting and amending RCW 51.32.090.

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

SB 5677 by Senators Murray, Kohl-Welles, Keiser, Prentice, Hatfield and Kline

AN ACT Relating to adjustments to industrial insurance total disability compensation reductions; and amending RCW 51.32.220.

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

SB 5678 by Senators Kohl-Welles, Clements, Keiser and Holmquist

AN ACT Relating to a study of the incidence of total permanent disability pensions in the state's workers' compensation system; and creating new sections.

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

SB 5679 by Senators Clements and Holmquist

AN ACT Relating to industrial insurance final settlement agreements; and adding new sections to chapter 51.32 RCW.

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

SB 5680 by Senators Kilmer, Rockefeller, Kohl-Welles, Poulsen and Shin

AN ACT Relating to the reduction of Washington state ferries' charges; amending RCW 46.68.090 and 47.60.326; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5681 by Senators Kilmer and Marr

AN ACT Relating to the transfer of sales and use taxes on toll projects to reduce the amount of the project; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Transportation.

SB 5682 by Senators Kohl-Welles, Swecker, Fairley, Oemig and Jacobsen

AN ACT Relating to challenges to a voter's registration; and amending RCW 29A.08.810.

Referred to Committee on Government Operations & Elections.

SB 5683 by Senators Roach, Swecker, Hargrove, Sheldon and Rasmussen

AN ACT Relating to transportation concurrency and impact fees under the growth management act; and amending RCW 36.70A.070 and 82.02.050.

Referred to Committee on Government Operations & Elections.

SB 5684 by Senators Swecker, Roach, Hargrove and Sheldon

AN ACT Relating to growth management planning; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

SB 5685 by Senators Tom, Schoesler, Zarelli, Oemig, Regala, Kilmer, Kohl-Welles, Rasmussen and Roach

AN ACT Relating to the business and occupation tax credit for high technology research and development spending; amending RCW 82.04.4452; and providing an effective date.

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Referred to Committee on Ways & Means.

SB 5686 by Senators Zarelli, Benton, Pridemore, Kline and Rasmussen

AN ACT Relating to allowing public utility districts to disburse low-income energy assistance contributions; and amending RCW 54.52.010 and 54.52.020.

Referred to Committee on Water, Energy & Telecommunications.

SB 5687 by Senators Keiser, Kohl-Welles and Kline

AN ACT Relating to permanent partial disability claims; amending RCW 51.32.080; providing an effective date; and declaring an emergency.

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

SB 5688 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to allowing industrial insurance claimants to designate a representative to receive the claimants' notices, orders, or warrants; and amending RCW 51.04.080.

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

SB 5689 by Senator Hobbs

AN ACT Relating to the taxation of sales of food and food ingredients sold through vending machines; and amending RCW 82.08.0293.

Referred to Committee on Ways & Means.

SB 5690 by Senators Weinstein, McCaslin, Roach, Tom, Kline, Jacobsen and Kohl-Welles

AN ACT Relating to the dissolution of a special taxing district; and amending RCW 35.95A.120.

Referred to Committee on Judiciary.

SB 5691 by Senators Zarelli, Prentice and Roach

AN ACT Relating to the near general fund and requiring revenue forecasts thereof; amending RCW 82.33.020 and 43.135.025; reenacting and amending RCW 43.135.045; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5692 by Senators Rasmussen and Morton

AN ACT Relating to the use of conservation easements; amending RCW 36.70A.060 and 36.70A.070; adding a new chapter to Title 64 RCW; and creating new sections.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5693 by Senators Fraser, Clements and Kohl-Welles

AN ACT Relating to raffles conducted by state employees;

amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW.

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

SB 5694 by Senator Fraser

AN ACT Relating to the sentencing guidelines commission; and amending RCW 9.94A.855 and 43.17.020.

Referred to Committee on Judiciary.

SB 5695 by Senators Fraser, Swecker, Rockefeller, Rasmussen and Regala

AN ACT Relating to biomonitoring; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5696 by Senators Franklin, Benton, Kohl-Welles, Keiser, Fairley, Kastama, Murray, McAuliffe, Kline and Rasmussen

AN ACT Relating to the Washington state patient safety act; amending RCW 70.56.020; adding new sections to chapter 70.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5697 by Senators Hargrove, Kline, Weinstein, Regala, Kohl-Welles, Shin and Rasmussen

AN ACT Relating to criminal violations of no-contact orders, protection orders, and restraining orders; amending RCW 26.50.110; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5698 by Senators Hargrove, Regala and Shin

AN ACT Relating to case management services for dangerous mentally ill offenders; and amending RCW 71.24.470.

Referred to Committee on Human Services & Corrections.

SB 5699 by Senators Keiser, Kohl-Welles and Fairley

AN ACT Relating to medical benefits; amending RCW 74.09A.005, 74.09A.010, and 74.09A.020; and adding a new section to chapter 74.09A RCW.

Referred to Committee on Health & Long-Term Care.

SB 5700 by Senators Prentice, Kohl-Welles, Franklin, Keiser, Murray, Hatfield, Weinstein, Rasmussen, Hargrove, Tom and Kline

AN ACT Relating to establishing a state tax policy that requires persons claiming certain tax incentives to maintain neutrality towards unionization; amending RCW 82.32.545, 82.04.250, 82.04.4461, 82.04.4463, 82.04.4487, 82.08.975, 82.08.980, 82.08.981, 82.12.975, 82.12.981, 84.36.655, and 82.29A.137; adding new sections to chapter 82.32 RCW;

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prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

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

SB 5701 by Senators Benton, Pridemore, Roach, Swecker and Stevens

AN ACT Relating to establishing a procedure for the election of county commissioners by district; amending RCW 36.32.050; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Government Operations & Elections.

SB 5702 by Senators Benton, Keiser, Swecker, Kohl-Welles and Roach

AN ACT Relating to notice to certain employees of a claim of exemption from paying unemployment insurance taxes; and adding a new section to chapter 50.44 RCW.

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

SB 5703 by Senators Benton, Roach, Stevens, Swecker, Holmquist and Carrell

AN ACT Relating to requiring senate confirmation of certain commission and department appointments; and amending RCW 9.46.040, 9.94A.880, 18.64.001, 18.85.071, 28A.410.200, 28B.07.030, 28B.20.100, 28B.30.100, 28B.35.100, 28B.40.100, 28B.65.040, 28C.18.020, 36.102.030, 38.12.010, 39.19.030, 41.05.021, 41.06.110, 41.58.010, 42.17.350, 43.06.092, 43.06A.020, 43.17.020, 43.21B.020, 43.41.060, 43.43.020, 43.78.010, 43.97.025, 43.105.047, 43.180.040, 43.210.030, 47.01.051, 47.64.280, 49.60.050, 50.08.010, 51.52.010, 66.08.012, 67.16.012, 67.70.030, 67.70.050, 72.23.025, 72.41.020, 72.42.021, 74.18.040, 76.09.210, 77.04.030, 77.75.040, 77.85.110, 79A.05.015, 82.03.020, 88.16.010, 9.95.003, 28B.50.050, 28B.50.100, 43.33A.020, 43.52.374, 43.52A.030, 43.105.800, 49.04.010, and 80.01.010.

Referred to Committee on Government Operations & Elections.

SB 5704 by Senators Benton, Carrell, Stevens, Schoesler, Morton, Swecker and Roach

AN ACT Relating to establishing a pilot project to examine the impacts of small scale mineral prospecting on coastal areas; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5705 by Senators Benton, Roach, Carrell, Hatfield, Swecker, Stevens, Clements, Delvin and Holmquist

AN ACT Relating to robbery in the first degree; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5706 by Senators Benton, Roach, Schoesler, Stevens, Swecker, Clements and Holmquist

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

Referred to Committee on Judiciary.

SB 5707 by Senators Parlette, Haugen, Swecker, Stevens, Holmquist, Benton and Kilmer

AN ACT Relating to limiting, for property tax purposes, the maximum assessed value of a residence for persons sixty-one and older; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5708 by Senators Parlette, Benton, Swecker, Carrell, Stevens and Roach

AN ACT Relating to property tax exemptions and deferrals for senior citizens and persons retired for reasons of disability; amending RCW 84.38.030; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5709 by Senators Parlette, Swecker and Carrell

AN ACT Relating to real property revaluations and physical inspections for property tax purposes; amending RCW 84.41.030 and 84.41.041; and making appropriations.

Referred to Committee on Government Operations & Elections.

SB 5710 by Senator Parlette

AN ACT Relating to withdrawal of territory from a public hospital district and annexation of such territory into an adjoining district providing services; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

SB 5711 by Senators Parlette, Delvin and Shin

AN ACT Relating to the offender score for offenses concerning the influence of intoxicating liquor or any drug; reenacting and amending RCW 9.94A.525; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5712 by Senator Parlette

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.110, 48.41.160, 48.41.200, 48.41.037, 48.41.100, and 48.41.190; creating a new section; and making an appropriation.

Referred to Committee on Health & Long-Term Care.

SB 5713 by Senators Roach, Rasmussen, Fairley,

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AN ACT Relating to vehicle license plate emblems for veterans and military personnel; and amending RCW 46.16.319.

Referred to Committee on Transportation.

SB 5714 by Senators Roach, Prentice, Rasmussen, Oemig, Clements, Rockefeller, Tom, Fairley, Hobbs, Shin, Swecker, Holmquist, Benton, Stevens, Parlette, Delvin and Kline

AN ACT Relating to instruction in Spanish and Chinese languages; amending RCW 28A.410.025; adding new sections to chapter 28A.630 RCW; and declaring an emergency.

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

SB 5715 by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.17.010, 48.17.060, 48.17.063, 48.17.065, 48.17.067, 48.17.090, 48.17.110, 48.17.125, 48.17.150, 48.17.160, 48.17.170, 48.17.180, 48.17.250, 48.17.270, 48.17.380, 48.17.390, 48.17.410, 48.17.420, 48.17.450, 48.17.460, 48.17.470, 48.17.475, 48.17.480, 48.17.490, 48.17.510, 48.17.530, 48.17.565, 48.17.591, 48.17.600, and 48.14.010; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.17 RCW; repealing RCW 48.17.020, 48.17.030, 48.17.040, 48.17.050, 48.17.055, 48.17.070, 48.17.100, 48.17.120, 48.17.130, 48.17.190, 48.17.200, 48.17.210, 48.17.230, 48.17.240, 48.17.260, 48.17.280, 48.17.290, 48.17.300, 48.17.310, 48.17.320, 48.17.330, 48.17.340, 48.17.500, 48.17.520, and 48.05.310; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5716 by Senators Keiser, Kastama, Franklin and Kline

AN ACT Relating to retainer health care practices; amending RCW 48.44.010; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5717 by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin

AN ACT Relating to the establishment of a program of market conduct oversight within the office of the insurance commissioner; reenacting and amending RCW 42.56.400; adding a new section to chapter 48.03 RCW; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5718 by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen

AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors; amending RCW 9.68A.001, 9.68A.100, 19.138.340, 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 5719 by Senators Kohl-Welles, Weinstein, Honeyford, Kauffman, Delvin, Kline and Rasmussen

AN ACT Relating to unsolicited direct mail marketing; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5720 by Senator Marr

AN ACT Relating to broadcast of legal notices; amending RCW 65.16.130 and 65.16.150; and repealing RCW 65.16.140.

Referred to Committee on Judiciary.

SB 5721 by Senator Kohl-Welles

AN ACT Relating to allowing for financial arrangements between the holders of a sports/entertainment facility and manufacturers, importers, and distributors; and reenacting and amending RCW 66.28.010.

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

SB 5722 by Senators Regala, Haugen, Weinstein and Rasmussen

AN ACT Relating to excluding from the definition of body-gripping traps those traps commonly used to capture certain burrowing mammals; and amending RCW 77.15.192.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5723 by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

AN ACT Relating to creating the community agricultural worker safety grant program; adding a new section to chapter 15.04 RCW; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5724 by Senators Prentice, Murray, Berkey, Weinstein, Kohl-Welles, Kauffman, Oemig, Kline, Regala, Eide, Hobbs, Poulsen, Pridemore, Jacobsen, Shin, Franklin, Rockefeller, Fraser and Rasmussen

AN ACT Relating to designating a survivor beneficiary in public pension systems; amending RCW 2.10.030, 2.12.030, 2.12.048, 2.14.110, 28B.10.400, 28B.10.431, 41.20.085,

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41.24.180, 41.26.030, 41.26.030, 41.26.090, 41.26.160, 41.26.161, 41.26.460, 41.26.470, 41.26.510, 41.26.520, 41.32.260, 41.32.520, 41.32.785, 41.32.790, 41.32.805, 41.32.810, 41.32.865, 41.32.895, 41.35.010, 41.35.115, 41.35.220, 41.35.440, 41.35.460, 41.35.470, 41.35.650, 41.35.710, 41.37.010, 41.37.170, 41.37.250, 41.37.260, 41.40.010, 41.40.0931, 41.40.185, 41.40.188, 41.40.190, 41.40.220, 41.40.235, 41.40.250, 41.40.270, 41.40.660, 41.40.670, 41.40.700, 41.40.710, 41.40.805, 41.44.030, 41.40.835, 41.44.170, 41.44.190, 41.44.210, 41.44.220, 41.50.700, and 41.54.034; reenacting and amending RCW 41.24.172, 41.32.010, and 41.40.170; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 5725 by Senators Franklin, Kline, Weinstein, Fairley and Kohl-Welles

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

SB 5726 by Senators Weinstein, Kline and Franklin

AN ACT Relating to creating the insurance fair conduct act; amending RCW 48.30.010; adding a new section to chapter 48.30 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5727 by Senators Keiser, Zarelli, Kohl-Welles, Roach, Benton, Pridemore, Franklin, Clements, Kilmer, Fairley, Kline, Kastama, Oemig, Kauffman and Rasmussen

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.020, 74.46.165, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, and 74.46.521; adding new sections to chapter 74.46 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SJM 8007 by Senators Rasmussen, Roach, Hatfield, Schoesler, Clements, Shin, Morton, Haugen, Sheldon, Honeyford, Hargrove, Kohl-Welles, Kastama, Franklin, Benton, Kilmer and Jacobsen

Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.

Referred to Committee on Natural Resources, Ocean & Recreation.

SJM 8008 by Senators Prentice, Rockefeller, Berkey, Weinstein, Kauffman, Marr, Oemig, Kline, Hobbs, Murray, Poulsen, Rasmussen, Kastama, Shin, Franklin, Hatfield, Sheldon, Kohl-Welles, Jacobsen, Fraser, Pridemore and Kilmer

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

Referred to Committee on Government Operations & Elections.

SJR 8218 by Senators Parlette, Haugen, Swecker, Benton, Stevens, Roach and Kilmer

Providing property tax relief on the assessed value of real property based on the property owner's age.

Referred to Committee on Government Operations & Elections.

SJR 8219 by Senators Swecker, Hargrove, Benton, Sheldon, Holmquist, Carrell, Roach, Zarelli, Clements, Delvin and Rasmussen

Defining marriage as between a male and a female.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1064 by Representatives Seaquist, Morrell, Haigh, Kelley, Miloscia, Hunt, Appleton, Conway, P. Sullivan, McDonald, Haler, Wallace, Moeller, B. Sullivan, Kenney, Hunter, Chase, Ormsby, Upthegrove and Hurst

AN ACT Relating to veterans' benefits; amending RCW 41.04.007; and repealing RCW 73.08.060.

Referred to Committee on Government Operations & Elections.

HB 1065 by Representatives Kelley, Morrell, Haigh, Miloscia, Hunt, Seaquist, Conway, P. Sullivan, McDonald, Haler, Moeller, B. Sullivan, Campbell and Hurst

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

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5690 which was referred to the Committee on Judiciary and Senate Bill No. 5727 which was referred to the Committee on Ways & Means.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, January 30, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-THIRD DAY, JANUARY 30, 2007

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TWENTY-THIRD DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, January 30, 2007

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 2007

SB 5033 Prime Sponsor, Prentice: Recognizing women's suffrage day. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5054 Prime Sponsor, Kastama: Concerning limited emergency worker volunteer immunity. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5093 Prime Sponsor, Marr: Concerning access to health care services for children. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5093 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Pflug. Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 29, 2007

SB 5122 Prime Sponsor, Rockefeller: Preserving regulatory assistance provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5122 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 29, 2007

SB 5149 Prime Sponsor, Pridemore: Modifying county treasurer administrative provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5223 Prime Sponsor, Keiser: Providing insurance coverage to dependent children. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5223 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

January 29, 2007

SB 5285 Prime Sponsor, Keiser: Concerning residential services and support enforcement standards. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5285 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

January 29, 2007

SB 5305 Prime Sponsor, Franklin: Extending medicaid coverage for foster youth. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

January 29, 2007

SB 5403 Prime Sponsor, Rasmussen: Certifying animal massage practitioners. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5430 Prime Sponsor, Hobbs: Creating the uniformed service shared leave pool. Reported by Committee on Government Operations & Elections

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MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 29, 2007

SB 5431 Prime Sponsor, Rasmussen: Creating a public utility tax deduction for the transportation of agricultural commodities. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

January 29, 2007

SB 5527 Prime Sponsor, Hatfield: Consolidating designated forest lands and open space timber lands for ease of administration. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5122 and Senate Bill No. 5431 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE HOUSE

January 29, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1029,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1039,
 HOUSE BILL NO. 1042,
 HOUSE BILL NO. 1057,
 HOUSE BILL NO. 1086,
 HOUSE BILL NO. 1143,
 HOUSE BILL NO. 1231,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 29, 2007

MR. PRESIDENT:

The House has passed the following bills:
 HOUSE BILL NO. 1005,
 SUBSTITUTE HOUSE BILL NO. 1079,
 SUBSTITUTE HOUSE BILL NO. 1082,
 HOUSE BILL NO. 1085,

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SUBSTITUTE HOUSE BILL NO. 1117,
 HOUSE BILL NO. 1142,
 SUBSTITUTE HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1145,
 HOUSE BILL NO. 1149,
 HOUSE BILL NO. 1229,
 SUBSTITUTE HOUSE BILL NO. 1258,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

January 29, 2007

MR. PRESIDENT:

The Speaker has signed:
 SECOND SUBSTITUTE HOUSE BILL NO. 1095,
 HOUSE BILL NO. 1168,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5728 by Senators Rasmussen, McAuliffe, Weinstein, Tom, Zarelli, Keiser, Kohl-Welles, Holmquist and Kline

AN ACT Relating to salary schedules for educational staff associate positions and vocational certified instructors; and amending RCW 28A.150.410.

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

SB 5729 by Senators Franklin, Brandland, Keiser, Kline, Rasmussen, Marr, Hargrove, Kastama, Murray, Fairley, Kohl-Welles, Hatfield, Regala, Jacobsen, Poulsen and Parlette

AN ACT Relating to public health funding; amending RCW 82.24.020, 43.70.575, and 43.70.520; adding new sections to chapter 43.70 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5730 by Senators Fairley, Swecker and Rasmussen

AN ACT Relating to authorizing port districts to provide financial support to nonprofit organizations that serve commercial seafarers while in port; and amending RCW 53.08.245.

Referred to Committee on Government Operations & Elections.

SB 5731 by Senators Shin, Delvin, Berkey, Sheldon, Tom, Oemig, Rasmussen, Pridemore, Roach, Jacobsen and Kohl-Welles

AN ACT Relating to educating students in high demand fields; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

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SB 5732 by Senators Fraser, Swecker, Fairley, Haugen and Clements

AN ACT Relating to restrictions on the county treasurer regarding receipting current year taxes; and amending RCW 84.56.010 and 84.56.020.

Referred to Committee on Government Operations & Elections.

SB 5733 by Senators Stevens and Jacobsen

AN ACT Relating to flood protection; and amending RCW 77.55.021.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5734 by Senators Holmquist and Zarelli

AN ACT Relating to protecting legally existing uses from new regulations adopted under chapter 36.70A RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5735 by Senators Kohl-Welles, Clements, Franklin, Keiser and Parlette

AN ACT Relating to the regulation of construction contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.090, 18.27.104, 18.27.114, 18.27.200, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.290, and 18.27.310; adding a new section to chapter 18.27 RCW; and prescribing penalties.

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

SB 5736 by Senators Keiser, Kastama, Kohl-Welles, Rockefeller, Pridemore and Kline

AN ACT Relating to revising the nursing facility payment system; amending RCW 74.46.431, 74.46.433, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5737 by Senators Fraser, Swecker, Rasmussen, Sheldon, Keiser, Franklin, Shin and Holmquist

AN ACT Relating to providing property tax relief for owners of residential property who are senior citizens, persons retired because of disabilities, or veterans with service-connected disabilities; amending RCW 84.36.379, 84.36.381, and 84.36.385; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5738 by Senators Oemig and Swecker

AN ACT Relating to administering elections by mail; amending RCW 29A.40.150, 29A.44.090, 29A.48.060, 29A.60.110, 29A.60.170, 29A.60.190, and 29A.60.190; reenacting and amending RCW 29A.40.110 and 29A.60.165; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

SB 5739 by Senators Rockefeller and Kline

AN ACT Relating to vehicle idling in Washington state ferry holding areas; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

SB 5740 by Senators Kilmer, Poulsen, Stevens, Rasmussen, Regala and Delvin

AN ACT Relating to regulating utility pole attachments; amending RCW 54.04.045; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 5741 by Senators Franklin, Tom, Keiser, Hobbs, Hargrove, Kohl-Welles, Poulsen, Kline, Shin and Rasmussen

AN ACT Relating to occupational diseases affecting firefighters; amending RCW 51.32.185; and creating a new section.

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

SB 5742 by Senator Brown

AN ACT Relating to civil service commissions for sheriffs' offices; and amending RCW 41.14.020 and 41.14.030.

Referred to Committee on Government Operations & Elections.

SB 5743 by Senators Kastama, Kilmer and Shin

AN ACT Relating to linking economic clusters and quality management practices to customized training; amending RCW 28C.04.400 and 28C.04.420; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5744 by Senators Kastama and Kilmer

AN ACT Relating to the ISO-9000 quality standards training program; amending RCW 43.31.088; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5745 by Senators Brown and Kohl-Welles

AN ACT Relating to use of solid fuel burning devices during impaired air quality conditions; amending RCW 70.94.473; and creating a new section.

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Referred to Committee on Water, Energy & Telecommunications.

SB 5746 by Senators Jacobsen, Kohl-Welles, Murray, Keiser, McCaslin and Poulsen

AN ACT Relating to the practice of landscape architecture; amending RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070, 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140, 18.96.150, 18.96.170, 18.96.180, and 18.96.190; adding new sections to chapter 18.96 RCW; creating a new section; repealing RCW 18.96.050 and 18.96.160; and prescribing penalties.

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

SB 5747 by Senators Jacobsen and Shin

AN ACT Relating to requiring that the chair of the fish and wildlife commission be a confirmed commission member; and amending RCW 77.04.060.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5748 by Senator Jacobsen

AN ACT Relating to ballast water management; amending RCW 77.120.010, 77.120.020, 77.120.030, and 77.120.070; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5749 by Senators Schoesler, Rasmussen, Spanel, Morton, Shin and Haugen

AN ACT Relating to Brassica seed production; adding a new chapter to Title 15 RCW; repealing RCW 15.65.055 and 15.66.025; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SJM 8009 by Senators Fraser, Kohl-Welles, Prentice, Spanel, McAuliffe, Brown, Franklin, Weinstein and Kline

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1005 by Representatives Kessler, Ericks and B. Sullivan

AN ACT Relating to rates for the rental of county equipment; and amending RCW 36.33A.040.

Referred to Committee on Government Operations & Elections.

SHB 1029 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives B. Sullivan, Linville and Morris)

AN ACT Relating to defining E85 motor fuel; and amending RCW 19.112.010, 19.112.120, 82.04.4334, 82.08.955, and 82.12.955.

Referred to Committee on Water, Energy & Telecommunications.

HB 1038 by Representatives Morris, Hudgins, Anderson, Moeller and B. Sullivan

AN ACT Relating to developing regional compacts for siting electric transmission lines; adding a new section to chapter 80.50 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SHB 1039 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives B. Sullivan, Kenney and Chase)

AN ACT Relating to allowing the department of ecology to issue written opinions for a portion of a facility under the model toxics control act; and amending RCW 70.105D.030.

Referred to Committee on Water, Energy & Telecommunications.

HB 1042 by Representatives Rodne, Pedersen, Moeller and Lantz

AN ACT Relating to business transactions; and amending RCW 23B.19.040.

Referred to Committee on Judiciary.

HB 1057 by Representatives Hudgins, Dunshee, Wood and Chase

AN ACT Relating to alternative fuels; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SHB 1079 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Upthegrove, Ormsby, O'Brien, Morrell, Conway, Haigh, Moeller, McCune and Simpson)

AN ACT Relating to hunting and fishing license fees; amending RCW 77.08.010, 77.32.400, 77.32.480, 77.32.550, and 77.32.238; and repealing RCW 77.32.490.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1082 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Takko, Curtis, VanDeWege, Hunt, Eickmeyer, Pettigrew, Morrell, Springer, Flannigan and Simpson)

AN ACT Relating to the requirements for displaying the

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proper licenses while harvesting shellfish or seaweed; and amending RCW 77.32.520.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1085 by Representatives Morrell, Bailey, Ericks, Dickerson, Cody, Sells, Linville, Blake, Moeller, Flannigan, Green, Miloscia, Pettigrew, Conway, Kagi, Appleton, Ormsby, Schual-Berke, B. Sullivan, Hudgins, Clibborn, Kenney, Wallace and Simpson

AN ACT Relating to long-term care insurance plans offered by the public employees' benefits board; and amending RCW 41.05.065.

Referred to Committee on Health & Long-Term Care.

HB 1086 by Representatives Morrell, Bailey, Green, Cody, Ericks, Dickerson, Linville, Sells, Moeller, Blake, Flannigan, Miloscia, Hunter, Pettigrew, Conway, Lantz, Kagi, Appleton, Ormsby, Hudgins, Clibborn, Kenney, Wallace, Santos, Simpson and Schual-Berke

AN ACT Relating to long-term care insurance; amending RCW 48.84.020 and 48.84.040; and adding a new section to chapter 48.84 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1117 by House Committee on Housing (originally sponsored by Representatives Miloscia, Morrell, Pettigrew, Ormsby, Kenney, Moeller and Simpson)

AN ACT Relating to homeless housing and assistance; adding new sections to chapter 43.185C RCW; and recodifying RCW 36.22.179, 43.20A.790, 43.185C.180, 43.330.167, 59.24.010, 59.24.020, 59.24.030, 59.24.040, 59.24.050, 59.24.060, and 59.24.900.

Referred to Committee on Consumer Protection & Housing.

HB 1142 by Representatives Williams, Warnick, O'Brien, Rodne, Campbell, Lantz and Goodman

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

Referred to Committee on Judiciary.

HB 1143 by Representatives Lantz, O'Brien, Williams, Campbell, Rodne, Goodman and Moeller

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

Referred to Committee on Judiciary.

SHB 1144 by House Committee on Judiciary (originally sponsored by Representatives Williams, Warnick, Rodne, Campbell, O'Brien, Lantz, Goodman and Moeller)

AN ACT Relating to jurisdiction over judgments; and amending RCW 3.66.020, 3.66.040, 3.62.060, and 12.04.130.

Referred to Committee on Judiciary.

HB 1145 by Representatives Lantz, Warnick, Williams, Rodne, O'Brien, Campbell, Goodman and Moeller

AN ACT Relating to the limitations period for an account receivable; amending RCW 4.16.040; and creating a new section.

Referred to Committee on Judiciary.

HB 1149 by Representatives O'Brien, Dunn, McCune, Wallace and Simpson

AN ACT Relating to eliminating advance property tax payments for binding site plans; and amending RCW 84.40.042 and 58.08.040.

Referred to Committee on Government Operations & Elections.

HB 1229 by Representative B. Sullivan

AN ACT Relating to correcting references to the state wildlife account; amending RCW 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.12.670, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.36.070, 77.44.050, 79A.55.090, 82.27.070, 90.56.100, 9.41.070, 46.16.605, and 46.16.606; reenacting and amending RCW 77.12.690 and 46.16.313; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1231 by Representatives Kirby, Roach, Simpson, Strow and Santos

AN ACT Relating to pawnbrokers; and amending RCW 19.60.060 and 19.60.061.

Referred to Committee on Financial Institutions & Insurance.

SHB 1258 by House Committee on Local Government (originally sponsored by Representatives Alexander, Hunt, Curtis and Simpson)

AN ACT Relating to the disbursement of funds by air pollution control agencies; and amending RCW 70.94.094.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Joint Memorial No. 8009 which was referred to the Committee on Government Operations & Elections.

MOTION

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

MOTION

Senator Rasmussen moved adoption of the following resolution:

TWENTY-THIRD DAY, JANUARY 30, 2007
 SENATE RESOLUTION
 8606

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By Senators Rasmussen, Schoesler, Shin, Morton, Jacobsen and Hatfield

WHEREAS, On January 30, 2007, the livestock industry, affectionately referred to as the "Barnyard Coalition," is convening its Joint Legislative Day in Olympia to meet with leaders of state government; and

WHEREAS, The state livestock and related livestock feed industry comprise approximately thirty-six percent of the value of production of Washington State's agriculture industry, the state's number one industry; and

WHEREAS, This group is an informal but influential group that works with other state leaders to coordinate the state's efforts toward high priority issues including food safety, environmental stewardship, livestock disease control, and, last but not least, maintaining the viability of farming and ranching for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize the efforts of the "Barnyard Coalition" to address important public issues, and to express great appreciation for the hard work of the livestock industry because we know that a quality and affordable product does not just magically appear on the grocery store shelf; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to representatives of the "Barnyard Coalition."

Senator Rasmussen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8606.

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

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
 8611

By Senators McAuliffe, Fraser and Eide

WHEREAS, Catholic schools will be celebrating "Catholic Schools Week 2007" by recognizing the good news in education today; and

WHEREAS, Across the United States, close to half of the students enrolled in private schools attend Catholic schools; and

WHEREAS, Catholic schools encourage parent and community involvement in schools via a school board, commission, council, or parent organization; and

WHEREAS, Close to 200,000 teachers and staff have answered the call to service in Catholic schools; and

WHEREAS, Parents of children attending Catholic schools make sacrifices in order to send their children to a school that shares their religious beliefs; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the State of Washington; and

WHEREAS, Catholic schools have been enriching students' lives in Washington State for more than one hundred fifty years; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs, and the schools are committed to serving students of diverse backgrounds; and

WHEREAS, Catholic schools have produced many of our finest leaders throughout this state and nation, committed to service, and Catholic Schools Week provides an opportunity to celebrate the contributions of the schools to our State; and

WHEREAS, Catholic schools across the nation are celebrating "Catholic Schools Week 2007";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic schools of Washington State and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 28, 2007, through February 3, 2007; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

Senators McAuliffe and Rasmussen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8611.

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

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, January 31, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-FOURTH DAY, JANUARY 31, 2007

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TWENTY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 31, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Kastama, Pflug and Tom.

The Sergeant at Arms Color Guard consisting of Pages Anastasia Boyer and Katherine Boyer, presented the Colors. Pastor Tom Decker of the Seventh Day Adventist Church offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 2007

SB 5087 Prime Sponsor, Haugen: Addressing Washington state compliance with the federal REAL ID Act of 2005. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5088 Prime Sponsor, Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5134 Prime Sponsor, Haugen: Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5270 Prime Sponsor, Kohl-Welles: Allowing advance deposit wagering to continue beyond October 1, 2007. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5273 Prime Sponsor, Swecker: Modifying motorcycle driver's license endorsement and education provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5279 Prime Sponsor, Franklin: Creating the children's environmental health and protection advisory council. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Pflug. Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

January 29, 2007

SB 5366 Prime Sponsor, Haugen: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5376 Prime Sponsor, Murray: Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5389 Prime Sponsor, Hewitt: Approving the importing of one simulcast race of regional or national interest on horse race days. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

January 29, 2007

SB 5459 Prime Sponsor, Haugen: Addressing Washington state patrol longevity bonuses. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Clements, Delvin, Holmquist, Jacobsen, Kastama, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Berkey and Kauffman

Passed to Committee on Rules for second reading.

January 29, 2007

SJR 8211 Prime Sponsor, Haugen: Increasing state indebtedness limits for transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 8211 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Delvin and Holmquist

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5750 by Senators Fairley, Regala, Fraser, Keiser, Marr, Berkey, Rasmussen, Kohl-Welles and Murray

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health & Long-Term Care.

SB 5751 by Senators Kohl-Welles, Hewitt and Rockefeller

AN ACT Relating to wine and beer tasting; creating a new section; and providing an expiration date.

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

SB 5752 by Senators Stevens and Shin

AN ACT Relating to vocational rehabilitation services for volunteer firefighters and reserve officers; amending RCW 41.24.010; adding a new section to chapter 41.24 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5753 by Senator Stevens

AN ACT Relating to animal identification programs; and adding a new chapter to Title 16 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5754 by Senator Stevens

AN ACT Relating to creating the family, children, and youth administration within the department of social and health services; amending RCW 43.20A.010, 43.20A.060, 26.44.125, 26.44.220, 28A.300.800, 72.05.435, 74.13.570, and 74.13.660; adding a new section to chapter 43.20A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 5755 by Senators Stevens, Morton, Swecker and Benton

AN ACT Relating to remedial postsecondary education; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

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

SB 5756 by Senators Franklin, Jacobsen, Kline, Murray, Kohl-Welles, Fairley, Spanel and Regala

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.24.020, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

SB 5757 by Senators Pridemore, Zarelli, Oemig, Roach, Fraser, Kohl-Welles and Kline

AN ACT Relating to fairness and equity in health professions licensing fees; and amending RCW 43.70.250.

Referred to Committee on Health & Long-Term Care.

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SB 5758 by Senators Murray, Hewitt and Eide

AN ACT Relating to the taxation of temporary staffing services; amending RCW 82.04.460, 82.04.190, 82.04.290, and 82.08.054; reenacting and amending RCW 82.08.050; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5759 by Senators Schoesler, Delvin and Shin

AN ACT Relating to executive state officers; and amending RCW 42.17.2401.

Referred to Committee on Higher Education.

SB 5760 by Senators Poulsen, Fraser, Rockefeller, Spanel, Jacobsen, Pflug, Kline, Parlette, Oemig, Rasmussen, Shin and Kohl-Welles

AN ACT Relating to the energy freedom program, including activities to promote green highways; amending RCW 15.110.005, 15.110.010, 15.110.020, 15.110.040, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding new sections to chapter 15.110 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5761 by Senators Rasmussen, Morton and Schoesler

AN ACT Relating to the taxation of vegetation management services using goats or sheep; reenacting and amending RCW 82.04.050; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5762 by Senators Kilmer, Kastama, Clements, Kauffman, Pridemore, Rasmussen, Shin and McAuliffe

AN ACT Relating to dedicated funding for jobs, economic development, and local capital projects; amending RCW 43.160.020, 43.160.030, 43.160.050, 43.160.060, 43.160.070, 82.45.060, 43.160.080, and 82.46.010; amending 2005 c 425 s 6 (uncodified); amending 2006 c 371 s 238 (uncodified); reenacting and amending RCW 43.160.010, 43.160.076, and 82.46.035; creating a new section; repealing RCW 43.160.100, 43.160.120, 43.160.130, 43.160.140, 43.160.150, 43.160.160, 43.160.170, 43.160.200, 43.160.210, and 43.160.220; and providing an effective date.

Referred to Committee on Economic Development, Trade & Management.

SB 5763 by Senators Shin, Delvin and Kohl-Welles

AN ACT Relating to the rate of business and occupation taxation for persons engaged in certain life sciences research, development, and production; and reenacting and amending RCW 82.04.260.

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

SB 5764 by Senators Schoesler and Rasmussen

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5765 by Senators Rasmussen and Schoesler

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5766 by Senators Fraser, Brandland, Marr, Shin, Schoesler, Delvin, Hatfield and Tom

AN ACT Relating to investment of funds derived from the sale of lands set apart for institutions of higher education; amending RCW 39.42.070, 39.42.090, 43.79.010, 43.79.060, 43.79.110, 43.79.130, and 43.79.160; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5767 by Senators Jacobsen, Zarelli, Murray, Spanel and Haugen

AN ACT Relating to the imposition of fees by transportation benefit districts; and amending RCW 36.73.065 and 82.80.140.

Referred to Committee on Transportation.

SB 5768 by Senators Kilmer, Zarelli, Prentice, Murray, Hewitt, Franklin and Regala

AN ACT Relating to excise taxation of electronically delivered financial information; amending RCW 82.04.120; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SB 5769 by Senators McAuliffe, Schoesler, Kohl-Welles, Marr, Kilmer, Kline, Rasmussen, Shin and Murray

AN ACT Relating to early learning and child care programs grants; creating a new section; making an appropriation; and providing an expiration date.

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

SB 5770 by Senators Shin, Schoesler and Kilmer

AN ACT Relating to work performed by institutions of higher education; and amending RCW 28B.10.350.

Referred to Committee on Higher Education.

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SB 5771 by Senators Oemig and Hargrove

and health services; and reenacting and amending RCW 74.13.031.

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

Referred to Committee on Human Services & Corrections.

Referred to Committee on Government Operations & Elections.

SB 5778 by Senators Fraser, Rockefeller, Poulsen and Kline

AN ACT Relating to implementation of shellfish protection programs; and amending RCW 90.72.030 and 90.72.045.

SB 5772 by Senators Kohl-Welles, Franklin, Keiser and Kline

AN ACT Relating to certifying an employee organization for the purposes of state collective bargaining; and amending RCW 41.56.060, 41.76.020, and 41.80.080.

Referred to Committee on Natural Resources, Ocean & Recreation.

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

SB 5779 by Senators Prentice and Pridemore

AN ACT Relating to public pensions that revises gain-sharing provisions and makes certain changes in benefits for the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.34.020, 41.34.040, 41.34.060, 41.31A.020, 41.34.110, 41.32.835, 41.32.840, 41.35.610, 41.35.620, 41.40.790, 41.31.010, and 41.31.020; adding new sections to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding new sections to chapter 41.40 RCW; adding new sections to chapter 41.34 RCW; creating a new section; decodifying RCW 41.31A.020, 41.31.010, and 41.31.020; providing an effective date; and declaring an emergency.

SB 5773 by Senators Hargrove, Parlette and Keiser

AN ACT Relating to treatment records; and amending RCW 71.05.630 and 71.05.020.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Ways & Means.

SB 5774 by Senators Hargrove, Kohl-Welles, Brandland and Shin

AN ACT Relating to background check requirements for the department of social and health services and the department of early learning; amending RCW 26.33.190, 26.44.030, 41.06.475, 43.43.830, 43.43.832, 43.43.842, 70.128.120, 70.128.130, 70.129.130, 71.09.115, 71.09.300, and 72.23.035; reenacting and amending RCW 74.15.030; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 41.06.476, 43.20A.710, 41.06.480, and 72.05.440; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 5780 by Senators Eide, Kastama, Kauffman, Kilmer, Jacobsen, Rockefeller and Rasmussen

AN ACT Relating to the preservation of manufactured/mobile home communities; amending RCW 59.22.050; adding a new section to chapter 82.45 RCW; adding a new chapter to Title 59 RCW; repealing RCW 59.23.005, 59.23.010, 59.23.015, 59.23.020, 59.23.025, 59.23.030, 59.23.035, and 59.23.040; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

SB 5775 by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to special education; amending RCW 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.065, 28A.155.070, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.115, 28A.155.140, and 28A.155.160; providing an effective date; and providing an expiration date.

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

SB 5781 by Senators Rasmussen, Schoesler, Morton, Jacobsen and Shin

AN ACT Relating to the business and occupation tax rate for providing a vegetation management service by using goats or sheep; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5776 by Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Kohl-Welles, Delvin, Keiser, Kilmer, Jacobsen, Tom, Rockefeller, Kline, Rasmussen and Shin

AN ACT Relating to foster care benefits; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5782 by Senators McAuliffe, Schoesler, Kilmer, Eide, Shin, Marr, Kohl-Welles, Kline and Murray

AN ACT Relating to child care programs for higher education students; amending RCW 28B.135.010 and 28B.135.030; and repealing RCW 28B.135.020.

Referred to Committee on Higher Education.

SB 5777 by Senators McAuliffe, Kauffman, Franklin, Fairley, Murray, Keiser, Kohl-Welles, Delvin, Kilmer and Jacobsen

AN ACT Relating to the duties of the department of social

SB 5783 by Senators Kohl-Welles, Zarelli, Hatfield, Franklin, Roach, Kline, Hobbs, Keiser, Kauffman, Kilmer, Kastama, Oemig, Delvin, Benton and Rasmussen

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AN ACT Relating to interest arbitration regarding certain care providers; and amending RCW 41.56.028 and 41.56.026.

SJR 8220 by Senators Fraser, Brandland, Marr, Shin, Schoesler, Delvin, Hatfield, Tom and Rasmussen

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

Eliminating prohibitions on the investment of certain state moneys.

Referred to Committee on Ways & Means.

SB 5784 by Senators Shin, Delvin, Kilmer, Sheldon, Kohl-Welles, Marr, Kauffman, Berkey and Murray

MOTION

AN ACT Relating to excise taxation of required college instructional materials; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5768 which was referred to the Committee on Ways & Means.

Referred to Committee on Higher Education.

SIGNED BY THE PRESIDENT

SB 5785 by Senator Jacobsen

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1168,

AN ACT Relating to intercounty rural library districts; and amending RCW 27.12.190.

MOTION

Referred to Committee on Government Operations & Elections.

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

SB 5786 by Senators Kline, Murray, Regala, Weinstein, Fairley, Pridemore, Brown, Jacobsen, Rockefeller, Kohl-Welles and Spanel

MOTION

AN ACT Relating to creating a death penalty task force; creating new sections; making appropriations; and providing an expiration date.

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8613

Referred to Committee on Judiciary.

By Senators Haugen and Spanel

SB 5787 by Senators Kline, Murray, Regala, Weinstein, Fairley, Brown, Pridemore, Jacobsen, Franklin, Rockefeller, Kohl-Welles and Spanel

AN ACT Relating to death penalty eligibility for persons who are mentally retarded or have a severe mental disorder; amending RCW 10.95.030, 10.95.060, 10.95.070, and 10.95.080; and prescribing penalties.

WHEREAS, La Conner High School this past fall claimed the 2B State Championship volleyball title when the Lady Braves capped a greatly successful season with a three games to zero victory in the championship match; and

WHEREAS, Along with capturing the 2B state title the Lady Braves, led by Coach Suzanne Marble, finished the season with a perfect record of 20-0 in matches and an amazing 60-0 in games; and

Referred to Committee on Judiciary.

WHEREAS, The winning of the 2B state title by La Conner marks the first time since 1986 that a school west of the Cascade Mountains has been the 2B state champions; and

WHEREAS, Coach Suzanne Marble was named Coach of the Year in the Northwest Conference; and

SB 5788 by Senators Spanel, Brandland and Kohl-Welles

AN ACT Relating to the licensing of home inspectors; adding a new chapter to Title 18 RCW; creating new sections; and prescribing penalties.

WHEREAS, Setter Carlee Marble was named Most Valuable Player in the Northwest 1A/2B League; and

WHEREAS, A total of 6 La Conner players achieved all league honors; and

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

WHEREAS, The junior varsity team also finished the season without a defeat;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the La Conner Lady Braves on their undefeated season and 2B State Volleyball Championship; and

SB 5789 by Senators Parlette, Haugen, Pflug, Rockefeller, Carrell, Kastama, Rasmussen, Schoesler, Berkey, Hewitt, Brandland, Morton, Swecker, Stevens, Clements, Benton, Sheldon, Holmquist, Shin and Roach

AN ACT Relating to changing insurance requirements for small employers; amending RCW 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 48.21.047, 48.43.028, 48.44.024, and 48.46.068; and creating a new section.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the La Conner School District Superintendent, La Conner High School Principal, and La Conner High School's Lady Braves Team Members and Coaches.

Senator Haugen spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8613.

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

Referred to Committee on Health & Long-Term Care.

INTRODUCTION OF SPECIAL GUESTS

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The President welcomed and introduced members of the La Conner High School Volleyball Team who were seated in the gallery.

MOTION

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

MOTION

Without objections, on motion of Senator Eide, Gubernatorial Appointments GA 9033, Eric Liu, Member, State Board of Education; 9037, Kristina Mayer, Member, State Board of Education; and 9043, Gerald Morgen, Member, Personnel Appeals Board were returned to the Committee on Rules.

The motion by Senator Eide was adopted by voice vote.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9056, Dolorita Reandeu, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Pridemore spoke in favor of the motion.

APPOINTMENT OF DOLORITA REANDEAU

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9056, Dolorita Reandeu as a member of the Board of Trustees, State School for the Deaf.

MOTION

On motion of Senator Regala, Senators Kastama, Weinstein and Tom were excused.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9056, Dolorita Reandeu as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Kastama, Pflug and Tom - 3

Gubernatorial Appointment No. 9056, Dolorita Reandeu, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Clements moved that Gubernatorial Appointment No. 9021, Paul P. George, as a member of the Horse Racing Commission, be confirmed.

Senators Clements and Rasmussen spoke in favor of the motion.

APPOINTMENT OF PAUL P. GEORGE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9021, Paul P. George as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9021, Paul P. George as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Hewitt - 1

Excused: Senators Kastama and Pflug - 2

Gubernatorial Appointment No. 9021, Paul P. George, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you. Well ladies and gentlemen of the Senate, today is Dairy Day in the Legislature. Today's the day we honor the men and women of the Dairy industry and their families. This is a marvelous day for all of us in the Legislature because we have the opportunity to honor our dairy families and the dairy producers across the state. Also, you will get to enjoy the twenty-five hundred ice cream bars that are going to be handed out by the men and women of the Dairy Federation and by Dairy Ambassadors. I'm very, very privileged as a former dairy farmer to say welcome to the dairy industry, the producers, the men and women who make this wonderful product called milk. I hope you'll all share with me and you'll toast a glass of milk the next time you sit down for lunch and dinner and don't forget to go out and meet our Dairy Ambassadors and men and women of our dairy industry and have an ice cream bar. Thank you very much."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 2006-2007 Dairy Ambassadors Trista Van Berkim, Debbie Branch and Melisa Lancaster who were seated at the rostrum and Dairy Ambassadors who were seated in the Gallery.

With permission of the Senate, business was suspended to allow Trista Van Berkim, Dairy Ambassador, to address the Senate.

REMARKS BY MS. TRISTA VAN BERKIM

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Trista Van Berkim: “Honorable Lieutenant Governor Owen, members of the Senate and guests. Three point five billion dollars. That is the estimated annual economic impact of the dairy industry in Washington State. After apples, milk is the second largest agriculture commodity produced in Washington. Washington Dairy farmers take pride in producing some of the highest quality milk in the nation. We also take pride in helping the people of our state prosper. For every one million dollars in finished dairy products twenty jobs are supported in farming, processing, distribution and marketing. Dairy farms also improve the environment. Land conservation efforts by dairy farmers has supported thousands of acres of open habitat used by the many different migratory birds believed that live in our fields. Our state has long been blessed with the thriving dairy industry. But what about if that were not the case, stop and imagine that for a moment. No dairy industry, the very landscape of our evergreen state would be dramatically altered not to mention our daily diets. Cereal with no milk in the morning? No thank you. And lasagna with Wisconsin cheese? Not my preference and we could just say goodbye to those creamy mochas and lattes that we all have come to rely on in the mornings. I want to thank you for what you have done to protect the dairy industry and dairy farmers like my dad. Your pen is a powerful tool and my challenge for you today is to continue to protect the family dairy farmer so that our imagined dairy-less state does not become a reality. Washington, have you got milk?”

REMARKS BY THE PRESIDENT

President Owen: “Trista, thank you very much and to all the Ambassadors, thank you all for what you do.”

PERSONAL PRIVILEGE

Senator Delvin: “Well, several, actually Mr. President. One, milk does a body good as the former speaker didn’t certainly restrict the height growth there. Also, Mr. President, we have a new person on the dais to recognize that because I know the gentleman from the fourteenth with his hearing implements couldn’t hear those vote counts and that brings me to him. He stood up earlier for that gubernatorial appointment. He disclosed some of his dealing with the gentleman but he didn’t disclose them all. I first came to Olympia back in ’94 with the good gentleman from the fourteenth district. We both entered the House of Representatives and he disclose everything when he was the nomination and he forgot to disclose some things. One, because he says he knows horse racing, I think he owned some ponies at one time or he at least he gave some money on some ponies sometimes that I don’t think that he disclosed that little known fact so he does have an interest in that sport. Also, you know yesterday I think we were delivered some apples to our offices from the Apple Commission and he use to be the president of the Apple Commission. He didn’t disclose that fact either. I gave my apples away knowing, to a good friend, knowing that they could better use them me because I thought we’d probably have a lot of apples this session knowing that the gentleman from the fourteenth district. He use to grow them. Maybe he still has an apple tree or two that we’d have all the apples we would need here. That’s one thing else he didn’t disclose about his past that he does grow apples and he has a relationship there with those apples too. The other thing, he resigned from the House before coming to the Senate and when I think a less than honorable way got an appointment. Now, my appointment two years ago I think was an honorable appointment but I think, in his case, he came here under less honorable method. I think he, well, I just don’t think the voters

had a chance to really vote who they wanted as their Senator from the fourteenth and hopefully they’ll be given that opportunity in the next year to do that. So, this was his first speech today on the floor of the Senate. Hopefully, it won’t be his last, I know we’ll probably regret that that we allowed him to speak the first time because he certainly has a reputation in the House for some of his speeches. You know some sayings like ‘This dog don’t hunt or This old porch dog isn’t whatever that porch dog does’ but so I’d just like to congratulate the gentleman from the fourteenth district for his first and look forward to a nice gift that doesn’t include apples - does not include apples. Thank you.”

PARLIAMENTARY INQUIRY

Senator Keiser: “Well, it seems to me that the gentleman from the fourteenth district has spoken before today. I recall last week a fine resolution brought forward to the floor about our colleague Senator Deccio and it seems to me that I recall the gentleman from the fourteenth district standing up and speaking out and here he’s done it again. So, how do we allow in our rules on this August bodies floor to recognize and acknowledge someone’s first speech when it is his second?”

REMARKS BY THE PRESIDENT

President Owen: “That was a point of order that you raised that you raised. You know, the President raises the same question and Senator Clements did approach me the other day and he implied, - I add a strong emphasis- implied that the President said that that would not count as first speech. That would imply that the President made a mistake which of course is a very bad mistake on his part. The point is well taken.”

PARLIAMENTARY INQUIRY

Senator Honeyford: “This gentleman made promises after that first speech and the tribute has not been received and so I’m inquiring as to can his microphone be turned off until that tribute is paid?”

PERSONAL PRIVILEGE

Senator McCaslin: “I have an answer for the question raised about his second speech. It means he has to give us two gifts.”

POINT OF INQUIRY

Senator Schoesler: “Would the gentleman from the fourteenth district yield to a question?”

Senator Clements: “No.”

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. If the gentleman were to have yielded to a question, I think the body would of liked to have known what gifts he comes bearing. Now, think about this. In the spirit of his predecessor, it should almost certainly include the other white meat, pork. Because no one was more successful at procurement of the other white meat than his predecessor. He has apparently learned one thing from his predecessor. He’s already cut a deal with the chairman from the Yakima County Democrats. Already, not even one month and he’s cut a deal across the aisle. I think he did learn a few things except the bearing of gifts that should come with this

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lofty position he has inherited. I can't help but believe that without a gift, they'll never be a street or a building named after the new Senator from the fourteenth district, but he did explain his background with horse racing. And that background in horse racing runs deep, in fact, my uncle worked with the gentleman's father-in-law a generation ago in that industry so I think we should congratulate him on his maiden, as the term is known in horse racing, and wish him the very best of luck in this body."

PERSONAL PRIVILEGE

Senator Rockefeller: "Well, to judge from the remarks of the good gentleman from the eighth district, I'd like to refer to the gentleman from the fourteenth as the almost-honorable Senator Clements. But laying that aside Mr. President, I do have a concern that the real Jim Clements has not yet appeared before us. After all, I served in the House as many of us here today in that other body and I must say that his performance so far in speaking to a gubernatorial appointment is remarkably subdued compared to the style that he has exhibited so well when he was a member of the other chamber so, I remember for example, his famous, 'I see a train wreck coming' speech when he spoke about WASL and it left an indelible impression on all of us who heard it. I do hope the real Senator Clements will soon appear here in the Senate. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well, I have to take exception with what term was used by the good Senator from the ninth legislative district. Maiden speech, now, I revere the good gentleman from the fourteenth district very much and because he is so known for the political correctness of his speech at all times. I don't know that maiden is the right term to use for his first speech. I mean, we could say, inaugural speech or initial speech on the senate floor, introductory, pioneering. We could even get to cleansing or purifying, debutante maybe untouched and if we could be really down to earth here perhaps spring chicken or jail bait or undeflowered but maiden is something I just don't think is appropriate to use for the first remarks or second on the senate floor of the good Senator from the fourteenth district."

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, the good gentleman from the fourteenth district I've known for a long time is a fellow agriculture producer but I want you to know as Chair of Agriculture this fellow is high maintenance. He is really high maintenance. He smiles a lot. He talks a lot but he's really high maintenance so watch out all of you."

PERSONAL PRIVILEGE

Senator Clements: "Thank you Mr. President and the rest of the body. The accolades were absolutely different. As far as somebody coming from the other body when I went back to my district, Mr. President, to get gifts because the first day I was here I asked the good friend from the ninth district some of the protocols. He said, 'The first protocol is, the first time you speak you come bringing gifts' and I had to have that explained. Then my friend from the seventh I asked if Krugerrands, chocolate of course, would be appropriate and he didn't think so. In the course of time I know I approached the good President on my opportunity to follow the Senators from the fourteenth district

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appreciation. Well, you're the fourth, oh, I'm the fourteenth. There was some mis-communication but I can assure you that I went back to the fourteenth district and I went to an organization that represents the Growers Co-Op and that's Tree Top and it signifies for me part of my home town that has brought great prosperity and many, many jobs, dealing with a multiple and, I'm sorry to say it, of apple products but I'm happy to say. When I got back to the fourteenth district some of my friends said to me 'Senator Clements, how have you adjusted your first two weeks?' and from the fine lady of the forty-seventh who I have a couple of committees, I said 'It's been charming, a number of the members are very gracious and very kind,' and I, being an alpha male, I've had to have some adjustments in some in some of the committees that I'm on but I'm not collard but I'm well-house-broken. And being the second speech and I think remiss about that a great philosopher from Eastern Washington shared this with his caucus and today it is the second mouse that get's the cheese and I have brought gifts from my district and I hope they can be shared and I hope you look at them because they do signify who we are in the fourteenth district even with the Senator that doesn't hear well. He doesn't have to worry about combing his hair and in time we will take an opportunity to debate with great earnestness with some of the issues my friends on the other side will bring forth but until that time, please enjoy what I brought to this body in a tradition that I think is wonderful. Thank you very much."

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055, Kris Pomianek; Gubernatorial Appointment No. 9038, William McDowell; and Gubernatorial Appointment No. 9079, Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055 Kris Pomianek; Gubernatorial Appointment No. 9038 William McDowell; and Gubernatorial Appointment No. 9079 Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senators Prentice, Parlette and Morton spoke in favor of the motions.

APPOINTMENT OF JAMES TIFFANY

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No. 9055 Kris Pomianek; Gubernatorial Appointment No. 9038 William McDowell; and Gubernatorial Appointment No. 9079 Darlene Wilder as members of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9072, James Tiffany as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was

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confirmed by the following vote: Yes, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF KRIS POMIANEK

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9055, Kris Pomianek as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF WILLIAM MCDOWELL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9038, William McDowell as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

APPOINTMENT OF DARLENE WILDER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9079, Darlene Wilder as a member of the Board of Trustees, Wenatchee Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Kastama - 1

Gubernatorial Appointment No. 9072, James Tiffany; Gubernatorial Appointment No.9055, Kris Pomianek; Gubernatorial Appointment No. 9038, William McDowell; and Gubernatorial Appointment No. 9079, Darlene Wilder having received the constitutional majority were declared confirmed as members of the Board of Trustees, Wenatchee Valley Community College No. 15.

MOTION

At 11:05 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 1, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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TWENTY-FIFTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, February 1, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2007

SB 5098 Prime Sponsor, Rockefeller: Creating the guaranteed opportunities scholarship. Revised for 1st Substitute: Creating the Washington guaranteed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5098 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Ways & Means.

January 31, 2007

SB 5101 Prime Sponsor, Hobbs: Expanding higher education tuition waivers to include certain certificated instructional staff. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5101 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5142 Prime Sponsor, Fraser: Modifying the disbursement of funds by air pollution control agencies. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5172 Prime Sponsor, Fraser: Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement

system, and the public safety employees' retirement system. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5174 Prime Sponsor, Pridemore: Making technical corrections in the public retirement systems. Revised for 1st Substitute: Making corrections in the public retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5174 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5176 Prime Sponsor, Pridemore: Addressing the portability of public retirement benefits. Reported by Committee on Ways & Means

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

Passed to Committee on Rules for second reading.

January 31, 2007

SB 5183 Prime Sponsor, Hatfield: Regarding cost savings on course materials for students at community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5183 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5192 Prime Sponsor, Hatfield: Modifying the powers and funding of the forensic investigations council. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

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January 30, 2007

SB 5225 Prime Sponsor, Oemig: Modifying gas and hazardous liquid pipeline provisions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5251 Prime Sponsor, Kohl-Welles: Establishing the term of existence of a collective bargaining agreement. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5256 Prime Sponsor, Prentice: Providing for the exclusion of veterans benefits from the income calculation for the retired person property tax relief program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

January 29, 2007

SB 5303 Prime Sponsor, Haugen: Adding a physical examination requirement for certificate of ownership applications. Revised for 1st Substitute: Regarding examination requirements for certificates of ownership. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5303 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senator Murray, Vice Chair

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5436 Prime Sponsor, Pflug: Regarding the statute of limitations under the public records act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5440 Prime Sponsor, Keiser: Modifying provisions relating to public facilities districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Economic Development, Trade & Management.

January 31, 2007

SB 5466 Prime Sponsor, Shin: Increasing the operating fee waiver authority for Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Ways & Means.

January 30, 2007

SB 5475 Prime Sponsor, Poulsen: Modifying provisions affecting underground storage tanks. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5475 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist, Honeyford and Morton

Passed to Committee on Ways & Means.

January 30, 2007

SB 5481 Prime Sponsor, Oemig: Including water conservation in energy conservation provisions. Revised for 1st Substitute: Concerning conservation measures in performance-based contracting. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

January 30, 2007

SB 5671 Prime Sponsor, Holmquist: Exempting alternative fuel from taxation if manufactured in Washington state. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Transportation.

January 30, 2007

SB 5681 Prime Sponsor, Kilmer: Reducing toll project costs by transferring sales and use tax collections to the project's tolling account. Reported by Committee on Transportation

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Holmquist, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Ways & Means.

January 30, 2007

SGM 8000 Prime Sponsor, Shin: Requesting the restoration of funding for the study and observation of the global atmospheric transport of pollution. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Higher Education.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 31, 2007

SGA 9089 CHARLEY BINGHAM, appointed May 3, 2006, for the term ending June 30, 2010, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 31, 2007

SGA 9132 JEFF JOHNSON, appointed July 24, 2006, for the term ending April 30, 2010, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 31, 2007

SGA 9180 JONATHAN SPROUFFSKE, appointed September 29, 2006, for the term ending June 30, 2007, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

January 31, 2007

SGA 9194 ELIZABETH A. WILLIS, appointed November 1, 2006, for the term ending April 3, 2007, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5192 and Senate Bill No. 5475 which were referred to the Committee on Ways & Means.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 25, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GRANT PELESKY, reappointed January 24, 2007, for the term ending June 30, 2009, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

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

January 2, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

CHUCK PERRY, reappointed January 1, 2007, for the term ending December 31, 2012, as Member of the Fish and Wildlife Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 17, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

GORDON (DON) PIERCY, appointed January 15, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Skagit Valley Community College District No. 4.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

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

TWENTY-FIFTH DAY, FEBRUARY 1, 2007

2007 REGULAR SESSION

INTRODUCTION AND FIRST READING

SB 5790 by Senators Hobbs, Rockefeller, Rasmussen, Fairley, McAuliffe, Kohl-Welles, Pridemore, Hatfield, Clements, Jacobsen and Shin

AN ACT Relating to skill centers; amending RCW 84.52.068; adding a new chapter to Title 28A RCW; and creating a new section.

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

SB 5791 by Senators Sheldon, Oemig, Rasmussen, Hargrove, Hobbs, Benton, Delvin and Holmquist

AN ACT Relating to hunter and firearm safety education; and adding a new section to chapter 28A.320 RCW.

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

SB 5792 by Senators Clements, Kastama, Morton, Holmquist and Zarelli

AN ACT Relating to siting of branch offices of state departments; and amending RCW 43.17.050.

Referred to Committee on Government Operations & Elections.

SB 5793 by Senator Morton

AN ACT Relating to the composition of the fish and wildlife commission; and amending RCW 77.04.030 and 77.04.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5794 by Senators Jacobsen, Kline, Poulsen, Murray, Kohl-Welles and Franklin

AN ACT Relating to establishing an urban school district allocation; adding a new section to chapter 28A.150 RCW; and making appropriations.

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

SB 5795 by Senators Kilmer, Haugen, Carrell, Murray, Keiser, Delvin and Jacobsen

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Health & Long-Term Care.

SB 5796 by Senators Hargrove, McAuliffe and Shin

AN ACT Relating to credit for time served in a presentence day reporting program; and amending RCW 9.94A.680.

Referred to Committee on Human Services & Corrections.

SB 5797 by Senators Clements, Haugen, Holmquist, Murray, Delvin, Sheldon, Shin, Benton and Tom

AN ACT Relating to motorcycle endorsement verification; and amending RCW 46.16.010.

Referred to Committee on Transportation.

SB 5798 by Senators Swecker and Haugen

AN ACT Relating to design-build construction for transportation projects; and amending RCW 47.20.780.

Referred to Committee on Transportation.

SB 5799 by Senators Haugen, Prentice, Swecker, Berkey, Marr, Kilmer, Clements, Sheldon, Schoesler and Shin

AN ACT Relating to business and occupation tax rates for certain fuel distributors; reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SB 5800 by Senators Sheldon, Jacobsen, Benton, Haugen, Honeyford, McCaslin, Berkey, Brandland, Delvin and Kilmer

AN ACT Relating to limiting the obligations of landlords under writs of restitution; amending RCW 59.18.312; creating a new section; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

SB 5801 by Senator Jacobsen

AN ACT Relating to institutional chaplains; amending RCW 72.01.210; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5802 by Senators Jacobsen and Tom

AN ACT Relating to age limitations for driver's license renewal and expiration; amending RCW 46.20.181; and reenacting and amending RCW 46.20.120.

Referred to Committee on Transportation.

SB 5803 by Senators Murray, Haugen, Swecker, Kastama, Jacobsen and Kohl-Welles

AN ACT Relating to authorizing the creation of regional transportation commissions; amending RCW 47.80.020, 47.80.060, 81.104.080, 81.104.090, 81.112.080, 47.56.030, 81.104.040, 82.80.005, 82.14.430, 82.80.100, 82.80.120, 81.100.030, 47.56.031, 47.56.075, and 81.112.030; reenacting and amending RCW 81.100.060; adding new sections to chapter 36.120 RCW; adding a new chapter to Title 36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 5804 by Senators Prentice, Poulsen, McCaslin, Murray, Hargrove, Roach, Carrell, Eide, Hewitt and Shin

AN ACT Relating to limitations on asbestos-related liabilities relating to certain mergers or consolidations occurring before 1972; adding a new chapter to Title 23 RCW; and declaring an emergency.

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Referred to Committee on Judiciary.

SB 5805 by Senators Hatfield, Zarelli, Rasmussen, Swecker, Shin and Hargrove

AN ACT Relating to the sales and use taxation of grain elevators; amending RCW 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.12.820, and 82.12.820; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5806 by Senators Schoesler, Shin, Berkey, Delvin, Murray and Kohl-Welles

AN ACT Relating to higher education costs; amending RCW 28B.15.820 and 28B.92.080; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.50 RCW; adding new chapters to Title 28B RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5807 by Senators Stevens and Hargrove

AN ACT Relating to child protective services pilot programs; adding a new section to chapter 44.28 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

SB 5808 by Senators Weinstein and Kohl-Welles

AN ACT Relating to educating the public on requirements for securing vehicle loads on public highways; adding a new section to chapter 43.59 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 5809 by Senators Weinstein and Kohl-Welles

AN ACT Relating to instructing new drivers on properly securing vehicle loads on public highways; amending RCW 46.82.420; and adding a new section to chapter 28A.220 RCW.

Referred to Committee on Transportation.

SB 5810 by Senators Rasmussen, Schoesler, Shin, Kastama, Morton, Sheldon, Swecker, Haugen, McAuliffe, Hargrove and Jacobsen

AN ACT Relating to providing property tax relief to owners of property used to conserve wildlife habitat; and amending RCW 84.34.020 and 84.34.030.

Referred to Committee on Government Operations & Elections.

SB 5811 by Senators Rasmussen, Schoesler, Shin, Morton, Hatfield, Kastama, Sheldon, Swecker, Hargrove and Jacobsen

AN ACT Relating to animal identification programs; amending 2006 c 150 s 1 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5812 by Senators Rasmussen, Holmquist and McAuliffe

AN ACT Relating to election dates for educational service district board members; and amending RCW 28A.310.080.

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

SB 5813 by Senators McAuliffe, Hobbs, Weinstein, Kauffman, Eide, Tom, Rasmussen, Kohl-Welles, Murray, Shin, Marr, Oemig, Kilmer and Delvin

AN ACT Relating to improving mathematics and science education; amending RCW 28A.660.005, 28A.660.050, and 28B.102.080; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.660 RCW; creating new sections; providing an expiration date; and declaring an emergency.

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

SB 5814 by Senators McAuliffe, Hobbs, Rasmussen, Kauffman, Eide, Kohl-Welles, Murray, Marr, Spanel, Shin, Oemig, Kilmer and Delvin

AN ACT Relating to educational opportunities in mathematics, science, and technology; amending RCW 28A.230.130 and 28A.230.130; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.650 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28B.76 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

SB 5815 by Senators Weinstein, Kline, Poulsen, Eide, Murray, Pridemore, Oemig and Jacobsen

AN ACT Relating to modifying provisions relating to consumer protection act violations; and amending RCW 19.86.090.

Referred to Committee on Consumer Protection & Housing.

SB 5816 by Senators Kline, Fairley, Kohl-Welles and Weinstein

AN ACT Relating to actions for wrongful injury or death; amending RCW 4.20.010, 4.20.020, 4.20.046, 4.20.060, and 4.24.010; and creating new sections.

Referred to Committee on Judiciary.

SB 5817 by Senators Marr, Roach, Franklin, Rockefeller, Kohl-Welles, Hobbs, Spanel, Swecker, McAuliffe,

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Kilmer, Haugen, Berkey, Murray, Pflug, McCaslin, Weinstein, Tom, Delvin, Rasmussen, Kauffman, Oemig, Kline and Keiser

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

AN ACT Relating to limitation of actions for sex offenses committed against a child; and amending RCW 9A.04.080.

MOTION

Referred to Committee on Judiciary.

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

SB 5818 by Senator Roach

MOTION

AN ACT Relating to providing an alternative method for withdrawal from public hospital districts for smaller cities; and adding a new section to chapter 70.44 RCW.

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

Referred to Committee on Government Operations & Elections.

MOTION

Senator Kline moved adoption of the following resolution:

SB 5819 by Senators Roach, Benton, Morton, Stevens, Delvin and Swecker

SENATE RESOLUTION
8618

AN ACT Relating to state board of education membership; adding new sections to chapter 28A.305 RCW; and repealing RCW 28A.305.011 and 28A.305.021.

By Senator Kline

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

WHEREAS, Mr. Floyd Standifer is a true father of jazz and has been a performer and contributor to this true American art form for 60 years; and

SB 5820 by Senators Roach, Benton, Morton, Schoesler, Stevens, Carrell, Delvin and Clements

AN ACT Relating to body piercing; amending RCW 26.28.085; and prescribing penalties.

Referred to Committee on Judiciary.

WHEREAS, He has been a prominent and renowned jazz musician since leaving his studies in physics at the University of Washington in 1946 to further his studies in music, and became one of the favorite and most respected jazz musicians in the Pacific Northwest; and

SB 5821 by Senators Roach, Benton, Stevens and Delvin

AN ACT Relating to regulating body art facilities; amending RCW 43.20.050; adding a new section to chapter 70.05 RCW; and creating a new section.

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

WHEREAS, He mastered several instruments, including trumpet, flugelhorn, and saxophone, and the vocalization of bebop and jazz favorites and is well known as a true father of jazz; his creative expressions were a testimony to his values for peace and tranquility; and

WHEREAS, Mr. Standifer has kept jazz alive in the Pacific Northwest region through his 20-year stint at the New Orleans Jazz Club in Pioneer Square, an area where many musicians including Quincy Jones, Ray Charles, and Jimi Hendrix performed in their beginning years as musicians; and

SB 5822 by Senators Kohl-Welles and Parlette

AN ACT Relating to allowing certain activities between manufacturers, importers, or distributors and retail sellers of wine; and reenacting and amending RCW 66.28.010.

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

WHEREAS, Along with performing jazz, he taught at Cornish College of the Arts, the University of Washington, Olympic College in Bremerton, and the Northwest School; and

WHEREAS, Mr. Standifer has given his talents freely to perform many benefits to enrich the lives of those less fortunate including the Have a Heart Help A Child Benefit for First Place, a school for homeless children, and has been a mentor to young and emerging musicians; and

SJM 8010 by Senators Delvin, Shin, Schoesler, Eide, McCaslin, Morton, Roach, Benton, Stevens, Clements and Zarelli

Calling on the President and Congress to enact the TUFTA.

Referred to Committee on Economic Development, Trade & Management.

WHEREAS, Floyd Standifer was born in North Carolina, raised in Portland and Gresham, Oregon and moved to Seattle and attended the University of Washington as a physics student; and

WHEREAS, In his passing, the state of Washington has lost a great legend and a respected resident of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington, on behalf of the residents of the state of Washington, honor Floyd Standifer's life as a jazz musician, educator, father, and friend; he will be missed; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family and friends of Floyd Standifer.

Senator Kline spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8618.

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

SJM 8011 by Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. This morning in Education we heard Senate Bill No. 5450 and what it concerns was our developmental delayed disability to students

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could not walk in graduation because the school refused to allow them to walk at graduation. Maybe because they were going to be in school another two years because we have the right, we have the obligation, to educate them until their age 21. There was a young man that had worked and saved to purchase his school ring and wanted and was looking forward to his graduation with his peers. He was not allowed to do that. The Kent School District finally overturned that and did allow him to walk in graduation only because there was a lot of pressure put on the school district and certainly his friends and a young woman by the name of Allison who was a student body president that befriended him. His parents went through a long struggle in order to have him walk in graduation which he was allowed to do so. These students have a long journey in life and particularly their school year and not to be able to walk in graduation that really is wrong. Ethically wrong and we wanted to overturn that so Senate Bill No. 5450 said it's mandatory that all students and students with disabilities can walk in graduation. So, we were very honored today to have this young man and his family before our committee and I wanted to be able to express in this body that this was a tremendous morning for this family and particularly for this young man and I wanted you, Mr. President, to be able to have the opportunity to hear his story. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Kevin Britt and his family and Ms. Allison Lewis who were seated in the gallery.

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 2, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

TWENTY-SIXTH DAY, FEBRUARY 2, 2007

2007 REGULAR SESSION

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 2, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Haugen, Holmquist, Honeyford, Kline, Parlette, and Roach.

The Sergeant at Arms Color Guard consisting of Pages Alec Stewart and Emily Schalka, presented the Colors. Pastor Betty Hatter of the City of Truth Ministries Church offered the prayer.

MOTION

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 1, 2007

SB 5010 Prime Sponsor, Honeyford: Creating a state park foster home pass. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 1, 2007

SB 5015 Prime Sponsor, Jacobsen: Designating the state ornithologist. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5015 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 31, 2007

SB 5039 Prime Sponsor, Eide: Providing for the state investment board to administer scholarship endowment funds. Revised for 1st Substitute: Providing for the state investment board to manage scholarship endowment funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5097 Prime Sponsor, Rockefeller: Changing requirements for safe school plans. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Brandland and Holmquist

Passed to Committee on Ways & Means.

February 1, 2007

SB 5135 Prime Sponsor, Eide: Equalizing school district salary allocations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt and Holmquist

Passed to Committee on Ways & Means.

January 31, 2007

SB 5235 Prime Sponsor, Prentice: Modifying provisions relating to the business and occupation taxation of mortgage brokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Ways & Means.

February 1, 2007

SB 5259 Prime Sponsor, Jacobsen: Modifying provisions governing the sale of unneeded park land. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5260 Prime Sponsor, Jacobsen: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

January 31, 2007

SB 5262 Prime Sponsor, Franklin: Establishing certain capital and surplus requirements necessary to transact insurance. Reported by Committee on Financial Institutions & Insurance

TWENTY-SIXTH DAY, FEBRUARY 2, 2007

2007 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

January 31, 2007

SB 5263 Prime Sponsor, Franklin: Modifying medical malpractice closed claim reporting requirements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5267 Prime Sponsor, McAuliffe: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5267 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 1, 2007

SGA 9087 RONNIE BEHNKE, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Renton Technical College District No. 27. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SGA 9124 JERRY R. HENDRICKSON, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Walla Walla Community College District No. 20. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SGA 9148 JANIS MACHALA, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007
SGA 9188 BRIAN VANCE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, South Puget Sound Community College District No. 24. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SGA 9201 SUSAN COLE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 1, 2007

SGA 9216 JOHN DRISCOLL, reappointed December 7, 2006, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 1, 2007

SGA 9229 FRED A. SHIOSAKI, reappointed March 14, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5235 which was referred to the Committee on Ways & Means.

MOTION

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

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

January 26, 2007

TWENTY-SIXTH DAY, FEBRUARY 2, 2007
 Olympia, Washington 98504-5000

2007 REGULAR SESSION

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

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Washington State Patrol Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Medicaid Audit Report.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Washington State Patrol Audit Report is on file in the Office of the Secretary of the Senate.

Sincerely,
 Brian Sonntag, State Auditor
 The Medicaid Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

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January 26, 2007

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STATE OF WASHINGTON

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Olympia, Washington 98504-5000

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Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Washington State Criminal Justice Training Commission Accountability Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Washington State University Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Washington State Criminal Justice Training Commission Accountability Audit Report is on file in the Office of the Secretary of the Senate.

Sincerely,
 Brian Sonntag, State Auditor
 The Washington State University Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

MESSAGES FROM THE STATE OFFICES

January 26, 2007

January 30, 2007

STATE OF WASHINGTON

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Olympia, Washington 98504-5000

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Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Clover Park Technical College Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Department of Social & Health Services, Child Protective Services Report. This report is mandated under Chapter 95 Laws of 2006.
 If you have any questions about the report, please call 360-902-7822.

Sincerely,
 Brian Sonntag, State Auditor
 The Clover Park Technical College Audit Report is on file in the Office of the Secretary of the Senate.

The Department of Social & Health Services Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

MESSAGES FROM THE STATE OFFICES

January 31, 2007

February 1, 2007

STATE OF WASHINGTON

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482

TWENTY-SIXTH DAY, FEBRUARY 2, 2007
Olympia, Washington 98504-0482

2007 REGULAR SESSION

Dear Mr. Hoemann:

Enclosed is Washington State Health Care Authority, Disease Management. This report is mandated under RCW 41.05.13.

If you have any questions about the report, please call 360-923-2823.

Sincerely,

Steve Hill, Administrator

The Washington State Health Care Authority, Disease Management Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5823 by Senators Fairley, Kline and Kohl-Welles

AN ACT Relating to discrimination based on lawful source of income; and amending RCW 49.60.030, 49.60.040, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on Consumer Protection & Housing.

SB 5824 by Senators Tom, Weinstein, Kauffman, Marr, Murray, Eide and Berkey

AN ACT Relating to recovery of costs of studded tire damage to highways; amending RCW 46.37.420; and creating a new section.

Referred to Committee on Transportation.

SB 5825 by Senators Tom, Kohl-Welles, Oemig, Berkey, Kauffman, Rockefeller, Prentice, Fairley, Fraser, Keiser, Hobbs, Regala, Murray, Kline and Shin

AN ACT Relating to foods of minimal nutritional value sold and served on public school campuses; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5826 by Senators Berkey, Benton, Roach, Zarelli, Kauffman, Marr, Kilmer, Carrell, Hobbs, Schoesler, Franklin, Haugen and Shin

AN ACT Relating to consumer credit reports; amending RCW 19.182.170; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5827 by Senators Hobbs, Weinstein, Oemig, Fairley, Pridemore, Keiser, Regala, Kohl-Welles, Prentice, Kline and Rasmussen

AN ACT Relating to consumer privacy; and amending RCW 19.182.020.

Referred to Committee on Consumer Protection & Housing.

SB 5828 by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles

AN ACT Relating to early child development and learning; amending RCW 43.215.020 and 43.215.070; adding new sections to chapter 43.215 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 5829 by Senators Kauffman, Kastama, Shin, Kilmer and Rasmussen

AN ACT Relating to expanding export assistance statewide; and adding a new section to chapter 43.31 RCW.

Referred to Committee on Economic Development, Trade & Management.

SB 5830 by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin

AN ACT Relating to home visitation services for families; amending RCW 43.121.015; adding new sections to chapter 43.121 RCW; and repealing RCW 43.70.530.

Referred to Committee on Human Services & Corrections.

SB 5831 by Senators Kohl-Welles, Franklin, Keiser and Murray

AN ACT Relating to certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work; amending RCW 18.27.060; reenacting and amending RCW 43.84.092; adding new chapters to Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5832 by Senators Kohl-Welles, Clements, Keiser and Kline

AN ACT Relating to the installation of automatic sprinkler systems in nightclubs; amending RCW 19.27.500, 19.27.510, and 84.36.660; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5833 by Senators Hargrove and Carrell

AN ACT Relating to a claim filed against a design professional; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 5834 by Senator Jacobsen

AN ACT Relating to licensing consulting foresters; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

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SB 5835 by Senators Berkey, Delvin and Hewitt

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; reenacting and amending RCW 82.04.050; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

SB 5836 by Senators Fairley, Roach, Kline and Pridemore

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Government Operations & Elections.

SB 5837 by Senators Kohl-Welles, Keiser, Fraser, Rockefeller, Hobbs, Delvin, Tom, Prentice, McAuliffe, Jacobsen and Kline

AN ACT Relating to monitoring compliance with sexual equality laws; amending RCW 28A.640.030; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5838 by Senators Kohl-Welles, Clements and Delvin

AN ACT Relating to spirits, beer, and wine restaurant licenses; and reenacting and amending RCW 66.24.420 and 66.24.320.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5839 by Senators Benton, Stevens and Hargrove

AN ACT Relating to nonmandatory reports of child abuse or neglect; and amending RCW 26.44.030.

Referred to Committee on Human Services & Corrections.

SB 5840 by Senator Benton

AN ACT Relating to temporary permits for salvage vehicles awaiting inspection; and amending RCW 46.12.030.

Referred to Committee on Transportation.

SB 5841 by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen

AN ACT Relating to enhancing student learning opportunities and student achievement; amending RCW 28A.150.210 and 28A.505.210; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 28A.630 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Early Learning & K-12 Education.

SB 5842 by Senators Oemig, McAuliffe, Zarelli, Tom, Weinstein, Kauffman, Rockefeller, Hobbs and Kohl-Welles

AN ACT Relating to education system benchmarks and monitoring; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5843 by Senators Oemig, Tom, Rockefeller, Zarelli and Keiser

AN ACT Relating to educational data and data systems; amending RCW 28A.410.070; adding new sections to chapter 28A.320 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 5844 by Senators Roach, Jacobsen, Rockefeller, Rasmussen and Sheldon

AN ACT Relating to specialized forest products and specialty wood; amending RCW 76.48.010, 76.48.020, 76.48.030, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.094, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, 76.48.150, and 76.48.200; adding new sections to chapter 76.48 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5845 by Senators Keiser, Clements, Kohl-Welles, Franklin, Delvin and Prentice

AN ACT Relating to security guard training; amending RCW 18.170.010; adding a new section to chapter 18.170 RCW; and repealing RCW 18.170.100.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5846 by Senators Hargrove, Hatfield, Sheldon, Delvin and Shin

AN ACT Relating to authorizing the use of hotel and motel tax proceeds for public safety activities directed toward certain tourism areas; amending RCW 67.28.1815; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5847 by Senators Kline and Brandland

AN ACT Relating to overpayments received by courts; and amending RCW 63.29.130.

Referred to Committee on Judiciary.

SB 5848 by Senators Kohl-Welles, Franklin, Murray, Keiser, Rasmussen, Kline and McAuliffe

AN ACT Relating to revising the mandatory overtime prohibition applicable to nurses, but only with respect to increasing the types of health care facilities that are subject

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to the prohibition from requiring nurses to perform overtime work; and amending RCW 49.28.130 and 72.01.042.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5849 by Senators Morton, Honeyford and Holmquist

AN ACT Relating to eliminating the partial relinquishment of water rights; and amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Water, Energy & Telecommunications.

SJM 8012 by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin

Requesting the Washington Air and Army National Guard not be federalized.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5827 which was referred to the Committee on Consumer Protection & Housing.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9199, Jone Bosworth, as Director of the Washington State Department of Early Learning, be confirmed.

Senators McAuliffe and Kohl-Welles spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Parlette, Roach, Swecker and Zarelli were excused.

MOTION

On motion of Senator Regala, Senators Brown, Haugen and Kline were excused.

APPOINTMENT OF JONE BOSWORTH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9199, Jone Bosworth as Director of the Washington State Department of Early Learning.

The Secretary called the roll on the confirmation of

Gubernatorial Appointment No. 9199, Jone Bosworth as Director of the Washington State Department of Early Learning and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Absent: Senator Keiser - 1

Excused: Senators Haugen, Holmquist, Honeyford, Kline, Parlette and Roach - 6

Gubernatorial Appointment No. 9199, Jone Bosworth, having received the constitutional majority was declared confirmed as Director of the Washington State Department of Early Learning.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9119, William Gates, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Brown spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Keiser was excused.

APPOINTMENT OF WILLIAM GATES

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9119, William Gates as a member of the Board of Regents, University of Washington.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9119, William Gates as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Haugen, Keiser, Parlette and Roach - 4

Gubernatorial Appointment No. 9119, William Gates, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9090, Kristianne Blake, as a member of the Board of Regents, University of Washington, be confirmed.

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Senator Brown spoke in favor of the motion.

APPOINTMENT OF KRISTIANNE BLAKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9090, Kristianne Blake as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9090, Kristianne Blake as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

Gubernatorial Appointment No. 9090, Kristianne Blake, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced University of Washington, Board of Regents, Mr. William Gates and Ms. Kristianne Blake who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Brown moved adoption of the following resolution:

SENATE RESOLUTION
8619

By Senators Hewitt and Brown

WHEREAS, The Senate adopted permanent rules for the 2007-09 biennium under Senate Floor Resolution 8601 in 2007; and

WHEREAS, The notice requirements set forth in Senate Rule 35 have been satisfied; and

WHEREAS, The Senate desires to add one (1) additional member to the Committee on Labor, Commerce, Research and Development, bringing its total membership up to eight (8) members;

NOW, THEREFORE, BE IT RESOLVED, That Rule 41 is amended as follows:

"Rule 41. The president shall appoint all conference, special, joint and standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate.

In the event the senate shall refuse to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.

The following standing committees shall constitute the standing committees of the senate:

Standing Committee

Total Membership

1. Agriculture and Rural Economic Development 6

2. Consumer Protection and Housing 9

3. Early Learning and K-12 Education 13

4. Economic Development, Trade and Management 6

5. Financial Institutions and Insurance 8

6. Government Operations and Elections 7

7. Health and Long-Term Care 9

8. Higher Education 6

9. Human Services and Corrections 7

10. Judiciary 8

11. Labor, Commerce, Research and Development . . ((7)) 8

12. Natural Resources, Ocean and Recreation 9

13. Rules 18 (plus the Lieutenant Governor)

14. Transportation 17

15. Water, Energy and Telecommunications 11

16. Ways and Means 21"

Senator Brown spoke in favor of adoption of the resolution. The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619. The motion by Senator Brown carried and the resolution was adopted by voice vote.

STANDING COMMITTEE ASSIGNMENT

The President announced the following change to the 2007 Senate Standing Committee assignment.

Senator Hewitt appointed to the Committee on Labor, Commerce Research & Development.

MOTION

TWENTY-SIXTH DAY, FEBRUARY 2, 2007

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On motion of Senator Eide, the appointment was confirmed.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8617

By Senators Spanel, Fraser, Parlette, Brown, Hewitt and Eide

WHEREAS, Senate Security suffered the sudden, tragic loss of three friends and colleagues during the 2006 interim and session is just not the same without them; and

WHEREAS, The Senate joins their families, friends, and coworkers in mourning the passing of Norm Josephson, Patrick Molloy, and Gordon Douglass; and

WHEREAS, Norm Josephson served the Senate for seven sessions on security staff and most recently as a talented and respected reader at this rostrum; and

WHEREAS, Norm also served his community as a dedicated teacher and principal during a distinguished thirty-two year career in education; and

WHEREAS, Patrick Molloy served the Senate during the past four sessions on security staff as a shuttle driver, safely transporting legislative employees between the capitol and various parking locations; and

WHEREAS, Patrick was a full-blooded Irishman who always greeted his colleagues and customers with a dry wit, a warm smile, and a helping hand; and

WHEREAS, Gordon Douglass served the Senate for twelve sessions on security staff and for several of those sessions as a skilled and popular reader here at the Senate rostrum; and

WHEREAS, Gordy's love of people, charm, and sense of humor meant he was always surrounded with numerous friends and a loving family; and

WHEREAS, Norm, Patrick, and Gordy will be fondly remembered and dearly missed by the Washington State Senate and by all those who knew and loved them;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the memories of Norm Josephson, Patrick Molloy, and Gordon Douglass and extend its heartfelt appreciation and sympathies to their wives and families; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Janet Josephson, Catherine Novak, Sandy Douglass, Denny Lewis, and all Senate Security staff.

Senators Spanel, Sheldon, McCaslin, Brandland, Stevens and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8617.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the wives and family of our Security members, Janet Josephson, Catherine Novak and Sandy Douglass who were seated in the gallery.

MOTION

At 10:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:24 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5253, by Senators Kilmer, Swecker, Hobbs, Shin, Kohl-Welles, Regala, Marr, Hatfield, Murray, Weinstein, Rockefeller, Keiser, Sheldon, McAuliffe, Clements, Kauffman, Franklin, Eide, Jacobsen, Rasmussen and Honeyford

Creating a list of and decal for veteran-owned businesses.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5253 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5253.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5089, by Senators Regala, Zarelli, Eide, Shin, Franklin, Keiser, Rockefeller, Weinstein, Pridemore, Marr, Hobbs, Rasmussen, Murray, Prentice, Fairley, Fraser, Spanel, Berkey, Tom, Kohl-Welles, McAuliffe and Kline

Conforming Washington's tax structure to the streamlined sales and use tax agreement.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5089 was substituted for Senate Bill No. 5089 and the substitute bill was placed on the second reading and read the second time.

Senator Regala spoke in favor of the substitute bill.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Zarelli, Regala and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5089.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist, Morton and Stevens - 3

Excused: Senator Haugen - 1

SUBSTITUTE SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5058, by Senators Marr, McCaslin, Brown, Parlette, Haugen, Shin, Murray and Roach

Establishing the eastern Washington state veterans' cemetery.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5058.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5058 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SENATE BILL NO. 5058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Federal Way Chamber of Commerce under the leadership of Mr. Tom Pearson, who were seated in the gallery.

SECOND READING

SENATE BILL NO. 5444, by Senators Carrell, Kline, Holmquist, Swecker, Morton, Hewitt, McAuliffe, Tom, Sheldon, Honeyford, Clements, Schoesler, Brandland, Benton, Roach, Zarelli, Spanel, Marr, Kohl-Welles, Eide, Oemig, McCaslin, Shin, Pflug, Delvin, Rasmussen, Fairley, Weinstein, Kastama, Parlette, Stevens, Kilmer, Hatfield, Jacobsen, Haugen, Rockefeller and Keiser

Requiring notice to property owners before condemnation decisions.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 5444 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5444.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5444 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SENATE BILL NO. 5444, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President recognized Ken & Barbara Miller and Steven & Alice Miller were seated in the gallery.

SECOND READING

SENATE BILL NO. 5002, by Senators Hewitt, Pflug, Honeyford, Swecker, Morton, Stevens, Parlette, Delvin, McCaslin, Schoesler and Sheldon

Changing tuition waivers for families of fallen veterans and national guard members.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5002 was substituted for Senate Bill No. 5002 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hewitt, the rules were suspended, Substitute Senate Bill No. 5002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Hewitt, Shin and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Haugen - 1

SUBSTITUTE SENATE BILL NO. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Pridemore: "Thank you Mr. President. I just wanted, to rise, Mr. President, to welcome the esteemed Senator from the twenty-sixth district. Maybe tell the Senators a few things about him. As you may know he refers himself as Doctor Senator, Senator Doctor that's because he has a quite an educational pedigree having attended Princeton University and Oxford University. I got to tell you all he is not that kind of a doctor, he's a PhD. That's why, should I ever fall on a massive coronary on the floor of this body, that's the second reason why I don't want him to give me CPR. This is, of course, the first reputable public office that this young man has held and he worked very hard to get it. He door belled on one-hundred, thirty-seven thousand homes. He hadn't intended to door bell that many but he wasn't really sure what the district boundaries were so he just kept going. He put up a lot of yard signs. He studied the issued late at night. He arrives in the Senate and the first thing that happens is he's assigned to the committee chaired by the esteemed Senator from Mercer Island. Hopefully, the next four years will go better for him and perhaps it can begin with an appropriate gift to the members of this body right now."

PERSONAL PRIVILEGE

Senator Schoesler: "Mr. President, sometimes when someone makes their first address, we're told to keep things clean and within decorum. I really think we're pushing it when we talk about pedigrees. That's usually a little bit about race horses or other stock and I won't go there. I think what we want to examine is what this young man will bring to the body. I particularly hoping that there'll be something related to pheasants and pheasant hunting in the not too distant future. I also have a great hope that since I venture into that area every fall during a silver season that they'll be a token for each one of us to cross a new bridge in that vicinity. So, I hope when the appropriate gift is made it will include that token for that particular bridge. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "The President and others of us at the rostrum are confused about which of the two Senators who made their first speeches we're speaking of."

PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Mr. President. I will clear that up, I think it's Senator Kilmer from the Twenty-sixth district, correct? Actually I have known him from-I think he was about this tall when I first met him. His parents were good friends of the late Dick Fish who was my seat mate in the House before he passed away. So I met Derek when he was very small and even though he's gone on to all of these educational accolades, I don't think he's learned a thing."

PERSONAL PRIVILEGE

Senator Roach: "Thank you Mr. President and the Senate. You know for those that haven't opened their bags yet and as is tradition, people who speak for the first time on the floor then give a gift to the members. It usually comes from their district. That's kind of how that goes. So here we have some Bremerton Ferry Dust Tea, that's to help you sleep at night and that comes from his district and then you have a can of Tuna Guys tuna. A little advertising for your district. And then you had this little item. The Senator from the Ninth district was suggesting maybe there be pheasants from this district. Actually, in the Twenty-sixth district they have seagulls. And to honor that fact there's a candy shop out there that makes seagull dropping chocolate. I want you to take it out and look. And those of you who are not of the Twenty-sixth district you probably have never investigated what in the world a seagull dropping looks like. Here they have codified it in chocolate. Thank you very much, we're happy to have you here."

PERSONAL PRIVILEGE

Senator Rockefeller: "Mr. President, I know the gentleman from the Twenty-sixth district and I have thought that he has indeed a very impressive pedigree. A Princeton Tiger, Oxford degree on top of that, but not withstanding the fact that Tigers are the mascot of the Princeton University, he doesn't strike me as a tiger kind of temperament. He, in fact, comes across as a very humble, self-effacing indeed, modest individual. Perhaps it's because as Winston Churchill once observed about a member of parliament he has so much to be modest about."

PERSONAL PRIVILEGE

Senator Kilmer: "Thank you Mr. President. I guess first a question. Is it too late to go back to the House?"

REMARKS BY THE PRESIDENT

President Owen: "The senators do have the legal authority to seat any member. They can unseat a member, too, I suppose."

PERSONAL PRIVILEGE

Senator Kilmer: "Well, thank you for those kind comments. As the good gentleman indicated, I did actually knock on quite a number of doors to get here and it was a constant reminder to be humble. On the first that I went knocking on door in the city of Bremerton in my district. I knocked on the door of an elderly gentleman, and he came to the door and yelled through the door,

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'I already have a religion,' and I said, 'No sir, I'm Derek Kilmer. I'm your State Representative,' and He said, 'I don't care who the heck you are, I already have a religion.' That's how my campaign to come here began and I can see from today that we're off on the same trajectory. I have come bearing gifts and apologies. As Senator Roach indicated, first is a bag of tea called Bremerton Ferry Tea. That has nothing to do with the rumors about people being asleep over here, though it is highly caffeinated. I brought gourmet tuna fish from the city of Gig Harbor, the Maritime City. Some one asked me whether gourmet tuna fish was like gourmet squeeze cheese but it's actually really good tuna fish, so I hope you enjoy it. And then finally actually talked to the mayor of Port Orchard and said, 'what would you like me to bring from Port Orchard?' and she reminded me of the annual seagull calling competition that takes place each year in the city of Port Orchard and as part of that annual effort, The Candy Shoppe, in Port Orchard makes, in fact, Seagull Plop candy and I want to say that that gift has absolutely nothing to do with my feelings about the speeches made previously. Thank you."

POINT OF INQUIRY

Senator Prentice: "Would Senator Kilmer yield to a question? What is your definition of elderly?"

Senator Kilmer: "I'll get back to you."

PERSONAL PRIVILEGE

Senator McCaslin: "I used to do this for years. Obviously I did a terrific job because I've been replaced by six people. It's astounding to me really. Anyway, you keep digging these guys. You're welcome to go back to the other body if we can get up to eighteen. If we're going to stay at seventeen, you might as well stay you know."

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, thank you. We have another distinguished Senator, new member who has spoken this morning, from the Sixth district. I wanted to introduce him to this body. He is a man who got his San Francisco values the old fashion way. He grew up and went to college there. History is going to show that he was a car salesman who joined the Legislature and actually lowered the ethical standards of both bodies. While he mostly sold new cars, he never sold near so many used cars as the Attorney General alledges. There have been allegations, there have been investigations and, yes, there have been court cases, but there have been no convictions. Remember this, the Senator from the Sixth district has no convictions. He is going to be a giant in our elementary schools and our day care centers but he may come up a little short in our universities."

REMARKS BY THE PRESIDENT

President Owen: "Your treading on awful thin ice."

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I remember my first speech in this body and I was nervous and all that. I can imagine if I were as young a man as our new Senator is, just how terrified I would be but one thing I didn't do in my first speech was refer to my first bill by the wrong number. Let history show

that the esteemed Senator from the Sixth district referred to his own bill as Senate Bill No. 5055, not Senate Bill No. 5058 earlier today. Mr. President, I want to welcome the Senator to the Washington State Senate. Even the Lieutenant Governor can stand a little taller today."

REPLY BY THE PRESIDENT

President Owen: "You're getting harder to see all the time."

PERSONAL PRIVILEGE

Senator Schoesler: "Mr. President, it appears after the passage of that bill there's a young man risen, in some ways, to the stature of myself or the Lieutenant Governor. We had an intelligence report prepared. Came from a car dealership in north Idaho about the competition little opposition research. In the spirit of the institution, we're not going to bring up that op research from Kellogg, Idaho. We'll leave that lay, but it has been a proven fact that, after being a regent a WSU, the San Francisco education and values were improved as a regent at a land grant university and now we have some nice shoes to fill, it not particularly large, at WSU. Welcome to the institution."

PERSONAL PRIVILEGE

Senator Poulsen: "Thank you Mr. President. Well, cars have come up quite a bit and I think it's worth noting that Senator Marr gets and gives himself quite a bit of credit for breaking ranks with the car dealers and helping to pass the clean car legislation two years ago. The truth, ladies and gentlemen, the truth, car dealer, is that we started out with twenty-three votes on that bill and after his so called 'lobbying,' he had whittled it down to sixteen, fifteen and we blame that solely on your self confidence. He is so self-confident, nay, arrogant, that he has become affectionately known in our caucus as 'Little Lord Fauntleroy.' Now, I didn't really know that reference when I first heard it so I looked it up Wikipedia and Mr. President may I read something? I'll spare you the plot introduction but something that jumped out at me is Little Lord Fauntleroy's impact on fashion. The Fauntleroy suit, so well described by the books author created a major fad for formal dress for American middle class children.' What the Earl saw was a graceful, childless figure in a black velvet suit, with a lace collar and with love locks waving about the handsome, manly little face, whose eyes met his with a look of innocent good-fellowship. Mr. President, I rest my case."

PERSONAL PRIVILEGE

Senator Brown: "Thank you. Well, I'm happy to have Senator Marr joining us in the body but I have to point out a few things. He no doubt would quickly point out, where he's standing up and speaking right now, that he is, in fact, the tallest senator from Spokane and if we're going to go down that road I think I might just add a few other criteria, just so you know. He's not only the tallest senator; he's the oldest senator from the city of Spokane. In fact, he has a lovely wife, Kristine, and children. He and Kristine have been married for thirty years and Senator Holmquist and I calculated that she would have been in diapers when you married your wife. He is, as Senator Poulsen indicated, the most confident senator from Spokane and he is the most affluent senator from Spokane. How many Senators are able to purchase a brand new residence before their first speech in the Senate in the lovely city of Olympia? Except for Senator

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Fraser, although I know, I think it might becoming a trend with some of my new members. Anyway, Senator Marr, you did a pretty good job of bumping the bill and all your hard work on it has paid off with its passage. Welcome to the Senate.”

PERSONAL PRIVILEGE

Senator Marr: “Well, the bill that I had the honor to introduce today had to do with Veterans issues so it’s really not surprising that someone confused me with my shorter Japanese American colleague from the Forty-fourth district. He is a soldier of great distinction but has been pointed out has quite a few faults. However, once you see that I’m capable of making a very brief speech, you’ll understand I’m no Steve Hobbs. My humble beginning’s as a car salesman have been mentioned and it is hard to believe that just a year ago I was leaning against a gently used 1975 Chrysler Cordoba on East Sprague with a toothpick in my mouth contemplating how I might be able to make it even greater contribution to society. Since that was not possible, I chose to run for the Washington State Senate. Now, Mr. President, like you, when I think about the high honor that’s been bestowed upon me to sit in this chamber I feel six feet tall. The comments I’ve heard from a lot of you here make me yearn for the day when I become a committee chair and I can get even. In the meanwhile, I look forward to Senator McCaslins bill to divide the state in half again. Until then I offer as my tribute several small gifts that reflect my district in Spokane County. Since I do live in an apple maggot quarantine area. I won’t be able to bring the apples that many of you asked me to bring and I was unable to find any two-year old promotional tee shirts to hand out. However, I do offer a small sample of Spokane’s own Spokcandy, a coin commemorating our one-hundred twenty-fifth anniversary as a city and a key chain from Whitworth College which whose Division III football team had an undefeated season and made it to the second round of the NCA tournament. Thank you Mr. President.”

MOTION

At 12:16 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 5, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

NOON SESSION

Senate Chamber, Olympia, Monday, February 5, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5048 February 1, 2007
Prime Sponsor, Weinstein: Concerning construction defect actions. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen, Kilmer, McCaslin and Tom

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford

Passed to Committee on Rules for second reading.

SB 5050 February 1, 2007
Prime Sponsor, Weinstein: Modifying the mileage tolling calculation in the motor vehicle lemon law. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5050 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

SB 5104 February 1, 2007
Prime Sponsor, McAuliffe: Expanding the applied baccalaureate degree pilot program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5104 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Ways & Means.

SB 5112 February 1, 2007
Prime Sponsor, Schoesler: Allowing auctioneers to auction vessels without registering as a vessel dealer. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5112 be substituted therefor, and the substitute bill do

Passed to Committee on Rules for second reading.

February 1, 2007
SB 5137 Prime Sponsor, Kohl-Welles: Modifying industry average unemployment contribution rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5137 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin and Murray

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

February 1, 2007
SB 5190 Prime Sponsor, Hargrove: Modifying provisions relating to the collection of legal financial obligations. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 1, 2007
SB 5200 Prime Sponsor, Delvin: Providing tax credits for contributions to low-income housing efforts. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5200 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

February 1, 2007
SB 5222 Prime Sponsor, Hargrove: Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 1, 2007
SB 5226 Prime Sponsor, Oemig: Providing for public funding of judicial campaigns. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

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MINORITY recommendation: Do not pass. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Ways & Means.

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SB 5239 Prime Sponsor, Tom: Requiring implementation of a segmented mathematics alternative assessment. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5239 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt and Holmquist

Passed to Committee on Ways & Means.

February 1, 2007

SB 5275 Prime Sponsor, Kohl-Welles: Establishing a work group to ensure seamless access to information for all background checks for noncriminal justice purposes. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5332 Prime Sponsor, Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 1, 2007

SB 5336 Prime Sponsor, Murray: Protecting individuals in domestic partnerships by granting certain rights and benefits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5374 Prime Sponsor, Murray: Allowing the exclusion of certain people from licensed gambling premises. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5374 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 2, 2007

SB 5387 Prime Sponsor, Kastama: Promoting economic development through commercialization of technologies. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Ways & Means.

February 1, 2007

SB 5390 Prime Sponsor, Swecker: Extending the sales and use tax credit for certain public facilities districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 2, 2007

SB 5399 Prime Sponsor, Kilmer: Developing a work group to support industry clusters as an economic development tool. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Rules for second reading.

February 2, 2007

SB 5400 Prime Sponsor, Kilmer: Aligning the economic development commission and the workforce training and education coordinating board. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Rules for second reading.

February 1, 2007

SB 5404 Prime Sponsor, Jacobsen: Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5404 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen, Kilmer and McCaslin

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford and Tom

Passed to Committee on Ways & Means.

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SB 5407 Prime Sponsor, Regala: Changing certificate of discharge requirements. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 2, 2007
SB 5508 Prime Sponsor, Kilmer: Providing for economic development project permitting. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Rules for second reading.

February 2, 2007
SB 5513 Prime Sponsor, Kilmer: Establishing a state government efficiency hotline. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Rules for second reading.

February 1, 2007
SB 5707 Prime Sponsor, Parlette: Limiting, for property tax purposes, the assessed value of a residence for persons who are sixty-one and older. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 1, 2007
SB 5708 Prime Sponsor, Parlette: Relating to the qualification requirements for property tax exemptions and deferrals for senior citizens and persons retired for reasons of disability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 1, 2007
SB 5709 Prime Sponsor, Parlette: Providing for the scheduling of real property revaluations and physical inspections for property tax purposes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Ways & Means.

February 1, 2007
SB 5737 Prime Sponsor, Fraser: Allowing a freeze in home values in order to provide property tax relief to seniors, persons retired because of disability, and veterans with service-connected disabilities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 1, 2007
SJR 8218 Prime Sponsor, Parlette: Providing property tax relief on the assessed value of real property based on the property owner's age. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 1, 2007
SGA 9127 ROGER K. JACKSON, reappointed February 10, 2005, for the term ending December 5, 2008, as Member of the Western State Hospital Advisory Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 1, 2007
SGA 9142 SHERYL LAMBERTON, PHD, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 1, 2007
SGA 9181 DAVID STEWART, reappointed February 10, 2005, for the term ending December 5, 2007, as Member of the Western State Hospital Advisory Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

TWENTY-NINTH DAY, FEBRUARY 5, 2007

2007 REGULAR SESSION

February 1, 2007
SGA 9184 CHERYL TERRY, reappointed February 10, 2005, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

February 1, 2007
SGA 9186 JOHN TURNER, appointed December 1, 2004, for the term ending September 25, 2008, as Member of the Clemency and Pardons Board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Regala, Vice Chair; Brandland, Carrell and McAuliffe

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5137 which was referred to the Committee on Rules and Senate Bill No. 5404 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 24, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

JEFFREY J. KOCHMAN, appointed January 24, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Technical College District #25 (Bellingham).

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

January 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

VANDANA SLATTER, appointed January 20, 2006, for the term ending January 19, 2010, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all appointees listed on the

Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5850 by Senators Fraser, Kastama, Franklin, Hargrove, McAuliffe, Regala, Kohl-Welles, Rasmussen and Kline

AN ACT Relating to protecting the rights of individuals with mental disorders; amending RCW 43.190.030, 71.05.360, and 71.34.355; and repealing RCW 71.24.350.

Referred to Committee on Human Services & Corrections.

SB 5851 by Senators Jacobsen, Benton, Zarelli, Prentice, Honeyford and Rasmussen

AN ACT Relating to rail preservation; reenacting and amending RCW 43.79A.040; adding new sections to chapter 47.01 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

SB 5852 by Senators Kline, Poulsen, Jacobsen and Rasmussen

AN ACT Relating to growth in rural areas; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5853 by Senators Fairley, Kohl-Welles, Rasmussen and Keiser

AN ACT Relating to clarifying the definition of victim of identity theft for the purposes of placing a security freeze; and amending RCW 19.182.170.

Referred to Committee on Financial Institutions & Insurance.

SB 5854 by Senators Benton and Carrell

AN ACT Relating to utility liens against rental property; and amending RCW 35.21.290, 35.67.200, and 36.94.150.

Referred to Committee on Government Operations & Elections.

SB 5855 by Senators Delvin, Shin, Berkey, Kilmer, Oemig and Rasmussen

AN ACT Relating to modification of the higher education coordinating board; amending RCW 28B.76.050, 28B.76.090, and 28B.76.210; repealing RCW 28B.76.100; and declaring an emergency.

Referred to Committee on Higher Education.

SB 5856 by Senators Rockefeller, Kline, Keiser, Kohl-Welles, Kauffman, Weinstein, Pridemore and Fairley

TWENTY-NINTH DAY, FEBRUARY 5, 2007

2007 REGULAR SESSION

AN ACT Relating to bidder responsibility; amending RCW 39.04.010 and 39.04.155; adding a new section to chapter 39.04 RCW; and adding a new section to chapter 39.06 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5857 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to the Nordic Heritage Museum; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SB 5858 by Senators Swecker, Morton, McCaslin and Schoesler

AN ACT Relating to compliance with federal selective service requirements before the issuance of drivers' licenses and identicards; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 5859 by Senators Kohl-Welles, Prentice, Clements and Murray

AN ACT Relating to retail liquor licenses; amending RCW 66.24.010, 66.24.440, 66.08.180, 66.08.220, 66.20.310, 66.40.030, and 66.40.130; reenacting and amending RCW 68.50.107, 66.24.420, and 66.24.420; adding a new section to chapter 66.24 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5860 by Senators Murray, Holmquist, Keiser, Kohl-Welles and Clements

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5861 by Senators Rasmussen, Jacobsen and Kastama

AN ACT Relating to special assessments for conservation district activities and programs; and amending RCW 89.08.400.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5862 by Senators Kilmer, Rockefeller, Poulsen, Kohl-Welles and Kline

AN ACT Relating to passenger-only ferry service funding; amending RCW 36.57A.220, 47.01.350, 47.60.622, and 82.08.0255; amending 2006 c 332 s 2 (uncodified); adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5863 by Senators Kilmer, Honeyford, Tom, Marr, Delvin, Jacobsen and Rasmussen

AN ACT Relating to establishing fair market property values by considering the growth management act; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SB 5864 by Senators Oemig, McAuliffe, Rasmussen, Eide and Kohl-Welles

AN ACT Relating to kindergarten transition plans; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5865 by Senator Kline

AN ACT Relating to law enforcement use of risk level classifications for registration and community notification of sex offenders and kidnapping offenders; and amending RCW 72.09.345.

Referred to Committee on Human Services & Corrections.

SB 5866 by Senators Kline, Fairley, Kilmer, Rasmussen and Keiser

AN ACT Relating to increasing the homestead exemption amount; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

SB 5867 by Senators Kline and Sheldon

AN ACT Relating to the authorization of tribal, Indian nation, and bureau of Indian affairs law enforcement and public safety officers to act as Washington state peace officers; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 5868 by Senators Kline, Jacobsen, Shin, Weinstein and Murray

AN ACT Relating to defining civil disorder; amending RCW 9A.48.120; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5869 by Senators Kline, Fairley, Franklin and Keiser

AN ACT Relating to the collection of personally identifiable information by state agencies; and amending RCW 43.105.020 and 43.105.052.

Referred to Committee on Government Operations & Elections.

SB 5870 by Senators Kline, Hargrove, Eide and Marr

AN ACT Relating to records in a criminal case; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

SB 5871 by Senators Kline and Pridemore

AN ACT Relating to the addition of an energy element for comprehensive planning under the growth management act; and amending RCW 36.70A.070.

Referred to Committee on Government Operations & Elections.

SB 5872 by Senators Kline, Fraser and Pridemore

AN ACT Relating to requiring the projected costs of certain criminal justice legislation to be appropriated into accounts to be used for capital costs; adding a new section to chapter 43.88A RCW; adding a new section to chapter 43.132 RCW; adding a new section to chapter 43.330 RCW; adding new sections to chapter 43.79 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

SB 5873 by Senators Kline, Shin, Jacobsen and Kohl-Welles

AN ACT Relating to the human rights commission's definition of employer; and amending RCW 49.60.040.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5874 by Senator Kline

AN ACT Relating to requiring health benefit plans to provide coverage for elemental formulas; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.125 RCW; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5875 by Senators Rasmussen, Clements and Franklin

AN ACT Relating to the regulation of the HVAC/R profession; amending RCW 18.106.010, 18.106.020, 18.106.030, 18.106.040, 18.106.110, 18.106.130, 18.106.150, 18.106.170, 18.106.180, and 18.106.270; adding new sections to chapter 18.106 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5876 by Senators Poulsen and Kline

AN ACT Relating to salmon and steelhead spawning beds; and adding a new section to chapter 77.95 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5877 by Senators Honeyford, Hargrove, Clements, Rasmussen, Morton, Parlette, Schoesler and Holmquist

AN ACT Relating to clarifying when a water right is relinquished; amending RCW 90.03.380; reenacting and amending RCW 90.14.140; adding a new section to chapter 90.03 RCW; creating a new section; and providing an effective date.

Referred to Committee on Water, Energy & Telecommunications.

SB 5878 by Senators Hargrove, Kline, Eide, Marr, Shin, Jacobsen, Kohl-Welles, Rasmussen and Keiser

AN ACT Relating to identity theft; adding a new section to chapter 9.35 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5879 by Senators Fairley, Roach, Benton, Kohl-Welles, Murray, Swecker, Kline, Keiser, Schoesler, Fraser, Jacobsen and Rockefeller

AN ACT Relating to payroll deductions for retiree organization dues; and amending RCW 41.04.230.

Referred to Committee on Government Operations & Elections.

SB 5880 by Senators Kilmer, Kastama, Swecker, Roach, Keiser and Delvin

AN ACT Relating to the department of social and health services' technical assistance and audit program for pharmacy payments; amending RCW 74.09.200; adding new sections to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

SB 5881 by Senators Poulsen, Delvin, Regala and Fraser

AN ACT Relating to water power license fees; and amending RCW 90.16.050 and 90.16.090.

Referred to Committee on Water, Energy & Telecommunications.

SB 5882 by Senators Fraser, Honeyford, Regala, Swecker, Rockefeller, Parlette, Kohl-Welles, Rasmussen and Kastama

AN ACT Relating to creating the Washington state heritage center account and establishing fees to be used for financing the Washington state heritage center; amending RCW 43.07.370; reenacting and amending RCW 36.18.010 and 43.79A.040; adding new sections to chapter 43.07 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5883 by Senators Fraser, Swecker, Hargrove, Stevens, Morton, Jacobsen, Rockefeller, Rasmussen and Franklin

AN ACT Relating to the conversion of forest land to nonforestry uses; amending RCW 76.09.060, 76.09.070, 76.09.065, 76.09.067, and 76.09.240; and adding new sections to chapter 76.09 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SENATE RESOLUTION
8609

SB 5884 by Senators Jacobsen and Weinstein

By Senator Hewitt

AN ACT Relating to creating a sales tax exemption for retail sellers for the state sales tax on interchange fees; and adding a new section to chapter 82.08 RCW.

WHEREAS, Sister Cities International was started in 1956 by Dwight D. Eisenhower; and

WHEREAS, Sister Cities International represents communities in all 50 states, the District of Columbia, and five United States territories including 714 communities in the United States with 1,987 partnerships; and

Referred to Committee on Financial Institutions & Insurance.

WHEREAS, Sister Cities International represents communities in Africa, Latin America, Asia/Oceania, the Caribbean, Eurasia, Europe, the Middle East, and Canada, including 1,790 international communities in 137 countries; and

SB 5885 by Senators Jacobsen and Weinstein

AN ACT Relating to protecting consumers by prohibiting interchange fees from being charged on the state sales tax portion of a retail sale transaction; amending RCW 63.14.010; and adding a new section to chapter 82.08 RCW.

WHEREAS, The Walla Walla Sister City Committee is celebrating 35 years of goodwill and friendship with their sister city, Sasayama, Japan; and

Referred to Committee on Financial Institutions & Insurance.

WHEREAS, The sister city relationship between Walla Walla and Sasayama has allowed citizens of those two cities to develop lifetime friendships by opening up their homes for others to stay in; and

SB 5886 by Senators Rasmussen, Roach, Prentice, Benton, Kastama, Swecker, Marr, Murray, Berkey, Regala, Clements, Morton, Franklin, Sheldon, Hargrove, McAuliffe, Shin, Fairley, Kauffman, Oemig, Jacobsen, Hobbs, Eide, Spanel, Kilmer, Rockefeller, Kline, Poulsen, Weinstein, Tom, Pridemore, Kohl-Welles, Parlette, Delvin and Keiser

WHEREAS, Walla Wallans of all ages have been personally and culturally enriched through sharing their homes, families, music, education, and cultures with the citizens of Sasayama; and

AN ACT Relating to "Autism Awareness" special license plates; amending RCW 46.16.745 and 46.16.316; reenacting and amending RCW 46.16.313 and 46.16.725; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

WHEREAS, A special delegation from Walla Walla will travel to Sasayama this October to commemorate the 35th year of friendship; and

Referred to Committee on Transportation.

WHEREAS, The Blue Mountain Troublemakers, a middle school and high school bluegrass band, will help the cities celebrate this event by performing in Sasayama;

SB 5887 by Senators Kohl-Welles, Kline, Murray and Regala

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the Walla Walla Sister City Committee for their contribution to the cultural enrichment of Walla Walla and the state of Washington; and

Referred to Committee on Ways & Means.

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Walla Walla Sister City Committee and the City of Walla Walla.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5853 which was referred to the Committee on Financial Institutions & Insurance.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8609.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 6, 2007.

BRAD OWEN, President of the Senate

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

THOMAS HOEMANN, Secretary of the Senate

MOTION

Senator Schoesler moved adoption of the following resolution:

THIRTIETH DAY, FEBRUARY 6, 2007

2007 REGULAR SESSION

THIRTIETH DAY

Passed to Committee on Ways & Means.

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 6, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2007

SB 5024 Prime Sponsor, Jacobsen: Increasing fees to fund community traumatic brain injury services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Transportation.

February 5, 2007

SB 5155 Prime Sponsor, Kilmer: Creating the passport to college promise program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 5, 2007

SB 5284 Prime Sponsor, Keiser: Concerning eligibility for long-term care services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 5, 2007

SB 5314 Prime Sponsor, Kauffman: Requiring record checks for developmental disabilities service providers. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

February 5, 2007

SB 5322 Prime Sponsor, Berkey: Identifying sites and programs for a new institution of higher education in the Snohomish-Island-Skagit county region. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 5, 2007

SB 5329 Prime Sponsor, Jacobsen: Requiring mailed political advertising to be filed with the secretary of state to be archived. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5402 Prime Sponsor, Kilmer: Establishing additional requirements for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5408 Prime Sponsor, Fairley: Modifying provisions on primary election ballots. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5411 Prime Sponsor, Delvin: Regarding state need grant award calculations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 5, 2007

SB 5417 Prime Sponsor, Keiser: Providing for temporary management in boarding homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by

THIRTIETH DAY, FEBRUARY 6, 2007

2007 REGULAR SESSION

Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

veterans. Reported by Committee on Government Operations & Elections

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

February 5, 2007

SB 5435 Prime Sponsor, Kauffman: Creating the public records exemptions accountability committee. Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 5, 2007

SCR 8404 Prime Sponsor, Shin: Approving the 2006 update to the state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5437 Prime Sponsor, Pflug: Making adjustments to the recodification of the public records act. Reported by Committee on Government Operations & Elections

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

MAJORITY recommendation: That Substitute Senate Bill No. 5437 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Roach

Passed to Committee on Rules for second reading.

February 5, 2007

SGA 9141 CHIHO LAI, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Western Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5467 Prime Sponsor, Keiser: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5467 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 5, 2007

SGA 9156 MARY MOSS, appointed November 20, 2006, for the term ending September 30, 2008, as Member, Board of Trustees, Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5641 Prime Sponsor, Rasmussen: Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 5, 2007

SGA 9167 QUENTIN POWERS, appointed October 12, 2006, for the term ending September 30, 2009, as Member, Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5821 Prime Sponsor, Roach: Regulating body art facilities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Health & Long-Term Care.

February 5, 2007

SGA 9193 JOHN D. WHITE, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Clark Community College District No. 14. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 5, 2007

SJM 8008 Prime Sponsor, Prentice: Asking that the federal government provide veterans' benefits owed to Filipino

THIRTIETH DAY, FEBRUARY 6, 2007

2007 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 5, 2007

SGA 9195 JEANNETTE WOOD, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Edmonds Community College District No. 23. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5024 which was referred to the Committee on Transportation and Senate Bill No. 5402 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 30, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JOE TALLER, reappointed January 1, 2007, for the term ending December 31, 2012, as Member of the Parks and Recreation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 5, 2007

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1037,
HOUSE BILL NO. 1054,
SUBSTITUTE HOUSE BILL NO. 1067,
HOUSE BILL NO. 1073,
HOUSE BILL NO. 1077,
SUBSTITUTE HOUSE BILL NO. 1098,
HOUSE BILL NO. 1123,
SUBSTITUTE HOUSE BILL NO. 1124,
HOUSE BILL NO. 1185,
HOUSE BILL NO. 1196,

SUBSTITUTE HOUSE BILL NO. 1200,
SUBSTITUTE HOUSE BILL NO. 1255,
SUBSTITUTE HOUSE BILL NO. 1268,
SUBSTITUTE HOUSE BILL NO. 1279,
HOUSE BILL NO. 1291,
SUBSTITUTE HOUSE BILL NO. 1295,
HOUSE BILL NO. 1326,
HOUSE BILL NO. 1327,
SUBSTITUTE HOUSE BILL NO. 1328,
HOUSE BILL NO. 1345,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 5, 2007

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,
ENGROSSED HOUSE BILL NO. 1217,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5888 by Senators Poulsen and Morton

AN ACT Relating to competitive classification of telecommunications services; and amending RCW 80.36.330.

Referred to Committee on Water, Energy & Telecommunications.

SB 5889 by Senators Tom, Holmquist, Hewitt, Clements, Zarelli, McAuliffe, Pridemore, Oemig, Shin, Rasmussen and Kilmer

AN ACT Relating to funding for teachers attaining national board for professional teaching standards certification; adding a new section to chapter 28A.410 RCW; creating a new section; and making an appropriation.

Referred to Committee on Early Learning & K-12 Education.

SB 5890 by Senators Tom, Honeyford, Kilmer, McCaslin, Keiser and Delvin

AN ACT Relating to studying residential construction; creating new sections; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

SB 5891 by Senators Tom, Kline, Regala and Spanel

AN ACT Relating to the taxation of professional athletes; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Ways & Means.

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SB 5892 by Senators Honeyford, McCaslin, Tom, Delvin and Stevens

AN ACT Relating to the state building code; amending RCW 19.27.020 and 19.27.050; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Government Operations & Elections.

SB 5893 by Senators Honeyford, Sheldon, McCaslin, Morton, Clements, Stevens, Holmquist, Benton, Carrell, Parlette, Roach and Delvin

AN ACT Relating to a reduction in the state property tax levy; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Ways & Means.

SB 5894 by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell

AN ACT Relating to clarifying regulatory authority for large on-site sewage systems; amending RCW 70.05.070, 43.20.050, 90.48.162, 90.48.110, and 36.94.010; adding new sections to chapter 70.118 RCW; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SB 5895 by Senators Fraser, Swecker, Tom, Shin, Kline, McCaslin, Kilmer, Jacobsen, Delvin and Honeyford

AN ACT Relating to seller disclosure of information concerning residential real property; amending RCW 64.06.005, 64.06.010, and 64.06.020; adding a new section to chapter 64.06 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 5896 by Senators Clements, McCaslin, Carrell, Honeyford and Holmquist

AN ACT Relating to creating the extraordinary criminal justice revolving fund; adding new sections to chapter 43.10 RCW; repealing RCW 43.330.190; and making an appropriation.

Referred to Committee on Ways & Means.

SB 5897 by Senators Clements, McCaslin, Carrell and Honeyford

AN ACT Relating to theft of public benefits by the use of a false identity; amending RCW 9A.56.320, 13.40.0357, and 46.20.0921; reenacting and amending RCW 9.94A.515 and 9A.82.010; adding a new section to chapter 9.35 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5898 by Senators Kohl-Welles, Clements, Keiser, Murray, McAuliffe and Honeyford

AN ACT Relating to the use of a common carrier for the shipment of wine; amending RCW 66.24.206 and 66.24.170; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5899 by Senators McAuliffe, Kohl-Welles, Parlette, Rasmussen, Clements, Holmquist, Murray and Honeyford

AN ACT Relating to defining society or organization for alcoholic beverage control purposes; and amending RCW 66.24.375.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5900 by Senators Regala, Haugen, Shin, Kline, Keiser, Spanel and Delvin

AN ACT Relating to increasing the safety of victims of domestic violence, sexual assault, or stalking by ensuring leave from employment; adding a new chapter to Title 49 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5901 by Senators Kastama, Kilmer, Kauffman and Shin

AN ACT Relating to the responsibilities of the Washington quality award council; amending RCW 43.06.335; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5902 by Senators Prentice, Kohl-Welles, Delvin and Kline

AN ACT Relating to requiring additional state liquor stores to engage in Sunday sales; amending RCW 66.08.166 and 66.08.190; and adding a new section to chapter 43.110 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5903 by Senators Hargrove, Hatfield and Sheldon

AN ACT Relating to cooperative agreements concerning the timber harvest excise taxation of timber harvests on fee land within the boundaries of the Quinault Indian Reservation; adding new sections to chapter 43.06 RCW; adding a new section to chapter 84.33 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5904 by Senators Keiser, Pflug, Zarelli, Marr, Carrell, Franklin and Rasmussen

AN ACT Relating to payments for medicaid contracted services in boarding homes; adding a new section to chapter 18.20 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 5905 by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell

AN ACT Relating to certificate of capital authorization; and amending RCW 74.46.803 and 74.46.807.

Referred to Committee on Ways & Means.

SB 5906 by Senators Haugen, Clements, Kohl-Welles and Prentice

AN ACT Relating to the practice of esthetics; amending RCW 18.16.020; and adding a new section to chapter 18.16 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5907 by Senator Keiser

AN ACT Relating to mandatory reporting of unprofessional conduct; and amending RCW 18.130.070 and 18.130.180.

Referred to Committee on Health & Long-Term Care.

SB 5908 by Senators Kohl-Welles, Keiser and Kline

AN ACT Relating to a study of the outcomes of injured workers; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5909 by Senators Rasmussen, Roach, Regala, Eide, McAuliffe, Kilmer, Hargrove, Kastama, Tom, Shin, Kohl-Welles, Stevens, Carrell, Franklin and Kline

AN ACT Relating to supporting the needs of children who have been in foster care; amending RCW 43.31.465; reenacting and amending RCW 74.13.031; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Human Services & Corrections.

SB 5910 by Senators Brandland, Kline, Weinstein and Parlette

AN ACT Relating to prefiling notice of intent to commence a medical malpractice action; and amending RCW 7.70.100.

Referred to Committee on Judiciary.

SB 5911 by Senators Jacobsen, Fairley, Murray and Kline

AN ACT Relating to the Washington talking book and Braille library; reenacting and amending RCW 43.79A.040; adding new sections to chapter 27.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SJM 8013 by Senators Tom, Kline, Kohl-Welles and Regala

Requesting that certain federal income tax deductions for the losses of professional sports teams be restricted.

Referred to Committee on Ways & Means.

SHB 1037 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Moeller and B. Sullivan)

AN ACT Relating to siting electrical transmission under the energy facility site evaluation council; amending RCW 80.50.060; reenacting and amending RCW 80.50.020; and adding a new section to chapter 80.50 RCW.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1052 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Upthegrove, Hudgins, Pedersen, P. Sullivan, Wallace and Morris)

AN ACT Relating to modifying the legislative youth advisory council; amending RCW 28A.300.801; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

HB 1054 by Representatives Hudgins, Crouse, Morris and Wallace

AN ACT Relating to membership of the information services board; and amending RCW 43.105.032.

Referred to Committee on Government Operations & Elections.

SHB 1067 by House Committee on Appropriations (originally sponsored by Representatives Haigh, Priest, Conway, Fromhold, Green, Ericks, Simpson, Kenney and B. Sullivan)

AN ACT Relating to membership in plan 1 of the public employees' retirement system; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1073 by Representatives Schual-Berke, O'Brien, Anderson, Hudgins, Appleton, Green, Rodne, Ormsby, Cody, Dickerson, Morrell, Kenney and Pearson

AN ACT Relating to emergency workers; amending RCW 38.52.010 and 38.52.180; and repealing RCW 38.52.570.

Referred to Committee on Government Operations & Elections.

HB 1077 by Representatives Blake and Kretz

AN ACT Relating to the public disclosure of sensitive fish and wildlife data; amending RCW 42.56.430; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1098 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace)

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AN ACT Relating to the availability of vaccines during outbreaks; and amending RCW 70.95M.115.

Referred to Committee on Human Services & Corrections.

Referred to Committee on Health & Long-Term Care.

HB 1123 by Representatives Strow, VanDeWege, Kagi, B. Sullivan, Eickmeyer, McCoy, Orcutt and Hailey

SHB 1255 by House Committee on Local Government (originally sponsored by Representatives Simpson, Curtis, Sells, Walsh, Buri, B. Sullivan, Ericks, Ormsby and Moeller)

AN ACT Relating to municipal officers' beneficial interest in contracts; and amending RCW 42.23.030.

AN ACT Relating to clarifying the authority of the department of natural resources with respect to certain aquatic lands; and amending RCW 79.105.210 and 79.120.040.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1124 by House Committee on Appropriations (originally sponsored by Representatives VanDeWege, B. Sullivan, O'Brien, Eickmeyer, Lovick, McCoy, Lantz, Simpson, Williams and Dickerson)

SHB 1268 by House Committee on Local Government (originally sponsored by Representatives Goodman, Eddy, Ross, Curtis, Clibborn, Dameille, Hurst, Lovick, Simpson, Moeller, Kenney, Ericks, Rolfes and Springer)

AN ACT Relating to donation of unclaimed personal property to nonprofit charitable organizations; amending RCW 63.32.050 and 63.40.060; and adding a new section to chapter 63.35 RCW.

AN ACT Relating to the inclusion of the department of natural resources' law enforcement officers in the Washington public safety employees' retirement system by adding the department of natural resources to the definition of "employer" under chapter 41.37 RCW; and amending RCW 41.37.010 and 41.40.113.

Referred to Committee on Judiciary.

Referred to Committee on Ways & Means.

HB 1185 by Representatives VanDeWege, Kristiansen, Kretz, Blake, Orcutt, Kessler and Haigh

SHB 1279 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Skinner, Kessler, Lantz, Hasegawa, Dickerson, Haler, McIntire, Conway, Newhouse and Kenney)

AN ACT Relating to the state poet laureate; adding new sections to chapter 43.46 RCW; creating a new section; and making an appropriation.

AN ACT Relating to extending the expiration date for reporting requirements on timber purchases; amending RCW 84.33.088; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Ways & Means.

HB 1196 by Representatives Hunt, Chandler, Appleton, Miloscia, Armstrong, Green, Morrell, Ormsby, Schual-Berke, Wallace, Lantz and Hasegawa

HB 1291 by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson

AN ACT Relating to advance deposit wagering; and amending RCW 67.16.260.

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Government Operations & Elections.

SHB 1200 by House Committee on Appropriations (originally sponsored by Representatives Conway, Darneille, Haler, Simpson, Hasegawa and Haigh)

SHB 1295 by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer and Uptegrove)

AN ACT Relating to water resource inventory area 14; and amending RCW 90.82.060.

AN ACT Relating to purchasing service credit in plan 2 and plan 3 of the teachers' retirement system for public education experience performed as a teacher in a public school in another state or with the federal government; and amending RCW 41.32.813 and 41.32.868.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Ways & Means.

EHB 1217 by Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell

HB 1326 by Representatives P. Sullivan, Roach, Hurst, Simpson, McCoy, O'Brien and McDonald

AN ACT Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools; and amending RCW 28A.400.303 and 28A.400.305.

AN ACT Relating to clubhouse rehabilitation services; and amending RCW 71.24.025, 71.24.037, and 49.19.010.

Referred to Committee on Early Learning & K-12 Education.

HB 1327 by Representatives Santos, Skinner, Hunt, Green, Miloscia, McDermott, Anderson, Hudgins, Hasegawa, Darneille, Haigh, Wallace, Hankins, Pettigrew and Kenney

AN ACT Relating to materialpersons; and amending RCW 28B.07.020, 39.04.155, 39.08.010, 39.08.030, 47.28.030, 60.28.010, 60.28.011, 60.28.020, 60.28.021, 85.28.130, and 85.28.140.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1328 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Santos, Anderson, Green, Hunt, Miloscia, McDermott, Hasegawa, Hudgins, Chandler, Darneille, Haigh, Hankins, Wallace, Kristiansen, Kagi, Pettigrew, Kenney and Conway)

AN ACT Relating to small works roster contracting procedures; and amending RCW 39.04.155.

Referred to Committee on Government Operations & Elections.

HB 1345 by Representatives Wood, Condotta, Kristiansen, Lantz, Dickerson, Morrell, McCune and Conway

AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305; adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 5890 which was referred to the Committee on Consumer Protection & Housing and Substitute House Bill No. 1124 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Hatfield moved adoption of the following resolution:

SENATE RESOLUTION
8623

By Senator Hatfield

WHEREAS, Bob and Ruth McCausland, celebrated artists and writers, fondly called Tokeland, Washington, their hometown for more than 20 years; and
WHEREAS, Bob and Ruth graced the coastal Washington area with their friendship, talent, and knowledge; and
WHEREAS, Bob was a celebrated muralist, cartoonist, and carver; and Ruth, a bird and historical enthusiast; and
WHEREAS, Bob maintained a 33-year career at the Seattle Post-Intelligencer and The Daily World as a cartoonist, and was renowned for his "Hairbreadth Husky" illustrations; and
WHEREAS, The remarkable figurehead on the Lady Washington ship was carved by Bob; and
WHEREAS, Ruth authored "Washington's Westport," a comprehensive and respected regional history volume, and a

South Beach Bulletin newspaper column sharing her vast knowledge of birds; and

WHEREAS, The McCauslands were recognized in 1999 for their artistic expression and historical knowledge in Tokeland as Citizens of the Year; and

WHEREAS, In 2004, the McCausland's were awarded the "Historians of the Year" distinction by the Aberdeen Museum of History; and

WHEREAS, The Westport Maritime Museum lecture hall is appropriately named in their honor; and

WHEREAS, Bob and Ruth celebrated both their 65th anniversary and Bob's 90th birthday in 2006; and

WHEREAS, The state of Washington grieved the loss of treasured artist and commentator Bob McCausland in July 2006; and

WHEREAS, Honor and recognition are due to Bob and Ruth McCausland for their community service, art, and writings;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the inspirational life of Bob McCausland and celebrate Bob and Ruth McCausland's talented contributions to Washington state culture; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Ruth McCausland, the Seattle Post-Intelligencer newspaper, The Daily World, the South Beach Bulletin, the Pacific County Historical Society, and the Westport-South Beach Historical Society.

Senator Hatfield spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8623.

The motion by Senator Hatfield carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 7, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 7, 2007

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Berkey, Clements, Fairley, Haugen, Hobbs, Holmquist, Jacobsen, Keiser, Kline, Kohl-Wells, Morton, Parlette, Poulsen, Prentice, Roach, Weinstein and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Claire Lyman and Molly Payne, presented the Colors.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 5, 2007

SB 5128 Prime Sponsor, Jacobsen: Clarifying recordkeeping requirements for fish or shellfish storage facilities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5204 Prime Sponsor, Rasmussen: Enforcing animal health laws. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5227 Prime Sponsor, Tom: Increasing the penalty for animal abandonment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5248 Prime Sponsor, Hatfield: Preserving the viability of agricultural lands. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5272 Prime Sponsor, Haugen: Modifying the administration of fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Eide, Jacobsen, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Delvin and Holmquist

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5350 Prime Sponsor, Kline: Modifying provisions affecting the unauthorized transfer of telephone records. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5350 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5391 Prime Sponsor, Kilmer: Modifying photo enforcement of traffic infraction provisions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5391 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kauffman, Kilmer, Sheldon and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5397 Prime Sponsor, Rasmussen: Extending an asparagus exception to the standards for fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5405 Prime Sponsor, Carrell: Providing procedures for judicial orders concerning distraint of personal property. Reported by Committee on Judiciary

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MAJORITY recommendation: That Substitute Senate Bill No. 5405 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5456 Prime Sponsor, Morton: Revising rules concerning nonresidents' participation in hunting and organized shooting events. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5456 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5485 Prime Sponsor, Sheldon: Changing veterinary technician credentialing to licensure. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5485 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5723 Prime Sponsor, Rasmussen: Creating and funding the community agricultural worker safety grant program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 6, 2007

SB 5749 Prime Sponsor, Schoesler: Regarding Brassica seed production. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 5, 2007

SB 5778 Prime Sponsor, Fraser: Concerning shellfish protection programs. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Water, Energy & Telecommunications.

February 5, 2007

SB 5799 Prime Sponsor, Haugen: Reducing business and occupation tax rates for certain fuel distributors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5799 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5749 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5912 by Senators Rockefeller, Roach, Kohl-Welles, Rasmussen and Holmquist

AN ACT Relating to providing a business and occupation tax deduction for amounts physicians receive from medicaid or medicare when the amount is less than the cost of certain prescription drugs; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 5913 by Senators Kline, Swecker, Jacobsen, Hatfield, Pflug, Clements, Tom, Kilmer, Marr, Delvin, Parlette, McCaslin, Rockefeller, Benton, Franklin, Shin, Sheldon, Rasmussen and Holmquist

AN ACT Relating to growth management planning related to the development of population projections; and amending RCW 36.70A.210 and 43.62.035.

Referred to Committee on Government Operations & Elections.

SB 5914 by Senators Kline, Swecker, Jacobsen, Hatfield, Pflug, Clements, Tom, Kilmer, Marr, Delvin, Parlette, McCaslin, Benton, Franklin, Shin, Sheldon, Rasmussen and Holmquist

AN ACT Relating to performance measures in countywide planning policies for the purpose of growth management planning; and amending RCW 36.70A.030 and 36.70A.210.

Referred to Committee on Government Operations & Elections.

SB 5915 by Senators Honeyford, Clements, Kohl-Welles and Roach

AN ACT Relating to unemployment and industrial insurance notices required to be posted by employers; adding a new section to chapter 50.12 RCW; and adding a new section to chapter 51.04 RCW.

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Referred to Committee on Labor, Commerce, Research & Development.

SB 5916 by Senator Regala

AN ACT Relating to filing reports electronically to the legislature; and adding a new section to chapter 43.01 RCW.

Referred to Committee on Government Operations & Elections.

SB 5917 by Senators Kohl-Welles, Keiser, Fairley, Kastama, Franklin, Marr and Kline

AN ACT Relating to prescription drug marketing and disclosure; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5918 by Senators Fraser and Delvin

AN ACT Relating to retirement benefits for judges; and amending RCW 2.14.100 and 2.14.110.

Referred to Committee on Ways & Means.

SB 5919 by Senators Hobbs, Benton, Berkey, Schoesler, Hatfield, Roach and Shin

AN ACT Relating to retaliatory tax relief on insurance premium taxes; and amending RCW 48.18.170, 48.18.180, and 48.02.190.

Referred to Committee on Financial Institutions & Insurance.

SB 5920 by Senators Kohl-Welles, Keiser, Shin and Rasmussen

AN ACT Relating to a pilot program for vocational rehabilitation services; amending RCW 51.32.095; adding a new section to chapter 51.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5921 by Senators Fairley, Keiser and Murray

AN ACT Relating to use of agency shop fees; amending RCW 42.17.760; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5922 by Senators Rasmussen, Brandland and Spanel

AN ACT Relating to business and occupation taxation of health care services provided to government; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SB 5923 by Senators Swecker, Jacobsen and Sheldon

AN ACT Relating to aquatic invasive species enforcement and control; amending RCW 43.43.400, 77.12.879, 77.15.253, and 77.15.290; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5924 by Senators Murray and Swecker

AN ACT Relating to establishing licensing requirements for certain vehicle dealers; amending RCW 46.09.020, 46.70.011, 46.10.010, and 46.10.043; and repealing RCW 46.09.080, 46.09.085, 46.10.050, and 46.10.055.

Referred to Committee on Transportation.

SB 5925 by Senators Sheldon, Clements, Swecker, Schoesler, Shin, Haugen, Delvin and Rasmussen

AN ACT Relating to the sales and use tax for public facilities in rural counties; and amending RCW 82.14.370.

Referred to Committee on Agriculture & Rural Economic Development.

SB 5926 by Senators Kohl-Welles, Clements, Kastama, Weinstein, Fairley, Keiser, Marr, Tom, Murray, Oemig, Sheldon and Kline

AN ACT Relating to creating a joint legislative task force to review the underground economy in the construction industry; creating new sections; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5927 by Senator Delvin

AN ACT Relating to independent auditor reports and financial statements of licensees regulated by the gambling commission; reenacting and amending RCW 42.56.270 and 42.56.270; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5928 by Senators Kohl-Welles and Franklin

AN ACT Relating to industrial insurance compensation for medical or surgical treatment for intractable pain; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5929 by Senator Delvin

AN ACT Relating to making a false or misleading material statement that results in an Amber alert; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5930 by Senators Keiser, Kohl-Welles, Shin and Rasmussen

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AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access; amending RCW 41.05.220 and 48.41.110; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.70 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SB 5931 by Senators Haugen and Swecker

AN ACT Relating to tolling.

Referred to Committee on Transportation.

SB 5932 by Senators Haugen and Swecker

AN ACT Relating to transportation financing.

Referred to Committee on Transportation.

SB 5933 by Senators Haugen and Swecker

AN ACT Relating to transportation funding and appropriations.

Referred to Committee on Transportation.

SB 5934 by Senators Haugen and Swecker

AN ACT Relating to ferries.

Referred to Committee on Transportation.

SB 5935 by Senators Haugen, Swecker and Sheldon

AN ACT Relating to authorizing bonds for transportation funding.

Referred to Committee on Transportation.

SB 5936 by Senators Haugen and Swecker

AN ACT Relating to transportation funding in the central Puget Sound region.

Referred to Committee on Transportation.

SB 5937 by Senators Haugen, Swecker, Murray and Kauffman

AN ACT Relating to the creation and distribution of funds for additional patrols along high-accident corridors; amending RCW 46.20.293, 46.29.050, and 46.52.130; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

SB 5938 by Senators Haugen, Swecker, Fairley, Kauffman, Sheldon, Roach, Shin and Rasmussen

AN ACT Relating to human remains; amending RCW 27.44.030, 27.44.020, 68.60.050, 27.44.050, 27.44.901, 68.60.010, 68.60.020, and 68.60.030; adding new sections

to chapter 27.44 RCW; recodifying RCW 68.60.010, 68.60.020, 68.60.030, 68.60.040, 68.60.050, and 68.60.060; repealing RCW 27.44.040; and prescribing penalties.

Referred to Committee on Government Operations & Elections.

SB 5939 by Senators Kauffman, Kastama and Kilmer

AN ACT Relating to selecting economic benchmarks; and amending RCW 82.33A.005, 82.33A.010, and 82.33A.020.

Referred to Committee on Economic Development, Trade & Management.

SB 5940 by Senators Kline, Benton, Kohl-Welles, Roach, Keiser, Zarelli, Pridemore and Rasmussen

AN ACT Relating to prohibiting the use of state funds provided for long-term care services from being used to assist, promote, or deter union organization; amending RCW 74.39A.007, 74.39A.080, 70.128.160, and 74.42.580; and adding a new section to chapter 74.39A RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SCR 8405 by Senators Haugen, Swecker, Murray, Zarelli and Rasmussen

Establishing a joint interim work group concerning the Columbia River Crossing Project.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

The President assumed the chair.

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. Today on campus there's a group wearing red shirts and they'll be very noticeable around campus. They're here to speak about diabetes and bring a diabetic for now about fourteen, fifteen years now, it's good to see advocates here and I would just urge everyone to really closely listen to them, what they have to say and because early intervention in diabetes certainly can make a difference. Thank you Mr. President."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Hewitt moved adoption of the following resolution:

SENATE RESOLUTION 8621

By Senator Hewitt

WHEREAS, There are over 200 local Chambers of Commerce in the state of Washington representing

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approximately 65,000 small businesses and employing over 3,000,000 citizens; and

WHEREAS, Washington State Chambers of Commerce raise over 40,000,000 dollars annually for local community enrichment projects, involving more than 20,000 volunteers who generously give their time and talent; and

WHEREAS, Washington State Chambers of Commerce managed in excess of 4,000,000 visitor and relocation inquiries last year, and at the same time served over 25,000 businesses that sought information about expanding their companies in our state; and

WHEREAS, Chambers of Commerce across Washington state have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the invaluable work local Chambers of Commerce provide to both the economy and citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the United States Chamber of Commerce in Washington, D.C.

Senator Hewitt spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8621.

The motion by Senator Hewitt carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the American Diabetes Association who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9027, Chris Hedrick, as a member of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Berkey, Fairley, Haugen, Poulsen and Prentice were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Clements, Holmquist, Morton, Parlette and Roach were excused.

APPOINTMENT OF CHRIS HEDRICK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9027, Chris Hedrick as a member of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9027, Chris Hedrick as a member of the Board of Trustees, The Evergreen State College

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and the appointment was confirmed by the following vote: Yeas, 31; Nays, 0; Absent, 7; Excused, 11.

Voting yea: Senators Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Honeyford, Kastama, Kauffman, Kilmer, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Tom - 31

Absent: Senators Hobbs, Jacobsen, Keiser, Kline, Kohl-Welles, Weinstein and Zarelli - 7

Excused: Senators Benton, Berkey, Clements, Fairley, Haugen, Holmquist, Morton, Parlette, Poulsen, Prentice and Roach - 11

Gubernatorial Appointment No. 9027, Chris Hedrick, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, The Evergreen State College.

MOTION

At 10:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of Joint Session.

JOINT SESSION

The Speaker (Representative Lovick presiding) called the House to order.

Mark Frydrychowski, Session Legislative Assistant to Senator Swecker gifted the Chamber with a selection of classic guitar music.

The Sergeant at Arms announced that the Senate had arrived. The Speaker (Representative Lovick presiding) requested that the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President Pro Tempore Rosa Franklin, Majority Caucus Chair Harriet Spanel, Vice President Pro Tempore Paull Shin and Republican Floor Leader Mark Schoesler to seats on the Rostrum. The Senators were invited to seats within the Chamber.

The Speaker (Representative Lovick presiding) called upon President Pro Tempore Franklin to preside over the Joint Session.

President Pro Tempore Franklin called the Joint Session to order. The Clerk called the roll of the House and Senate and a quorum was present.

President Pro Tempore Franklin introduced the statewide elected officials: Secretary of State Sam Reed and State Treasurer Mike Murphy.

The Clerk called the roll of the former members who were in attendance: Rick Bender, Bill Brumsickle, Don Carlson, Barbara Cothern, Richard King, Bill Kiskaddon, R.H. "Bob" Lewis, former Secretary of State Ralph Munro, Gary Nelson, Cathy Pearsall-Stipeck, Paul Sanders, Rollie Schmitt, Gary Strannigan, Art Wang, William E. "Bill" Young and Hal Zimmerman.

The Flags were escorted to the Rostrum by the Olympia Marine Corps League Color Guard. President Pro Tempore Franklin led the Chamber in the Pledge of Allegiance.

REMARKS BY PRESIDENT PRO TEMPORE

President Pro Tempore Franklin announced the purpose of the joint session was to conduct memorial services in memory of

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departed former members of the Legislature. On behalf of the Senate and the House of Representatives, President Pro Tempore Franklin extend a welcome to all the family members who were present. President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick to conduct the service.

Father Benedict Auer, St. Martin's University gave the Invocation: "The other morning, Mount Rainier had a shadow against the clouds in the sky, which is unique and happens only on certain rare mornings. The ability to see this shadow is even rarer because the shadow is often covered by gray cloudiness, and you miss it. But this year, it was visible in a pink and salmon colored sky. Today we invoke the Creator of the beauty of this state and our country as we memorialize those individuals who have served our State so well.

Creator of all that is seen and unseen, we come together to remember, for as Joseph Campbell wrote, "To live in the hearts we leave behind is not to die." We know we carry with us all those who shaped our lives either directly or indirectly. We are all on a quest or search for truth, while some of us recognize this better than others. This morning, we honor those who saw this pilgrimage clearer than any of us, and committed themselves to changing and caring for our state in all its needs.

Our State stands as a monument to those who have represented us and dedicated themselves to our service. Together as community we uplift and care for each other. In some people this service is greater than others. The British poet, Christina Rossetti, reminded us in the nineteenth century:

"Remember me when I am gone away,
Gone far away into the silent land;
When you can no more hold my hand,
Nor I half turn to go yet turning stay."

This day we remember. We recall. We see with our ears and hear with our hearts. We see through a glass darkly, but we recognize their departure and mourn their leaving, but as the author of *The Little Prince*, Antoine de Saint-Exupery wrote, "Higher Education & Workforce Education or she who has gone, so we cherish their memory. They abide in us, more potent, nay, more present than the living person."

It is with deep gratitude that we remember and honor departed members of this Legislature who have made their transition, passing from this earthly life. We grieve, but as Shakespeare wrote in *Macbeth*: "Give sorrow words; the grief that does not speak whispers the fraught hearts and bids it break." At this time, we give sorrow words. We are thankful for each of these persons, their dedication speaks to everyone. Their example of leadership and commitment spurs us on to imitate their examples.

A native American explanation captures our purpose today:

"You shall ask
What good are dead leaves
And I will tell you
They nourish the sore earth.
You shall ask
What reason is there for winter
And I will tell you
To bring about new leaves.

You shall ask
Why are the leaves so green
And I will tell you
Because they are rich with life.
You shall ask
Why must summer end

And I will tell you
So that the leaves will die."

The cycle of life is a gift from you, O Great Creator of all things. Hebrew Scriptures tells us:

"For everything there is a season
A time to be born and a time to die;
A time to plant and a time to pluck what is planted;
A time to break down and a time to build up;
A time to weep and a time to laugh;
A time to mourn and a time to dance;
For everything there is a season,
And a time for every matter under heaven."

Today we remember and thank the Creator of all those sent to us who served and cared for us. We offer gratitude for the uniqueness of all who you created, O Divine Creator, and knowing our lives will never be the same because of these people. As the Medieval Mystic, Meister Eckhart wrote: "The greatest prayer you can say is thank you."

Thank you and Amen."

The Olympia High School Concert Choir under the direction of Dan Schwartz sang "Song of Triumph."

Mr. Speaker (Representative Lovick presiding): "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Washington State Senate and House of Representatives who have passed from among us. The people of our State are grateful for their service. The Sixtieth Legislature of the State of Washington conveys its respects to those deceased legislators.

They once sat in the hallowed chambers of the House and Senate; answered roll calls on sometimes critical perplexing bills, attended committee meetings, above all else, served to the best of their abilities to make our State a better and more enjoyable place to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the journals of the Senate and House, and are now and forevermore a permanent part of the history of the State of Washington.

We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities and truly loved this great State. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our Legislative records."

Speaker Pro Tempore Lovick and President Pro Tempore Franklin called the roll of the deceased former members of the Senate and House of Representatives assisted by Candlelight pages, Brittany Warner and Aiden Borer.

<u>Member</u>	<u>District and Years served</u>
Russell Austin Jr.	33rd District House 1980-81 Memorialized by Representative Shay Schual-Berke
Robert C. Bailey	19 th District House 1951-57, Senate 1957-77 Memorialized by Senator Brian Hatfield
H. Stan Bradley	31 st District House 1971-73 Memorialized by Representative Larry Seaquist

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George W. Clarke 41st District
House 1967-71, Senate 1971-85
Memorialized by Representative Fred Jarrett

Hubert F. Donohue 9th, 11th District
Senate 1973-81
Memorialized by Representative Phyllis Kenney

Martin J. Durkan 31st, 47th District
House 1957-58, Senate 1959-1975
Memorialized by Representative Pat Sullivan

Ruth Fisher 27th District
House 1983-2002
Memorialized by Representative Jeannie Darneille

Herb Hadley 18th District
House 1963-1965
Memorialized by Representative Ed Orcutt

Dick Hemstad 22nd District
Senate 1981-1985
Memorialized by Representative Gary Alexander

Geraldine McCormick 5th District
House 1969-82
Memorialized by Senator Chris Marr

Art Moreau 42nd District
House 1975-79
Memorialized by Senator Dale Brandland

Curtis Smith 13th District
House 1979-90
Memorialized by Representative Maralyn Chase

Thomas Allen Swayze Jr. 26th District
House 1965-73
Memorialized by Senator Derek Kilmer

Jim West 6th District
House 1983-87, Senate 1987-2003
Memorialized by Senator Mike Hewitt

Walter Williams 43rd District
House 1961-62, Senate 1963-70
Memorialized by Senator Tracey Eide

Rabbi Dan Bridge, Rabbi Emeritus, Hillel, Foundation for Jewish Life, University of Washington gave the Memorial Prayer: "In speaking of people of greatness, Sir Isaac Newton quoted Bernard of Chartes claiming that we stand on the shoulders of giants. Today we call out the names of Washington State legislators and we light these candles to remind ourselves that we are here only because we are able to stand on their shoulders. Today we are in this hall of great promise to remember first, the emptiness, the sadness left in the spaces they occupied in our lives, and in the life of this great State. And secondly we stand here to remember their legacies. Rabbi Bernard Raskas describes the impact of a person's life. "What is this immortality in which I believe. I believe that a person lives in his or her family. I believe in the immortality of friends and helpfulness. And I believe that there is a form of immortality in the institutions we build and the causes we espouse."

And thirdly, we light these candles so that we can be inspired – we the people who stand on the shoulders of these legislators – those who came before us. They have certainly lifted us up. I pray we will remember to be inspired by their lives. And that we will be moved – moved enough to act as their hands in a world to which they no longer belong – a world that needs so much fixing.

A prayer the Jewish Reform Movement reads "May the nobility in lives and the high ideals they cherish endure in our thoughts and live on in our deeds." Zichronam livracha - May we make the memories a blessing

The Olympia High School Chamber Choir, directed by Dan Schwartz sang "Set me as a Seal".

The Olympia Marine Corps League Detachment Color Guard presented of Flag. Sergeant Michelle Wheeler, 133rd Army National Guard Band played "Taps".

Pastor Phil Rue, Gloria Dei Lutheran Church, Olympia gave the closing prayer: "Oh mighty and most gracious God, it is in Your heart to love and to seek the wholeness of all of the creation. We give You thanks for those whom You have worked in and through, and who have reflected that grace and whom we honor this day.

We are grateful for their contributions. We are grateful for their legacy. As You have called us to love justice, to love kindness and to walk humbly before You, we thank You for that reflection, and what they have given to us. We ask and we pray that Your spirit would be infused within us. Look over us that we might know Your justice, that we might act with compassion and care, that we might know the wisdom of walking humbly before You and each other. Continue to place within the leaders of this great State the conviction of those things that are dear and precious, and the wisdom to know our fallibilities. And the ability to work together.

Let your blessing be upon those who have loved those we honor this day. Let your blessing be here in this place where decisions are made, where there is service and concern for the people who are represented. Help us always to remember the calling that is ours as we continue to serve in this place. Grant us your grace to love, to serve, to care.

We pray this in your great name. Amen."

"Amazing Grace" was played on the bagpipes by Lieutenant Keith Huntley of the Washington State Patrol.

Speaker Pro Tempore Lovick returned the gavel to President Pro Tempore Franklin who thanked the members of the Memorial Committee and everyone who participated in the day's ceremony.

President Pro Tempore Franklin turned the gavel over to Speaker Pro Tempore Lovick who asked the Sergeant at Arms of the House and Senate to escort President Pro Tempore Franklin, Majority Caucus Chair Harriet Spanel, Vice President Pro Tempore Paull Shin and Minority Floor Leader Mark Schoesler from the Rostrum and the senators from the Chamber.

On motion of Representative Kessler, the Joint Session was dissolved.

The Senate was called to order at 11:23 a.m. by President Pro Tempore.

At 11:23 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 8, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SECOND DAY, FEBRUARY 8, 2007

2007 REGULAR SESSION

THIRTY-SECOND DAY

Reported by Committee on Natural Resources, Ocean & Recreation

NOON SESSION

Senate Chamber, Olympia, Thursday, February 8, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2007

SB 5007 Prime Sponsor, Jacobsen: Modifying the sales and use taxation of vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5007 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5014 Prime Sponsor, Pridemore: Amending the process for adopting contribution rates for the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5041 Prime Sponsor, Prentice: Modifying insurance commissioner regulatory assessment fee provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5043 Prime Sponsor, Haugen: Dedicating a portion of the state property tax levy to state parks. Revised for 1st Substitute: Creating a state property tax levy dedicated to parks.

MAJORITY recommendation: That Substitute Senate Bill No. 5043 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens. Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

February 7, 2007

SB 5066 Prime Sponsor, Jacobsen: Concerning animal protection orders. Revised for 1st Substitute: Concerning protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5066 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5119 Prime Sponsor, Kohl-Welles: Requiring public input during the sunrise review process. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5119 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5173 Prime Sponsor, Pridemore: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5177 Prime Sponsor, Fraser: Determining death benefits for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

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SB 5182 Prime Sponsor, Kastama: Requiring signature gatherers to sign initiative and referendum petitions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5209 Prime Sponsor, Haugen: Relating to the preservation of historical state park resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Stevens. Without recommendation. Signed by Senators Morton and Swecker

Passed to Committee on Ways & Means.

February 6, 2007

SB 5290 Prime Sponsor, Keiser: Establishing industrial insurance medical and chiropractic advisory committees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5311 Prime Sponsor, Brown: Creating the budget stabilization account. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5311 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5313 Prime Sponsor, Haugen: Establishing the retirement age for members of the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Transportation.

February 6, 2007

SB 5320 Prime Sponsor, Franklin: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5320 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

February 6, 2007

SB 5357 Prime Sponsor, Kline: Modifying privileged communications provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5357 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5358 Prime Sponsor, Kline: Protecting the news media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5358 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5384 Prime Sponsor, Fraser: Expanding the University of Washington's and Washington State University's local borrowing authority. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5392 Prime Sponsor, Kohl-Welles: Increasing the initiative filing fee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker

THIRTY-SECOND DAY, FEBRUARY 8, 2007

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Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 7, 2007

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SB 5468 Prime Sponsor, Oemig: Regarding the administration of tax programs administered by the department of revenue. Reported by Committee on Ways & Means

SB 5560 Prime Sponsor, Schoesler: Making changes of a technical nature to tax laws. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5560 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5469 Prime Sponsor, Prentice: Modifying provisions concerning pawnbrokers. Reported by Committee on Financial Institutions & Insurance

SB 5569 Prime Sponsor, Schoesler: Providing a sales and use tax exemption to schools for heating oil. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Prentice and Schoesler

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 7, 2007

SB 5497 Prime Sponsor, McAuliffe: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Early Learning & K-12 Education

SB 5627 Prime Sponsor, McAuliffe: Requiring a review and development of basic education funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Ways & Means.

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

February 7, 2007

SB 5499 Prime Sponsor, Eide: Providing reimbursement for certain Washington state patrol survivor benefits. Reported by Committee on Ways & Means

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

SB 5651 Prime Sponsor, Kauffman: Changing the criteria for investigating and assessing performance in meeting community credit needs. Reported by Committee on Financial Institutions & Insurance

Passed to Committee on Transportation.

MAJORITY recommendation: That Substitute Senate Bill No. 5651 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield and Prentice

February 6, 2007

SB 5503 Prime Sponsor, Marr: Licensing persons who offer athletic training services. Reported by Committee on Labor, Commerce, Research & Development

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5503 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Murray and Prentice

SB 5666 Prime Sponsor, Marr: Increasing the amount the treasurer may use for the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

MAJORITY recommendation: That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield and Prentice

Passed to Committee on Ways & Means.

February 7, 2007

SB 5685 Prime Sponsor, Tom: Restoring the business and occupation tax credit for high technology research and development spending. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 6, 2007

SB 5854 Prime Sponsor, Benton: Limiting utility liens against rental property. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Consumer Protection & Housing.

February 7, 2007

SJR 8206 Prime Sponsor, Brown: Creating the budget stabilization account in the state Constitution. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 8206 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 7, 2007

SGA 9102 DONALD COX, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2007

SGA 9164 DARLENE PETERS, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Olympic Community College District No. 3. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

February 6, 2007

SGA 9166 MASON PETIT, appointed September 11, 2006, for the term ending December 31, 2008, as Member of the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Prentice and Schoesler

Passed to Committee on Rules for second reading.

February 7, 2007

SGA 9236 PATRICIA SHEA, appointed October 5, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5320 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

February 10, 2005

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TOM P. MAY, appointed January 2, 2005, for the term ending January 1, 2011, as Member of the Forest Practices Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5941 by Senators Jacobsen, Brandland, Keiser, Shin and Rasmussen

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AN ACT Relating to certification and recertification of health care facilities; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Ways & Means.

SB 5942 by Senators Brandland and Carrell

AN ACT Relating to bilingual instructional staff salary bonuses; and adding a new section to chapter 28A.405 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5943 by Senators Brandland, Holmquist, Hobbs, Clements, Rasmussen, Marr, Regala, Hargrove, Kohl-Welles and Parlette

AN ACT Relating to establishing a new high poverty school district allocation; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5944 by Senator Brandland

AN ACT Relating to ignition interlock devices; amending RCW 10.31.100, 46.20.740, 46.55.120, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5945 by Senators Kline, Jacobsen, Delvin and Hobbs

AN ACT Relating to materialpersons; and amending RCW 28B.07.020, 39.04.155, 39.08.010, 39.08.030, 47.28.030, 60.28.010, 60.28.011, 60.28.020, 60.28.021, 85.28.130, and 85.28.140.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5946 by Senators Schoesler, Zarelli and Parlette

AN ACT Relating to funding the state actuary's recommendations concerning projected improvements in the mortality of members and beneficiaries of the Washington state retirement systems; adding a new section to chapter 41.45 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5947 by Senators Murray, Zarelli, Marr, Shin, Schoesler and Holmquist

AN ACT Relating to creating a business and occupation tax credit against state and federal payroll taxes paid by restaurateurs on employee tips; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5948 by Senators Weinstein, Honeyford, Kauffman and Delvin

AN ACT Relating to real property electronic recording; and adding a new chapter to Title 65 RCW.

Referred to Committee on Government Operations & Elections.

SB 5949 by Senators Keiser, Kohl-Welles, Fairley, Fraser, Weinstein, Roach, Kline, Pridemore, Delvin and McAuliffe

AN ACT Relating to making the governor the public employer of adult family home providers; amending RCW 41.04.810, 41.56.113, and 43.01.047; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5950 by Senator Murray

AN ACT Relating to protecting consumers and agency clients by clarifying the definition of social worker; amending RCW 18.225.010 and 70.124.020; adding a new section to chapter 18.225 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 5951 by Senators Kohl-Welles, Prentice, Honeyford, Keiser, Murray, Tom and Rasmussen

AN ACT Relating to extending the authority of nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance; repealing 2004 c 65 s 19 (uncodified); and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5952 by Senators McAuliffe, Kohl-Welles and Rasmussen

AN ACT Relating to correcting provisions for the department of early learning; amending RCW 43.215.300, 43.43.838, 42.48.010, 35.21.688, 35.63.185, 35A.63.215, 36.70.757, and 36.70A.450; adding new sections to chapter 43.215 RCW; recodifying RCW 74.15.030 and 74.13.0903; and repealing RCW 43.215.2201.

Referred to Committee on Early Learning & K-12 Education.

SB 5953 by Senators Eide, Stevens, Delvin, Regala, Sheldon, Benton, Marr, Shin, Rasmussen and Holmquist

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5954 by Senators Jacobsen, Morton and Rasmussen

AN ACT Relating to requiring mandatory liability insurance for all motor-driven vessels at least thirty feet in length; adding a new section to chapter 79A.60 RCW; creating a new section; and prescribing penalties.

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Referred to Committee on Financial Institutions & Insurance.

SB 5955 by Senators Tom, McAuliffe, Kauffman, Oemig, Kilmer, Eide, Kohl-Welles and Rasmussen

AN ACT Relating to educator preparation, professional development, and compensation; amending RCW 28A.310.350; adding new sections to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SB 5956 by Senators Tom, Brandland, McAuliffe, Oemig, Kilmer, Clements, Benton, Kohl-Welles and Rasmussen

AN ACT Relating to professional teacher certification tuition reimbursement; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5957 by Senator Kohl-Welles

AN ACT Relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee; amending RCW 44.68.010, 44.68.030, 44.68.040, 44.68.050, and 44.68.060; adding new sections to chapter 44.68 RCW; creating a new section; repealing RCW 44.68.070; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 5958 by Senators Keiser, Parlette, Marr and Kohl-Welles

AN ACT Relating to innovative primary health care delivery; amending RCW 48.44.010; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5959 by Senators Hargrove, Kilmer, Shin, Sheldon, Kohl-Welles, Delvin and McAuliffe

AN ACT Relating to providing assistance to homeless individuals and families; adding new sections to chapter 43.185C RCW; and making appropriations.

Referred to Committee on Human Services & Corrections.

SB 5960 by Senators Franklin, Fairley and Kline

AN ACT Relating to setting limits on rental late fees; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 5961 by Senators Carrell and Stevens

AN ACT Relating to forfeiture of bail bonds; and adding a new section to chapter 10.19 RCW.

Referred to Committee on Judiciary.

SB 5962 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to Lief Erikson day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 5963 by Senators Kline and Keiser

AN ACT Relating to unappropriated funds in the health professions account; and amending RCW 43.70.320.

Referred to Committee on Ways & Means.

SB 5964 by Senators Kline and Hargrove

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION 8615

By Senators Keiser, Pridemore, Berkey, Parlette, Kauffman, Delvin, Carrell, Fairley, Kohl-Welles, Franklin, Fraser and Pflug

WHEREAS, Diabetes is a chronic disease for which there is currently no known cure and is the sixth leading cause of death in the United States; and

WHEREAS, Individuals with Type 1 diabetes cannot produce any of their own insulin needed to help regulate sugar and food stores in the body; and

WHEREAS, Individuals with Type 2 or adult onset diabetes cannot produce enough of their own insulin and often do not exhibit symptoms in the early stages of the disease; and

WHEREAS, The serious long-term complications of high blood sugar levels may include blindness, lower-extremity amputation, heart disease, kidney failure, and premature death; and

WHEREAS, In recent years, the number of individuals diagnosed with diabetes has increased forty-one percent; and

WHEREAS, Nine out of ten individuals who are newly diagnosed with adult onset diabetes also suffer from obesity; and

WHEREAS, America is facing a diabetes epidemic, as an estimated 20,800,000 Americans are living with the disease nationwide; and

WHEREAS, Diabetes is a leading health problem in Washington with an estimated 427,000 adult residents currently living with the disease; and

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WHEREAS, The keys to reducing the incidence of, and complications associated with, diabetes are education, early detection, control, and proper treatment; and

WHEREAS, The earlier a person is diagnosed with diabetes and receives treatment, the better the person's chances are for avoiding diabetes complications; and

WHEREAS, The first line of treatment recommended by all treatment standards is diet and exercise, and a healthy diet and the loss of excess weight can have a positive impact on the body's ability to fight off disease; and

WHEREAS, It has been shown that modest weight loss may help to lower blood sugar and blood pressure and improve the level of fats in the bloodstream, which is beneficial to the treatment of diabetes and other metabolic diseases; and

WHEREAS, Traditionally those at highest risk include older citizens who have a family history of the disease and who are overweight. However, in recent years there has been an alarming increase in the growing number of younger people who are being diagnosed with diabetes, which is attributed to lifestyle and excessive body mass;

NOW, THEREFORE, BE IT RESOLVED, That, in recognition of Diabetes Day at the Capitol, the Senate encourage individuals to seek early screening and early treatment and encourage health care providers to improve care for the control of diabetes and the treatment of major complications, to reduce the rate of diabetes and its complications among high-risk populations; and

BE IT FURTHER RESOLVED, That health care providers be encouraged to adopt generally recognized clinical practice guidelines such as the American Diabetes Association goals, recommendations, and standards that identify the reduction of body mass index, cardiovascular risk issues, and glycemic control as key factors to managing diabetes; and

BE IT FURTHER RESOLVED, That health care providers be encouraged, as they detect and treat the emerging diabetes epidemic, to engage in an aggressive program with their patients, including dietary counseling and exercise, measurements of body weight, and other associated risk factors; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the Washington State Medical Association, the Washington Department of Social and Health Services, and the Washington Department of Health.

Senator Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8615.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

MOTION

At 12:08 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 9, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 9, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brandland, Delvin, Kline, McCaslin, Murray, Pflug, Prentice, Spanel and Weinstein.

The Sergeant at Arms Color Guard consisting of Pages Ariel Madden and Evan Walleesen, presented the Colors. Chaplain Major Robert Legg of the United States Air Force offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 7, 2007

SB 5006 Prime Sponsor, Fraser: Recommending authorization for projects by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5110 Prime Sponsor, Fraser: Creating the water quality capital account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5114 Prime Sponsor, Rockefeller: Changing student transportation funding. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Ways & Means.

February 7, 2007

SB 5229 Prime Sponsor, Kline: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5229 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5261 Prime Sponsor, Keiser: Granting the insurance commissioner the authority to review individual health benefit plan rates. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5294 Prime Sponsor, Spanel: Allowing corporate directors to consider the social, legal, economic, and environmental effects of their decisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5369 Prime Sponsor, Shin: Creating the qualified professions conditional scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 8, 2007

SB 5476 Prime Sponsor, Shin: Creating a mentoring program for students in grades eight through twelve. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5476 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

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February 8, 2007

SB 5486 Prime Sponsor, Shin: Authorizing employer tax incentives for the employment of students in math and science programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 8, 2007

SB 5490 Prime Sponsor, Brandland: Adding a law enforcement representative to the adult family home advisory committee. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5518 Prime Sponsor, Fairley: Removing the limitations on the number of divisions and assistant directors within the department of retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5555 Prime Sponsor, Shin: Creating the GET ready for math and science scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 7, 2007

SB 5575 Prime Sponsor, Hobbs: Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Schoesler and Tom

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5657 Prime Sponsor, Keiser: Creating the revised uniform anatomical gift act. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5658 Prime Sponsor, Keiser: Establishing a health care reinsurance program for small businesses. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Parlette and Pflug

Passed to Committee on Ways & Means.

February 8, 2007

SB 5775 Prime Sponsor, Kauffman: Changing special education provisions. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 8, 2007

SCR 8403 Prime Sponsor, Jacobsen: Creating a joint select committee concerning Latino accessibility to higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 7, 2007

HB 1025 Prime Sponsor, Rolfes: Recommending authorization for projects by the public works board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 8, 2007

SGA 9081 KAY ADAMSON, reappointed February 10, 2005, for the term ending July 1, 2008, as Member of the State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom,

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Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9097 PAT E. CLOTHIER, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9130 HOLLY P. JENSEN, reappointed October 24, 2005, for the term ending July 1, 2010, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9131 DWAYNE JOHNSON, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Peninsula Community College District No. 1. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9138 JAMES L. KEMP, appointed May 25, 2006, for the term ending July 1, 2007, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9158 CHARLES P. NELSON, reappointed September 29, 2006, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

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SGA 9163 CALVIN PEARSON, appointed June 15, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Bates Technical College District No. 28. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9169 W. STEPHEN RAINEY, reappointed February 10, 2005, for the term ending July 1, 2008, as Member, Board of Trustees, State School for the Blind. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9170 MICHAEL V. REGEIMBAL, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Highline Community College District No. 9. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9205 KRISTINA MAYER, reappointed February 1, 2007, for the term ending January 30, 2011, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 8, 2007

SGA 9243 GRANT PELESKY, reappointed January 24, 2007, for the term ending June 30, 2009, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5476 which was referred to the Committee on Ways & Means.

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MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Office of State Treasurer Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Office of State Treasurer Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services Third Party Health Care Coverage. This report is mandated under Chapter 518, Laws 2005, Section 205(1)(h).

If you have any questions about the report, please call 360-725-3521.

The Department of Social & Health Services Third Party Health Care Coverage is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 5, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Health Breast and Cervical Cancer. This report is mandated under SSB 6090, Section 221(13).

Sincerely,

Mary C. Selecky, Secretary

The Department of Health Breast and Cervical Cancer is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Department of Health Uniform Disciplinary Act Report. This report is mandated under RCW 18.130.310.

If you have any questions about the report, please call 360-236-4996.

Sincerely,

Mary C. Selecky, Secretary

The Washington State Department of Health is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction Medicaid Reimbursement Report. This report is mandated under RCW 74.09.5253 Section 3.

If you have any questions about the report, please call 360-725-6075.

Sincerely,

Dr. Terry Bergeson, State Superintendent of Public Instruction
The Superintendent of Public Instruction Medicaid Reimbursement Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 8, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction Pilot Program. This report is mandated under SHB 2012.

If you have any questions about the report, please call 360-725-6343.

Sincerely,

Dr. Terry Bergeson, State Superintendent of Public Instruction

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The Superintendent of Public Instruction Pilot Program is on file in the Office of the Secretary of the Senate.

SB 5971 by Senators Kauffman, Franklin, Sheldon, Shin, Kilmer, Hobbs, Kline, Kohl-Welles and Rasmussen

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

AN ACT Relating to analyzing and remedying racial disproportionality and racial disparity in child welfare; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

INTRODUCTION AND FIRST READING

SB 5965 by Senators Hobbs, Holmquist, Keiser, Benton, Eide, Berkey, Kohl-Welles, Parlette, Rasmussen and Roach

AN ACT Relating to the financial literacy public-private partnership; amending RCW 28A.300.455 and 28A.300.460; adding a new section to chapter 28A.230 RCW; and making appropriations.

Referred to Committee on Early Learning & K-12 Education.

SB 5972 by Senators Morton, Jacobsen, Swecker, Rockefeller, Poulsen, Rasmussen, Hargrove and Shin

AN ACT Relating to the surface mining reclamation act; amending RCW 78.44.190, 78.44.210, and 78.44.250; adding new sections to chapter 78.44 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5966 by Senators Swecker, Jacobsen, Morton, Hargrove, Shin and Kline

AN ACT Relating to preparing a response to the consequences of climate change on the forests of the state; creating new sections; and making appropriations.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5973 by Senators Parlette, Rasmussen, Keiser, Sheldon, Delvin and Shin

AN ACT Relating to a controlled substances prescription monitoring program; reenacting and amending RCW 42.56.360; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SB 5967 by Senators Pridemore, Zarelli, Berkey, Schoesler, Eide, Marr, Parlette, Sheldon, Tom, Hobbs, Carrell, Hatfield, Honeyford, Roach, Shin and Benton

AN ACT Relating to the sales of vehicles and associated services to nonresidents of Washington; amending RCW 82.08.0264 and 82.08.0273; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 5974 by Senator Hargrove

AN ACT Relating to the chemical dependency disposition alternative; amending RCW 13.40.165; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services & Corrections.

SB 5968 by Senators Kilmer, Delvin and Marr

AN ACT Relating to expanding lemon law coverage to out-of-state consumers; and amending RCW 19.118.021 and 19.118.110.

Referred to Committee on Consumer Protection & Housing.

SB 5975 by Senators Hargrove, Stevens, Carrell, Regala, Rasmussen and Shin

AN ACT Relating to the Washington family policy council; and amending RCW 70.190.010.

Referred to Committee on Human Services & Corrections.

SB 5969 by Senators Kilmer, Delvin, Kastama, Shin, Kauffman, Marr, Murray, Kohl-Welles, Hobbs and Tom

AN ACT Relating to creating a civic education travel grant program; and adding a new section to chapter 28A.300 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 5976 by Senators Tom, Shin, Benton and Keiser

AN ACT Relating to increasing the number of required school days; and amending RCW 28A.150.220, 28A.150.250, 28A.150.290, 28A.195.010, 28A.310.240, 28A.330.100, 28A.400.300, and 28A.410.080.

Referred to Committee on Early Learning & K-12 Education.

SB 5970 by Senators Sheldon and Rasmussen

AN ACT Relating to excluding federal income tax payments from the resource eligibility requirements of the community options program entry system; and adding a new section to chapter 74.39 RCW.

Referred to Committee on Health & Long-Term Care.

SB 5977 by Senators Kohl-Welles and Keiser

AN ACT Relating to the taxpayer health care fairness act; adding a new section to chapter 49.60 RCW; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5978 by Senators Kilmer, Rockefeller, Sheldon, Hargrove, Delvin, Berkey and Shin

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AN ACT Relating to assessing the higher education needs of the Olympic and Kitsap peninsulas; and creating a new section.

Referred to Committee on Higher Education.

SB 5979 by Senators Murray, Swecker, Haugen, Pflug, Marr and Kohl-Welles

AN ACT Relating to modifying transportation innovative partnerships provisions; and amending RCW 47.29.010, 47.29.030, 47.29.060, 47.29.070, 47.29.140, 47.29.160, 47.29.180, 47.29.250, 47.29.280, and 47.29.290.

Referred to Committee on Transportation.

SB 5980 by Senators Fraser, Pflug, Keiser, Parlette, Kohl-Welles, Rasmussen, Roach, Poulsen and Fairley

AN ACT Relating to notifying licensed nursing homes and boarding homes of offender status of residents or persons seeking admission; amending RCW 72.09.340 and 70.129.110; reenacting and amending RCW 9A.44.130; adding a new section to chapter 70.129 RCW; adding a new section to chapter 18.20 RCW; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8627

By Senators Kohl-Welles, Fairley, Rasmussen, Fraser, Pridemore, Prentice, Brandland, Hatfield, Keiser, Zarelli, Parlette and Jacobsen

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, Sport and fitness activities contribute to girls' and women's emotional and physical well-being; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly encourage enduring habits of physical fitness; and

WHEREAS, Girls and women who participate in sports have higher levels of self-esteem, fewer incidences of depression, and a reduced risk for heart disease, breast cancer, and other illness; and

WHEREAS, The bonds built among girls and women through athletics help to break down the social barriers of racism and prejudice; and

WHEREAS, 60,447 female athletes participate in high school sports and athletic activities in Washington, constituting 47 percent of the total number of athletes; and

WHEREAS, High school girls' athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation; and

WHEREAS, Washington high schools foster outstanding achievements in girls' and women's sports, such as volleyball and soccer. These include state volleyball champions: Mead, Bishop Blanchet, Selah, Colfax, LaConner, Sprague/Harrington; and state soccer champions: Woodinville, Issaquah, Archbishop Murphy, and Seattle Christian; and

WHEREAS, This past Saturday Tacoma's Wilson High School girls' bowling team won its second consecutive state title; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at 48 percent of total athletes. Currently, there are 203 female athletes at Washington State University, 105 female athletes at Seattle University, 60 female athletes at The Evergreen State College, 120 female athletes at Seattle Pacific University, 200 female athletes at Western Washington University, 327 female athletes at University of Washington, and 146 female athletes at Whitworth College; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited and the information provided by the projects is imperative to the health and performance of future female athletes; and

WHEREAS, Student-athletes graduate at a higher rate than non-athlete college students (62 percent compared to 60 percent, respectively); and

WHEREAS, Washington colleges and universities have fostered outstanding achievements by women in sports, including Seattle University students Ashley Porter, Great Northwest Athletic Conference (GNAC) Player of the Year for women's soccer; Lindsey Gall, NCAA All-American in swimming for the 100-meter butterfly; and Anna Vanha, NCAA All American in swimming for the 200-meter butterfly; and

WHEREAS, Ginnie Powell, class of 2002 at Rainier Beach High School and NCAA All-American and track champion at USC, was one of ten athletes honored at the 2006 Seattle P-I Sports Star of the Year Awards Banquet; and

WHEREAS, Whitworth College has outstanding female athletes such as Jo Sonnett, Pitcher of the Year in women's softball; and Samantha Kephart, winner of two national swimming titles and holder of the national record in the 200-meter butterfly; and

WHEREAS, The University of Washington women's volleyball team marked its third consecutive year in reaching the Final Four, with four team members receiving All-American honors: Courtney Thompson, Cristal Morrison, Alesha Deesing and Jessica Swarbrick; and

WHEREAS, University of Washington female athletes have been recognized for outstanding achievements. These include Amy Lisa, NCAA champion in 1500 meters in women's track and field; and Paige MacKenzie, winner of the PAC-10 and NCAA West Regional Championships in women's golf; and

WHEREAS, Western Washington University has four outstanding All-American female athletes, including: Tina Donahue (Basketball), Lindsay Mann-King (Rowing), Courtney Schneider (Volleyball), and Katja Trygg (Golf); and

WHEREAS, Eastern Washington University women's volleyball team participated in its seventh straight Big Sky Conference Championship match in 2006; and

WHEREAS, The women's basketball team of Gonzaga University has won two consecutive regular season West Coast Conference Championships; and

WHEREAS, Washington State University women's rowing team placed fourth in the NCAA National Championship, the highest placement ever for the school; and

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WHEREAS, Jane LaRiviere, Washington State University, received Coach of the Year honors for both the West Region and PAC-10 conferences; and

WHEREAS, The Evergreen State College women's soccer team reached the National Association of Intercollegiate Athletics (NAIA) Region 1 championships for the first time; and Evergreen athlete Carly Stewart received All-American honors in women's soccer; and

WHEREAS, Seattle Storm guard Sue Bird, who was voted an All-Star for the fourth consecutive year, and center Lauren Jackson, who was voted an All-Star for the fifth consecutive year, are both recognized by fans for their outstanding play and both were named to the WNBA All-Decade Team;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Washington Girls and Women in Sports Day on February 6, 2007, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and all the aforementioned athletes and their respective institutions.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8627.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Carly Stewart, Evergreen State College Women's Soccer; Alesha Deesing and Cristal Morrison, University of Women's Volleyball and Ashley Porter Seattle University Washington Women's Soccer who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9014, Rita Creighton, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senators Keiser and Eide spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Kline, Murray, Prentice, Spanel and Weinstein were excused.

MOTION

On motion of Senator Hewitt, Senators Brandland, Delvin, McCaslin and Pflug were excused.

APPOINTMENT OF RITA CREIGHTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9014, Rita Creighton as a member of the Board of Trustees, Highline Community College District No. 9.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9014, Rita Creighton as a

member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Oemig, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, McCaslin, Murray, Pflug, Prentice, Spanel and Weinstein - 9

Gubernatorial Appointment No. 9014, Rita Creighton, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9071, Larry E. Swift, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senator Rasmussen spoke in favor of the motion.

APPOINTMENT OF LARRY E. SWIFT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9071, Larry E. Swift as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9071, Larry E. Swift as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Oemig, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, McCaslin, Murray, Pflug, Prentice, Spanel and Weinstein - 9

Gubernatorial Appointment No. 9071, Larry E. Swift, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

MOTION

At 10:31 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 11:30 a.m. by President Owen.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9030, Kristine A. Klaveano and Gubernatorial Appointment No. 9124 Jerry R. Hendrickson and the vote of the Senate was recorded as a separate vote for each appointment.

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MOTION

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9030, Kristine A. Klaveano, and Gubernatorial Appointment No. 9124, Jerry R. Hendrickson as members of the Board of Trustees, Walla Walla Community College District No. 20, be confirmed.

Senator Schoesler spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

APPOINTMENT OF KRISTINE A. KLAVEANO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9030, Kristine A. Klaveano and Gubernatorial Appointment No. 9124, Jerry R. Hendrickson as members of the Board of Trustees, Walla Walla Community College District No. 20.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9030, Kristine A. Klaveano as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, Morton, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, Kohl-Welles, McCaslin, Murray, Prentice, Spanel and Weinstein - 9

APPOINTMENT OF JERRY R. HENDRICKSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9124, Jerry R. Hendrickson as a member of the Board of Trustees, Walla Walla Community College District No. 20 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, Morton, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, Kohl-Welles, McCaslin, Murray, Prentice, Spanel and Weinstein - 9

Gubernatorial Appointment No. 9030, Kristine A. Klaveano, and Gubernatorial Appointment No. 9124, Jerry R. Hendrickson having received the constitutional majority were declared confirmed as members of the Board of Trustees, Walla Walla Community College District No. 20.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Senator Kauffman moved that Gubernatorial Appointment No. 9136, Jo Ann Kauffman, as a member of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Kauffman spoke in favor of the motion.

APPOINTMENT OF JO ANN KAUFFMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9136, Jo Ann Kauffman as a member of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9136, Jo Ann Kauffman as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, Morton, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, Kohl-Welles, McCaslin, Murray, Prentice, Spanel and Weinstein - 9

Gubernatorial Appointment No. 9136, Jo Ann Kauffman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Eastern Washington University.

SECOND READING

SENATE BILL NO. 5191, by Senators Hatfield, Brandland, Sheldon and Delvin

Modifying missing persons provisions.

MOTION

On motion of Senator Hatfield, Substitute Senate Bill No. 5191 was substituted for Senate Bill No. 5191 and the substitute bill was placed on the second reading and read the second time.

Senator Hatfield spoke in favor of the substitute bill.

MOTION

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5191 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5191.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5191 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, Morton,

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Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 40

Excused: Senators Brandland, Delvin, Kline, Kohl-Welles, McCaslin, Murray, Prentice, Spanel and Weinstein - 9

SUBSTITUTE SENATE BILL NO. 5191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Keiser: "I believe that we had a first speech from the gentle lady from the Forty-Seventh District this morning and I want to pay special note to that fact. My point of personal privilege has to do with what I understand to be the first public utterance on this August institution's floor by the gentle lady of the Forty-Seventh District. I would like to just acknowledge that Senator Kauffman is a neighbor of mine. The Forty-Seventh District is right next door and we share a very long border and now we're sharing the neighborhood here on the Senate floor and it's a terrific honor for me to have her next door her as well. You know, Senator Kauffman may come across as a very quiet and gentle, maybe even shy, person. Don't be fooled folks. Heads up. This is one tough lady and she has a will of iron, a backbone of steel and since she walked every foot of that very long border that we share, I think her feet are probably made of concrete by now because it was a lot of work for her to get here. She is a neighbor that I am very proud to welcome and I think her utterances on this floor were interesting because in this case, as you know, she was talking about someone near and dear to her - her very own sister. That's an honor but also I have to wonder if there's a little conflict of interest? Just a question."

PERSONAL PRIVILEGE

Senator Swecker: "Well, Mr. President, I was quite impressed with the inaugural speech of the good lady from the Forty-Seventh District. I was very much impressed with the qualifications of the person that she was recommending so much that I voted for approval of that nomination but I do have one question. Did we get the right Kauffman?"

PERSONAL PRIVILEGE

Senator Kauffman: "Thank you Mr. President. Yes, it's true, there are a lot of Kauffman's out there I'm actually the youngest of seven and so and we all grew up in Seattle area. I'm very happy and proud of my family and their accomplishments that they have made throughout their lives. They were all here, I don't remember if you remember, the day that we had the swearing in, and how and boistress they were but they were all here providing a tremendous amount of support for me and I truly appreciate that. I appreciate all the support that I've received here in the Senate as well and the support that the wonderful Senator from the Thirty-Third District has provided to me for a long time. I'm very, very happy to be here. It was a long road and I'm loving every single minute of it and I've heard it said that, 'You're extremely quiet, Claudia; but once you get to know me you'll know I'm not quiet at all. I love to speak and I love to talk and so thank you very much. I'd like to provide you with a small gift from me. I was told gifts needed to come from your district and I have to tell you I come from the Forty-Seventh and so these gifts are from me. Thank you very much for the opportunity."

PERSONAL PRIVILEGE

Senator Eide: "Well, thank you. I understand we have one more member that has....I have to tell you this is his second speech and don't you let him fool you because I happened to be standing on this floor the other day along with Senator Schoesler and Mr. President. I often thought-here with the Senator from the Fourteenth District, along with the good senator that just spoke today-both came from, I'm supposed to say 'the other body.' I'm wondering if they were taught how to count. There is a one before the two and the other thing is you have to learn to count to forty-nine. This is the reason I am saying this; This is your second speech you're being recognized on, so what I thought I would do is tell the good senator if you need help counting there is a sheet here that you don't need any numbers but there are names on it. You need to go through every single one of them and before a bill comes onto to the floor Senator, make sure that you have everyone of them check marked and preferably in the 'A' column. The other one is that I found it interesting he did an absolutely wonderful first speech on his resolution regarding the gentleman from his district. It was excellent. The only thing is is when Mr. President asked all those who are in favor say 'Aye,' I believe there was only one person that said 'Aye' Mr. President and I believe it was myself. So, the other thing is that the good senator from the Nineteenth, you must vote on your bill and it's either-I would hope an 'Aye.' It is a pleasure to have you on the Senate floor but I must tell you that you must vote at the end of every time the good President asks us to. Thank you."

PERSONAL PRIVILEGE

Senator Brown: "Mr. President, long, long ago in 1994 the political winds were blowing in a different direction and our colleagues across the aisle had a banner year and Republicans were elected from Washington, D.C. to Washington State. I was over in the other body and walked into my first meeting of the House Democratic caucus and we had gone from sixty some members to thirty some members. It was a rather demoralizing experience. In the hushed environment of the day the only bright note was that a couple of new Representatives were elected on our side of the aisle. They were talented and easy on the eyes, Representatives from the Nineteenth and Thirty-Fourth District. One was a little bit country, the other was a little bit rock and roll because they spent so much time together and because to some of the folks around here-especially the lobbyists. We all look alike anyway, they were often confused. Which one was, Hatfield? Which one was Poulsen? Who did that? who said that? Hatfield or Poulsen. Well, someone came to me and asked me which one I prefer? Thinking, of course, of our political orientations and not our personal chemistry and being a country girl myself raised on the Beverly Hill Billies I said, 'Hatfield, he's a little bit Jethro for me.' Well, today Senator Hatfield, you've been vindicated, with that incredible speech on the Senate floor. I have two things to say to you. Number one, I was wrong. I made the wrong choice and we all prefer you to Senator Poulsen but we were young and foolish then, it was 1994 and my second question is, 'What took you so long to get to the Senate?' Really, that was twelve years ago. What have you been doing with your time? I decided to look into it a little bit and Mr. President, if I may, I'm having pages distribute some amazing information that I located that actually solves the mystery of what took the good senator so long to get to the senate floor. We all thought he was frittering away his time in

THIRTY-THIRD DAY, FEBRUARY 9, 2007

2007 REGULAR SESSION

the House or in other pursuits but in fact, he has built an amazing career as a legendary NASCAR racer and the proof is right here on this poster. That's right, along with Richard Petty, Darrell Waltrip and Greg Biffle, did you know that Brian Hatfield, the Raymond Racer, is also a NASCAR legend.? Welcome to the Senate, we are honored Senator Hatfield."

And who else is going arrange for volunteer Pastors to come and give a prayer and Lord knows this place needs a prayer, so let's hope that those job skills can be replaced in the market place as we welcome the new senator from the Nineteenth."

President Pro Tempore assumed the chair.

PERSONAL PRIVILEGE

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, it's true, Jethro's first speech was on Wednesday. Unfortunately the word got out and their weren't any senators here to hear it and I think he now wishes that there that the word had gotten out again today. Of course, Jethro comes from a close family, in fact from that part of the state, all three families are very close, very, very close. I was pleased to see this announcement today on this reception because one of the things I was going to point out is that, as we know he's championing the NASCAR bill and the reason he is doing that not only because he's such a prolific driver himself but he's also one of the few senators who can go to the NASCAR races and not need a program. He's got all of those memorized but it's been a hard transition from him. He misses home. He sits in his office late at night. Of course we all know about his guitar skills but that's not the first instrument he learned how to play. Sometimes when you go his office late at night, the lights are turning off and everybody is going home, in the still of Olympia you can hear 'ddddding. Dd d ddd dddd. Thank you Mr. President."

Senator Regala: "Madam President, I was also a member of that freshman class of 1994-95 which was earlier referred to and so I have known the senator from the Nineteenth District for a very long time. Madam President, you know my mother always told me, 'If you can't say something nice about someone don't say anything,' so never mind."

PERSONAL PRIVILEGE

Senator Jacobsen: "I remember well serving with Brian for many years. One day in the House he was a little bit glum and I said, 'What's the matter?' and he said, 'Well, my senator just had a double hip replacement and I'm worried. He's feeling so well he's going to run again.' It took him a while longer because that double hip replacement costs him about eight years of experience. The other thing I remember about Brian, I think he's really adapted to this place. When I first met him he was the kind that would use fish bait. It's been here seventeen sessions, now it's sushi and nobody at home knows what he's talking about."

POINT OF ORDER

PERSONAL PRIVILEGE

Senator Poulsen: "Mr. President, I object to this character assassination. While senator, now Senator Hatfield may bear a striking resemblance to Jethro Bodine of Hillbillies fame, what with his very ill-fitting suits and his marginal grooming, they're actually quite different. Jethro spent twelve years in grade school before getting, before graduating from sixth grade that is. We all know Brian only took eight. Before coming to Hollywood, Jethro never ventured away from his home in the hills of West Virginia. Brian went to Ritzville once, before he was loading up the truck and heading to Oly, Capital Hill that is. Speaking of Olympia some of you may not know that this is actually Senator Hatfield's seventeenth session in Olympia. In other words, he's never had a real job and in fact up until someone in this chamber, Mr. President, showed pity on him and hired him. He had no marketable job skills and after that experience with you he still has none. Thank you."

Senator Hatfield: "Are you through? Thank you, I guess I enjoyed that roasting Madam President and I do have tribute to pay to the senators for putting you through my first speech and my flawed bump that I will debate with Lt. Governor with. What we have, and I think, are the pages delivering it now, ok thank you. They are bringing out to you products from the Nineteenth District so you know it is going to be good and it is going to live up to the standards of my predecessors. We have crab, oysters and sturgeon, I think there would have been more seafood for you but we had to cut it off somewhere. All fine and delicious products from the Nineteenth Legislative District. I do have to warn you, you might want to eat the crab fairly soon. Don't let it set on your desk or your office for a year and then think that's going to be a good snack because you might be sick. You may also want to trade oysters. We've got a variety. I think some of you have smoked, some of you have the hot and spicy variety that they have and you'll note on some of the cans, in keeping in the tradition of Senator Hobbs, they might mention 2005. Don't worry about that. In fact, some of the cans actually say 2003 on them because that's the year I thought I was going to be giving this speech. Enjoy and thank you."

REPLY BY THE PRESIDENT

MOTION

President Owen: "And your point?"

At 11:55 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 12, 2007.

PERSONAL PRIVILEGE

BRAD OWEN, President of the Senate

Senator Schoesler: "Well, I was here in the body when that first speech counted and it seems to me that the President's hearing may be diminishing because I don't know if I heard two voices on the floor to constitute a majority to pass that resolution. We may have an illegitimately passed resolution here. The other thing, we went back through the etiquette where we should be and we will have to, of course, question the gifts to see if they meet up to standards of the Nineteenth District predecessors. The other question that has come to us is the critical job skills that he left behind. Who else is going to be able to carry the gavel for the President to lunch and back again?"

THOMAS HOEMANN, Secretary of the Senate

THIRTY-SIXTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, February 12, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 8, 2007

SB 5086 Prime Sponsor, Haugen: Increasing the population threshold for state highway maintenance responsibility in cities and towns. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5108 Prime Sponsor, Haugen: Creating the office of farmland preservation. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 7, 2007

SB 5170 Prime Sponsor, Shin: Concerning the state trade fair fund. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 7, 2007

SB 5184 Prime Sponsor, Hatfield: Modifying sales and use tax provisions for public facilities districts. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5231 Prime Sponsor, Berkey: Revising provisions relating to water-sewer districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5231 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5254 Prime Sponsor, Kilmer: Authorizing a grant program for industry skill panels. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5264 Prime Sponsor, Haugen: Authorizing the transportation commission to name or rename state transportation facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5283 Prime Sponsor, Weinstein: Removing the deadline for regional transit authorities to acquire insurance by bid or by negotiation on certain projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5288 Prime Sponsor, Kohl-Welles: Requiring cyberbullying to be included in school district harassment prevention policies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5367 Prime Sponsor, Shin: Establishing the Washington trade corps fellowship program. Reported by Committee on Economic Development, Trade & Management

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MAJORITY recommendation: That Substitute Senate Bill No. 5367 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 7, 2007

SB 5388 Prime Sponsor, Sheldon: Authorizing the use of local retail taxes to finance economic development officers. Revised for 1st Substitute: Authorizing the use of local retail taxes to finance economic development offices. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 8, 2007

SB 5420 Prime Sponsor, Roach: Requiring public agencies to post certain information to their web sites. Revised for 1st Substitute: Requiring public agencies, special purpose districts, and municipalities to post certain information on their web sites. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5420 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5434 Prime Sponsor, Poulsen: Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5498 Prime Sponsor, Regala: Revising voter-approved funding sources for local taxing districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Benton. Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 8, 2007

SB 5542 Prime Sponsor, Jacobsen: Creating the heritage barn preservation program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 7, 2007

SB 5613 Prime Sponsor, Kilmer: Concerning entrepreneurial training opportunities. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5618 Prime Sponsor, Shin: Assisting manufacturers. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5618 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5640 Prime Sponsor, Kauffman: Authorizing tribal governments to participate in public employees' benefits board programs. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5652 Prime Sponsor, Kauffman: Establishing the microenterprise development program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5674 Prime Sponsor, Haugen: Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5674 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

THIRTY-SIXTH DAY, FEBRUARY 12, 2007

2007 REGULAR SESSION

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5743 Prime Sponsor, Kastama: Linking economic clusters and quality management practices to customized training. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5743 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 8, 2007

SB 5811 Prime Sponsor, Rasmussen: Extending an advisory committee to evaluate animal identification programs. Revised for 1st Substitute: Reconvening an advisory committee to evaluate animal identification programs. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 7, 2007

SB 5901 Prime Sponsor, Kastama: Requiring the Washington quality award council to provide certain training and services. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 9, 2007

SGA 9110 TARI EITZEN, appointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

February 9, 2007

SGA 9200 MIKE BRASFIELD, reappointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

February 9, 2007

SGA 9202 ELLEN FAIR, reappointed December 6, 2006, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Roach

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Canola Rapeseed Oil Commission Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Canola Rapeseed Oil Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Turfgrass Seed Commission Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Turfgrass Seed Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

THIRTY-SIXTH DAY, FEBRUARY 12, 2007
 Olympia, Washington 98504-5000

2007 REGULAR SESSION

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Supreme Court Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Board of Pilotage Commissioners Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Supreme Court Audit Report is on file in the Office of the Secretary of the Senate.

Sincerely,
 Brian Sonntag, State Auditor
 The Board of Pilotage Commissioners Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

February 9, 2007

Olympia, Washington 98504-5000

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Transportation Improvement Board. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Administrative Office of the Courts Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Transportation Improvement Board is on file in the Office of the Secretary of the Senate.

Sincerely,
 Brian Sonntag State Auditor
 The Administrative Office of the Courts Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

February 9, 2007

Olympia, Washington 98504-5000

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482
 Olympia, Washington 98504-0482

Dear Mr. Hoemann:
 Enclosed is Community Colleges of Spokane Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:
 Enclosed is Court of Appeals Audit Report. This report is mandated under RCW 43.09.310.
 If you have any questions about the report, please call 360-902-0370.

Sincerely,
 Brian Sonntag, State Auditor
 The Community Colleges of Spokane Audit Report is on file in the Office of the Secretary of the Senate.

Sincerely,
 Brian Sonntag, State Auditor
 The Court of Appeals Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

February 9, 2007

Olympia, Washington 98504-5000

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
 Secretary of the Senate
 P.O. Box 40482

Mr. Thomas Hoemann

THIRTY-SIXTH DAY, FEBRUARY 12, 2007
Olympia, Washington 98504-0482

2007 REGULAR SESSION

Dear Mr. Hoemann:

Enclosed is Eastern Washington State Historical Society Audit Report. This report is mandated under .

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Eastern Washington State Historical Society Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of General Administration Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of General Administration Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 12, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Department of Social & Health Services Developmental Disabilities Report. This report is mandated under Chapter 518, Laws of 2005, Section 205)(1)(d) Uncodified.

If you have any questions about the report, please call 360-725-3452.

The Washington State Department of Social & Health Services Developmental Disabilities Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 8, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CONRAD MAHNKEN, appointed November 4, 2005, for the term ending December 31, 2010, as Member of the Fish and Wildlife Commission.

Sincerely,
CHRISTINE O. GREGOIRE, Governor
Referred to Committee on Natural Resources, Ocean & Recreation.

February 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JOEL RUPLEY, reappointed February 1, 2007, for the term ending January 1, 2013, as Member of the Forest Practices Appeals Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 12, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1084,
SUBSTITUTE HOUSE BILL NO. 1097,
HOUSE BILL NO. 1116,
HOUSE BILL NO. 1126,
HOUSE BILL NO. 1127,
HOUSE BILL NO. 1292,
HOUSE BILL NO. 1421,
HOUSE BILL NO. 1437,

SUBSTITUTE HOUSE BILL NO. 1507,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 5981 by Senators Kohl-Welles, Berkey, Roach, Rasmussen, Holmquist, Benton and Poulsen

AN ACT Relating to lead poisoning prevention; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 5982 by Senators Rasmussen, McCaslin, Berkey, Schoesler and Roach

AN ACT Relating to clarifying the business and occupation taxation of property management companies in regards to

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on-site property managers' wages and benefits; and amending RCW 82.04.394.

Referred to Committee on Ways & Means.

SB 5983 by Senators Stevens and Hargrove

AN ACT Relating to notice in truancy matters; and amending RCW 28A.225.035.

Referred to Committee on Human Services & Corrections.

SB 5984 by Senators Murray and Clements

AN ACT Relating to performing engineering services on significant structures; and amending RCW 18.43.040 and 18.43.020.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5985 by Senators Swecker, Sheldon, Hargrove, Kilmer, Delvin, Shin and Rasmussen

AN ACT Relating to the operation of motorcycles between lanes of traffic or vehicles; and amending RCW 46.61.608.

Referred to Committee on Transportation.

SB 5986 by Senators Prentice, Delvin, Poulsen, Hobbs and Hatfield

AN ACT Relating to public facilities; amending RCW 36.100.010, 36.100.030, 82.14.0485, 82.14.0494, 82.14.360, 67.28.180, and 82.14.049; reenacting and amending RCW 82.29A.130; adding a new section to chapter 82.14 RCW; adding new sections to chapter 35.57 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5987 by Senators Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen

AN ACT Relating to gang-related offenses; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9A.48 RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5988 by Senators Prentice and Delvin

AN ACT Relating to the public employees' benefits board medical benefits administration account; and amending RCW 41.05.143.

Referred to Committee on Ways & Means.

SB 5989 by Senators Kastama and Rasmussen

AN ACT Relating to property tax exemptions for nonprofit organizations using property for purposes related to small startup businesses; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SB 5990 by Senators Kohl-Welles, Weinstein, Murray, Roach, Hobbs, Fairley, Keiser, Eide, Rasmussen, Oemig, Fraser, Berkey, Tom, Regala, Franklin, Prentice, Spanel, Sheldon, Clements, Jacobsen, Haugen, Hargrove, Pridemore, Kauffman, Kastama, Kilmer, Shin, McAuliffe, Rockefeller, Honeyford, Poulsen and Kline

AN ACT Relating to crane safety; adding new sections to chapter 49.17 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5991 by Senator Honeyford

AN ACT Relating to motor fuel retailers; and adding a new section to chapter 19.120 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 5992 by Senators Honeyford, Schoesler and Rasmussen

AN ACT Relating to wildlife damage; amending RCW 77.36.020 and 77.36.030; adding a new section to chapter 77.36 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 5993 by Senator Honeyford

AN ACT Relating to liquor license applicants; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce, Research & Development.

SB 5994 by Senators Sheldon and McCaslin

AN ACT Relating to primaries and elections; amending RCW 29A.24.031, 29A.36.011, 29A.36.101, 29A.36.121, 29A.36.161, 29A.36.171, 29A.52.111, 29A.52.130, 29A.52.231, 29A.04.008, 29A.04.128, 29A.04.210, 29A.04.216, 29A.04.311, 29A.04.321, 29A.04.510, 29A.04.530, 29A.04.540, 29A.04.570, 29A.04.590, 29A.04.630, 29A.08.040, 29A.08.161, 29A.08.260, 29A.12.080, 29A.12.120, 29A.12.130, 29A.16.040, 29A.20.021, 29A.24.081, 29A.24.091, 29A.24.101, 29A.24.131, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.24.311, 29A.28.021, 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.131, 29A.36.151, 29A.36.201, 29A.40.020, 29A.40.061, 29A.40.091, 29A.40.100, 29A.44.050, 29A.44.201, 29A.44.221, 29A.44.231, 29A.44.410, 29A.44.420, 29A.44.430, 29A.48.020, 29A.48.060, 29A.52.011, 29A.52.210, 29A.52.220, 29A.52.311, 29A.52.351, 29A.60.110, 29A.60.170, 29A.60.221, 29A.60.240, 29A.64.011, 29A.64.030, 29A.68.011, 36.16.110, 36.16.115, 36.32.0558, 36.32.070, 42.12.040, and 42.12.040; reenacting and amending RCW 29A.04.611; adding new sections to chapter 29A.56 RCW; creating new sections; and repealing RCW 29A.04.086, 29A.04.097, 29A.20.111, 29A.20.121, 29A.20.131, 29A.20.141, 29A.20.151, 29A.20.161, 29A.20.171, 29A.20.181, 29A.20.191, 29A.20.201, 29A.24.210, 29A.28.011, 29A.28.071,

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29A.32.036, 29A.36.104, 29A.36.106, 29A.36.191, 29A.52.106, 29A.52.116, 29A.52.141, 29A.52.151, 29A.52.161, 29A.52.321, 29A.80.011, 29A.80.020, 29A.80.030, 29A.80.041, 29A.80.051, and 29A.80.061.

Referred to Committee on Government Operations & Elections.

SB 5995 by Senators Kastama, Zarelli, Kilmer, Clements, Kauffman, Shin, Pridemore, Regala, Fairley, Brown, Jacobsen and Rasmussen

AN ACT Relating to the economic development commission; amending RCW 43.162.005, 43.162.010, 43.162.020, and 43.162.030; adding a new section to chapter 43.162 RCW; and making appropriations.

Referred to Committee on Economic Development, Trade & Management.

SB 5996 by Senators Kastama, Shin, Zarelli, Kilmer, Kauffman, Brown, Tom, McAuliffe and Rasmussen

AN ACT Relating to supporting commercialization of life sciences research; and amending RCW 43.350.005, 43.350.010, 43.350.020, 43.350.030, 43.350.040, and 43.350.050.

Referred to Committee on Economic Development, Trade & Management.

SB 5997 by Senators Hargrove and Stevens

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; and adding new sections to chapter 72.09 RCW.

Referred to Committee on Human Services & Corrections.

SB 5998 by Senators Benton, Stevens, Carrell, Morton and Swecker

AN ACT Relating to a reduction in the state property tax levy; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Ways & Means.

SB 5999 by Senators Clements, Holmquist, Hewitt, Honeyford and Parlette

AN ACT Relating to adjusting unemployment insurance contribution rates in order to maintain a stable unemployment compensation fund; and amending RCW 50.29.025.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6000 by Senators Swecker, Kline, Benton and Kilmer

AN ACT Relating to establishing the option to use ranked choice voting by cities and local taxing districts; amending RCW 29A.04.311, 29A.36.010, 29A.36.170, 29A.36.171, 29A.52.111, and 29A.52.210; adding a new chapter to Title 29A RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6001 by Senators Pridemore, Poulsen, Rockefeller, Brown, Eide, Oemig, Hargrove, Marr, Fraser, Kohl-Welles, Keiser, Regala, Franklin, Fairley, Jacobsen, Shin, Haugen, Berkey, Kastama, Spanel and Kline

AN ACT Relating to mitigating the impacts of climate change; adding a new section to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 82.16 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SJM 8014 by Senators Holmquist, Morton, Jacobsen, Hargrove and Rasmussen

Requesting funding be retained to reduce adverse wildlife impacts.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Keiser moved adoption of the following resolution:

SENATE RESOLUTION
8628

By Senators Keiser, Kline, Kohl-Welles, Regala, Prentice, Pridemore, Rockefeller, Kastama, Rasmussen, Schoesler, Kilmer and Hatfield

WHEREAS, Senator Pat Thibaudeau served the public, representing the 43rd Legislative District in Seattle, for more than 15 years, 3 years in the House of Representatives and 12 years in the Senate; and

WHEREAS, Affordable, accessible, and high quality health care is an issue close to Senator Thibaudeau's heart due, in part, to the education she received at Whitman College in Washington, where she earned her bachelor's degree, and at Smith College in Massachusetts, where she earned a master's degree in social work; and

WHEREAS, As a lobbyist for children's organizations, Senator Thibaudeau developed a reputation as a tireless advocate for kids, even, at one point, seeking a separate agency to make children's issues more visible to the state of Washington; and

WHEREAS, In keeping with that strong commitment, Senator Thibaudeau for years pushed for legislation that would cover all children with health insurance, which finally became a reality in 2005; and

WHEREAS, Senator Thibaudeau served as both chair and vice-chair of the Senate Health & Long-Term Care Committee and on other committees, including the Ways & Means,

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Judiciary, Rules, and the Joint Legislative Audit and Review committees; and

WHEREAS, Senator Thibaudeau devoted many years to ensuring that diseases of the mind be treated the same as diseases of the body, finding success in 2005, when her landmark bill for mental health parity was signed into law; and

WHEREAS, Senator Thibaudeau heartily advocated for prescription drug reform legislation and was honored by the American Association of Retired Persons in 2003 for her tireless efforts; and

WHEREAS, Aware of her health care expertise, Governor Christine Gregoire appointed Senator Thibaudeau cochair of the Blue Ribbon Commission on Health Care Costs and Access in 2006, whose recommendations will be key to accomplishing health care reform in Washington; and

WHEREAS, Community service outside of her political responsibilities has long been important to Senator Thibaudeau, evidenced by her membership in such organizations as the Washington Conservation Voters; Childhaven; Washington CeaseFire; and the Washington State Arts Commission; and

WHEREAS, A long-time champion of women's rights, Senator Thibaudeau has advocated for women's reproductive rights and maintained steady support of the work of NARAL Pro Choice Washington and Planned Parenthood, and was honored by both of those organizations in 2006; and

WHEREAS, Senator Thibaudeau has received numerous awards for her work in health care, including the Washington State Rural Health Association Award; Youth Care Outstanding Community Advocate Award; the Lifelong AIDS Alliance Governor's Award; and a Certificate of Recognition from the Washington Alliance for the Mentally Ill; and

WHEREAS, Before passing away, her husband Roger was a solid rock of support for the senator and all the time and effort it took to serve in the legislature; and

WHEREAS, Senator Thibaudeau remains surrounded by her loving children, Sarah and Steven, as well as her dog Murphy, and cat Casey; and

WHEREAS, Senator Thibaudeau was a close and valued colleague to many here in the Washington State Senate and her presence here will be greatly missed; and

WHEREAS, Honor and recognition are due to the wonderful previous senator from the 43rd Legislative District;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Senator Pat Thibaudeau for her outstanding public service in the Washington State Legislature, the legislation she championed, and her many contributions to Washingtonians and their families; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Senator Pat Thibaudeau and her family, the Blue Ribbon Commission on Health Care Costs and Access, and the Washington State Arts Commission.

Senators Keiser, Stevens, Fraser, Spanel, Eide, Rasmussen, Franklin, McAuliffe and Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8628.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 13, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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Passed to Committee on Rules for second reading.

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 13, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5060 February 9, 2007
Prime Sponsor, Honeyford: Changing the seriousness level for attempting to elude a pursuing police vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5060 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Murray

Passed to Committee on Ways & Means.

SB 5221 February 9, 2007
Prime Sponsor, Hargrove: Revising provisions relating to the release of offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

SB 5230 February 8, 2007
Prime Sponsor, Kohl-Welles: Funding the administration of Title 50 RCW, unemployment compensation. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5230 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Prentice

Passed to Committee on Ways & Means.

SB 5243 February 9, 2007
Prime Sponsor, Brandland: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5243 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

February 9, 2007
SB 5246 Prime Sponsor, Hargrove: Changing provisions affecting the placement of children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5246 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 12, 2007
SB 5257 Prime Sponsor, Jacobsen: Changing the name of the interagency committee for outdoor recreation to the recreation and conservation funding board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 12, 2007
SB 5269 Prime Sponsor, McAuliffe: Establishing the first peoples' language, culture, and history teacher certification program. Revised for 1st Substitute: Establishing the first peoples' language and culture teacher certification program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 9, 2007
SB 5307 Prime Sponsor, Hargrove: Protecting employees, contract staff, and volunteers of a correctional agency from stalking. Revised for 1st Substitute: Increasing penalties for stalking persons who work with prisoners. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5307 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 9, 2007
SB 5316 Prime Sponsor, Kohl-Welles: Changing provisions relating to day-care insurance. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5316 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

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SB 5378 Prime Sponsor, Weinstein: Modifying deeds of trust provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 9, 2007

SB 5526 Prime Sponsor, Hargrove: Modifying the definition of criminal act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 9, 2007

SB 5563 Prime Sponsor, Hargrove: Providing backup for mental health professionals doing home visits. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 8, 2007

SB 5582 Prime Sponsor, Clements: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Prentice

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5665 Prime Sponsor, Keiser: Establishing the state employee health program and a state employee health demonstration project. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5665 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Pflug

MINORITY recommendation: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senator Parlette

Passed to Committee on Ways & Means.

February 8, 2007

SB 5735 Prime Sponsor, Kohl-Welles: Modifying provisions regulating contractors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5735 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Prentice

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5903 Prime Sponsor, Hargrove: Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinalt Indian Reservation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Stevens

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 12, 2007

SGA 9094 JUNE CANTY, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 12, 2007

SGA 9111 SHANNON ESPINOZA, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 12, 2007

SGA 9160 SHARON OKAMOTO, reappointed February 10, 2005, for the term ending May 31, 2008, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 12, 2007

SGA 9176 STEPHEN RUSHING, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

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Passed to Committee on Rules for second reading.

February 12, 2007

SGA 9187 JILL VAN GLUBT, appointed September 11, 2006, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 12, 2007

SGA 9197 DONNA ZICKUHR, appointed September 11, 2006, for the term ending June 30, 2007, as Member of the Professional Educator Standards Board. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5060 and Senate Bill No. 5246 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 30, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN DREW, appointed March 30, 2006, for the term ending December 31, 2008, as Member of the Interagency Committee for Outdoor Recreation.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Natural Resources, Ocean & Recreation.

January 11, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KEVEN ROJECKI, appointed July 15, 2006, for the term ending June 30, 2012, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6002 by Senator Sheldon

AN ACT Relating to lake management districts; amending RCW 36.61.020 and 36.61.270; and adding a new section to chapter 36.61 RCW.

Referred to Committee on Government Operations & Elections.

SB 6003 by Senators Poulsen, Rockefeller, Honeyford, Pridemore, Holmquist, Kilmer, Morton and Kohl-Welles

AN ACT Relating to statewide authorization for the provision of cable service or video service by competitive cable service providers and competitive video service providers in competition with incumbent cable operators; and adding a new chapter to Title 80 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6004 by Senators Oemig, Kline and Hargrove

AN ACT Relating to exceptional sentences; and amending RCW 9.94A.537.

Referred to Committee on Judiciary.

SB 6005 by Senators Shin, Delvin, Kline, Weinstein and Tom

AN ACT Relating to interpreter services; amending RCW 2.42.120 and 2.43.040; and adding a new section to chapter 2.43 RCW.

Referred to Committee on Judiciary.

SB 6006 by Senator Swecker

AN ACT Relating to expanding the property tax exemption for public assembly halls; amending RCW 84.36.037; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6007 by Senators Morton, Rasmussen, Shin and Hatfield

AN ACT Relating to protection of livestock; amending 2006 c 372 s 307 (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6008 by Senators Murray, Shin, Kohl-Welles and Keiser

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AN ACT Relating to encouraging donations of art by providing a carryforward use tax credit for charitable donations; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6009 by Senators Rasmussen, Hatfield, Shin, Morton, Tom, Kohl-Welles, Roach and Hobbs

AN ACT Relating to military service credit; and amending RCW 41.32.810, 41.35.470, and 41.40.710.

Referred to Committee on Ways & Means.

SB 6010 by Senators Poulsen, Brown, Jacobsen, Murray and Hargrove

AN ACT Relating to hydraulic project permits for activities in aquatic reserves; adding a new section to chapter 77.55 RCW; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6011 by Senators Poulsen, Eide, Brown, Rockefeller, Spanel, Fraser, Weinstein, Murray, Pridemore and Keiser

AN ACT Relating to protecting Puget Sound water quality by creating an aquatic reserve near Maury Island; amending RCW 79.105.210; adding a new section to chapter 79.105 RCW; and declaring an emergency.

Referred to Committee on Water, Energy & Telecommunications.

SB 6012 by Senators Poulsen, Rockefeller, Pridemore, Oemig, Fraser and Regala

AN ACT Relating to shoreline master program provisions on islands in Puget Sound; and amending RCW 90.58.100.

Referred to Committee on Water, Energy & Telecommunications.

SB 6013 by Senator Hargrove

AN ACT Relating to state institutions; amending RCW 71A.20.020 and 72.23.020; adding a new section to chapter 41.06 RCW; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.16 RCW; adding a new section to chapter 72.19 RCW; adding a new section to chapter 72.20 RCW; adding a new section to chapter 72.40 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services & Corrections.

SJM 8015 by Senators Hobbs, Prentice, Fairley, Kauffman, Berkey, Marr, Fraser, Franklin, Pridemore, Brown, Murray, Eide, Rockefeller, Kastama, Kohl-Welles, Tom, Kilmer, Kline, Oemig, Delvin, Shin, Schoesler, Benton, McAuliffe, Spanel, Keiser, Sheldon, Roach, Parlette and Rasmussen

Requesting Congress to fund the United States Department

of Veterans Affairs and stop the erosion of veterans' benefits for Washington State's veterans.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Government Operations & Elections.

HB 1084 by Representatives Blake, VanDeWege, Kessler, Takko, Morrell, Curtis, Eickmeyer, Moeller, McCoy, Pettigrew, Haigh, Simpson, Lantz, Upthegrove, B. Sullivan, Linville, Hunt, Conway, Kenney, Wallace and Santos

AN ACT Relating to designating the Lady Washington as the official ship of the state of Washington; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1097 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Miloscia, Priest, Chase, Green, Ormsby, B. Sullivan, O'Brien, Morrell, Kenney, Moeller, Wallace, McCune and Simpson)

AN ACT Relating to protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities; amending RCW 9A.44.050, 9A.44.100, and 9A.44.010; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1116 by Representatives Miloscia, Pettigrew, Morrell, Ormsby, Green, B. Sullivan, Moeller, Dunn, Santos and Simpson

AN ACT Relating to creating a plan to increase the homeownership rate to seventy-five percent by 2020; creating a new section; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

HB 1126 by Representatives Morrell, McDonald, Green, Takko, Ericks, Eickmeyer, Sells, Blake, Moeller, Flannigan, Conway, Linville, Kenney and Williams

AN ACT Relating to late renewal penalties for concealed pistol licenses; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

HB 1127 by Representatives Morrell, Campbell, Green, VanDeWege, Sells, Takko, McDonald, Blake, Moeller, Kenney, Appleton, Flannigan, Hunt, Conway, Lantz, Kagi, Linville, Chase, Wallace, Ormsby, Haigh, Simpson, Hurst, P. Sullivan, Kelley, Rolfes, McCune, Haler and Santos

AN ACT Relating to military leave of absence; and amending RCW 38.40.060.

Referred to Committee on Government Operations & Elections.

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HB 1292 by Representatives Barlow, Ahern, Morrell, Hailey, Seaquist, Schindler, Appleton, Skinner, Williams, McDonald, Hurst, Campbell, Haler, Wood, Moeller, VanDeWege, McCune, Conway and Kenney

AN ACT Relating to establishing the eastern Washington state veterans' cemetery; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1421 by Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on Government Operations & Elections.

HB 1437 by Representatives Eddy, Williams, Lantz, Seaquist, Appleton, Darneille, Rolfes, Lovick, Moeller and Ericks

AN ACT Relating to sexual assault protection orders; amending RCW 7.90.020; and adding a new section to chapter 7.90 RCW.

Referred to Committee on Judiciary.

SHB 1507 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Seaquist, Bailey, Schual-Berke, Green, Kenney, Williams, Conway, Ericks, Lantz, Darneille, Linville, Moeller, Kelley, Morrell and Rolfes)

AN ACT Relating to shared leave for state employees in the uniformed services; amending RCW 41.04.665; adding a new section to chapter 41.04 RCW; adding a new section to chapter 43.79 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION 8630

By Senators Shin and Sheldon

WHEREAS, The students selected for special recognition as Washington Scholars in 2007 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art,

debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's Forty-nine Legislative Districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2007.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8630.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 14, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-EIGHTH DAY, FEBRUARY 14, 2007

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THIRTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 14, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hewitt and Stevens.

The Sergeant at Arms Color Guard consisting of Pages Tyler Grisdale and Thomas Winnie, presented the Colors. Reverend Paul Benz, Director of State of Seattle Lutheran Public Policy Office of Washington offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2007

SB 5077 Prime Sponsor, Honeyford: Exempting propane fuel from the retail sales and use tax on fuel sold to farm fuel users. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 12, 2007

SB 5084 Prime Sponsor, Murray: Updating rail transit safety plan provisions to comply with federal regulation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5093 Prime Sponsor, Marr: Concerning access to health care services for children. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5093 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Carrell, Parlette, Schoesler and Zarelli. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5141 Prime Sponsor, Fraser: Affirming the applicability of land use regulations to divisions of land created by testamentary provisions or the laws of descent. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5141 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5143 Prime Sponsor, Fraser: Authorizing additional land used for housing to qualify under the open space program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 12, 2007

SB 5148 Prime Sponsor, Haugen: Clarifying the definition of development activity in respect to construction by a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5171 Prime Sponsor, Schoesler: Establishing contribution rates in the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Transportation.

February 12, 2007

SB 5208 Prime Sponsor, Swecker: Regarding bond amounts for certain department of transportation highway construction contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5216 Prime Sponsor, Jacobsen: Maintaining Washington's working forest land base. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5216 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 12, 2007

SB 5219 Prime Sponsor, Jacobsen: Transferring the Northwest weather and avalanche center to the state parks and recreation commission. Revised for 1st Substitute: Regarding the Northwest weather and avalanche center. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5284 Prime Sponsor, Keiser: Concerning eligibility for long-term care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5292 Prime Sponsor, Fairley: Requiring the licensing of physical therapist assistants. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5292 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5304 Prime Sponsor, Eide: Providing an exemption from special fuel taxes for regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Holmquist. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5319 Prime Sponsor, Berkey: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5351 Prime Sponsor, Kline: Changing travel reimbursement provisions affecting judges of the court of appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5421 Prime Sponsor, Fraser: Concerning environmental covenants. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 12, 2007

SB 5441 Prime Sponsor, Hobbs: Improving veterans' access to services. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5454 Prime Sponsor, Morton: Addressing special needs transportation services provided by rural public utility districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin,

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Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 12, 2007

SB 5525 Prime Sponsor, Oemig: Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5573 Prime Sponsor, Hatfield: Modifying the rural county tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5573 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5607 Prime Sponsor, Pridemore: Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5745 Prime Sponsor, Brown: Regarding the use of solid fuel burning devices during impaired air quality conditions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5745 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5760 Prime Sponsor, Poulsen: Addressing activities to promote green highways in the energy freedom program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5760 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5778 Prime Sponsor, Fraser: Concerning shellfish protection programs. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5798 Prime Sponsor, Swecker: Preserving the use of design-build construction on certain transportation projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5916 Prime Sponsor, Regala: Requiring agency reports to the legislature to be submitted electronically. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5925 Prime Sponsor, Sheldon: Adjusting the sales and use tax for public facilities in rural counties. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Without recommendation. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Economic Development, Trade & Management.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5143 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

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MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 7, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment,
subject to your confirmation.ARIELE BELO, appointed January 30, 2007, for the term
ending July 1, 2011, as Member, Board of Trustees, State
School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12
Education.

February 13, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment,
subject to your confirmation.SANFORD KINZER, appointed October 17, 2005, for the
term ending September 30, 2011, as Member, Board of Trustees,
Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the
Gubernatorial Appointments report were referred to the
committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth
order of business.

INTRODUCTION AND FIRST READING

SB 6014 by Senators Swecker, Haugen, Keiser, Hatfield,
Zarelli, Benton, Hewitt, Stevens, Shin, Marr, Rasmussen, Oemig
and SheldonAN ACT Relating to industrial development on reclaimed
surface coal mine sites; and adding a new section to chapter
36.70A RCW.Referred to Committee on Government Operations &
Elections.SB 6015 by Senators Jacobsen, Roach, Rockefeller,
Rasmussen, Morton, Franklin, Schoesler, Swecker and
HoneyfordAN ACT Relating to boating activities; amending RCW
82.49.030 and 82.49.065; adding new sections to chapter
79A.60 RCW; and adding a new section to chapter 43.135
RCW.Referred to Committee on Natural Resources, Ocean &
Recreation.SB 6016 by Senators Regala and Kohl-WellesAN ACT Relating to good cause reasons for failure to
participate in WorkFirst program components; and
amending RCW 74.08A.270.

Referred to Committee on Human Services & Corrections.

SB 6017 by Senators Honeyford, Schoesler and
HolmquistAN ACT Relating to the use of credible data to establish
aquatic herbicide application permit conditions for irrigation
drains or wasteways; and amending RCW 90.48.570,
90.48.575, 90.48.580, and 90.48.585.Referred to Committee on Water, Energy &
Telecommunications.SB 6018 by Senator BrandlandAN ACT Relating to detention of persons with a mental
disorder or a chemical dependency; amending RCW
70.96B.010 and 70.96B.050; adding a new section to
chapter 70.96B RCW; providing an expiration date; and
declaring an emergency.

Referred to Committee on Human Services & Corrections.

SB 6019 by Senator HoneyfordAN ACT Relating to state reimbursement for jail services;
and amending RCW 70.48.130.

Referred to Committee on Judiciary.

SB 6020 by Senators Fairley, Oemig and KlineAN ACT Relating to radio frequency identification
notification; and adding a new chapter to Title 19 RCW.

Referred to Committee on Consumer Protection & Housing.

SB 6021 by Senators Fairley and ShinAN ACT Relating to the consolidation and elimination of
certain boards and commissions; amending RCW
70.168.020, 18.73.030, 18.73.050, 70.168.060, 18.135.030,
43.41.220, and 43.41.230; reenacting and amending RCW
18.71.205; repealing RCW 77.12.690, 28B.04.085,
28B.115.050, 28A.600.130, 28B.12.040, 70.96A.070, and
18.73.040; and providing an effective date.Referred to Committee on Government Operations &
Elections.SB 6022 by Senator MurrayAN ACT Relating to requiring and funding driver training
for all new first-time drivers; amending RCW 46.20.100;
reenacting and amending RCW 46.63.110; and adding new
sections to chapter 74.08A RCW.

Referred to Committee on Transportation.

SB 6023 by Senators McAuliffe and RasmussenAN ACT Relating to alternative assessments; amending
RCW 28A.655.061 and 28A.655.100; adding new sections
to chapter 28A.655 RCW; providing expiration dates; and
declaring an emergency.

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Referred to Committee on Early Learning & K-12 Education.

SB 6024 by Senators Franklin, Kauffman, Regala, Shin, Berkey, Marr, Pridemore, Fraser, Rockefeller, Rasmussen, Kohl-Welles, Kastama, Keiser and Kline

AN ACT Relating to assisting low-income persons to obtain affordable automobile liability insurance; amending RCW 46.29.090, 46.29.100, 46.29.390, and 46.29.490; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6025 by Senator Jacobsen

AN ACT Relating to forest health; amending RCW 76.06.140, 76.06.020, 76.06.030, 76.06.040, 76.09.060, 76.04.005, and 76.04.660; adding new sections to chapter 76.06 RCW; and repealing RCW 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6026 by Senator Benton

AN ACT Relating to excluding medical expenses for property tax exemption purposes from the income eligibility requirements for persons sixty-one years of age or older, armed forces veterans with service-connected disabilities, and persons retired because of disability; amending RCW 84.36.383; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6027 by Senator Benton

AN ACT Relating to reducing the taxation of physical fitness services; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6028 by Senator Morton

AN ACT Relating to forest health; amending RCW 76.06.140, 76.06.020, 76.06.030, 76.06.040, 76.09.220, 76.09.060, 76.04.005, and 76.04.660; adding new sections to chapter 76.06 RCW; adding a new section to chapter 76.09 RCW; and repealing RCW 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6029 by Senators Hobbs, Benton, Berkey and Hatfield

AN ACT Relating to interstate branching; and amending RCW 30.38.005, 30.38.010, 30.38.015, 32.04.020, and 32.04.030.

Referred to Committee on Financial Institutions & Insurance.

SB 6030 by Senators Parlette and Schoesler

AN ACT Relating to health insurance options for young adults; amending RCW 48.43.041, 48.44.022, 48.46.064, and 48.20.029; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6031 by Senators Kastama, Regala and Franklin

AN ACT Relating to funding certain regional transportation investment district projects; amending RCW 36.120.130, 82.14.430, and 81.100.060; adding a new section to chapter 36.120 RCW; and repealing 2006 c 318 s 2.

Referred to Committee on Transportation.

SB 6032 by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser

AN ACT Relating to medical use of marijuana; amending RCW 69.51A.005, 69.51A.010, 69.51A.030, 69.51A.040, 69.51A.050, 69.51A.060, and 69.51A.070; adding a new section to chapter 69.51A RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6033 by Senators Kohl-Welles and Clements

AN ACT Relating to beer and wine warehousing and distribution by a primary grocery distributor at the direction of an independent grocery store customer; adding a new section to chapter 66.28 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6034 by Senators Swecker and Delvin

AN ACT Relating to complementary and alternative health care practitioners; amending RCW 18.71.030; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

SB 6035 by Senators Poulsen and Rockefeller

AN ACT Relating to beach management districts; amending RCW 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050, 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110, 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190, 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020, 39.34.190, and 86.09.151; creating a new section; making appropriations; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6036 by Senators Fraser, Franklin, Weinstein, Kohl-Welles and Hargrove

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AN ACT Relating to construction liens; amending RCW 60.04.031, 60.04.091, and 18.27.010; and adding new sections to chapter 60.04 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6037 by Senators Hargrove, Pridemore and Rasmussen

AN ACT Relating to eliminating the certificate of academic achievement as a requirement for high school graduation; amending RCW 28A.655.061, 28A.155.045, and 28A.230.090; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6035 which was referred to the Committee on Water, Energy & Telecommunications.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8622

By Senators Kohl-Welles, Honeyford, Jacobsen, Parlette, McAuliffe, Fraser, Berkey, Poulsen, Tom, Haugen and Franklin

WHEREAS, The Arts are essential to the human experience, providing a means to express our communal joys and sorrows; and

WHEREAS, The Arts contribute to vital and vibrant communities across the state and enhance the quality of life for all Washington's citizens; and

WHEREAS, The Arts have tremendous educational value, community value, and economic value; and

WHEREAS, Arts education improves student achievement as part of a complete education and contributes to increased attendance, student leadership, and self-esteem; and

WHEREAS, Public art projects enhance public spaces, encouraging community dialogue and participation in the arts; and

WHEREAS, Arts organizations and artists create cultural opportunities and improve community vitality, contributing to the economic vitality of businesses and individuals through the revitalization of communities and downtowns;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the value of the Arts and join Christine O. Gregoire, Governor of the state of Washington, in observing February 15, 2007, as Arts Day in the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Kris Tucker, Executive Director of the Washington State Arts Commission, and Gretchen Johnston, Executive Director of the Washington State Arts Alliance.

Senator Kohl-Welles spoke in favor of adoption of the resolution.

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The President declared the question before the Senate to be the adoption of Senate Resolution No. 8622.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric and the vote of the Senate was recorded as a separate vote for each appointment.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Hewitt, Holmquist, Morton, Stevens and Zarelli were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Swecker moved that Gubernatorial Appointment No. 9023, Judy Guenther, and Gubernatorial Appointment 9041, George Mohoric as members of the Board of Trustees, Centralia Community College District No. 12, be confirmed.

Senator Swecker spoke in favor of the motion.

APPOINTMENT OF JUDY GUENTHER

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric as members of the Board of Trustees, Centralia Community College District No. 12.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9023, Judy Guenther as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF GEORGE MOHORIC

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9041, George Mohoric as a member of the Board of Trustees, Centralia Community College District No. 12 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen,

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Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

Gubernatorial Appointment No. 9023, Judy Guenther and Gubernatorial Appointment No. 9041, George Mohoric, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Centralia Community College District No. 12.

MOTION

At 10:25 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:13 a.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9067, James Shipman, and Gubernatorial Appointment No. 9075, Carlos Veliz as members of the Board of Trustees, Everett Community College District No. 5, be confirmed.

Senators Prentice and Berkey spoke in favor of the motion.

APPOINTMENT OF JAMES SHIPMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9067, James Shipman and Gubernatorial Appointment No. 9075, Carlos Veliz as members of the Board of Trustees, Everett Community College District No. 5.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9067, James Shipman as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF CARLOS VELIZ

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9075, Carlos Veliz as a member of the Board of Trustees, Everett Community College District No. 5 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

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Excused: Senators Hewitt and Stevens - 2

Gubernatorial Appointment No. 9067, James Shipman and Gubernatorial Appointment No. 9075, Carlos Veliz having received the constitutional majority were declared confirmed as members of the Board of Trustees, Everett Community College District No. 5.

PERSONAL PRIVILEGE

Senator Eide: "Well, I noticed that we have cookies on our desks today and I know that your lovely wife Linda bakes and bakes so we can have these every Valentines Day. I wanted to take this opportunity. Did you help her this year?"

REPLY BY THE PRESIDENT

President Owen: "Are you kidding! I was the official taster."

PERSONAL PRIVILEGE

Senator Eide: "Well, you did an excellent job tasting then. Would you please tell her thank you once again from us. We love her and we love getting our Valentines Day cookies from her."

REPLY BY THE PRESIDENT

President Owen: "Will do, thank you."

PERSONAL PRIVILEGE

Senator Swecker: "Well, thank you Mr. President. I just wanted you to know that I truly appreciate these cookies this year and appreciate your lovely wife provided them. I've lost fifteen pounds since Christmas and so these are going to my grand kids."

PERSONAL PRIVILEGE

Senator Brandland: "I would volunteer to eat those cookies if he does not want them. All kidding aside we do appreciate the cookies. I know this is kind of an annual thing. I know your wife puts a tremendous amount work into providing these treats for us and I think we all appreciate it very much. Thank you."

REPLY BY THE PRESIDENT

President Owen: "I will let her know. Thank you."

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9007, Pamela Bradburn; Gubernatorial Appointment No. 9042, Douglas Mooney; and Gubernatorial Appointment No. 9061, Marilyn Sayan as members of the Public Employment Relations Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9007, Pamela Bradburn, Gubernatorial Appointment No. 9042, Douglas Mooney and Gubernatorial Appointment No. 9061,

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Marilyn Sayan as members of the Public Employment Relations Commission.

Concerning access to health care services for children.

APPOINTMENT OF PAMELA BRADBURN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9007, Pamela Bradburn as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF DOUGLAS MOONEY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9042, Douglas Mooney as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

APPOINTMENT OF MARILYN SAYAN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9061, Marilyn Sayan as a member of the Public Employment Relations Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

Gubernatorial Appointment No. 9007, Pamela Bradburn; Gubernatorial Appointment No. 9061, Marilyn Sayan; and Gubernatorial Appointment No. 9042, Douglas Mooney having received the constitutional majority were declared confirmed as members of the Public Employment Relations Commission.

SECOND READING

SENATE BILL NO. 5093, by Senators Marr, Keiser, Franklin, Shin, Fairley, Hobbs, Weinstein, Kauffman, Pridemore, Oemig, Eide, Brown, Tom, Kohl-Welles, Regala, McAuliffe, Spanel, Rockefeller and Rasmussen

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5093 was substituted for Senate Bill No. 5093 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 3, line 16, after "shall", insert "design and administer a program to"

On page 3, line 21, after "services", strike all material through "level" on line 24.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 6 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 14; Nays, 32; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 14

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Absent: Senator Delvin - 1

Excused: Senators Hewitt and Stevens - 2

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 3, line 23, following "children", insert "with developmental disabilities or chronic illness"

Senators Pflug and Parlette spoke in favor of adoption of the amendment.

Senators Brown and Keiser spoke against adoption of the amendment.

Senator Pflug again spoke in favor of adoption of the amendment.

Senator Brown again spoke against adoption of the amendment.

The President declared the question before the Senate to be

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the adoption of the amendment by Senator Pflug on page 3, line 23 to Second Substitute Senate Bill No. 5093.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 3, after "level." on line 24, insert "However, the department shall not provide coverage to children whose family income exceeds two hundred fifty percent of the federal poverty level until the department has enrolled eighty-five percent of the uninsured children whose family income is below two hundred percent of the federal poverty level."

Senators Pflug and Zarelli spoke in favor of adoption of the amendment.

Senators Keiser, Brown and Shin spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, line 24 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug and the amendment was not adopted by the following vote: Yeas, 15; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 15

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Excused: Senators Hewitt and Stevens - 2

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 3, line 31, after "future.", insert "The provision of health care coverage under this subsection to children whose family income is greater than two hundred percent and not greater than two hundred fifty percent of the federal poverty shall not be an entitlement and shall be provided only to the extent that funds are specifically appropriated therefor (a) to the extent that federal matching funds under the state children's health insurance program are not provided to families with income less than two hundred fifty percent of the federal poverty level, or (b) if the matching rate of federal funds under the state children's health insurance program is reduced to fifty percent or lower."

Senator Zarelli spoke in favor of adoption of the amendment.

Senators Keiser and Brown spoke against adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 31 to Second Substitute Senate Bill No. 5093.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 3, after "section." on line 33, insert the following:

"(2) the department shall establish a waiting period applicants above two hundred percent of the federal poverty level are required to have without private insurance before enrolling in the program under this section. The waiting period shall be at least four months and waived only when:

(a) The prospective child enrollee has a medical condition that, without treatment, would be life-threatening or cause serious disability; or

(b) The loss of employer sponsored dependent coverage is due to either loss of employment, the death of the employee, or the employer discontinues the option of dependent coverage."

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 33 to Second Substitute Senate Bill No. 5093.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 7, beginning on line 8, strike all material through line 21.

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Marr spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Pflug: "Would the good gentleman from the Sixth yield to a question?"

REMARKS BY THE PRESIDENT

President Owen: "Senator Marr, do you yield. He does not."

Senator Pflug spoke in favor of adoption of the amendment. Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 7, line 8 to Second Substitute Senate Bill No. 5093.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

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Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 10, after line 11, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax the amount paid by small employers to provide health care services for employees if the health care services include the ability for an employee to choose coverage for the employee's dependents. Payments made by employees are not eligible for deduction under this subsection.

(2) For the purposes of this section, the following definitions apply:

(a) "Dependent" has the meaning provided in RCW 48.43.005;

(b) "Health care services" means a health benefit plan as defined in RCW 48.43.005, contributions to health savings accounts as defined by the United States internal revenue service, or other health care services purchased by the small employer for its employees.

(c) "Small employer" has the meaning provided in RCW 48.43.005.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "RCW;" insert "adding a new section to chapter 82.04 RCW;"

Senator Parlette spoke in favor of adoption of the amendment.

Senator Brown spoke against adoption of the amendment.

Senator Schoesler spoke on adoption of the amendment.

Senator Schoesler demanded a roll call.

Senator Brown spoke on adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

Senator Pflug: "Will the lady from the Third yield to a question? Is that a commitment? That we will in fact move legislation forward from this body that will provide that kind of B&O tax exemptions?"

Senator Brown: "I don't think I can make a commitment on behalf of the whole Senate but I will say I'm personally interested in working with you and the good Senator Parlette on the concept of creating a financial incentive for small business to enroll more of their employees in health care coverage. I believe we will have some kind of small business incentive pass the Senate floor this session."

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 10, after line 11 to Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette and the amendment was not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 16

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Excused: Senators Hewitt and Stevens - 2

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr, Franklin, Keiser and Brown spoke in favor of passage of the bill.

Senators Schoesler, Pflug, Zarelli and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 38

Voting nay: Senators Delvin, Holmquist, Honeyford, Morton, Parlette, Pflug, Schoesler, Swecker and Zarelli - 9

Excused: Senators Hewitt and Stevens - 2

SECOND SUBSTITUTE SENATE BILL NO. 5093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:49 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Thursday, February 15, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

THIRTY-NINTH DAY, FEBRUARY 15, 2007

2007 REGULAR SESSION

THIRTY-NINTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, February 15, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 12, 2007

SB 5055 Prime Sponsor, Prentice: Concerning jurisdiction under the Indian gaming regulatory act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5074 Prime Sponsor, Honeyford: Dividing water resource inventory area 29 into WRIA 29a and WRIA 29b. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5078 Prime Sponsor, Honeyford: Implementing rules for drivers when approaching stationary emergency vehicles and police vehicles on highways having less than four lanes. Revised for 1st Substitute: Implementing rules for drivers when approaching stationary emergency, roadside assistance, and police vehicles on highways having less than four lanes. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5078 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5082 Prime Sponsor, Spanel: Modifying time periods for collective bargaining by state ferry employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5146 Prime Sponsor, Haugen: Regarding the imposition of motor vehicle excise taxes by regional transit authorities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Delvin and Holmquist. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5202 Prime Sponsor, Delvin: Concerning permissible weaponry for on-duty law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5202 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, McCaslin and Weinstein

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5271 Prime Sponsor, Pridemore: Modifying when a special election may be held. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5271 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5276 Prime Sponsor, Kohl-Welles: Limiting the use of automatic dialing and announcing devices. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5276 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer, McCaslin and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Delvin and Honeyford

Passed to Committee on Rules for second reading.

February 13, 2007

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SB 5281 Prime Sponsor, Clements: Modifying the interest rate calculation on property removed from current use classification. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Ways & Means.

February 13, 2007

SB 5416 Prime Sponsor, Kohl-Welles: Encouraging carbon dioxide mitigation. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 12, 2007

SB 5534 Prime Sponsor, Kohl-Welles: Granting an exemption from unemployment compensation contributions for certain small performing arts industries. Revised for 1st Substitute: Creating an exemption from unemployment compensation for certain small performing arts industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5534 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 14, 2007

SB 5547 Prime Sponsor, Kline: Creating an office of the ombudsman for persons with developmental disabilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5547 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Parlette and Pflug

Passed to Committee on Ways & Means.

February 14, 2007

SB 5609 Prime Sponsor, Murray: Modifying health care eligibility provisions for part-time academic employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5611 Prime Sponsor, Jacobsen: Providing for a location endorsement to certain licenses for microbreweries and

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domestic breweries. Revised for 1st Substitute: Allowing microbreweries and breweries to open a second retail only location. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5611 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Prentice

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5620 Prime Sponsor, Fairley: Clarifying the authority of the civil service commissions for sheriffs' offices. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

February 14, 2007

SB 5630 Prime Sponsor, Kastama: Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5637 Prime Sponsor, Regala: Concerning fees for petitioners of sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5639 Prime Sponsor, Spanel: Authorizing a caterer's endorsement for licensed microbreweries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5639 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Prentice

Passed to Committee on Rules for second reading.

February 12, 2007

SB 5700 Prime Sponsor, Prentice: Requiring a state policy of neutrality towards unionization for persons using aerospace-related tax incentives. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Without recommendation. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

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Passed to Committee on Ways & Means.

assistance, and homelessness. Reported by Committee on Consumer Protection & Housing

February 13, 2007

SB 5720 Prime Sponsor, Marr: Conforming legal notice broadcast requirements to current practice. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5720 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Roach and Weinstein

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GUBERNATORIAL APPOINTMENTS

Passed to Committee on Rules for second reading.

February 14, 2007

SB 5742 Prime Sponsor, Brown: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Government Operations & Elections

SGA 9084 MAX D. ANDERSON, appointed July 1, 2006, for the term ending September 30, 2010, as Member, Board of Trustees, Lower Columbia Community College District No. 13. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 14, 2007

SB 5759 Prime Sponsor, Schoesler: Including the boards of trustees of technical colleges in the definition of "executive state officer." Reported by Committee on Higher Education

SGA 9096 MICHAEL CIRAULO, appointed September 14, 2006, for the term ending March 26, 2009, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 14, 2007

SB 6006 Prime Sponsor, Swecker: Expanding the property tax exemption for public assembly halls. Reported by Committee on Government Operations & Elections

SGA 9118 MARC GASPARD, appointed November 1, 2006, for the term ending September 30, 2008, as Member, Board of Trustees, Pierce Community College District No. 11. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 13, 2007

SJR 8208 Prime Sponsor, Haugen: Amending the state Constitution by requiring toll facility or operation revenue to be used solely for the facility or operation. Revised for 1st Substitute: Amending the state Constitution by requiring toll facility or corridor revenue to be used solely for the facility or corridor. Reported by Committee on Transportation

SGA 9161 ROGER OLSTAD, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Shoreline Community College District No. 7. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

MAJORITY recommendation: That Substitute Senate Bill No. 8208 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 14, 2007

SHB 1117 Prime Sponsor, Committee on Housing: Recodifying statutes governing homeless families, housing, and

SGA 9178 MANFORD SIMCOCK, appointed March 30, 2006, for the term ending March 26, 2010, as Member of the Higher Education Facilities Authority. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

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Passed to Committee on Rules for second reading.

February 14, 2007

SGA 9233 LAWTON CASE, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 14, 2007

SGA 9234 CECILIA DELUNA-GAETA, appointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Big Bend Community College District No. 18. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 14, 2007

SGA 9235 DONALD ROOT, reappointed October 1, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 14, 2007

SGA 9241 RAJIV SHAH, appointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Seattle, So. Seattle and No. Seattle Community Colleges District No. 6. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 14, 2007

SGA 9246 JEFFREY J. KOCHMAN, appointed January 24, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Technical College District #25 (Bellingham). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the

Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 14, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1215,
 HOUSE BILL NO. 1236,
 SUBSTITUTE HOUSE BILL NO. 1238,
 HOUSE BILL NO. 1247,
 SUBSTITUTE HOUSE BILL NO. 1261,
 SUBSTITUTE HOUSE BILL NO. 1262,
 HOUSE BILL NO. 1305,
 SUBSTITUTE HOUSE BILL NO. 1417,
 HOUSE BILL NO. 1556,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6038 by Senators Berkey, Benton, Hobbs, Schoesler, Parlette and Hatfield

AN ACT Relating to addressing published code reviser's notes in the financial institutions and insurance titles of the Revised Code of Washington; and amending RCW 30.04.020, 30.04.300, 30.12.190, 30.38.010, 32.20.330, 48.05.410, 48.05.430, 48.05.435, 48.05.465, 48.05.470, 48.05.475, 48.05.480, 48.09.270, 48.10.070, 48.10.300, 48.13.110, 48.20.012, 48.20.162, 48.20.282, 48.22.080, 48.23.080, 48.23.360, 48.29.040, 48.43.085, 48.43.370, 48.53.040, and 48.74.030.

Referred to Committee on Financial Institutions & Insurance.

SB 6039 by Senators Kline, Weinstein, Shin, Kohl-Welles, Hobbs, Kauffman, Rockefeller, Kilmer, Murray, Delvin, Marr, McAuliffe and Jacobsen

AN ACT Relating to the University of Washington school of law public service legal loan repayment assistance program; adding a new section to chapter 28B.20 RCW; creating a new section; and making appropriations.

Referred to Committee on Higher Education.

SB 6040 by Senators Hatfield, Zarelli, Hobbs, Delvin and Tom; by request of Lieutenant Governor

AN ACT Relating to authorizing the creation of a public speedway authority; amending RCW 36.38.010, 35.21.280, 36.70A.110, 47.42.025, 70.107.080, 39.04.010, 84.33.140, 76.09.060, 35.13.005, 35.13.180, 36.94.020, 36.94.030, 35.91.020, 84.34.037, and 36.96.010; reenacting and amending RCW 82.29A.130; adding new sections to chapter

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82.14 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 36 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6041 by Senator Regala

AN ACT Relating to the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health & Long-Term Care.

SB 6042 by Senators Franklin, Kohl-Welles, Keiser, Murray, Clements, Fairley, Spanel, Kastama and Rasmussen

AN ACT Relating to requiring a recess period for elementary school students; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6043 by Senators Holmquist and Benton

AN ACT Relating to the governance structure of the department of fish and wildlife; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6044 by Senators Rockefeller and Swecker

AN ACT Relating to derelict vessels; amending RCW 79.100.010, 79.100.040, 79.100.100, 90.56.510, 88.02.050, and 88.02.050; adding new sections to chapter 88.02 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6045 by Senators Haugen, Swecker, Spanel and Murray

AN ACT Relating to transportation regulation; amending RCW 7.60.005, 7.60.025, 8.24.040, 9.26A.110, 9.73.070, 10.93.020, 15.65.610, 15.66.270, 18.27.090, 19.02.050, 19.28.311, 19.29A.010, 19.86.170, 19.122.020, 19.122.027, 19.122.035, 19.122.055, 19.138.021, 19.158.020, 19.158.110, 19.182.110, 19.250.010, 19.280.020, 23.86.400, 23B.01.590, 24.06.600, 28A.160.010, 28A.160.100, 28A.160.120, 28A.335.320, 34.05.380, 34.12.020, 35.02.160, 35.13.280, 35.21.455, 35.58.240, 35.58.250, 35.84.060, 35.92.052, 35.97.040, 35A.14.900, 35A.21.125, 35A.81.010, 36.57.040, 36.57A.090, 36.57A.100, 36.58.040, 36.58.045, 36.58.050, 36.58A.030, 36.58A.040, 36.86.100, 38.52.520, 38.52.530, 39.34.085, 39.35C.030, 41.26.030, 41.26.030, 42.17.2401, 42.17.241, 42.56.330, 43.20A.725, 43.21F.055, 43.21F.060, 43.21G.080, 43.44.130, 43.52.450, 43.59.010, 43.59.040, 46.04.480, 46.16.125, 46.25.170, 46.30.020, 46.32.010, 46.32.080, 46.32.090, 46.32.100, 46.48.175, 46.52.060, 46.61.350, 46.61.410, 46.72.010, 46.72.040, 46.72.050, 46.72.060, 46.73.010, 46.73.020, 46.76.010, 46.76.067, 47.06.050, 47.06A.020, 47.06A.040, 47.12.066, 47.32.140, 47.36.050, 47.36.070, 47.76.230, 47.76.240, 47.79.020,

48.22.110, 53.08.005, 54.04.045, 54.04.100, 54.16.005, 54.16.040, 54.44.020, 54.48.030, 54.48.040, 64.04.200, 69.04.960, 69.04.980, 70.74.010, 70.74.191, 70.94.610, 70.95.030, 70.95.090, 70.95.235, 70.95.320, 70.95.400, 70.95J.020, 70.95K.010, 70.95K.030, 70.95K.040, 70.95N.030, 70.116.134, 79.36.380, 79.36.400, 79.36.410, 79.36.600, 79.36.630, 79.36.640, 79.110.040, 79.110.050, 80.01.010, 80.01.040, 80.01.080, 80.01.300, 80.04.010, 80.08.010, 80.12.010, 80.16.010, 80.24.060, 80.28.075, 80.28.190, 80.28.210, 80.28.220, 80.28.240, 80.28.250, 80.36.390, 80.36.400, 80.36.430, 80.36.500, 80.36.520, 80.36.540, 80.36.555, 80.36.560, 80.36.620, 80.40.010, 80.40.040, 80.40.050, 80.50.030, 80.54.070, 80.60.010, 81.04.010, 81.04.080, 81.04.160, 81.08.010, 81.12.010, 81.20.010, 81.20.020, 81.24.010, 81.24.050, 81.24.070, 81.24.080, 81.28.010, 81.44.010, 81.44.020, 81.44.040, 81.44.032, 81.44.065, 81.44.070, 81.48.015, 81.53.010, 81.53.020, 81.53.050, 51.53.070, 81.53.080, 81.53.110, 81.53.120, 81.53.130, 81.53.140, 81.53.150, 81.53.160, 81.53.170, 81.53.180, 81.53.190, 81.53.200, 81.53.210, 81.53.220, 81.53.240, 81.53.250, 81.53.261, 81.53.271, 81.53.275, 81.53.281, 81.53.291, 81.53.420, 81.61.020, 81.61.030, 81.61.040, 81.77.010, 81.77.040, 81.104.120, 81.112.090, 82.08.0255, 82.12.0256, 82.14B.030, 82.16.010, 82.16.055, 82.26.105, 82.36.285, 82.38.080, 84.12.230, 87.03.015, 87.03.115, 87.03.137, 87.03.828, 87.03.840, and 88.16.190; reenacting and amending RCW 39.29.040, 39.35C.080, 46.16.160, 46.44.105, 46.61.687, 46.74.010, 47.60.120, and 82.14B.030; adding a new section to chapter 46.16 RCW; adding a new section to chapter 81.04 RCW; adding a new section to chapter 81.28 RCW; adding a new section to chapter 81.44 RCW; adding a new section to chapter 81.53 RCW; adding a new chapter to Title 46 RCW; adding new chapters to Title 80 RCW; adding a new chapter to Title 81 RCW; recodifying RCW 46.32.080, 46.32.100, 81.77.010, 81.77.015, 81.77.020, 81.77.0201, 81.77.030, 81.77.040, 81.77.050, 81.77.060, 81.77.070, 81.77.080, 81.77.090, 81.77.100, 81.77.110, 81.77.120, 81.77.130, 81.77.140, 81.77.160, 81.77.170, 81.77.180, 81.77.185, 81.77.190, 81.88.005, 81.88.010, 81.88.020, 81.88.030, 81.88.040, 81.88.050, 81.88.060, 81.88.070, 81.88.080, 81.88.090, 81.88.100, 81.88.110, 81.88.140, 81.88.150, 81.88.900, 81.88.901, 81.88.902, 81.108.010, 81.108.020, 81.108.030, 81.108.040, 81.108.050, 81.108.060, 81.108.070, 81.108.080, 81.108.090, 81.108.100, 81.108.110, 81.108.900, and 81.108.901; repealing RCW 19.27A.035, 36.54.180, 49.17.350, 70.95.900, 81.01.010, 81.24.020, 81.24.030, 81.24.090, 81.40.010, 81.40.095, 81.44.096, 81.44.098, 81.44.099, 81.66.010, 81.66.020, 81.66.030, 81.66.040, 81.66.050, 81.66.060, 81.68.010, 81.68.015, 81.68.020, 81.68.030, 81.68.040, 81.68.046, 81.68.050, 81.68.060, 81.68.065, 81.68.070, 81.68.080, 81.68.090, 81.70.010, 81.70.020, 81.70.030, 81.70.220, 81.70.230, 81.70.240, 81.70.250, 81.70.260, 81.70.270, 81.70.280, 81.70.290, 81.70.300, 81.70.310, 81.70.320, 81.70.330, 81.70.340, 81.70.350, 81.70.360, 81.80.010, 81.80.020, 81.80.030, 81.80.040, 81.80.045, 81.80.050, 81.80.060, 81.80.070, 81.80.080, 81.80.090, 81.80.100, 81.80.110, 81.80.115, 81.80.120, 81.80.130, 81.80.132, 81.80.140, 81.80.150, 81.80.170, 81.80.175, 81.80.190, 81.80.195, 81.80.200, 81.80.211, 81.80.220, 81.80.230, 81.80.240, 81.80.250, 81.80.260, 81.80.270, 81.80.272, 81.80.280, 81.80.290, 81.80.301, 81.80.305, 81.80.312, 81.80.318, 81.80.321, 81.80.330, 81.80.340, 81.80.345, 81.80.346, 81.80.355, 81.80.357, 81.80.360, 81.80.370, 81.80.371, 81.80.375, 81.80.380, 81.80.381, 81.80.391, 81.80.395, 81.80.400, 81.80.410, 81.80.420, 81.80.430, 81.80.440, 81.80.450, 81.80.460, 81.84.010, 81.84.020, 81.84.025, 81.84.030,

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81.84.040, 81.84.050, 81.84.060, and 81.84.070; prescribing penalties; providing an effective date; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date.

Referred to Committee on Transportation.

SB 6046 by Senators Kilmer, Poulsen, Kline, Oemig, Kohl-Welles, Tom, Murray, Marr and Jacobsen

AN ACT Relating to granting certain electric utilities the authority to mitigate the environmental impacts of their operations; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

SB 6047 by Senators Kohl-Welles, Weinstein, Fairley, Oemig, McAuliffe, Pridemore, Regala and Kline

AN ACT Relating to student privacy and directory information; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6048 by Senators Holmquist, Sheldon, Clements and Rasmussen

AN ACT Relating to primaries and elections; amending RCW 29A.04.008, 29A.08.161, 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231, 29A.52.111, 29A.52.112, 29A.52.116, 29A.52.141, 29A.52.151, 29A.24.031, 29A.36.011, 29A.36.101, 29A.36.121, 29A.36.161, 29A.36.171, 29A.52.231, 29A.04.008, 29A.04.128, 29A.04.216, 29A.04.311, 29A.08.161, 29A.12.080, 29A.20.021, 29A.24.081, 29A.24.091, 29A.24.101, 29A.24.131, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.24.311, 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.131, 29A.36.151, 29A.40.061, 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231, 29A.44.410, 29A.44.430, 29A.48.020, 29A.48.060, 29A.52.011, 29A.52.210, 29A.52.220, 29A.52.311, 29A.52.351, 29A.60.221, 29A.60.240, 29A.64.011, 29A.64.030, 36.16.110, 36.16.115, 36.32.0558, and 36.32.070; reenacting and amending RCW 29A.04.611; creating new sections; repealing RCW 29A.32.036, 29A.36.104, 29A.36.106, 29A.52.106, 29A.52.116, 29A.52.141, 29A.52.151, 29A.52.161, 29A.24.210, 29A.28.011, 29A.28.071, 29A.32.036, 29A.36.104, 29A.36.106, 29A.36.191, 29A.52.106, 29A.52.321, 29A.80.011, 29A.80.020, 29A.80.030, 29A.80.041, 29A.80.051, and 29A.80.061; and providing a contingent effective date.

Referred to Committee on Government Operations & Elections.

SB 6049 by Senators Holmquist and Stevens

AN ACT Relating to enhancing the punishment for theft when the damages to the victim greatly exceed the value of the stolen property; reenacting and amending RCW 9.94A.533; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Judiciary.

SB 6050 by Senators Holmquist, Schoesler and Stevens

AN ACT Relating to exempting property owners from injury caused to another person as a result of metal theft; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SB 6051 by Senators Holmquist, Schoesler, Carrell and Clements

AN ACT Relating to defining an eligible renewable resource; and amending RCW 19.285.030.

Referred to Committee on Water, Energy & Telecommunications.

SB 6052 by Senators Holmquist, Kline and Hargrove

AN ACT Relating to requiring arson offenders to register with the county sheriff; amending RCW 9A.48.010, 10.01.200, 70.48.470, and 72.09.330; adding new sections to chapter 9A.48 RCW; adding a new section to chapter 43.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

SB 6053 by Senators Spanel, Jacobsen, Haugen, Hargrove, Hatfield, Morton, Murray, Fairley and Kohl-Welles

AN ACT Relating to providing management authority over food fish and shellfish resources to the director of fish and wildlife; amending RCW 77.04.012, 77.04.040, 77.04.055, 77.04.130, 77.04.140, 77.04.160, 77.08.010, 77.08.022, 77.12.010, 77.12.020, 77.12.045, 77.12.047, 77.12.152, 77.12.275, 77.12.285, 77.12.320, 77.12.325, 77.12.330, 77.12.420, 77.12.455, 77.12.755, 77.12.865, 77.12.870, 77.12.875, 77.12.878, 77.12.879, 77.15.096, 77.15.120, 77.15.130, 77.15.160, 77.15.250, 77.15.253, 77.15.290, 77.15.530, 77.15.554, 77.15.590, 77.32.025, 77.32.070, 77.32.430, 77.32.500, 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.090, 77.50.100, 77.50.110, 77.55.011, 77.55.081, 77.55.091, 77.55.191, 77.60.020, 77.60.030, 77.60.100, 77.60.110, 77.60.120, 77.60.150, 77.65.020, 77.65.030, 77.65.050, 77.65.070, 77.65.080, 77.65.090, 77.65.130, 77.65.160, 77.65.180, 77.65.310, 77.65.320, 77.65.350, 77.65.420, 77.65.510, 77.65.520, 77.70.010, 77.70.130, 77.70.150, 77.70.180, 77.70.190, 77.70.210, 77.70.330, 77.70.350, 77.70.400, 77.70.410, 77.70.420, 77.70.430, 77.70.450, 77.70.460, 77.70.470, 77.75.020, 77.75.040, 77.75.140, 77.85.220, 77.85.230, 77.95.010, 77.95.020, 77.95.030, 77.95.040, 77.95.060, 77.95.090, 77.95.100, 77.95.110, 77.95.140, 77.95.200, 77.95.210, 77.95.270, 77.95.300, 77.95.310, 77.100.040, 77.105.010, 77.105.020, 77.105.030, 77.105.040, 77.105.050, 77.105.060, 77.105.070, 77.105.090, 77.105.130, 77.115.010, 77.120.030, 77.120.040, 77.120.050, 77.120.060, 77.120.090, 77.125.040, 15.85.010, 16.36.005, 43.17.020, 69.30.070, 79.105.430, 79.135.030, 79.135.230, 79.135.320, 79.135.410, 87.84.061, and 90.03.360; creating new sections; and repealing RCW 77.04.013.

Referred to Committee on Natural Resources, Ocean & Recreation.

THIRTY-NINTH DAY, FEBRUARY 15, 2007

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SJM 8016 by Senators Oemig, Regala, Kohl-Welles, Kline, Spanel, Fairley, Kauffman, Fraser and Prentice

Requesting an impeachment investigation into actions by President Bush and Vice President Cheney.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

Referred to Committee on Government Operations & Elections.

SHB 1215 by House Committee on Commerce & Labor (originally sponsored by Representative McDonald)

AN ACT Relating to regulating alcohol vaporizing devices; reenacting and amending RCW 66.04.010; adding a new section to chapter 66.44 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1236 by Representatives Roach, Kirby, Simpson and Moeller

AN ACT Relating to the capital and surplus requirements necessary to transact insurance; and amending RCW 48.05.340.

Referred to Committee on Financial Institutions & Insurance.

SHB 1238 by House Committee on Local Government (originally sponsored by Representatives Takko, Curtis, Simpson and Moeller)

AN ACT Relating to water-sewer districts; amending RCW 36.55.060, 44.04.170, 57.08.005, and 57.08.120; adding new sections to chapter 57.24 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Government Operations & Elections.

HB 1247 by Representatives Morrell, Hinkle, Cody, Wallace and Moeller

AN ACT Relating to eligibility for long-term care services; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1261 by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Kenney, Ericks, Simpson, McDonald, Moeller, Campbell and Pearson)

AN ACT Relating to purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system; amending RCW 41.35.070 and 41.37.060; adding a new section to chapter 41.26 RCW; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

SHB 1262 by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Ericks, Simpson and Moeller)

AN ACT Relating to the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1; amending RCW 41.32.055, 41.32.570, 41.40.010, and 41.40.037; reenacting and amending RCW 41.32.010; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 1305 by Representatives Kretz, Warnick, Hailey, McCoy, Newhouse and Haler

AN ACT Relating to the regulation of food lockers; amending RCW 19.02.110 and 43.70.900; and repealing RCW 19.32.005, 19.32.010, 19.32.020, 19.32.030, 19.32.040, 19.32.050, 19.32.055, 19.32.060, 19.32.090, 19.32.100, 19.32.110, 19.32.150, 19.32.160, 19.32.165, 19.32.170, 19.32.180, and 19.32.900.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1417 by House Committee on Appropriations (originally sponsored by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, VanDeWege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos)

AN ACT Relating to Washington state patrol survivor benefits; amending RCW 43.43.285 and 41.05.011; amending 2006 c 345 s 2 (uncodified); and adding a new section to chapter 43.43 RCW.

Referred to Committee on Transportation.

HB 1556 by Representatives Walsh, Grant, Haler, Sells, Springer, O'Brien, Seaquist, Ahern, Takko, Williams, Ericks, Roberts, Strow, Linville, Ormsby and McDermott

AN ACT Relating to designating the Walla Walla sweet onion as the official Washington state vegetable; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION

8612

By Senators Stevens, Rasmussen, Franklin, Brown, Prentice, Holmquist, Roach, Zarelli, Parlette, Benton, Shin, Swecker,

THIRTY-NINTH DAY, FEBRUARY 15, 2007

Eide, Hargrove, Rockefeller, Kohl-Welles, Clements, Kilmer, Morton, Delvin, Sheldon, Honeyford, Hatfield and Jacobsen

WHEREAS, The state of Washington recognizes the critical importance and fundamental right of parents to be actively involved in the direction of their children's education and character development; and

WHEREAS, Home schools can provide families the opportunity for their children to receive a sound academic education and reinforced by the at-home educational process; and

WHEREAS, The state of Washington is committed to excellence in education and student achievement; and

WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests, exhibit self-confidence and good citizenship, and are fully prepared to meet the challenge of today's society; and

WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable educational alternative; and

WHEREAS, Teaching children at home was the predominant form of education for much of America's early years; and

WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, Washington now has more children being educated at home schools than ever before in the history of our state; and

WHEREAS, Some parents of students who home school have accepted an additional financial responsibility to provide for their children's education, while at the same time paying taxes that support Washington's public school system; and

WHEREAS, Some parent educators devote countless hours to helping their children attain academic excellence, a deep sense of patriotism, and civic responsibility and prepare them to become productive citizens; and

WHEREAS, It is appropriate that Washington's home-educating families be recognized for their selfless contribution to the quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home-educating families in the state.

Senators Stevens and Rockefeller spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8612.

The motion by Senator Stevens carried and the resolution was adopted by voice vote.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 16, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTIETH DAY, FEBRUARY 16, 2007

2007 REGULAR SESSION

FORTIETH DAY

Passed to Committee on Rules for second reading.

MORNING SESSION

Senate Chamber, Olympia, Friday, February 16, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Paul Shin and Jeremiah Allen, presented the Colors. Reverend Glenn Smith of Shem Ministries International offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 2007

SB 5344 Prime Sponsor, Kline: Penalizing the false or fraudulent refusal of an insurance claim. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Jacobsen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5379 Prime Sponsor, Weinstein: Protecting consumers from the keeping of dangerous wild animals. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5379 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Jacobsen, Kilmer, McCaslin and Tom

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5461 Prime Sponsor, Morton: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5461 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

February 15, 2007

SB 5463 Prime Sponsor, Jacobsen: Modifying forest fire protection assessments. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5463 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Ways & Means.

February 15, 2007

SB 5477 Prime Sponsor, Kastama: Addressing manufactured/mobile home community registrations and dispute resolution. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5477 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen and Kilmer

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford and Tom

Passed to Committee on Ways & Means.

February 15, 2007

SB 5531 Prime Sponsor, Jacobsen: Providing funding for parks and recreational facilities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5550 Prime Sponsor, Weinstein: Concerning real property. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5550 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, McCaslin and Tom

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford and Kilmer

Passed to Committee on Rules for second reading.

February 13, 2007

SB 5690 Prime Sponsor, Weinstein: Regarding the dissolution of a special taxing district. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Roach and Weinstein

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Passed to Committee on Rules for second reading.

February 15, 2007

SB 5726 Prime Sponsor, Weinstein: Creating the insurance fair conduct act. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5726 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 15, 2007

SGA 9210 FRED OLSON, appointed January 1, 2007, for the term ending December 31, 2012, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9211 HAROLD ABBE, appointed August 11, 2004, for the term ending June 12, 2008, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9219 JANE L. JACOBSEN, reappointed June 13, 2003, for the term ending June 12, 2007, as Member of the Columbia River Gorge Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9224 VAL OGDEN, reappointed January 4, 2006, for the term ending December 31, 2008, as a Chair of the Interagency Committee for Outdoor Recreation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9225 JEFF PARSONS, appointed February 10, 2005, for the term ending December 31, 2007, as Member of the Interagency Committee for Outdoor Recreation. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9238 BILL RUCKELSHAUS, reappointed September 18, 2003, for the term ending July 15, 2007, as a Chair of the Salmon Recovery Funding Board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SGA 9248 JOE TALLER, reappointed January 1, 2007, for the term ending December 31, 2012, as Member of the Parks and Recreation Commission. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 31, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEVEN DRURY, appointed January 30, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Economic Development, Trade & Management.

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MOTION

On motion of Senator Eide, the appointee listed on the gubernatorial appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6054 by Senators Pridemore, Rockefeller, Kastama, Zarelli, Poulsen, Murray, Delvin, Keiser, Fairley, Fraser, Kohl-Welles, Regala, Shin, Marr, Oemig, Franklin, Berkey, Spanel and Kline

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Ways & Means.

SB 6055 by Senators Hewitt, Shin, Stevens, Schoesler, Rasmussen, Sheldon, Roach and Holmquist

AN ACT Relating to extending the expiration date for the tax deduction for certain businesses impacted by the ban on American beef products; amending RCW 82.04.4336; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6056 by Senators Clements, Rasmussen, Shin, Schoesler, Roach, Berkey and Holmquist

AN ACT Relating to evaluating the use of sugar beets for production of biofuel; creating new sections; and making appropriations.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6057 by Senators Schoesler, Franklin, Carrell, Keiser, Regala, Marr, Fairley, Shin, Rasmussen and Roach

AN ACT Relating to improving safety in state hospitals; adding new sections to chapter 72.23 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SB 6058 by Senator Kline

AN ACT Relating to the effect of settlement agreements; amending RCW 4.22.060 and 4.22.070; and creating a new section.

Referred to Committee on Judiciary.

SB 6059 by Senators Carrell, Kline and Roach

AN ACT Relating to allowing attorneys to recover actual costs for service of process; amending RCW 4.84.010; and adding a new section to chapter 18.180 RCW.

Referred to Committee on Judiciary.

SB 6060 by Senator Kline

AN ACT Relating to unlawful detainer action proceedings and notice for nonpayment of rent; amending RCW 59.18.375; and creating a new section.

Referred to Committee on Judiciary.

SB 6061 by Senators Tom, Weinstein, Kohl-Welles, Prentice and Poulsen

AN ACT Relating to the confinement of a caged egg laying hen; amending RCW 16.52.185; adding a new section to chapter 16.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6062 by Senators Tom, Weinstein, Kohl-Welles, Prentice and Poulsen

AN ACT Relating to the confinement of animals; amending RCW 16.52.185; adding a new section to chapter 16.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6063 by Senator Haugen

AN ACT Relating to property tax exemptions for nonprofit organizations and associations; amending RCW 84.36.030; and reenacting and amending RCW 84.36.805.

Referred to Committee on Ways & Means.

SB 6064 by Senators Stevens, Holmquist, Morton, Swecker, Brandland and Roach

AN ACT Relating to the state expenditure limit; and amending RCW 43.135.010, 43.135.025, and 43.135.035.

Referred to Committee on Ways & Means.

SB 6065 by Senators Kline, Kohl-Welles, Murray, Marr, Franklin, McAuliffe and Sheldon

AN ACT Relating to providing funds to restore public school art programs; amending RCW 67.70.240; adding a new section to chapter 43.79 RCW; and adding a new section to chapter 43.46 RCW.

Referred to Committee on Early Learning & K-12 Education.

SB 6066 by Senators Kohl-Welles, Kline, Franklin, Kauffman and Roach

AN ACT Relating to the training of and collective bargaining over the training of care providers; amending RCW 74.39A.050, 74.39A.270, 74.39A.300, 74.39A.310, 41.56.465, and 18.88A.085; adding a new section to chapter 74.39A RCW; creating new sections; and repealing RCW 74.39A.190.

Referred to Committee on Labor, Commerce, Research & Development.

SJM 8017 by Senators Kline, Kohl-Welles, Weinstein, Spanel, Regala, Shin, Franklin and Poulsen

Requesting the President to use all necessary means to bring about a peaceful solution to the conflict in Darfur.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

STATEMENT ON STC VANCOUVER MEETING

February 16, 2007

The following Senators were excused from Senate floor action today to attend a joint meeting with members of the Oregon Legislature on transportation issues of mutual interest:

Senator Don Benton
 Senator Mary Margaret Haugen
 Senator Chris Marr
 Senator Craig Pridemore
 Senator Dan Swecker

As a result of this official Senate business, these Senators were unable to participate in debate and voting in the full Senate, and were excused from all votes, including but not limited to:

GA 9005 - Peggy Bierbaum - Gambling Commission
 GA 9044 - Carol Moser - Gambling Commission
 SB 5247 - Modifying provisions relating to superior court judicial positions.
 SJM 8008 - Asking that the federal government provide veterans' benefits owed to Filipino veterans.
 SB 5407 - Changing certificate of discharge requirements
 ESSB 5040 - Creating a survivors' endowed scholarship program
 SSB 5193 - Authorizing donation of unclaimed personal property to nonprofit charitable organizations.
 ESB 5063 - Removing gender references
 ESSB 5267 - Providing for the use of the school district capital projects funds for technology.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9005, Peggy Bierbaum, as a member of the Gambling Commission, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, McCaslin and Swecker were excused.

MOTION

On motion of Senator Regala, Senators Haugen, Marr and Pridemore were excused.

APPOINTMENT OF PEGGY BIERBAUM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9005, Peggy Bierbaum as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9005, Peggy Bierbaum as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

Gubernatorial Appointment No. 9005, Peggy Bierbaum, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, we all reach milestones in our life, today is one of those auspicious days where we can recognize and honor Senator Schoesler on his 50th birthday. Happy Birthday."

PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to bring to the attention of the Senate that we have four committee members who are on the Transportation Committee in Portland today for a committee meeting. They're not here because of that committee hearing-on the Senate Floor-and that would be Senator Haugen, Senator Swecker, Senator Benton, one other. I wanted to object to this. I realize that you may rule that it's ok to have a committee hearing during session. It would take a ruling I suppose to reiterate that but we do have a situation here in Olympia where we are being paid seven days a week, not just five and if we need to meet with our colleagues in Oregon that can be done on a Saturday or Sunday and not then requiring in some way or another that our members be absent from their floor votes so my point of order is to object to the fact that we are having a standing committee meeting then."

POINT OF ORDER

Senator Brown: "I'd like to clarify whether this is a point of personal privilege or a point of order and have it be addressed appropriately."

REPLY BY THE PRESIDENT

President Owen: "I was just asking the attorney whether you had approached that as a point of order or...."

POINT OF ORDER

Senator Roach: "Mr. President, a point of order."

REPLY BY THE PRESIDENT

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President Owen: "That was a point of order, ok. The President understands that this is not a committee hearing, that they are meeting with some people in Portland on some important issues. Therefore, it's not necessary. It would be necessary, if it was a hearing, to suspend the rules to allow them to meet during the session. This is not a hearing, therefore it is not necessary. Excuse me, its not a suspension of the rules it's to invoke which only takes twenty-five votes but it's not a committee hearing therefore it would not be necessary to invoke the rule."

PERSONAL PRIVILEGE

Senator Parlette: "This will just take a second because I know we have a lot to do today but as you can see the white coats are up there and for those of you who did not have the opportunity to participate with Accounting for health when Harry Jasper was here, you may want to go down there and have your blood pressure checked and all those other good things that pharmacists are trained to do. They are in the Columbia Room and thank you for being here today."

REMARKS BY THE PRESIDENT

President Owen: "Have your blood pressure checked before and after the vote."

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Delvin moved that Gubernatorial Appointment No. 9044, Carol Moser, as a member of the Transportation Commission, be confirmed.

Senator Delvin spoke in favor of the motion.

APPOINTMENT OF CAROL MOSER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9044, Carol Moser as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9044, Carol Moser as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

Gubernatorial Appointment No. 9044, Carol Moser, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Josie Delvin, the wife of Senator Jerome Delvin who was seated at the rostrum.

PERSONAL PRIVILEGE

Senator Delvin: "Well, thank you. It is indeed an honor to have my wife here today, it's the first Valentine that we, Valentines Day this week, that we celebrated together in twelve years because I'm always over here and she's always back there in the District. I just want to congratulate her also publicly on her she's the newly-elected Benton County Clerk. So there's two of us in politics in the family now. I'm not sure who wears the pants now."

REMARKS BY THE PRESIDENT

President Owen: "You'd better figure that one out."

PERSONAL PRIVILEGE

Senator Delvin: "I'm very proud of her and she's a great joy in my life and I really do appreciate all she's done to help me and love her very much."

REPLY BY THE PRESIDENT

President Owen: "Senator Delvin, I might just point out to you, a very good point that my father-in-law's made to me. If momma ain't happy, ain't nobody happy, ok?"

SECOND READING

SENATE BILL NO. 5247, by Senators Spanel and Haugen

Modifying provisions relating to superior court judicial positions.

The measure was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5247.

MOTION

On motion of Senator Regala, Senator Sheldon was excused.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE JOINT MEMORIAL NO. 8008, by Senators Prentice, Rockefeller, Berkey, Weinstein, Kauffman, Marr, Oemig, Kline, Hobbs, Murray, Poulsen, Rasmussen, Kastama, Shin, Franklin, Hatfield, Sheldon, Kohl-Welles, Jacobsen, Fraser, Pridemore and Kilmer

Asking that the federal government provide veterans' benefits owed to Filipino veterans.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Prentice, Shin, Kline, Rockefeller and Honeyford spoke in favor of passage of the memorial.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the memorial passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 41

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore, Swecker and Zarelli - 8

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5407, by Senators Regala, Carrell, Hargrove and Brandland

Changing certificate of discharge requirements.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Berkey, Brandland, Brown, Carrell,

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Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 41

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore, Swecker and Zarelli - 8

SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5040, by Senators Eide, Franklin, Fairley, Shin, Rockefeller, Weinstein, Marr, Oemig, Hobbs, Haugen, Kilmer, Murray, Keiser, Rasmussen, Jacobsen, Kauffman and Kohl-Welles

Creating a survivors' endowed scholarship program.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5040 was substituted for Senate Bill No. 5040 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 2, beginning on line 26, after "GED;" strike all material through "(v)" on line 28 and insert "and (iv)"

Senators Morton and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 26 to Substitute Senate Bill No. 5040.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5040.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5040 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5193, by Senators Brandland, Hewitt, Parlette, Morton, Schoesler, Swecker, Clements, Stevens, McCaslin, Carrell, Keiser, Berkey and Kohl-Welles

Authorizing donation of unclaimed personal property to nonprofit charitable organizations.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5193.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5063, by Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser and Shin

Removing gender references.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Clements be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to make technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18 RCW with regard to gender-specific terminology. The legislature finds that gender-neutral terms must be used in accordance with RCW 44.04.210. This act is technical in nature and no substantive legal changes are intended or implied.

Sec. 2. RCW 41.08.020 and 1935 c 31 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.08.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for ~~((firemen))~~ firefighters as referred to in RCW 41.08.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the fire department.

Sec. 3. RCW 41.08.030 and 1935 c 31 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.08.010, having a full paid fire department a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ the chief of a fire department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

Sec. 4. RCW 41.08.075 and 1972 ex.s. c 37 s 4 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

Sec. 5. RCW 41.08.080 and 1935 c 31 s 8 are each amended to read as follows:

The tenure of every one holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

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(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 6. RCW 41.08.090 and 1935 c 31 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith (~~(for)~~) for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in

good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Sec. 7. RCW 41.08.100 and 1935 c 31 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

Sec. 8. RCW 41.08.150 and 1935 c 31 s 16 are each amended to read as follows:

No commissioner or any other person(-) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration or application or request to be examined or registered.

Sec. 9. RCW 41.08.220 and 1935 c 31 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select,

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appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and ~~((firemen))~~ firefighters employed in such are paid regularly by the city and devote their whole time to firefighting.

Sec. 10. RCW 41.12.020 and 1937 c 13 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for ~~((policemen))~~ police officers as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department.

Sec. 11. RCW 41.12.030 and 1937 c 13 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid ~~((policemen))~~ police officers a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

Sec. 12. RCW 41.12.075 and 1972 ex.s. c 37 s 5 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010 to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

Sec. 13. RCW 41.12.080 and 1937 c 13 s 8 are each amended to read as follows:

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in

rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 14. RCW 41.12.090 and 1937 c 13 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith ~~((for))~~ for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement ~~((of for))~~ or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, ~~((find))~~ in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all

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papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Sec. 15. RCW 41.12.100 and 1937 c 13 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

Sec. 16. RCW 41.12.150 and 1937 c 13 s 16 are each amended to read as follows:

No commissioner or any other person(;) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration of application or request to be examined or registered.

Sec. 17. RCW 41.12.220 and 1937 c 13 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and (~~police men~~) police officers employed in such are paid regularly by the city and devote their whole time to police duty: PROVIDED, "full paid police department" whenever used in this chapter shall also mean "full paid (~~police men~~;) police officers."

Sec. 18. RCW 41.16.010 and 2003 c 30 s 1 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a (~~fireman~~) firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased (~~fireman~~) firefighter under this chapter.

(2) "Board" shall mean the municipal (~~firemen's~~) firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of (~~firemen~~) firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) (~~"Fireman" or~~) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for (~~fireman~~) firefighter and who is actively employed as a (~~fireman~~) firefighter; and shall include any "prior (~~fireman~~) firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of (~~firemen~~) firefighters of the municipality.

(8) "Fund" shall mean the (~~firemen's~~) firefighters' pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing (~~firemen~~) firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of (~~firemen~~) firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior (~~fireman~~) firefighter" shall mean a (~~fireman~~) firefighter who was actively employed as a (~~fireman~~) firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired (~~fireman~~) firefighter" shall mean and include a person employed as a (~~fireman~~) firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired (~~fireman~~) firefighter who was retired on account of length of service and who was lawfully married to such (~~fireman~~) firefighter; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired (~~fireman~~) firefighter who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or

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contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired ~~((fireman's))~~ firefighter's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

Sec. 19. RCW 41.16.020 and 2003 c 30 s 2 are each amended to read as follows:

There is hereby created in each city and town a municipal ~~((firemen's))~~ firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be ~~((chairman))~~ chairperson of the board, the city comptroller or clerk, the ~~((chairman))~~ chairperson of finance of the city council, or if there is no ~~((chairman))~~ chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the ~~((chairman))~~ chairperson to act, the board may select a ~~((chairman))~~ chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the ~~((chairman))~~ chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

Sec. 20. RCW 41.16.030 and 2002 c 15 s 1 are each amended to read as follows:

The board shall meet at least once quarterly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the ~~((chairman))~~ chairperson, of which due advance notice shall be given the other members of the board.

Sec. 21. RCW 41.16.040 and 1992 c 89 s 1 are each amended to read as follows:

The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the ~~((firemen's))~~ firefighters' pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in a manner consistent with the investment policies outlined in RCW 35.39.060. Authorized investments shall include investment grade securities issued by the United States, state, municipal corporations, other public bodies, corporate bonds, and other investments authorized by RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 68.52.060, 68.52.065, and 72.19.120.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the ~~((chairman))~~ chairperson and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the ~~((chairman))~~ chairperson and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick firefighters and ~~((disabled firemen))~~ firefighters who are disabled when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured ~~((firemen))~~ firefighters and render all medical aid and care necessary for the recovery of such ~~((firemen))~~ firefighters on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured ~~((fireman))~~ firefighter. If any sick or injured ~~((fireman))~~ firefighter refuses the services of the appointed physicians, or the specially appointed and employed physician, he or she shall be personally liable for the fees of any other physician employed by him or her. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

Sec. 22. RCW 41.16.050 and 1999 c 117 s 3 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the ~~((firemen's))~~ firefighters' pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firefighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the ~~((firemen's))~~ firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the ~~((firemen's))~~ firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first

day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the ((firemen's)) firefighters' pension fund of such city, town, or fire protection district.

Sec. 23. RCW 41.16.070 and 1947 c 91 s 7 are each amended to read as follows:

(1) Every ((fireman)) firefighter employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his or her pay and placed in the fund an amount in accordance with the following table:

((Fireman)) Firefighter whose		
age at last birthday		Contributions and
at time of entry		deductions from
of service was:		salary
21 and under	.....	5.00%
22	.....	5.24%
23	.....	5.50%
24	.....	5.77%
25	.....	6.07%
26	.....	6.38%
27	.....	6.72%
28	.....	7.09%
29	.....	7.49%
30 and over	.....	7.92%

(2) Every ((fireman)) firefighter employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, five percent of his or her salary.

(3) Every ((fireman)) firefighter actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, four percent of his or her salary.

Sec. 24. RCW 41.16.080 and 1959 c 5 s 2 are each amended to read as follows:

Any ((fireman)) firefighter employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as ((fireman's)) "firefighter," and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement any ((fireman)) firefighter shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his or her service and a percentage factor based upon his or her age on entering service, as follows:

Entrance age at		Salary
last birthday		percentage factor
20 and under	.....	1.50%
21	.....	1.55%
22	.....	1.60%
23	.....	1.65%

24	.....	1.70%
25	.....	1.75%
26	.....	1.80%
27	.....	1.85%
28	.....	1.90%
29	.....	1.95%
30 and over	.....	2.00%

Said monthly pension shall be in the amount of his or her average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor.

Sec. 25. RCW 41.16.100 and 1973 1st ex.s. c 154 s 62 are each amended to read as follows:

The widow or widower, child, children or beneficiary of any ((fireman)) firefighter retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars.

Sec. 26. RCW 41.16.110 and 1959 c 5 s 5 are each amended to read as follows:

Whenever any ((fireman)) firefighter shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100.

Sec. 27. RCW 41.16.120 and 1973 1st ex.s. c 154 s 63 are each amended to read as follows:

Whenever any active ((fireman)) firefighter or ((fireman)) firefighter retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased ((fireman's)) firefighter's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the ((fireman's)) firefighter's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children.

Sec. 28. RCW 41.16.130 and 1959 c 5 s 7 are each amended to read as follows:

(1) Any ((fireman)) firefighter who shall become disabled as a result of the performance of his or her duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him or her, after giving him or her a thirty days' notice. Upon his or her retirement he or she shall be paid a monthly disability pension in amount equal to one-half of his or her monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he or she recovers from his or her disability he or she shall thereupon be restored to active service, with the same rank he or she held when he or she retired.

(3) If the ((fireman)) firefighter dies during disability and not as a result thereof, RCW 41.16.160 shall apply.

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Sec. 29. RCW 41.16.140 and 1973 1st ex.s. c 154 s 64 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such ~~((fireman))~~ firefighter shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his or her contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

Sec. 30. RCW 41.16.145 and 1975-'76 2nd ex.s. c 44 s 1 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 ~~((as now or hereafter amended;))~~ shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and firefighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 31. RCW 41.16.150 and 1973 1st ex.s. c 154 s 65 are each amended to read as follows:

(1) Any ~~((fireman))~~ firefighter who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his or her average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The ~~((fireman))~~ firefighter shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widow, then his or her child or children shall receive only his or her contribution, plus accrued

compounded interest. In the event he or she elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widow, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such ~~((fireman))~~ firefighter during his or her lifetime.

(2) Any ~~((fireman))~~ firefighter who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest.

Sec. 32. RCW 41.16.160 and 1973 1st ex.s. c 154 s 66 are each amended to read as follows:

Whenever any ~~((fireman))~~ firefighter, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall paid such beneficiaries.

Sec. 33. RCW 41.16.170 and 1973 1st ex.s. c 154 s 67 are each amended to read as follows:

Whenever a ~~((fireman))~~ firefighter dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary.

Sec. 34. RCW 41.16.180 and 1959 c 5 s 12 are each amended to read as follows:

Upon the death of any active firefighter, ~~((disabled))~~ firefighter who is disabled, or retired ~~((fireman))~~ firefighter, the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

Sec. 35. RCW 41.16.190 and 1959 c 5 s 13 are each amended to read as follows:

No ~~((fireman))~~ firefighter disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a ~~((fireman))~~ firefighter has been disabled while in the performance of his or her duties, it shall declare him or her inactive. For a period of six months from the time he or she became disabled, he or she shall continue to draw full pay from his or her municipality and in addition thereto he or she shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the ~~((fireman))~~ firefighter is unable to return to and perform his or her duties, then he or she shall be retired as herein provided.

Sec. 36. RCW 41.16.200 and 1947 c 91 s 9 are each amended to read as follows:

The board shall require all ~~((firemen))~~ firefighters receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a ~~((fireman))~~ firefighter shall fail to submit to such examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said ~~((fireman))~~ firefighter under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such ~~((fireman))~~ firefighter. If such ~~((fireman))~~ firefighter fails to present himself or herself for examination within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ~~((fireman))~~ firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank, then, at his or her request, in

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such other rank, the duties of which he or she is then able to perform. The board shall thereupon so notify the ~~((fireman))~~ firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he or she shall forfeit all rights to any benefits under this chapter.

Sec. 37. RCW 41.16.210 and 1947 c 91 s 10 are each amended to read as follows:

(1) Funds or assets on hand in the ~~((firemen's))~~ firefighters' relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the ~~((firemen's))~~ firefighters' pension fund created by this chapter; and the ~~((firemen's))~~ firefighters' pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said ~~((firemen's))~~ firefighters' relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the ~~((firemen's))~~ firefighters' relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the ~~((firemen's))~~ firefighters' pension fund created under this chapter, and shall at such times and in such amounts as is directed by the board be repaid.

Sec. 38. RCW 41.16.220 and 1969 ex.s. c 269 s 7 are each amended to read as follows:

Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he or she entered, and who is a veteran, as defined in RCW 41.04.005, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter as computed under this chapter his or her period of war service in such armed forces upon payment by him or her of his or her contribution for the period of his or her absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: PROVIDED, HOWEVER, Such accredited service shall not in any case exceed five years.

Sec. 39. RCW 41.16.230 and 1973 1st ex.s. c 154 s 68 are each amended to read as follows:

Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any ~~((prior fireman;))~~ "prior firefighter," his widow, her widower, child or children, any ~~((fireman))~~ firefighter eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired ~~((fireman))~~ firefighter, his widow, her widower, child or children, to receive payments and benefits from the ~~((firemen's))~~ firefighters' pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed.

Sec. 40. RCW 41.16.250 and 1963 c 63 s 1 are each amended to read as follows:

If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid ~~((fireman))~~ firefighter affected by such annexation, incorporation or succession shall receive a reduction in his or her retirement and job security rights: PROVIDED, That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW.

Sec. 41. RCW 41.18.010 and 1973 1st ex.s. c 154 s 69 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a ~~((fireman))~~ firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased ~~((fireman))~~ firefighter under this chapter.

(2) ~~(("Fireman"))~~ "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for ~~((fireman))~~ firefighters and who is actively employed as a ~~((fireman))~~ firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a ~~((fireman))~~ firefighter or as a member of the fire department as a ~~((fireman))~~ firefighter or fire dispatcher.

(3) "Retired ~~((fireman))~~ firefighter" means and includes a person employed as a ~~((fireman))~~ firefighter and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired ~~((fireman))~~ firefighter at the date of his or her retirement, without regard to extra compensation which such ~~((fireman))~~ firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a ~~((fireman))~~ firefighter and shall include the surviving wife or husband of a ~~((fireman))~~ firefighter, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a ~~((fireman))~~ firefighter, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired ~~((fireman))~~ firefighter.

(6) "Child" or "children" means a ~~((fireman's))~~ firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such ~~((fireman))~~ firefighter at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the ~~((firemen's))~~ firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any ~~((fireman))~~ firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual ~~((fireman's))~~ firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual ~~((firemen's))~~ firefighters' accounts as of January 1st of each year.

(8) "Board" shall mean the municipal ~~((firemen's))~~ firefighters' pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of ~~((firemen))~~ firefighters and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a ~~((fireman))~~ firefighter.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of ~~((firemen))~~ firefighters of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing ~~((firemen))~~ firefighters.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of ~~((firemen))~~ firefighters and

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shall include services of an emergency nature normally rendered while off regular duty.

Sec. 42. RCW 41.18.015 and 1992 c 6 s 1 are each amended to read as follows:

There is hereby created in each fire protection district which qualifies under this chapter, a ~~((firemen's))~~ firefighters' pension board to consist of the following five members, the ~~((chairman))~~ chairperson of the fire commissioners for said district who shall be ~~((chairman))~~ chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the ~~((chairman))~~ chairperson to act, the board may select a ~~((chairman))~~ chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the ~~((chairman))~~ chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

Sec. 43. RCW 41.18.020 and 1955 c 382 s 2 are each amended to read as follows:

The board, in addition to such general and special powers as are vested in it by the provisions of chapter 41.16 RCW, which powers the board shall have with respect to this chapter shall have power to:

(1) Generally supervise and control the administration of this chapter;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this chapter;

(3) Provide for payment from the ~~((firemen's))~~ firefighters' pension fund of necessary expenses of maintenance and administration required by the provisions of this chapter;

(4) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 41.16 RCW, to examine and report to the board upon all applications for relief and pensions under this chapter; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in RCW 41.16.040.

Sec. 44. RCW 41.18.030 and 1961 c 255 s 2 are each amended to read as follows:

Every ~~((fireman))~~ firefighter to whom this chapter applies shall contribute to the ~~((firemen's))~~ firefighters' pension fund a sum equal to six percent of his or her basic salary which shall be deducted therefrom and placed in the fund.

Sec. 45. RCW 41.18.040 and 1973 1st ex.s. c 154 s 70 are each amended to read as follows:

Whenever any ~~((fireman))~~ firefighter, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such ~~((fireman))~~ firefighter shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said ~~((fireman))~~ firefighter at the date of his or her retirement: PROVIDED, That a ~~((fireman))~~ firefighter hereafter retiring who has served as a member for more than twenty-five years, shall have his or her pension payable under this section increased by two percent of the basic salary per year for each

full year of such additional service to a maximum of five additional years.

Upon the death of any such retired ~~((fireman))~~ firefighter, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired ~~((fireman))~~ firefighter would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 46. RCW 41.18.045 and 1973 1st ex.s. c 154 s 71 are each amended to read as follows:

Upon the death of a ~~((fireman))~~ firefighter who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of ~~((firemen))~~ firefighters who died after January 1, 1967, if such ~~((firemen))~~ firefighters were otherwise eligible to retire on the date of death.

Sec. 47. RCW 41.18.050 and 1955 c 382 s 5 are each amended to read as follows:

Every ~~((fireman))~~ firefighter who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement. If, after the expiration of six months from the date of his or her disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a ~~((fireman))~~ firefighter disabled as a result of the performance of duty without any request for the same by him or her, and after having been given by the board a thirty days' written notice of such recommendation he or she shall be retired.

Sec. 48. RCW 41.18.060 and 1992 c 22 s 1 are each amended to read as follows:

Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a firefighter has been disabled while in the performance of his or her duties it shall declare the firefighter inactive. For a period of six months from the time of the disability the firefighter shall draw from the pension fund a disability allowance equal to his or her basic monthly salary and, in addition, shall be provided with medical, hospital and nursing care as long as the disability exists. The board may, at its discretion, elect to reimburse the ~~((disabled))~~ firefighter who is disabled for premiums the firefighter has paid for medical insurance that supplements medicare, including premiums the firefighter has paid for medicare part B coverage. If the board finds at the expiration of six months that the firefighter is unable to return to and perform his or her duties, the firefighter shall be retired at a monthly sum equal to fifty percent of the amount of his or her basic salary at any time thereafter attached to the rank which he or she held at the date of retirement: PROVIDED, That where, at the time of retirement hereafter for disability under this section, the firefighter has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, the firefighter shall have his or her pension payable under this section increased by two percent of his or her basic salary per year for each full year of additional service to a maximum of five additional years.

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Sec. 49. RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the ~~((fireman))~~ firefighter capable of performing his or her duties, it may refuse to recommend retirement and order the ~~((fireman))~~ firefighter back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the ~~((fireman))~~ firefighter. The board shall give the ~~((fireman))~~ firefighter a thirty-day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he or she shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the ~~((fireman))~~ firefighter shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the ~~((fireman))~~ firefighter was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any ~~((fireman))~~ firefighter shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased ~~((fireman))~~ firefighter, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased ~~((fireman's))~~ firefighter's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

Sec. 50. RCW 41.18.090 and 1955 c 382 s 15 are each amended to read as follows:

The board shall require all ~~((firemen))~~ firefighters receiving disability pensions to be examined every six months: PROVIDED, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a ~~((fireman))~~ firefighter shall willfully fail to present himself or herself for examination, within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ~~((fireman))~~ firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank then, at his or her request, in such other like or lesser rank as may be or become open and available, the duties of which he or she is then able to perform. The board shall thereupon so notify the ~~((fireman))~~ firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall willfully fail to report for employment within ten days, he or she shall forfeit all rights to any benefit under this chapter.

Sec. 51. RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each amended to read as follows:

In the event a ~~((fireman))~~ firefighter is killed in the performance of duty, or in the event a ~~((fireman))~~ firefighter

retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a ~~((fireman))~~ firefighter is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a ~~((fireman))~~ firefighter who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired ~~((fireman))~~ firefighter was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such ~~((fireman's))~~ firefighter's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries: PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200.

Sec. 52. RCW 41.18.102 and 1969 ex.s. c 209 s 32 are each amended to read as follows:

The provisions of RCW 41.18.040 and 41.18.100 shall be applicable to all ~~((firemen))~~ firefighters employed prior to March 1, 1970, but shall not apply to any former ~~((fireman))~~ firefighter who has terminated his or her employment prior to July 1, 1969.

Sec. 53. RCW 41.18.130 and 1969 ex.s. c 209 s 31 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his or her contributions to the fund plus earned interest: PROVIDED, That in the case of any ~~((fireman))~~ firefighter who has completed twenty years of service, such ~~((fireman))~~ firefighter, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his or her contributions as herein provided, to be classified as a vested ~~((fireman))~~ firefighter in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such ~~((fireman's))~~ firefighter's termination;

(2) During the period between the date of his or her termination and the date upon which he or she becomes a retired ~~((fireman))~~ firefighter as hereinafter provided, such vested ~~((fireman))~~ firefighter and his or her spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired ~~((fireman))~~ firefighter and his or her spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any ~~((fireman))~~ firefighter electing to become a vested ~~((fireman))~~ firefighter shall be entitled at such time as he or she otherwise would have completed twenty-five years of service had he or she not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested ~~((fireman))~~ firefighter for the year preceding the date of his or her termination, for each year of service rendered prior to the date of his or her termination.

Sec. 54. RCW 41.18.140 and 1961 c 255 s 7 are each amended to read as follows:

The board shall pay from the ~~((firemen's))~~ firefighters' pension fund upon the death of any active or retired ~~((fireman))~~ firefighter the sum of five hundred dollars, to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

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Sec. 55. RCW 41.18.150 and 1955 c 382 s 14 are each amended to read as follows:

Every person who was a member of the fire department at the time he or she entered and served in the armed forces of the United States in time of war, whether as a draftee, or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his or her period of employment as a ((fireman)) firefighter his or her period of war or peacetime service in the armed forces: PROVIDED, That such added and accredited service shall not as to any individual exceed five years.

Sec. 56. RCW 41.18.160 and 1955 c 382 s 17 are each amended to read as follows:

Every ((fireman)) firefighter as defined in this chapter heretofore employed as a member of a fire department, whether or not as a prior ((fireman)) firefighter as defined in chapter 41.16 RCW, who desires to make the contributions and avail himself or herself of the pension and other benefits of said chapter 41.16 RCW, can do so by handing to and leaving with the ((fireman's)) firefighters' pension board of his or her municipality a written notice of such intention within sixty days of the effective date of this chapter, or if he or she was on disability retirement under chapter 41.16 RCW, at the effective date of this chapter and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his or her return to active duty, and not otherwise.

Sec. 57. RCW 41.18.165 and 1959 c 69 s 1 are each amended to read as follows:

Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his or her period of employment as a ((fireman)) firefighter his or her period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his or her period of employment as a ((fireman)) firefighter his or her period of service with said private enterprise unless he, she, or a third party shall pay to the municipality his or her contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18.030, or, if he or she shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he or she agrees at the time of his or her employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

Sec. 58. RCW 41.18.170 and 1955 c 382 s 16 are each amended to read as follows:

The provisions of this chapter governing contributions, pensions, and benefits shall have exclusive application (1) to ((firemen)) firefighters as defined in this chapter hereafter becoming members of a fire department, (2) to ((firemen)) firefighters as defined in this chapter heretofore employed in a department who have not otherwise elected as provided for in RCW 41.18.160, and (3) to ((firemen)) firefighters on disability retirement under chapter 41.16 RCW, at the effective date of this chapter, who thereafter shall have been returned to active

duty by the retirement board, and who have not otherwise elected as provided for in RCW 41.18.160 within sixty days after return to active duty.

Sec. 59. RCW 41.18.180 and 1961 c 255 s 12 are each amended to read as follows:

Any ((fireman)) firefighter who has made contributions under any prior act may elect to avail himself or herself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this 1961 amendatory act: PROVIDED, That any ((fireman)) firefighter who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act.

Sec. 60. RCW 41.18.190 and 1969 ex.s. c 209 s 41 are each amended to read as follows:

Any ((fireman)) firefighter as defined in RCW 41.18.010 who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself or herself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his or her membership from any other pension fund, except the Washington law enforcement officers' and firefighters' retirement system, to the pension fund provided in chapter 41.18 RCW: PROVIDED, That such ((fireman)) firefighter transmits written notice of his or her intent to transfer to the pension board of his or her municipality prior to September 1, 1969.

Sec. 61. RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended to read as follows:

Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his or her former membership credit from the city employees' retirement system to the ((fireman's)) firefighter's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal ((fireman's)) firefighters' pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's ((fireman's)) firefighter's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal ((fireman's)) firefighters' pension board a record of service credited to such member which shall be computed and credited to such member as a part of his or her period of employment in the city's ((fireman's)) firefighter's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the ((fireman's)) firefighter's pension system and receive credit in the ((fireman's)) firefighter's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he or she would have been entitled to had he or she been a member of the city's ((fireman's)) firefighter's pension system from the beginning of his or her employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974.

Sec. 62. RCW 9.40.130 and 1971 ex.s. c 302 s 5 are each amended to read as follows:

RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by ((firemen)) firefighters, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or

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hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Sec. 63. RCW 9A.48.020 and 1981 c 203 s 2 are each amended to read as follows:

(1) A person is guilty of arson in the first degree if he or she knowingly and maliciously:

- (a) Causes a fire or explosion which is manifestly dangerous to any human life, including ~~((firemen))~~ firefighters; or
- (b) Causes a fire or explosion which damages a dwelling; or
- (c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime; or
- (d) Causes a fire or explosion on property valued at ten thousand dollars or more with intent to collect insurance proceeds.

(2) Arson in the first degree is a class A felony.

Sec. 64. RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;
- (c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

- (a) The name of the individual making the solicitation;
- (b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and
- (c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

- (a) The solicitation is conducted by a named commercial fund raiser, if it is;
- (b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and
- (c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the

secretary's office under the charitable solicitation act, registration number . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "fire fighter," (~~"firemen,"~~) "firefighters," or a similar name unless properly authorized by a bona fide police, sheriff, or fire fighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a

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violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No entity may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17)(a) No entity may place a telephone call for the purpose of charitable solicitation that will be received by the solicitee before eight o'clock a.m. or after nine o'clock p.m.

(b) No entity may, while placing a telephone call for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(18) Failure to comply with subsections (1) through (17) of this section is a violation of this chapter.

Sec. 65. RCW 35.17.100 and 1965 c 7 s 35.17.100 are each amended to read as follows:

Every member of the city commission, before qualifying, shall give a good and sufficient bond to the city in a sum equivalent to five times the amount of his or her annual salary, conditioned for the faithful performance of the duties of his or her office. The bonds must be approved by a judge of the superior court for the county in which the city is located and filed with the clerk thereof. The commission, by resolution, may require any of its appointees to give bond to be fixed and approved by the commission and filed with the mayor.

Sec. 66. RCW 35A.11.020 and 1993 c 83 s 8 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for ~~((firemen))~~ firefighters and ~~((policemen))~~ police officers which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for ~~((firemen))~~ firefighters and chapter 41.12 RCW for ~~((policemen))~~ police officers now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for ~~((firemen))~~ firefighters or ~~((policemen))~~ police officers which provides different pensions or retirement benefits than are provided by general law for such classes.

Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.

The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this

state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns.

In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and 48.14.080.

Sec. 67. RCW 35.27.240 and 1987 c 3 s 13 are each amended to read as follows:

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. He or she may pursue and arrest violators of town ordinances beyond the town limits.

~~((His))~~ The marshal's lawful orders shall be promptly executed by deputies, police officers and ~~((watchmen))~~ watchpersons. Every citizen shall lend him or her aid, when required, for the arrest of offenders and maintenance of public order. He or she may appoint, subject to the approval of the mayor, one or more deputies, for whose acts he and his ~~((bondsmen))~~ or her bondspersons shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, ~~((he))~~ the marshal may appoint additional ~~((policemen))~~ police officers for one day only when necessary for the preservation of public order.

~~((He))~~ The marshal shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

~~((He))~~ The marshal shall execute and return all process issued and directed to him or her by any legal authority and for his or her services shall receive the same fees as are paid to constables. ~~((He))~~ The marshal shall perform such other services as the council by ordinance may require.

Sec. 68. RCW 35.66.040 and 1965 c 7 s 35.66.040 are each amended to read as follows:

A police matron must be paid such compensation for her services as shall be fixed by the city council and at such time as may be appointed for the payment of ~~((policemen))~~ police officers.

Sec. 69. RCW 35.75.050 and 1965 c 7 s 35.75.050 are each amended to read as follows:

The city or town council shall by ordinance provide that the whole amount or any amount not less than seventy-five percent of all license fees, penalties or other moneys collected under the authority of this chapter shall be paid into and placed to the credit of a special fund to be known as the "bicycle road fund." The moneys in the bicycle road fund shall not be transferred to any other fund and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways authorized to be constructed and maintained by this chapter or for special ~~((policemen))~~ police officers, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction, maintenance and regulation of the use of bicycle paths and roadways.

Sec. 70. RCW 35.88.020 and 1965 c 7 s 35.88.020 are each amended to read as follows:

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Every city and town may by ordinance prescribe what acts shall constitute offenses against the purity of its water supply and the punishment or penalties therefor and enforce them. The mayor of each city and town may appoint special (~~police~~) police officers, with such compensation as the city or town may fix, who shall, after taking oath, have the powers of constables, and who may arrest with or without warrant any person committing, within the territory over which any city or town is given jurisdiction by this chapter, any offense declared by law or by ordinance, against the purity of the water supply, or which violate any rule or regulation lawfully promulgated by the state board of health for the protection of the purity of such water supply. Every special (~~police~~) police officer whose appointment is authorized herein may take any person arrested for any such offense or violation before any court having jurisdiction thereof to be proceeded with according to law. Every such special (~~police~~) police officer shall, when on duty wear in plain view a badge or shield bearing the words "special police" and the name of the city or town by which he or she has been appointed.

Sec. 71. RCW 41.44.060 and 1951 c 275 s 3 are each amended to read as follows:

(~~Police~~) Police officers in first class cities and all city (~~fire~~) firefighters shall be excluded from the provisions of this chapter, except those employees of the fire department who are not eligible to the benefits of any (~~fire~~) firefighters' pension system established by or pursuant to state law, and who shall be included in the miscellaneous personnel.

Sec. 72. RCW 41.48.030 and 1971 ex.s. c 257 s 19 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that--

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been

approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and (~~fire~~) firefighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED FURTHER, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of

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education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.

Sec. 73. RCW 46.37.185 and 1987 c 330 s 709 are each amended to read as follows:

~~(Firemen)~~ **Firefighters**, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 74. RCW 81.28.080 and 1973 1st ex.s. c 154 s 117 are each amended to read as follows:

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any

free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to ~~(firemen)~~ lineworkers of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to ~~(newsboys)~~ newspaper delivery persons on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or ~~(policemen)~~ police officers or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

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Sec. 75. RCW 35.23.121 and 1995 c 301 s 36 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her ~~((bondsmen))~~ bondspersons shall be responsible, and he or she and his or her deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

Sec. 76. RCW 35.27.220 and 1965 c 7 s 35.27.220 are each amended to read as follows:

The town clerk shall be custodian of the seal of the town. ~~((He))~~ The town clerk may appoint a deputy for whose acts he or she and his ~~((bondsmen))~~ or her bondspersons shall be responsible ~~((he))~~. The town clerk and his or her deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

~~((He))~~ The town clerk shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year ~~((he))~~ the town clerk shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

~~((He))~~ The town clerk shall perform such other services as may be required by statute or by ordinances of the town council.

~~((He))~~ The town clerk shall keep a full and true account of all the proceedings of the council.

Sec. 77. RCW 59.12.110 and 1905 c 86 s 4 are each amended to read as follows:

The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the court or any judge thereof for an order raising or lowering the amount of any bond in this chapter provided for. Either party may, upon like notice, apply to the court or any judge thereof for an order requiring additional or other surety or sureties upon any such bond. Upon the hearing or any application made under the provisions of this section evidence may be given. The judge after hearing any such application shall make such an order as shall be just in the premises. The ~~((bondsmen))~~ bondspersons may be required to be present at such hearing if so required in the notice thereof, and shall answer under oath all questions that may be asked them touching their qualifications as ~~((bondsmen))~~ bondspersons, and in the event the ~~((bondsmen))~~ bondspersons shall fail or refuse to appear at such hearing and so answer such questions the bond shall be stricken. In the event the court shall order a new or additional bond to be furnished by defendant, and the same shall not be given within twenty-four hours, the court shall order the sheriff to forthwith execute the writ. In the event the defendant shall file a second or additional bond and it shall also be found insufficient after hearing, as above provided, the right to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the premises.

Sec. 78. RCW 82.38.230 and 1998 c 176 s 77 are each amended to read as follows:

Whenever any licensee is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the department, the department shall proceed to collect the amount due from the

licensee in the following manner: The department shall seize any property subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent licensee and to all persons appearing of record to have an interest in such property. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to the licensee at the licensee's address as the same appears in the records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to such person at his or her last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, together with a statement of the amount due under this chapter, the name of the licensee and the further statement that unless such amount is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale or deed which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent licensee, the excess shall be returned to the licensee and the licensee's receipt obtained for the excess. If any person having an interest in or lien upon the property has filed with the department prior to such sale, notice of such interest or lien, the department shall withhold payment of any such excess to the licensee pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the licensee is not available, the department shall deposit such excess with the state treasurer as trustee for the licensee or the licensee's heirs, successors, or assigns: PROVIDED, That prior to making any seizure of property as provided for in this section, the department may first serve upon the licensee's ~~((bondsmen))~~ bondsperson a notice of the delinquency, with a demand for the payment of the amount due.

Sec. 79. RCW 87.03.020 and 1988 c 127 s 40 are each amended to read as follows:

For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:

- (1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.
- (2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.
- (3) A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.
- (4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.
- (5) Any other matter deemed material.
- (6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the ~~((bondsmen))~~ bondspersons will pay all of the cost in case such organization shall not be effected. Said petition shall be presented at a regular meeting of

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the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of ecology from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of ecology at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' (~~bondsmen~~) bondspersons, make such investigation of the sufficiency of the source and supply of water for the purposes of the proposed district, as he or she may deem necessary, and file a report of his or her findings, together with a statement of his or her costs, with the board of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: PROVIDED, That said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: AND PROVIDED FURTHER, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under the provisions of this act and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District--Yes," and "Irrigation District--No," and also the names of persons to be voted for as directors of the district:

PROVIDED, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

Sec. 80. RCW 87.84.020 and 1961 c 226 s 3 are each amended to read as follows:

A petition to convert an existing irrigation district to an irrigation and rehabilitation district shall be signed by at least fifty holders of title or evidence of title to land within the district. The petition shall contain the following:

- (1) The legal description of the property to be served.
- (2) The signature and address of each petitioner, together with the legal description of the lands within the district owned by each.
- (3) Any other matter deemed material.

The petition shall be accompanied by a bond, to be approved by the board, in double the amount of the probable cost of organizing the district, and conditioned that the (~~bondsman~~) bondsperson will pay all the costs if the organization is not effected.

Sec. 81. RCW 19.29.010 and 1989 c 12 s 3 are each amended to read as follows:

It shall be unlawful from and after the passage of this chapter for any officer, agent, or employee of the state of Washington, or of any county, city or other political subdivision thereof, or for any other person, firm or corporation, or its officers, agents or employees, to run, place, erect, maintain, or use any electrical apparatus or construction, except as provided in the rules of this chapter.

Rule 1. No wire or cable, except the neutral, carrying a current of less than seven hundred fifty volts of electricity within the corporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is less than thirteen inches from the center line of any pole. And no such wire, except the neutral, shall be run past any pole to which it is not attached at a distance of less than thirteen inches from the center line thereof. This rule shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure and the point of attachment to such building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole; nor to bridle or jumper wires on any pole which are attached to or connected with signal wires on the same pole; nor to any aerial cable as between such cable and any pole upon which it originates or terminates; nor to exclusive telephone or telegraph toll lines; nor to aerial cables containing telephone, telegraph, or signal wires, or wires continuing from same, where the cable is attached to poles on which no wires or cables other than the wires continuing from said cable are maintained, provided, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said aerial cable is placed.

Rule 2. No wire or cable used to carry a current of over seven hundred fifty volts of electricity within the incorporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is nearer than twenty-four inches to the center line of any pole. And no such wire or cable shall be run past any pole to which it is not attached at a distance of less than twenty-four inches from the center line thereof. PROVIDED, That this shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture, as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with transformers or other appliances on the same

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pole: PROVIDED FURTHER, That where said wire or cable is run vertically, it shall be rigidly supported and where possible run on the ends of the cross-arms.

Rule 3. No wire or cable carrying a current of more than seven hundred fifty volts, and less than seventy-five hundred volts of electricity, shall be run, placed, erected, maintained or used within three feet of any wire or cable carrying a current of seven hundred fifty volts or less of electricity; and no wire or cable carrying a current of more than seventy-five hundred volts of electricity shall be run, placed, erected, maintained, or used within seven feet of any wire or cable carrying less than seventy-five hundred volts: PROVIDED, That the foregoing provisions of this paragraph shall not apply to any wire or cable within buildings or other structures; nor where the same are run from under ground and placed vertically upon the pole; nor to any service wire or cable where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole: PROVIDED, That where run vertically, wires or cables shall be rigidly supported, and where possible run on the ends of the cross-arms: PROVIDED FURTHER, That as between any two wires or cables mentioned in Rules 1, 2 and 3 of this section, only the wires or cables last in point of time so run, placed, erected or maintained, shall be held to be in violation of the provisions thereof.

Rule 4. No wire or cable used for telephone, telegraph, district messenger, or call bell circuit, fire or burglar alarm, or any other similar system, shall be run, placed, erected, maintained or used on any pole at a distance of less than three feet from any wire or cable carrying a current of over three hundred volts of electricity; and in all cases (except those mentioned in exceptions to Rules 1, 2 and 3) where such wires or cables are run, above or below, or cross over or under electric light or power wires, or a trolley wire, a suitable method of construction, or insulation or protection to prevent contact shall be maintained as between such wire or cable and such electric light, power or trolley wire; and said methods of construction, insulation or protection shall be installed by, or at the expense of the person owning the wire last placed in point of time: PROVIDED, That telephone, telegraph or signal wires or cables operated for private use and not furnishing service to the public, may be placed less than three feet from any line carrying a voltage of less than seven hundred and fifty volts.

Rule 5. Transformers, either single or in bank, that exceed a total capacity of over ten K.W. shall be supported by a double cross-arm, or some fixture equally as strong. No transformer shall be placed, erected, maintained or used on any cross-arm or other appliance on a pole upon which is placed a series electric arc lamp or arc light: PROVIDED, This shall not apply to a span wire supporting a lamp only. All aerial and underground transformers used for low potential distribution shall be subjected to an insulation test in accordance with the standardized rules of the American Institute of Electrical Engineers. In addition to this each transformer shall be tested at rated line voltage prior to each installation and shall have attached to it a tag showing the date on which the test was made, and the name of the person making the test.

Rule 6. No wire or cable, other than ground wires, used to conduct or carry electricity, shall be placed, run, erected, maintained or used vertically on any pole without causing such wire or cable to be at all times sufficiently insulated the full length thereof to insure the protection of anyone coming in contact with said wire or cable.

Rule 7. The neutral point or wire of all transformer secondaries strung or erected for use in low potential distributing systems shall be grounded in all cases where the normal maximum difference of potential between the ground and any point in the secondary circuit will not exceed one hundred and fifty volts. When no neutral point or wire is accessible one side of the secondary circuit shall be grounded in the case of single phase transformers, and any one common point in the case of interconnected polyphase bank or banks of transformers. Where the maximum difference of potential

between the ground and any point in the secondary circuit will, when grounded, exceed one hundred fifty volts, grounding shall be permitted. Such grounding shall be done in the manner provided in Rule 30.

Rule 8. In all cases where a wire or cable larger than No. 14 B.W.G. originates or terminates on insulators attached to any pin or other appliance, said wire or cable shall be attached to at least two insulators: PROVIDED HOWEVER, That this section shall not apply to service wires to buildings; nor to wires run vertically on a pole; nor to wires originating or terminating on strain insulators or circuit breakers; nor to telephone, telegraph or signal wires outside the limits of any incorporated city or town.

Rule 9. Fixtures placed or erected for the support of wires on the roofs of buildings shall be of sufficient strength to withstand all strains to which they may be subjected, due to the breaking of all wires on one side thereof, and except where insulated wires or cables are held close to fire walls by straps or rings, shall be of such height and so placed that all of the wires supported by such fixtures shall be at least seven feet above any point of roofs less than one-quarter pitch over which they pass or may be attached, and no roof fixtures or wire shall be so placed that they will interfere with the free passage of persons upon, over, to or from the roofs.

Rule 10. No guy wire or cable shall be placed, run, erected, maintained or used within the incorporate limits of any city or town on any pole or appliance to which is attached any wire or cable used to conduct electricity without causing said guy wire or cable to be efficiently insulated with circuit breakers at all times at a distance of not less than eight feet nor more than ten feet measured along the line of said guy wire or cable from each end thereof: PROVIDED, No circuit breaker shall be required at the lower end of the guy wire or cable where the same is attached to a ground anchor, nor shall any circuit breaker be required where said guy wire or cable runs direct from a grounded messenger wire to a grounded anchor rod.

Rule 11. In all span wires used for the purpose of supporting trolley wires or series arc lamps there shall be at least two circuit breakers, one of which shall at all times be maintained no less than four feet nor more than six feet distant from the trolley wire or series arc lamp, and in cases where the same is supported by a building or metallic pole, the other circuit breaker shall be maintained at the building or at the pole: PROVIDED, That in span wires which support two or more trolley wires no circuit breaker shall be required in the span wire between any two of the trolley wires: PROVIDED FURTHER, That in span wires supporting trolley wires attached to wooden poles only the circuit breaker adjacent to the trolley wire shall be required.

Rule 12. At all points where in case of a breakdown of trolley span wires, the trolley wire would be liable to drop within seven feet of the ground, there shall be double span wires and hangers placed at such points.

Rule 13. All energized wires or appliances installed inside of any building or vault, for the distribution of electrical energy, shall be sufficiently insulated, or so guarded, located, or arranged as to protect any person from injury.

Rule 14. The secondary circuit of current transformers, the casings of all potential regulators and arc light transformers, all metal frames of all switch boards, metal oil tanks used on oil switches except where the tank is part of the conducting system, all motor and generator frames, the entire frame of the crane and the tracks of all traveling cranes and hoisting devices, shall be thoroughly grounded, as provided in Rule 30.

Rule 15. All generators and motors having a potential of more than three hundred volts shall be provided with a suitable insulated platform or mat so arranged as to permit the attendant to stand upon such platform or mat when working upon the live parts of such generators or motors.

Rule 16. Suitable insulated platforms or mats shall be provided for the use of all persons while working on any live part of switchboards on which any wire or appliance carries a potential in excess of three hundred volts.

Rule 17. Every generator, motor, transformer, switch or other similar piece of apparatus and device used in the generation, transmission or distribution of electrical energy in stations or

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substations, shall be either provided with a name plate giving the capacity in volts and amperes, or have this information stamped thereon in such a manner as to be clearly legible.

Rule 18. When lines of seven hundred fifty volts or over are cut out at the station or substation to allow employees to work upon them, they shall be short-circuited and grounded at the station, and shall in addition, if the line wires are bare, be short-circuited, and where possible grounded at the place where the work is being done.

Rule 19. All switches installed with overload protection devices, and all automatic overload circuit breakers must have the trip coils so adjusted as to afford complete protection against overloads and short circuits, and the same must be so arranged that no pole can be opened manually without opening all the poles, and the trip coils shall be instantly operative upon closing.

Rule 20. All feeders for electric railways must, before leaving the plant or substation, be protected by an approved circuit breaker which will cut off the circuit in case of an accidental ground or short circuit.

Rule 21. There shall be provided in all distributing stations a ground detecting device.

Rule 22. There shall be provided in all stations, plants, and buildings herein specified warning cards printed on red cardboard not less than two and one-quarter by four and one-half inches in size, which shall be attached to all switches opened for the purpose of ~~((linemen))~~ lineworkers or other employees working on the wires. The person opening any line switch shall enter upon said card the name of the person ordering the switch opened, the time opened, the time line was reported clear and by whom, and shall sign his own name.

Rule 23. No manhole containing any wire carrying a current of over three hundred volts shall be less than six feet from floor to inside of roof; if circular in shape it shall not be less than six feet in diameter; if square it shall be six feet from wall to wall: PROVIDED HOWEVER, That this paragraph shall not apply to any manhole in which it shall not be required that any person enter to perform work: PROVIDED FURTHER, That the foregoing provisions of this paragraph shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location designated by the proper authorities.

Rule 24. All manholes containing any wires or appliances carrying electrical current shall be kept in a sanitary condition, free from stagnant water or seepage or other drainage which is offensive or dangerous to health, either by sewer connection or otherwise, while any person is working in the same.

Rule 25. No manhole shall have an opening to the outer air of less than twenty-six inches in diameter, and the cover of same shall be provided with vent hole or holes equivalent to three square inches in area.

Rule 26. No manhole shall have an opening which is, at the surface of the ground, within a distance of three feet at any point from any rail of any railway or street car track: PROVIDED, That this shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with the provisions of this paragraph: PROVIDED, That in complying with the provisions of this rule only the construction last in point of time performed, placed or erected shall be held to be in violation thereof.

Rule 27. Whenever persons are working in any manhole whose opening to the outer air is less than three feet from the rail of any railway or street car track, a ~~((watchman))~~ watchperson or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Rule 28. All persons employed in manholes shall be furnished with insulated platforms so as to protect the workers while at work in the manholes: PROVIDED, That this paragraph shall not apply to manholes containing only telephone, telegraph or signal wires or cables.

Rule 29. No work shall be permitted to be done on any live wire, cable or appliance carrying more than seven hundred fifty volts of electricity by less than two competent and experienced

persons, who, at all times while performing such work shall be in the same room, chamber, manhole or other place in which, or on the same pole on which, such work is being done: PROVIDED, That in districts where only one competent and experienced person is regularly employed, and a second competent and experienced person cannot be obtained without delay at prevailing rate of pay in said district, such work shall be permitted to be done by one competent and experienced person and a helper who need not be on the same pole on which said work is being done.

No work shall be permitted to be done in any manhole or subway on any live wire, cable or appliance carrying more than three hundred volts of electricity by less than two competent and experienced persons, who at all times while performing such work shall be in the same manhole or subway in which such work is being done.

Rule 30. The grounding provided for in these rules shall be done in the following manner: By connecting a wire or wires not less than No. 6 B.&S. gauge to a water pipe of a metallic system outside of the meter, if there is one, or to a copper plate one-sixteenth inch thick and not less than three feet by six feet area buried in coke below the permanent moisture level, or to other device equally as efficient. The ground wire or wires of a direct current system of three or more wires shall not be smaller than the neutral wire at the central station, and not smaller than a No. 6 B.&S. gauge elsewhere: PROVIDED, That the maximum cross section area of any ground wire or wires at the central station need not exceed one million circular mils. The ground wires shall be carried in as nearly a straight line as possible, and kinks, coils and short bends shall be avoided: PROVIDED, That the provisions of this rule shall not apply as to size to ground wires run from instrument transformers or meters.

Sec. 82. RCW 22.09.860 and 1963 c 124 s 27 are each amended to read as follows:

All railroad companies and ~~((warehousemen))~~ warehouse workers operating in the cities provided for inspection by this chapter shall furnish ample and sufficient police protection to all their several terminal yards and terminal tracks to securely protect all cars containing commodities while the same are in their possession. They shall prohibit and restrain all unauthorized persons, whether under the guise of sweepers, or under any other pretext whatever, from entering or loitering in or about their railroad yards or tracks and from entering any car of commodities under their control, or removing commodities therefrom, and shall employ and detail such number of ~~((watchmen))~~ watchpersons as may be necessary for the purpose of carrying out the provisions of this section.

Sec. 83. RCW 81.40.095 and 1961 c 14 s 81.40.095 are each amended to read as follows:

The utilities and transportation commission shall adopt and enforce rules and regulations relating to sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to railroad ~~((trainmen, enginemen, yardmen))~~ workers, maintenance of way employees, highway crossing ~~((watchmen))~~ watchpersons, clerical, platform, freight house and express employees.

Sec. 84. RCW 19.28.261 and 2003 c 399 s 302 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

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(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

(a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

(b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside (~~lineman~~) lineworker apprenticeship course that is recognized by the department and that qualifies a person to perform such work;

(c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(8).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

Sec. 85. RCW 19.28.321 and 2001 c 211 s 21 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall appoint a chief electrical inspector and may appoint other electrical inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector, subject to the review of the director, shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector, subject to the review of the director, shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than: Four years experience as (~~journeyman~~) journeyperson electricians in the electrical construction trade installing and maintaining electrical wiring and equipment, or two years electrical training in a college of electrical engineering of recognized standing and four years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work; or four years experience as a (~~journeyman~~) journeyperson electrician performing the duties of an electrical inspector

employed by the department or a city or town with an approved inspection program under RCW 19.28.141, except that for work performed in accordance with the national electrical safety code and covered by this chapter, such inspections may be performed by a person certified as an outside (~~journeyman lineman~~) journeyperson lineworker, under RCW 19.28.261(~~(2)) (5)(b)~~, with four years experience or a person with four years experience as a certified outside (~~journeyman lineman~~) journeyperson lineworker performing the duties of an electrical inspector employed by an electrical utility. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. As a condition of employment, inspectors hired exclusively to perform inspections in accordance with the national electrical safety code must possess and maintain certification as an outside (~~journeyman lineman~~) journeyperson lineworker. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 86. RCW 50.04.240 and 1945 c 35 s 25 are each amended to read as follows:

The term "employment" shall not include service as a (~~newsboy~~) newspaper delivery person selling or distributing newspapers on the street or from house to house.

NEW SECTION. Sec. 87. The code reviser must recommend legislation correcting gender-specific references in all existing statutes by December 1, 2007, and advise the legislature of gender-specific language changes that would result in substantive changes to the law."

Senators Kohl-Welles and Clements spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Clements to Senate Bill No. 5063.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "references;" strike the remainder of the title and insert "amending RCW 41.08.020, 41.08.030, 41.08.075, 41.08.080, 41.08.090, 41.08.100, 41.08.150, 41.08.220, 41.12.020, 41.12.030, 41.12.075, 41.12.080, 41.12.090, 41.12.100, 41.12.150, 41.12.220, 41.16.010, 41.16.020, 41.16.030, 41.16.040, 41.16.050, 41.16.070, 41.16.080, 41.16.100, 41.16.110, 41.16.120, 41.16.130, 41.16.140, 41.16.145, 41.16.150, 41.16.160, 41.16.170, 41.16.180, 41.16.190, 41.16.200, 41.16.210, 41.16.220, 41.16.230, 41.16.250, 41.18.010, 41.18.015, 41.18.020, 41.18.030, 41.18.040, 41.18.045, 41.18.050, 41.18.060, 41.18.080, 41.18.090, 41.18.100, 41.18.102, 41.18.130, 41.18.140, 41.18.150, 41.18.160, 41.18.165, 41.18.170, 41.18.180, 41.18.190, 41.18.210, 9.40.130, 9A.48.020, 19.09.100, 35.17.100, 35A.11.020, 35.27.240, 35.66.040, 35.75.050, 35.88.020, 41.44.060, 41.48.030, 46.37.185, 81.28.080, 35.23.121, 35.27.220, 59.12.110, 82.38.230, 87.03.020, 87.84.020, 19.29.010, 22.09.860, 81.40.095, 19.28.261, 19.28.321, and 50.04.240; and creating new sections."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5063.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 41

Voting nay: Senator Stevens - 1

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

ENGROSSED SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5267, by Senators McAuliffe, Eide, Brandland, Fairley and Kohl-Welles

Providing for the use of the school district capital projects funds for technology.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5267 was substituted for Senate Bill No. 5267 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Holmquist be adopted.

On page 4, line 21, after "authorized" insert "PROVIDED FURTHER, That a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district"

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Holmquist on page 4, line 21 to Substitute Senate Bill No. 5267.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5267 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Clements spoke in favor of passage of the bill.

POINT OF ORDER

Senator Roach: "I have passed for members of the Senate an invitation or a committee meeting announcement from the Oregon State Legislature. In Oregon, Senate Committee on Business, Transportation and Workforce Development. Where there, according to this, there's going to be a joint meeting of the Washington State Transportation Committee, excuse me,

Washington Senate Transportation Committee and the Oregon Senate Business, Transportation, Workforce Committee today at 11:30. Of course, it's not 11:30 now but it's impossible for our members to be at this meeting at 11:30 and be here on the floor. Mr. President, my point of order would be that I believe that there should be a simple majority vote to suspend the rules and allow this standing committee to in fact meet with the standing committee in the State of Oregon today during our session when our members should and could have been here voting."

POINT OF ORDER

Senator Eide: "I'm very sympathetic and I understand what the good Senator is saying but we will be off the floor by 11:30 today."

POINT OF ORDER

Senator Roach: "My point of order would be that we are not finished voting. There's still one bill left. I brought this issue up several bills ago and took the opportunity to get this before the members. I think that it is unreasonable to think that an individual can be here to 11:20 a.m. and yet still be in Portland at 11:30 a.m. So, in fact, this is out of order that these two meetings are overlapping by anyone's understanding of transportation, although there are those in this state that would claim that we have none."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, in responding to your point of order the President has two thoughts on this matter. First off, the practice has been that the issue is not taken up until there is a time when in fact there is a conflict between the senate being on the floor and the committee actually taking place so, the President believes, that the timeliness of it would be at that point when there would be a conflict between the committee meeting and the senate. But, even at that, the President would note that this notice that you provided is from the Senate Committee on Business Transportation Workforce Development of the Oregon State Legislature not Washington State. The Washington State Senate Transportation Committee as a whole is not in Oregon at this time. There are approximately three or four members that have gone down there. They have notified us that this is not a committee meeting but rather a participation in their meeting and therefore information gathering. The President does not believe that this constitutes an official meeting of the Senate Transportation Committee therefore your point of order is not well taken."

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5267.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5267 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Excused: Senators Benton, Haugen, Hewitt, Marr, McCaslin, Pridemore and Swecker - 7

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ENGROSSED SUBSTITUTE SENATE BILL NO. 5267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:15 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 19, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-THIRD DAY, FEBRUARY 19, 2007

2007 REGULAR SESSION

FORTY-THIRD DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, February 19, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 15, 2007

SB 5163 Prime Sponsor, Jacobsen: Creating the Washington state capitol park. Revised for 1st Substitute: Creating a capitol campus tourism task force. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5163 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5164 Prime Sponsor, Jacobsen: Expanding the veterans conservation corps program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5164 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

Passed to Committee on Ways & Means.

February 15, 2007

SB 5224 Prime Sponsor, Jacobsen: Concerning the statewide salmon recovery office. Revised for 1st Substitute: Regarding the governor's salmon recovery office. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5224 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen and Spanel

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 15, 2007

SB 5233 Prime Sponsor, Hatfield: Concerning special purpose district commissioner per diem compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5233 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5245 Prime Sponsor, Hargrove: Modifying foster children placement provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5245 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 15, 2007

SB 5278 Prime Sponsor, Franklin: Concerning use of public funds to finance campaigns for local office. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5339 Prime Sponsor, Kilmer: Authorizing the acquisition and operation of tourism-related facilities by port districts. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5339 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5362 Prime Sponsor, Jacobsen: Preserving farm and agricultural land through conservation futures levies. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5362 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 16, 2007

SB 5425 Prime Sponsor, Kohl-Welles: Adding additional appropriate locations for the transfer of newborn children. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Stevens

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5429 Prime Sponsor, Franklin: Concerning deductions from moneys received by an inmate. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5478 Prime Sponsor, Kastama: Increasing local economic competitiveness. Revised for 1st Substitute: Addressing less than countywide port district formation. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5568 Prime Sponsor, Rasmussen: Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Revised for 1st Substitute: Extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5568 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 16, 2007

SB 5625 Prime Sponsor, Hargrove: Authorizing counties and cities to contract for jail services with counties and cities in adjacent states. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5625 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5634 Prime Sponsor, Brandland: Revising corrections personnel training provisions. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: That Substitute Senate Bill No. 5634 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 16, 2007

SB 5644 Prime Sponsor, Regala: Establishing standards for clubhouse rehabilitation services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5644 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5754 Prime Sponsor, Stevens: Creating the family, children, and youth administration in the department of social and health services. Revised for 1st Substitute: Creating the children in families administration in the department of social and health services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5754 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 15, 2007

SB 5761 Prime Sponsor, Rasmussen: Providing for the taxation of vegetation management services using goats or sheep. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 16, 2007

SB 5773 Prime Sponsor, Hargrove: Modifying treatment records provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5807 Prime Sponsor, Stevens: Establishing CPS training pilot programs. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

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February 16, 2007

MOTION

SB 5939 Prime Sponsor, Kauffman: Concerning benchmarking mechanisms for the economic climate council. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 16, 2007

SB 5983 Prime Sponsor, Stevens: Requiring juvenile courts to provide truancy hearing notice within the court's resources. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 16, 2007

SJR 8212 Prime Sponsor, Hargrove: Revising limitations on use of inmate labor. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5245, Senate Bill No. 5634 and Senate Bill No. 5807 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 6, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

TOM KOENNINGER, reappointed April 4, 2007, for the term ending April 3, 2011, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 16, 2007

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,
ENGROSSED HOUSE BILL NO. 1283,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 16, 2007

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1045,
HOUSE BILL NO. 1366,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6067 by Senators Hobbs, Keiser, Fraser, Weinstein, Regala, Pridemore, Spanel, Rasmussen and Kohl-Welles

AN ACT Relating to creating the Washington voluntary retirement accounts program; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

SB 6068 by Senators Hobbs, Stevens, Haugen, Fairley, Berkey, McAuliffe, Shin and Kohl-Welles

AN ACT Relating to a feasibility study on commuter rail service between Everett and Leavenworth; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

SB 6069 by Senators Hargrove, Hatfield and Rasmussen

AN ACT Relating to the establishment of advisory rates for log haulers; and adding a new chapter to Title 80 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6070 by Senators Shin, Sheldon, Spanel and Delvin

AN ACT Relating to the modification of the governing boards of state colleges and universities; amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100; and creating a new section.

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Referred to Committee on Higher Education.

SB 6071 by Senators Delvin, Brown, Kohl-Welles and Sheldon

AN ACT Relating to the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.263; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6072 by Senators Kastama, Franklin and Regala

AN ACT Relating to the sales and use tax funding of certain high-capacity transportation systems; amending RCW 81.104.170; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

SB 6073 by Senators Shin, Clements, Sheldon, Kauffman, Berkey, Jacobsen and Rasmussen

AN ACT Relating to providing incentives for the preservation of manufactured/mobile home communities; amending RCW 43.185A.050; adding a new section to chapter 43.185A RCW; adding a new section to chapter 43.180 RCW; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

SB 6074 by Senators Shin and Rasmussen

AN ACT Relating to maintenance and operation funding for parks; and reenacting and amending RCW 82.46.035.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6075 by Senator Haugen

AN ACT Relating to increasing competitive bid limits for the purchase of materials, equipment, or supplies; and reenacting and amending RCW 36.32.245.

Referred to Committee on Government Operations & Elections.

SB 6076 by Senators McCaslin and Carrell

AN ACT Relating to disclosure of investigative records of law enforcement agencies; and amending RCW 42.56.240.

Referred to Committee on Judiciary.

SB 6077 by Senators Kilmer, Delvin, Shin, Sheldon, Hatfield, Keiser, Tom, Hobbs, Weinstein, Rasmussen, Pridemore and Murray

AN ACT Relating to college textbooks; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SB 6078 by Senators Murray, Clements and Kohl-Welles

AN ACT Relating to retailer licenses for the sale of alcoholic beverages; amending RCW 66.44.310, 66.24.400, 66.08.180, 66.08.220, 66.20.010, 66.20.310, 66.24.410, and 66.24.440; reenacting and amending RCW 66.04.010 and 66.24.420; adding a new section to chapter 66.24 RCW; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6079 by Senators Roach and Rasmussen

AN ACT Relating to luring of a child or person with a developmental disability; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6080 by Senators Honeyford, Morton, Schoesler, Stevens, McCaslin and Rasmussen

AN ACT Relating to increasing state funding for local effort assistance; amending RCW 28A.500.020 and 28A.500.020; reenacting and amending RCW 28A.500.030; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6081 by Senators Parlette, Poulsen, Honeyford and Rasmussen

AN ACT Relating to outdoor burning in urban growth areas of certain small cities; amending RCW 70.94.743; and creating a new section.

Referred to Committee on Ways & Means.

SB 6082 by Senators Kohl-Welles and Keiser

AN ACT Relating to unemployment insurance voluntary quit provisions; amending RCW 50.20.050 and 50.20.100; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6083 by Senators Pflug, Keiser, Parlette, Kastama and Rasmussen

AN ACT Relating to access to medical information for physicians; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.57 RCW; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6084 by Senators Pflug, Poulsen, Rockefeller, Brandland, Rasmussen, Kohl-Welles and Kline

AN ACT Relating to retail sales taxes on vehicles using clean alternative fuels; amending RCW 82.08.813 and 82.12.813; and amending 2005 c 296 s 5 (uncodified).

Referred to Committee on Ways & Means.

SB 6085 by Senators Roach, Benton and Sheldon

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MOTION

AN ACT Relating to protection and facilitation of the right to petition; amending RCW 29A.72.170 and 29A.72.140; adding a new section to chapter 29A.72 RCW; creating new sections; prescribing penalties; and providing effective dates.

Referred to Committee on Government Operations & Elections.

SB 6086 by Senators Spanel, Rasmussen, Brandland, Jacobsen, Honeyford, Hatfield, Kohl-Welles, Clements, Hargrove and Shin

AN ACT Relating to providing excise tax relief for purchases of diesel fuel for use in commercial fishing; and amending RCW 82.08.0298 and 82.12.0298.

Referred to Committee on Ways & Means.

SB 6087 by Senators Kastama, Pflug and Rasmussen

AN ACT Relating to creating the rural manufacturer export outreach program; adding a new section to chapter 43.210 RCW; repealing RCW 43.210.050; and making an appropriation.

Referred to Committee on Economic Development, Trade & Management.

SB 6088 by Senators Jacobsen, Morton, Fraser, Brandland, Hargrove and Rasmussen

AN ACT Relating to state trust lands; amending RCW 79.13.010, 79.13.060, 79.13.110, 79.17.200, 79.19.010, 79.19.020, 79.19.030, 79.19.070, and 79.19.080; reenacting and amending RCW 79.17.010 and 79.17.020; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79.17 RCW; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6089 by Senator Benton

AN ACT Relating to a sales and use tax exemption for equipment purchased by volunteer firefighters; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6090 by Senators Delvin, Zarelli and McCaslin

AN ACT Relating to persons who perform crowd management or guest services; and amending RCW 18.170.010 and 18.170.020.

Referred to Committee on Labor, Commerce, Research & Development.

SCR 8406 by Senators Shin, Rasmussen, Morton, Schoesler and Hatfield

Creating an aerospace task force.

Referred to Committee on Economic Development, Trade & Management.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6074 which was referred to the Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8635

By Senator Rasmussen

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington state develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 80,000 young people and nearly 10,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2006; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after-school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government Program focused this year on the media's influence and relationship with the political process and bettering the understanding of the issues related to pivotal political happenings; and

WHEREAS, 4-H will continue its dedication to empowering young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary to Pat Boyes, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

Senators Rasmussen and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8635.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "I apologize, I had over forty signatures on this resolution and some where between the bar

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and a senators desk we lost it. So, and it wasn't your fault Mr. President, but I would want to make sure that the members that has signed onto this resolution would have the opportunity to do so. I don't know if I can get them all to sign on before two o'clock this afternoon but I'm not alone on this resolution. I'm sure the entire members of the senate would of put their name on it if I could find it. With that, I want to thank you Mr. President for hearing this resolution and please remember we are honoring the young leaders in the youth of tomorrow. With that, thank you very much."

REMARKS BY THE PRESIDENT

President Owen: "Senator Rasmussen, you can have additional time in order to find those signatures and when you get, have it, let us know and we will place them on there for you."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President. I certainly appreciate that because I know both caucuses wanted this resolution to be signed by their entire members and I know that I got almost all of them on the other side and I got all of ours and so I will scurry around and make sure it's done. Thank you."

MOTION

At 12:10 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 20, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FOURTH DAY, FEBRUARY 20, 2007

2007 REGULAR SESSION

FORTY-FOURTH DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 20, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2007

SB 5064 Prime Sponsor, Jacobsen: Designating the Garry Oak as the state oak tree. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5121 Prime Sponsor, Kohl-Welles: Modifying provisions affecting suspension of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5220 Prime Sponsor, Jacobsen: Supporting nature-based tourism. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 19, 2007

SB 5382 Prime Sponsor, Kauffman: Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5385 Prime Sponsor, Shin: Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5438 Prime Sponsor, Eide: Creating the Washington community learning center program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

February 19, 2007

SB 5450 Prime Sponsor, Rasmussen: Allowing students whose individualized education program continues beyond high school to participate in high school graduation ceremonies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5450 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5451 Prime Sponsor, Rasmussen: Authorizing students who are covered by section 504 of the rehabilitation act of 1973 to obtain a certificate of individual achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5537 Prime Sponsor, Fairley: Modifying provisions relating to reclassifications, class studies, and salary adjustments. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

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SB 5551 Prime Sponsor, Prentice: Enhancing enforcement of liquor and tobacco laws. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5581 Prime Sponsor, Kohl-Welles: Creating a mathematics/science scholar diploma designation and scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5581 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 16, 2007

SB 5612 Prime Sponsor, Kilmer: Establishing a statewide online business training and entrepreneurial curriculum. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 19, 2007

SB 5677 Prime Sponsor, Murray: Concerning adjustments to industrial insurance total disability compensation reductions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5731 Prime Sponsor, Shin: Creating a committee on the education of students in high demand fields. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5731 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5782 Prime Sponsor, McAuliffe: Regarding child care grants for students at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 19, 2007

SB 5784 Prime Sponsor, Shin: Exempting required college instructional materials from sales and use taxation. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5784 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 16, 2007

SB 5796 Prime Sponsor, Hargrove: Authorizing earned release credit in county alternative sentencing programs. Revised for 1st Substitute: Addressing credit for time served in a county supervised community option. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5806 Prime Sponsor, Schoesler: Implementing Washington learns higher education recommendations. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5806 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 19, 2007

SB 5855 Prime Sponsor, Delvin: Implementing the Washington learns modifications. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5855 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5904 Prime Sponsor, Keiser: Establishing payments for medicaid contracted services in boarding homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Without recommendation. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Pflug

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 19, 2007

SGA 9082 STEVEN ADELSTEIN, appointed October 1, 2006, for the term ending September 30, 2011, as Member,

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Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9085 ANTHONY ARONICA, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9095 JAY CARMONY, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9115 FRANCOIS FORGETTE, appointed May 11, 2005, for the term ending September 30, 2007, as Member, Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9126 MIKE HUDSON, appointed August 1, 2005, for the term ending June 30, 2009, as Member of the Work Force Training and Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9168 ANNE PROFFITT, appointed November 16, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9174 CHARLES ROBINSON, appointed November 10, 2005, for the term ending September 30, 2010, as Member, Board of Trustees, Community College District No. 21 (Whatcom Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 19, 2007

SGA 9245 GORDON (DON) PIERCY, appointed January 15, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Skagit Valley Community College District No. 4. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6091 by Senators Tom, Honeyford, Weinstein, Oemig, Kauffman, Kilmer, Delvin and Jacobsen

AN ACT Relating to making credit card payments in person; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 32.04 RCW; and adding a new section to chapter 33.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 6092 by Senators Keiser, Delvin, Poulsen, Morton and Tom

AN ACT Relating to improving the administration of taxes by implementing weight-based taxation for moist snuff; amending RCW 82.26.010, 82.26.020, and 82.26.030; adding a new section to chapter 82.26 RCW; and creating a new section.

Referred to Committee on Ways & Means.

SB 6093 by Senators Fraser and Rasmussen

AN ACT Relating to retirement allowance limits for certain plan 1 members of the public employees' retirement system and teachers' retirement system; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1024 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby)

AN ACT Relating to phasing out the use of polybrominated diphenyl ethers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Water, Energy & Telecommunications.

SHB 1045 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, McCoy, Eickmeyer and Kretz)

AN ACT Relating to maintaining deductions from proceeds of transactions authorized on state lands as determined by the board of natural resources; and amending RCW 79.64.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 1283 by Representatives Roach, McDonald, Morrell, Rolfes, Kelley, Skinner, Orcutt, Priest, Takko, Conway, Appleton, Newhouse, Haler, Moeller, VanDeWege, McCune, Roberts and Springer

AN ACT Relating to high school diplomas for persons who leave school before graduation to serve in the United States armed forces; and amending RCW 28A.230.120.

Referred to Committee on Early Learning & K-12 Education.

HB 1366 by Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darneille, Dickerson, Linville, Springer, Hurst and Wood

AN ACT Relating to a privilege from compelled testimony for members of the news media; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8631

By Senator Schoesler

WHEREAS, The St. John-Endicott Eagles won the Whitman League football title; and

WHEREAS, The Eagles won a wild 92-68 class 1B quarterfinal playoff game over Odessa; and

WHEREAS, St. John-Endicott relied more on its defense in a 32-28 victory over Pateros in the state semifinals to earn its first trip to a state football championship game since 1984; and

WHEREAS, In the state championship game against the Lummi Blackhawks, SJE took a 6-0 halftime lead on an 84-yard touchdown run by Phillip Luft and then added a 27-yard touchdown pass from quarterback Andrew Wolfe to William Harrison in the third quarter before holding on to defeat Lummi 12-6 in the state 1B football championship game at the Tacoma Dome on December 2nd; and

WHEREAS, The 18 points were the lowest combined total in eight-man state football championship game history; and

WHEREAS, Lummi reached SJE's red zone seven times during the game, but the Eagles' defense prevented them from scoring six of those seven times;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate and honor the St. John-Endicott Eagles players, head coach Joey McCanna, and assistant coaches Bob Clements and Bryan Carter on winning the state 1B football title and finishing their season with a 13-1 record.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8631.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

Senator Schoesler moved adoption of the following resolution:

SENATE RESOLUTION 8632

By Senator Schoesler

WHEREAS, The Asotin High School football team began the 2006 season by losing its first three games; and

WHEREAS, The Panthers turned their season around by winning their next six games to finish the regular season with a 6-3 record; and

WHEREAS, Asotin dominated other Southeast 2B League teams by a combined score of 263-32; and

WHEREAS, The Panthers continued their hot streak once they reached the playoffs, defeating Lind-Ritzville, Davenport, and previously undefeated Toutle Lake to reach the state championship game against the undefeated La Salle Lightning; and

WHEREAS, In the state title game, Asotin scored three touchdowns in a six-minute stretch of the second quarter to take a commanding halftime lead en route to defeating La Salle 28-10 and capturing the Class 2B state football title on December 1st in the Tacoma Dome; and

WHEREAS, In winning their first ever state football championship, the Panthers became the first three-loss team in the 32 years of Class 2B football to win a state title;

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NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the Asotin Panthers on winning the 2006 state Class 2B football championship, especially the players, head coach Salvador Lopez, longtime coach Rick Wilcox, and assistant coaches Corey Mullins, Jim Holman, Ken Parham, and Jim Cook.

Senator Schoesler spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8632.

The motion by Senator Schoesler carried and the resolution was adopted by voice vote.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 21, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-FIFTH DAY, FEBRUARY 21, 2007

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FORTY-FIFTH DAY

McCaslin, Parlette, Marr, Swecker, Kohl-Welles, Berkey, Delvin and Holmquist

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 21, 2007

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senator Fairley.

The Sergeant at Arms Color Guard consisting of Pages Shelby Hewitson and Kory Rasmussen, presented the Colors. Reverend Ian King of the Universal Life Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

February 6, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

Elizabeth Willis, reappointment April 4, 2007, for the term ending April 3, 2011, as a member of Member, State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

MOTION

On motion of Senator Eide, Gubernatorial Appointment No. 9194 was updated to reflect corrected term dates.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING**SB 6094** by Senators Pridemore, Tom and Kohl-Welles

AN ACT Relating to the improving core subject instruction for all students pilot program; adding a new section to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6095 by Senators Rasmussen and Schoesler

AN ACT Relating to estate tax deductions for certain property held by qualified family-owned businesses; and adding a new section to chapter 83.100 RCW.

Referred to Committee on Ways & Means.

SB 6096 by Senators Hewitt, Hobbs, Honeyford, Carrell, Zarelli, Roach, Clements, Schoesler, Brandland, Hatfield, Prentice, Pridemore, Rockefeller, Fraser, Rasmussen, Shin,

AN ACT Relating to Purple Heart special license plates; and reenacting and amending RCW 46.16.305.

Referred to Committee on Transportation.

SB 6097 by Senators Honeyford, Brown, Morton, Zarelli, Schoesler, Brandland, Pridemore and Delvin

AN ACT Relating to providing a use tax exemption for motor vehicles used solely in this state for commuting to and from a place of employment located in a contiguous state or foreign country; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

SB 6098 by Senators Roach and Rasmussen

AN ACT Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties; adding a new section to chapter 80.28 RCW; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6099 by Senator Murray

AN ACT Relating to a state route number 520 expansion impact plan mediator; adding a new section to chapter 47.01 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6100 by Senators Kline and Brandland

AN ACT Relating to charitable donations and other costs imposed on defendants; amending RCW 10.01.160; adding a new section to chapter 10.01 RCW; and adding a new section to chapter 46.63 RCW.

Referred to Committee on Judiciary.

SB 6101 by Senators Oemig, Haugen, Keiser, Weinstein, Kilmer and Hobbs

AN ACT Relating to the broadcast of legal notices over the internet; adding a new section to chapter 43.105 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6102 by Senators Poulsen, Morton, Rockefeller and Pridemore

AN ACT Relating to authorizing locally regulated telecommunications services to the general public and public agencies by public utility districts; and amending RCW 54.16.330, 54.16.340, and 54.16.005.

Referred to Committee on Water, Energy & Telecommunications.

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SB 6103 by Senators Kline, Roach, Weinstein, McCaslin, Brandland, Carrell, Hargrove, Delvin, Honeyford, Shin, Kohl-Welles and Rasmussen

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8637

AN ACT Relating to a pilot program for enforcement of financial fraud and identity theft laws; creating a new section; and making an appropriation.

By Senator McAuliffe

Referred to Committee on Judiciary.

WHEREAS, Civic education is the foundation for an educated citizenry and a representative democracy; and WHEREAS, In order to adequately prepare our state's youth for meaningful participation in our democratic institutions and processes, it is important to have strong educational resources aimed at teaching students and the public about the fragile nature of our Constitution; and

SB 6104 by Senators Kline and Weinstein

AN ACT Relating to citizen enforcement of health and environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.

WHEREAS, Civic education is part of the fabric of our country and for all students in our public schools; and

Referred to Committee on Judiciary.

WHEREAS, Civic education is a vital tool to promote greater understanding of the role of legislators in a representative democracy and the legislative process; and

SB 6105 by Senators Weinstein, Kline and Spanel

AN ACT Relating to authorizing the issuance of civil inspection warrants; adding a new section to chapter 2.08 RCW; adding a new section to chapter 3.02 RCW; adding a new section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; and adding a new section to chapter 35.20 RCW.

WHEREAS, The First Annual Senate Civic Education Day recognizes the value of civic education in Washington state; and

Referred to Committee on Judiciary.

WHEREAS, Civic Education Day establishes a forum for civic educators across the state to collaborate with legislators and other supporters; and

SB 6106 by Senators Spanel, Kohl-Welles, Clements and Keiser

AN ACT Relating to the regulation of certain trades by the department of labor and industries; amending RCW 18.118.020; and adding a new chapter to Title 18 RCW.

WHEREAS, Many organizations such as the Legislative Youth Advisory Council, We the People Foundation, Washington Media Association, Washington State Council of Social Studies, 4-H, YMCA Youth & Government, Washington State Bar Association, Office of the Secretary of State, Service Learning of Washington, Washington State Historical Society, Legislative Scholars Program, and Project Citizen state winners from Touchet School are dedicated to making civic education a priority for Washington state and its citizens; and

Referred to Committee on Labor, Commerce, Research & Development.

WHEREAS, The contributions of committed teachers, principals, community leaders, parents, state employees, and volunteers contribute to the goals of these laudable organizations to create an engaged citizenry; and

SJR 8221 by Senators Kline and Honeyford

Revising the application of discovery rules to proceedings of the judicial conduct commission.

WHEREAS, February 21, 2007, is recognized as the First Annual Washington State Senate Civic Education Day;

Referred to Committee on Judiciary.

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the responsibility to serve and inform all Washingtonians and honor civic educators across the state; and

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

BE IT FURTHER RESOLVED, That the Senate of the State of Washington hereby honor, thank, and celebrate the civic educators of the state.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

Senators McAuliffe, Pridemore, Rasmussen, Fraser, Pflug, Eide, Kohl-Welles and Keiser spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8637.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

The President Pro Tempore welcomed and introduced representatives of a number of civic education groups.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8636

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

By Senator Haugen

MOTION

WHEREAS, Oak Harbor High School this past fall claimed the 4A State Championship football title when the Wildcats capped an exciting season with a 21 to 14 victory in the championship game at the Tacoma Dome; and

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WHEREAS, Along with capturing the State 4A title, the Wildcats, led by Coach Dave Ward, finished their storybook season with an impressive record of 13 and 1; and

WHEREAS, The winning of this year's 4A state title by Oak Harbor was the first football championship won by the school; and

WHEREAS, Quarterback Marshall Lobbestael, who will play for the Washington State University Cougars, was named Class 4A State Player of the Year by the Associated Press; and

WHEREAS, Offensive Lineman Will Hunter was named to the Associated Press All State First Team; and

WHEREAS, With the victory in the state title game Coach Dave Ward compiled his 100th career victory as a head coach;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the Oak Harbor Wildcats for their 4A State Football Championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Oak Harbor School District Superintendent, the Oak Harbor High School Principal, and the Oak Harbor High School's Wildcats Football team members and coaches.

Senator Haugen spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8636.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Oak Harbor School District Superintendent, Dr. Rick Shulte; Cheerleading Squad Coach Pam Headridge; members of the Oak Harbor High School Football Team and the National Cheerleading champions, Oak Harbor cheerleading squad who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9013, Denise Colley; Gubernatorial Appointment No. 9010, Annabelle Fitts; Gubernatorial Appointment No. 9053, Sherry Perry; Gubernatorial Appointment No. 9080, Eric Wiseman; Gubernatorial Appointment No. James L. Kemp; Gubernatorial Appointment No. 9158, Charles P. Nelson; Gubernatorial Appointment No. 9169, W. Stephen Rainey and Gubernatorial Appointment No. 9216, John Driscoll as members of the Board of Trustees, State School for the Blind, be confirmed.

Senators Pridemore and Brandland spoke in favor of the motion.

APPOINTMENT OF DENISE COLLEY

2007 REGULAR SESSION

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9013, Denise Colley, Gubernatorial Appointment No. 9019, Annabelle Fitts; Gubernatorial Appointment No. 9053, Sherry Perry; Gubernatorial Appointment No. 9080, Eric Wiseman; Gubernatorial Appointment No. 9138, James L. Kemp; Gubernatorial Appointment No. 9158, Charles P. Nelson; Gubernatorial Appointment No. 9169, W. Stephen Rainey and Gubernatorial Appointment No. 9216, John Driscoll as members of the Board of Trustees, State School for the Blind.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9013, Denise Colley as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF ANNABELL FITTS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9019, Annabelle Fitts: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF SHERRY PERRY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9053, Sherry Perry as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF ERIC WISEMAN

The Secretary called the roll on the confirmation of

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Gubernatorial Appointment No. 9080, Eric Wiseman as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF JAMES L. KEMP

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9138, James L. Kemp as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF CHARLES P. NELSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9158, Charles P. Nelson as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF W. STEPHEN RAINEY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9169, W. Stephen Rainey as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

APPOINTMENT OF JOHN DRISCOLL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9216, John Driscoll as a member of the Board of Trustees, State School for the Blind and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

Gubernatorial Appointment No. 9013, Denise Colley, Gubernatorial Appointment No. 9019, Annabelle Fitts; Gubernatorial Appointment No. 9053, Sherry Perry; Gubernatorial Appointment No. 9080, Eric Wiseman; Gubernatorial Appointment No. 9138, James L. Kemp; Gubernatorial Appointment No. 9158, Charles P. Nelson; Gubernatorial Appointment No. 9169, W. Stephen Rainey and Gubernatorial Appointment No. 9216, John Driscoll, having received the constitutional majority were declared confirmed as members of the Board of Trustees, State School for the Blind.

MOTION

At 10:54 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:43 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2007
SB 5104 Prime Sponsor, McAuliffe: Expanding the applied baccalaureate degree pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5104 as recommended by Committee on Higher Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 20, 2007
SB 5115 Prime Sponsor, Kilmer: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5115 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 19, 2007

SB 5152 Prime Sponsor, Franklin: Changing the minimum age for children being transported on motorcycles or motor-driven cycles. Revised for 1st Substitute: Modifying restrictions on children riding motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Benton, Delvin, Holmquist and Swecker. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5206 Prime Sponsor, Haugen: Addressing the use of tires with retractable studs. Revised for 1st Substitute: Modifying the regulation of studded tire use. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5206 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5217 Prime Sponsor, Jacobsen: Allowing counties to increase funding for properties acquired through conservation futures. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5217 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Stevens. Without recommendation. Signed by Senator Swecker

Passed to Committee on Ways & Means.

February 19, 2007

SB 5222 Prime Sponsor, Hargrove: Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Ways & Means

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MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5236 Prime Sponsor, Parlette: Concerning the management of public lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5254 Prime Sponsor, Kilmer: Authorizing a grant program for industry skill panels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5254 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5332 Prime Sponsor, Roach: Creating a statewide automated victim information and notification system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5387 Prime Sponsor, Kastama: Promoting economic development through commercialization of technologies. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5387 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

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February 19, 2007
SB 5423 Prime Sponsor, Keiser: Improving the quality of health care through the use of health information technologies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Pflug

Passed to Committee on Ways & Means.

February 19, 2007
SB 5434 Prime Sponsor, Poulsen: Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007
SB 5483 Prime Sponsor, Kauffman: Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5483 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 20, 2007
SB 5599 Prime Sponsor, Schoesler: Modifying provisions related to the distribution of tax proceeds from thermal electric generating facilities. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5632 Prime Sponsor, Kastama: Meeting financial responsibility requirements for automobiles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5632 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Kauffman

Passed to Committee on Financial Institutions & Insurance.

February 20, 2007
SB 5635 Prime Sponsor, Brandland: Revising provisions relating to limitations on polygraph tests. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray and Roach

Passed to Committee on Rules for second reading.

February 19, 2007
SB 5648 Prime Sponsor, Swecker: Providing sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5648 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Pflug

Passed to Committee on Ways & Means.

February 19, 2007
SB 5656 Prime Sponsor, Jacobsen: Creating a regional transfer of development rights program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5656 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007
SB 5723 Prime Sponsor, Rasmussen: Creating and funding the community agricultural worker safety grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler and Tom

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Passed to Committee on Rules for second reading.

February 19, 2007

SB 5743 Prime Sponsor, Kastama: Linking economic clusters and quality management practices to customized training. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5743 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5766 Prime Sponsor, Fraser: Eliminating limitations on the investment of certain state moneys. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5847 Prime Sponsor, Kline: Addressing overpayments received by courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5930 Prime Sponsor, Keiser: Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5930 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

February 20, 2007

SB 6011 Prime Sponsor, Poulsen: Creating the Maury Island aquatic reserve. Reported by Committee on Water, Energy & Telecommunications

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MAJORITY recommendation: That Substitute Senate Bill No. 6011 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Holmquist, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 20, 2007

SB 6012 Prime Sponsor, Poulsen: Concerning shoreline master program provisions on islands in Puget Sound. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Honeyford

Passed to Committee on Rules for second reading.

February 19, 2007

SJR 8220 Prime Sponsor, Fraser: Eliminating prohibitions on the investment of certain state moneys. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee Report be referred to the committees as designated.

MOTION

Senator Schoesler moved to amend the motion by Senator Eide to refer Senate Bill No. 6011 to the Committee on Ways & Means.

President Pro Tempore declared the question before the Senate to be the motion by Senator Schoesler to refer Senate Bill No. 6011 to the Committee on Ways & Means.

Senator Schoesler spoke in favor of the motion.

POINT OF ORDER

Senator Brown: "Is the speaker speaking to the referral of the bill or to people who have problems with the bill?"

Senator Prentice spoke against the motion.

POINT OF ORDER

Senator Benton: "Thank you Madam President. Just an inquiry of the President, do we have a technical difficulty here

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because we hear speeches but there's no reader board on what the speeches are about or what bill we're referring to. For those of us who didn't catch the very first speech then. There we go. Thank you very much."

The motion by Senator Schoesler failed.

The President Pro Tempore declared the question before the senate to be the motion by Senator Eide that all measures listed on the Standing Committee Report be referred to the committees as designated.

The motion by Senator Eide carried.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE JOINT RESOLUTION NO. 8206, by Senators Brown, Zarelli, Eide, Hewitt, Haugen, Franklin, Kilmer, Kauffman, Marr, Rasmussen, Berkey, Sheldon, Keiser, Tom, McAuliffe, Parlette and Rockefeller

Creating the budget stabilization account in the state Constitution.

MOTION

On motion of Senator Brown, Substitute Senate Joint Resolution No. 8206 was substituted for Senate Joint Resolution No. 8206 and the substitute resolution was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Brown be adopted.

On page 2, beginning on line 19, strike all material down through line 26 and insert the following:

"(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund."

Senators Zarelli and Brown spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Brown on page 2, line 19 to Substitute Senate Joint Resolution No. 8206.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 8206 was

advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Brown, Zarelli, Prentice and Hargrove spoke in favor of passage of the resolution.

POINT OF INQUIRY

Senator Jacobsen: "Will Senator Zarelli yield to a question? Senator Zarelli, if the scenario that the previous speaker referred to, if we had an issue down the line or that had a fiscal impact like 695, took about a billion dollars out of the budget. Would that constitute an emergency and then we'd be able to go into the reserve?"

Senator Zarelli: "The emergency, there's two ways to get to the money without a sup majority in this constitutional amendment. One, is when employment growth falls below one percent which indicative if you go back in time. It's clearly when we have significant down turns in which we'd need a reserve like this and the other is in the event of catastrophic event such as a Katrina like event in which an emergency is declared and then we would pass legislation via simple majority to access that fund. Those are the two ways in which the fund as established could be accessed."

Senator Jacobsen spoke against passage of the resolution.

Senator Brandland spoke on passage of the resolution.

Senators Brown and Zarelli spoke in favor of passage of the resolution again.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Joint Resolution No. 8206.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 8206 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli – 45

Voting Nay: Senators Jacobsen, Kohl-Welles and Spanel -- 3

Excused: Senator Fairley - 1

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 8206, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5311, by Senators Brown, Zarelli, Prentice, Marr, Tom, McAuliffe and Kilmer

Creating the budget stabilization account.

MOTION

On motion of Senator Brown, Substitute Senate Bill No. 5311 was substituted for Senate Bill No. 5311 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Brown be adopted.

On page 2, beginning on line 16, after "(4)" strike all material down through and including "(5)" on line 25.

Senator Zarelli spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Brown on page 2, line 16 to Substitute Senate Bill No. 5311.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brown, the rules were suspended, Engrossed Substitute Senate Bill No. 5311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5311.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5311 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, February 22, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SIXTH DAY, FEBRUARY 22, 2007

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FORTY-SIXTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, February 22, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2007

SB 5013 Prime Sponsor, Schoesler: Limiting tuition increase authority. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5013 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 20, 2007

SB 5036 Prime Sponsor, Eide: Repealing the application of the sunset act to the intermediate driver's license program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5037 Prime Sponsor, Eide: Restricting the use of a wireless communications device while operating a moving motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5037 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Holmquist and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5122 Prime Sponsor, Rockefeller: Preserving regulatory assistance provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5122 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5153 Prime Sponsor, Franklin: Encouraging employers to be infant-friendly. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5153 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5192 Prime Sponsor, Hatfield: Modifying the powers and funding of the forensic investigations council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Honeyford, Parlette and Zarelli

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5228 Prime Sponsor, Kline: Protecting indirect purchasers for injuries arising from state antitrust law violations. Revised for 1st Substitute: Revising provisions concerning actions under the consumer protection act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5250 Prime Sponsor, Swecker: Creating an alternative method to transfer motor vehicle ownership. Revised for 1st Substitute: Regarding the transfer of motor vehicle ownership. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5250 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

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MINORITY recommendation: Without recommendation.
Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5295 Prime Sponsor, Kastama: Creating an office of corrections ombudsman. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 19, 2007

SB 5296 Prime Sponsor, Kastama: Establishing the emergency management, preparedness, and assistance account. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5296 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Benton. Without recommendation. Signed by Senator Roach

Passed to Committee on Ways & Means.

February 20, 2007

SB 5301 Prime Sponsor, Haugen: Requiring voluntary measures be included in critical area development regulations. Revised for 1st Substitute: Requiring voluntary measures to be included in critical area development to the extent possible. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5338 Prime Sponsor, Kilmer: Addressing traffic infractions involving rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5345 Prime Sponsor, Kline: Changing requirements for ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5398 Prime Sponsor, Marr: Licensing specialty hospitals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Kastama, Kohl-Welles, Marr and Pflug

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Parlette

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5410 Prime Sponsor, Berkey: Creating postsecondary opportunity programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 20, 2007

SB 5432 Prime Sponsor, Swecker: Allowing fire protection districts to have additional commissioners. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5442 Prime Sponsor, Hobbs: Providing for tuition waivers for eligible veteran or national guard medal recipients. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5457 Prime Sponsor, Morton: Providing an additional means of notification of special meetings. Revised for 1st Substitute: Regarding notice requirements for special meetings of public agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Rules for second reading.

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SB 5497 Prime Sponsor, McAuliffe: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5497 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5507 Prime Sponsor, Kline: Changing Washington's vesting laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5522 Prime Sponsor, Prentice: Providing for the annexation of a portion of a rural county library district by a city, code city, or town. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Ways & Means.

February 20, 2007

SB 5524 Prime Sponsor, Berkey: Regulating manufactured home parks or manufactured housing communities. Revised for 1st Substitute: Addressing the restriction of mobile home or manufactured home locations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Honeyford, Jacobsen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5530 Prime Sponsor, Kohl-Welles: Changing requirements for the restoration of the right to vote for people convicted of felonies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach. Without recommendation. Signed by Senator Swecker

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5533 Prime Sponsor, Pflug: Revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Regala, Vice Chair; Brandland, Carrell, Marr and McAuliffe

Passed to Committee on Ways & Means.

February 20, 2007

SB 5540 Prime Sponsor, Kastama: Making an appropriation to the mobile home park relocation fund. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

February 20, 2007

SB 5554 Prime Sponsor, McAuliffe: Concerning self-service storage facilities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5554 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5561 Prime Sponsor, Oemig: Allowing voter registration up to and on election day. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5566 Prime Sponsor, Franklin: Providing for privacy protection for certain voter registration information. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5566 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

public. Reported by Committee on Consumer Protection & Housing

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5662 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

February 20, 2007

SB 5572 Prime Sponsor, Murray: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Government Operations & Elections

Passed to Committee on Ways & Means.

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Pridemore, Roach and Swecker

February 20, 2007

SB 5682 Prime Sponsor, Kohl-Welles: Clarifying time frames for voter registration challenges. Reported by Committee on Government Operations & Elections

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

February 21, 2007

SB 5619 Prime Sponsor, Pflug: Revising the standards for informed consent to health care. Revised for 1st Substitute: Addressing unwarranted variation in health care. Reported by Committee on Health & Long-Term Care

MINORITY recommendation: Without recommendation. Signed by Senator Benton

MAJORITY recommendation: That Substitute Senate Bill No. 5619 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Kastama, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5687 Prime Sponsor, Keiser: Modifying provisions on permanent partial disability claims. Reported by Committee on Labor, Commerce, Research & Development

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5627 Prime Sponsor, McAuliffe: Requiring a review and development of basic education funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5687 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

MAJORITY recommendation: That Second Substitute Senate Bill No. 5627 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5688 Prime Sponsor, Kohl-Welles: Modifying who may receive industrial insurance claimants' notices, orders, or warrants. Reported by Committee on Labor, Commerce, Research & Development

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Hewitt, Parlette and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5688 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5628 Prime Sponsor, Oemig: Adopting the interstate agreement for the election of the president of the United States by national popular vote. Reported by Committee on Government Operations & Elections

February 20, 2007

SB 5718 Prime Sponsor, Kohl-Welles: Imposing penalties for engaging in the commercial sexual abuse of minors. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MAJORITY recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

MINORITY recommendation: Do not pass. Signed by Senators Benton and Roach. Without recommendation. Signed by Senator Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5662 Prime Sponsor, Weinstein: Regulating charitable organizations that solicit contributions from the

SB 5730 Prime Sponsor, Fairley: Authorizing port districts to provide financial support to nonprofit organizations that serve commercial seafarers while in port. Reported by Committee on Government Operations & Elections

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MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Pridemore

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5732 Prime Sponsor, Fraser: Revising restrictions on the county treasurer regarding receipting current year taxes. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5738 Prime Sponsor, Oemig: Modifying absentee ballot and related election provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Benton and Roach

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5770 Prime Sponsor, Shin: Changing public works provisions for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5786 Prime Sponsor, Kline: Creating a death penalty task force. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Carrell, McCaslin and Roach

Passed to Committee on Ways & Means.

February 21, 2007

SB 5795 Prime Sponsor, Kilmer: Regarding physician assistants determining disability for special parking privileges. Reported by Committee on Health & Long-Term Care

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MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5810 Prime Sponsor, Rasmussen: Extending the current use property tax program for open space land to conserve wildlife habitat. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 21, 2007

SB 5813 Prime Sponsor, McAuliffe: Improving mathematics and science education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5813 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Zarelli. Without recommendation. Signed by Senators Brandland, Clements and Hewitt

Passed to Committee on Ways & Means.

February 20, 2007

SB 5826 Prime Sponsor, Berkey: Modifying consumer credit report provisions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5832 Prime Sponsor, Kohl-Welles: Regarding automatic sprinkler systems in nightclubs. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5832 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Ways & Means.

February 21, 2007

SB 5841 Prime Sponsor, Hobbs: Enhancing student learning opportunities and achievement. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5841 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

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MINORITY recommendation: Without recommendation.
Signed by Senator Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

SB 5842 Prime Sponsor, Oemig: Regarding education system benchmarks and monitoring. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5842 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements and Zarelli

Passed to Committee on Ways & Means.

February 20, 2007

SB 5845 Prime Sponsor, Keiser: Changing provisions affecting security guards. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5845 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5853 Prime Sponsor, Fairley: Clarifying that victims of identity theft who are notified of a security breach are not required to submit a valid police report for the purposes of placing a security freeze. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 19, 2007

SB 5869 Prime Sponsor, Kline: Monitoring personal information collected by state agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5869 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5926 Prime Sponsor, Kohl-Welles: Creating a joint legislative task force to review the underground economy in the construction industry. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Clements, Franklin, Holmquist and Murray

Passed to Committee on Ways & Means.

February 21, 2007

SB 5978 Prime Sponsor, Kilmer: Assessing the higher education needs of the Olympic and Kitsap peninsulas. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

February 19, 2007

SB 6026 Prime Sponsor, Benton: Excluding medical expenses for property tax exemption purposes from the income eligibility requirements for senior citizens, armed forces veterans, and persons retired because of disability. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 21, 2007

SB 6039 Prime Sponsor, Kline: Regarding the University of Washington law school loan repayment assistance program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Sheldon

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 21, 2007

SGA 9113 JENNIFER FAUBION, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Regents, University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2007

SGA 9150 PATRICIA MATTSSEN NOTTER, appointed November 20, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

February 21, 2007

SGA 9151 PATRICK MCELLIGOT, reappointed January 1, 2007, for the term ending December 31, 2009, as Member of

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the Investment Board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 21, 2007

SGA 9179 KYLE SMITH, appointed July 1, 2006, for the term ending June 30, 2007, as Member, Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5442, which was referred to the Committee on Rules and Senate Bill No. 5786 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

January 18, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DON DENNIS, appointed January 20, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Tacoma Community College District No. 22 .

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 21, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1069,
SUBSTITUTE HOUSE BILL NO. 1099,
SUBSTITUTE HOUSE BILL NO. 1141,

HOUSE BILL NO. 1166,
SUBSTITUTE HOUSE BILL NO. 1182,
HOUSE BILL NO. 1187,
SUBSTITUTE HOUSE BILL NO. 1237,
SUBSTITUTE HOUSE BILL NO. 1256,
HOUSE BILL NO. 1296,
SUBSTITUTE HOUSE BILL NO. 1300,
SUBSTITUTE HOUSE BILL NO. 1319,
SUBSTITUTE HOUSE BILL NO. 1323,
HOUSE BILL NO. 1537,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6107 by Senators Zarelli, Hatfield and Rasmussen

AN ACT Relating to conducting a study of pipeline utility corridor capacity; creating a new section; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

SB 6108 by Senators Kastama and Rasmussen

AN ACT Relating to appealing from elementary and middle school scores on the Washington assessment of student learning; amending RCW 28A.655.065; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

SB 6109 by Senators Jacobsen and Kline

AN ACT Relating to the transportation of sand and gravel; amending RCW 36.70A.200; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6110 by Senators Poulsen, Morton, Kline and Kohl-Welles

AN ACT Relating to creating the office of Washington state climatologist; and adding a new chapter to Title 43 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6111 by Senators Hobbs, Poulsen, Jacobsen and Tom

AN ACT Relating to generating electricity from tidal and wave energy; amending RCW 82.08.02567, 82.12.02567, and 82.16.055; adding a new section to chapter 43.31 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6112 by Senators Pflug, Oemig, Rockefeller, Poulsen and Tom

AN ACT Relating to smart grid energy technology; amending RCW 82.63.010; adding a new section to chapter 43.21F RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Water, Energy & Telecommunications.

SB 6113 by Senators Tom, Brandland, Kline, Pflug, Kilmer, Delvin and Parlette

AN ACT Relating to ignition interlock devices; amending RCW 46.20.720, 46.20.740, and 46.55.113; reenacting and amending RCW 46.20.308 and 46.63.020; adding a new section to chapter 46.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6114 by Senators Rasmussen, Roach, Kastama, Benton, Keiser, Morton, Kauffman, Stevens, Clements, Carrell, McCaslin, Marr, Swecker, Shin, Berkey, Pflug, Oemig, Weinstein, Spanel, Honeyford, Regala, Haugen, McAuliffe, Prentice, Fraser, Brown, Murray, Rockefeller, Eide, Tom, Delvin, Pridemore, Hewitt, Parlette, Kline, Kilmer and Kohl-Welles

AN ACT Relating to the caring for Washington individuals with autism task force; and amending 2005 c 259 ss 1 and 2 (uncodified).

Referred to Committee on Health & Long-Term Care.

SB 6115 by Senators Brandland, Rasmussen, Holmquist, Kauffman, Clements, Hobbs, McCaslin, Berkey, Marr, Delvin, Shin, Roach, Regala, Stevens, Swecker, Benton, Hargrove, Spanel, Hewitt and Kline

AN ACT Relating to special education safety net awards; adding new sections to chapter 28A.155 RCW; creating new sections; providing an expiration date; and making appropriations.

Referred to Committee on Early Learning & K-12 Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1069 by Representatives Williams, Hunt and B. Sullivan

AN ACT Relating to designating the Pacific chorus frog as the state amphibian; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1099 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller)

AN ACT Relating to dental professionals; amending RCW 18.32.030, 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

SHB 1141 by House Committee on Human Services (originally sponsored by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa)

AN ACT Relating to destruction of diversion records; and amending RCW 13.50.050.

Referred to Committee on Human Services & Corrections.

HB 1166 by Representatives Takko, Alexander, Curtis, Williams and Moeller

AN ACT Relating to modifying county treasurer administrative provisions; and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200.

Referred to Committee on Government Operations & Elections.

SHB 1182 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Ericks, O'Brien, Lovick, Armstrong, Ormsby, McDonald, Haler, Simpson and Wallace)

AN ACT Relating to missing persons; amending RCW 43.103.110, 36.28A.110, 36.28A.120, and 43.43.751; reenacting and amending RCW 68.50.320; and creating a new section.

Referred to Committee on Judiciary.

HB 1187 by Representatives Kelley, Wood, Morrell, Green, Pettigrew, Ormsby, McDermott, Miloscia, Appleton, Simpson and Haigh

AN ACT Relating to affordable housing; adding a new chapter to Title 43 RCW; and recodifying RCW 43.185.010, 43.185.015, 43.185.020, 43.185.030, 43.185.050, 43.185.060, 43.185.070, 43.185.074, 43.185.076, 43.185.080, 43.185.090, 43.185.100, 43.185.110, 43.185.120, 43.185.130, 43.185.900, 43.185.910, 43.185.911, 43.185A.010, 43.185A.020, 43.185A.030, 43.185A.040, 43.185A.050, 43.185A.060, 43.185A.070, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.900, 43.185A.901, 43.185A.902, 43.185B.005, 43.185B.007, 43.185B.009, 43.185B.010, 43.185B.020, 43.185B.030, 43.185B.040, 43.185B.900, 43.63A.650, 43.330.170, 35.21.685, 35.83.005, 35.83.010, 35.83.020, 35.83.030, 35.83.040, 35.83.050, 35.83.060, 35.83.070, 59.28.010, 59.28.020, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.070, 59.28.080, 59.28.090, 59.28.100, 59.28.120, 59.28.130, 59.28.900, 59.28.901, 59.28.902, 43.63A.500, 43.63A.505, 43.330.165, 70.114.010, 70.114.020, 70.114A.010, 70.114A.020, 70.114A.030, 70.114A.040, 70.114A.045, 70.114A.050, 70.114A.060, 70.114A.065, 70.114A.070, 70.114A.081, 70.114A.085, 70.114A.100, 70.114A.110, 70.114A.900, 70.114A.901, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.645, 70.164.010, 70.164.020, 70.164.030, 70.164.040, 70.164.050, 70.164.060, 70.164.070, 70.164.900, 43.330.110, 43.63A.510, 35.21.687, 36.34.137, 43.20A.037, 47.12.063, 47.12.064, 72.09.055, and 43.19.19201.

FORTY-SIXTH DAY, FEBRUARY 22, 2007

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Referred to Committee on Consumer Protection & Housing.

SHB 1237 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Kirby and Roach)

AN ACT Relating to medical malpractice closed claim reporting; and amending RCW 48.140.020.

Referred to Committee on Financial Institutions & Insurance.

SHB 1256 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Dickerson, Kagi, Hunter, O'Brien and Ericks)

AN ACT Relating to preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings; adding a new section to chapter 43.215 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

HB 1296 by Representatives Hunter and Anderson

AN ACT Relating to information technology projects; and amending RCW 43.88A.020, 43.105.160, 43.105.041, and 43.105.825.

Referred to Committee on Government Operations & Elections.

SHB 1300 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Campbell, Cody, Curtis, Schual-Berke, Green and Moeller)

AN ACT Relating to health professions administrative penalties; amending RCW 18.130.040, 18.130.050, 18.130.140, 18.130.150, 18.130.165, 18.130.170, 18.130.172, 18.130.180, 9.96A.020, and 9.95.240; reenacting and amending RCW 18.130.160; adding new sections to chapter 18.130 RCW; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

SHB 1319 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby)

AN ACT Relating to the protection of employees, contract staff, and volunteers of a correctional agency from stalking; and amending RCW 9A.46.110.

Referred to Committee on Human Services & Corrections.

SHB 1323 by House Committee on Finance (originally sponsored by Representatives McIntire, Pettigrew, Pedersen and Dunn)

AN ACT Relating to excise tax relief for certain limited purpose public corporations, commissions, and authorities; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Government Operations & Elections.

HB 1537 by Representatives Lovick, Ericks, O'Brien and Strow

AN ACT Relating to making a false or misleading material statement that results in an Amber alert; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 12:04 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, February 23, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FORTY-SEVENTH DAY, FEBRUARY 23, 2007

2007 REGULAR SESSION

FORTY-SEVENTH DAY

Passed to Committee on Rules for second reading.

MORNING SESSION

Senate Chamber, Olympia, Friday, February 23, 2007

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Holmquist and McCaslin.

The Sergeant at Arms Color Guard consisting of Pages Mikhail McGee and Jamie Thelen, presented the Colors. Reverend George Anne Boyle, of Vicar St. Benedict's Episcopal Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2007

SB 5027 Prime Sponsor, Kohl-Welles: Providing excise tax relief for zoos. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5031 Prime Sponsor, Jacobsen: Protecting tenants of conversion condominiums. Revised for 1st Substitute: Regarding conversion condominiums. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5031 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5035 Prime Sponsor, Hatfield: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

February 21, 2007

SB 5070 Prime Sponsor, Carrell: Changing provisions affecting offenders who are leaving confinement. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5070 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Marr. Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

February 21, 2007

SB 5092 Prime Sponsor, Marr: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5092 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

SB 5116 Prime Sponsor, Kastama: Creating a public-private tourism partnership. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5116 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 22, 2007

SB 5154 Prime Sponsor, Franklin: Providing tax relief to promote affordable housing. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

February 21, 2007

SB 5169 Prime Sponsor, Shin: Creating the Washington international relations foundation. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

FORTY-SEVENTH DAY, FEBRUARY 23, 2007

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SB 5175 Prime Sponsor, Pridemore: Providing annual increases in certain retirement allowances. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5214 Prime Sponsor, Jacobsen: Concerning specialized forest products. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5214 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5244 Prime Sponsor, Hargrove: Implementing the deficit reduction act. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5244 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 22, 2007

SB 5318 Prime Sponsor, Poulsen: Participating in the management of Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens. Without recommendation. Signed by Senator Morton

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5321 Prime Sponsor, Carrell: Addressing child welfare. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 21, 2007

SB 5381 Prime Sponsor, Hargrove: Concerning dependent children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 21, 2007

SB 5430 Prime Sponsor, Hobbs: Creating the uniformed service shared leave pool. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5440 Prime Sponsor, Keiser: Modifying provisions relating to public facilities districts. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 22, 2007

SB 5446 Prime Sponsor, Keiser: Extending existing mental health parity requirements to individual and small group plans. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5446 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Pflug

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Parlette

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5470 Prime Sponsor, Hargrove: Revising provisions concerning dissolution proceedings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 22, 2007

SB 5488 Prime Sponsor, Poulsen: Helping the recovery of southern resident orca whales. Reported by Committee on Natural Resources, Ocean & Recreation

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MAJORITY recommendation: That Substitute Senate Bill No. 5488 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 22, 2007

SB 5509 Prime Sponsor, Kastama: Concerning disciplinary actions for health care providers regulated under chapter 18.130 RCW. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 21, 2007

SB 5512 Prime Sponsor, Kilmer: Modifying financing provisions for hospital benefit zones. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5548 Prime Sponsor, Kline: Creating the probation services task force. Revised for 1st Substitute: Concerning statewide standards for adult and juvenile probation officers. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5548 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5567 Prime Sponsor, Swecker: Creating the salmon and watershed planning integration work group. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5567 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5596 Prime Sponsor, Franklin: Concerning discrimination against chiropractors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Pflug

Passed to Committee on Ways & Means.

February 22, 2007

SB 5597 Prime Sponsor, Franklin: Concerning contracts with chiropractors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5597 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama and Kohl-Welles

MINORITY recommendation: Without recommendation. Signed by Senators Parlette and Pflug

Passed to Committee on Ways & Means.

February 21, 2007

SB 5641 Prime Sponsor, Rasmussen: Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5643 Prime Sponsor, Regala: Addressing children and families of incarcerated parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 21, 2007

SB 5647 Prime Sponsor, Fraser: Clarifying the use of existing lodging tax revenues for tourism promotion. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5652 Prime Sponsor, Kauffman: Establishing the microenterprise development program. Reported by Committee on Ways & Means

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MAJORITY recommendation: That Second Substitute Senate Bill No. 5652 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5653 Prime Sponsor, Kauffman: Authorizing the development of self-employment assistance programs. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5653 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

SB 5691 Prime Sponsor, Zarelli: Defining the near general fund and requiring revenue forecasts thereof. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5691 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5712 Prime Sponsor, Parlette: Revising provisions for the Washington state health insurance pool. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5712 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 22, 2007

SB 5729 Prime Sponsor, Franklin: Providing dedicated funding for public health services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5729 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 22, 2007

SB 5750 Prime Sponsor, Fairley: Requiring coverage

for neurodevelopmental therapies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5762 Prime Sponsor, Kilmer: Concerning funding for jobs, economic development, and local capital projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5762 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

SB 5774 Prime Sponsor, Hargrove: Revising background check requirements for the department of social and health services and the department of early learning. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5774 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 21, 2007

SB 5776 Prime Sponsor, McAuliffe: Concerning foster care benefits. Revised for 1st Substitute: Establishing a process to review modifications to foster care maintenance payments. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 22, 2007

SB 5828 Prime Sponsor, Kauffman: Regarding early child development and learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

February 21, 2007

SB 5830 Prime Sponsor, Kauffman: Providing home visitation services for families. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: That Substitute Senate Bill No. 5830 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5839 Prime Sponsor, Benton: Revising provisions relating to nonmandatory reporting of child abuse or neglect. Revised for 1st Substitute: Revising provisions relating to false reporting of child abuse or neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5876 Prime Sponsor, Poulsen: Protecting salmon and steelhead spawning beds. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

February 22, 2007

SB 5883 Prime Sponsor, Fraser: Concerning conversion of forest land to nonforestry uses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5883 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 22, 2007

SB 5889 Prime Sponsor, Tom: Funding assessment fees for certificated instructional staff applying for national board for professional teaching standards certification. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

February 22, 2007

SB 5895 Prime Sponsor, Fraser: Regarding sellers' disclosures for residential real property sales. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5952 Prime Sponsor, McAuliffe: Correcting provisions for the department of early learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5952 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5959 Prime Sponsor, Hargrove: Providing assistance to homeless individuals and families. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 22, 2007

SB 5966 Prime Sponsor, Swecker: Preparing a response to the consequences of climate change on the forests of the state. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5966 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 22, 2007

SB 5969 Prime Sponsor, Kilmer: Creating the civic education travel grant program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 21, 2007

SB 5975 Prime Sponsor, Hargrove: Adding the director of the office of public defense and the director of the department of early learning to the family policy council. Reported by Committee on Human Services & Corrections

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MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

SJM 8011 Prime Sponsor, McAuliffe: Petitioning Congress to raise funding levels of the No Child Left Behind Act. Reported by Committee on Early Learning & K-12 Education

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 8011 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

February 21, 2007
SB 5989 Prime Sponsor, Kastama: Providing a property tax exemption for property owned or used by nonprofit organizations for small startup businesses. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5989 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Holmquist and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 21, 2007
SB 5995 Prime Sponsor, Kastama: Providing for the role of the economic development commission in state government. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

February 22, 2007
SGA 9204 ERIC LIU, reappointed February 1, 2007, for the term ending January 30, 2011, as Member of the State Board of Education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 21, 2007
SB 6038 Prime Sponsor, Berkey: Addressing published code reviser's notes in the financial institutions and insurance titles of the Revised Code of Washington. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6038 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Hatfield, Parlette and Schoesler

February 22, 2007
SGA 9223 RICHARD MCIVER, reappointed July 15, 2005, for the term ending June 30, 2009, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 22, 2007
SB 6077 Prime Sponsor, Kilmer: Concerning college textbooks. Reported by Committee on Higher Education

MAJORITY recommendation: That Substitute Senate Bill No. 6077 be substituted therefor, and the substitute bill do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

February 22, 2007
SGA 9226 RAYMOND C. REICKERS, appointed January 26, 2004, for the term ending June 30, 2007, as Member of the Housing Finance Commission. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 22, 2007
SJM 8000 Prime Sponsor, Shin: Requesting the restoration of funding for the study and observation of the global atmospheric transport of pollution. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Sheldon

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5321, Senate Bill No. 5596, Senate Bill No. 5597, Senate Bill No. 5828, Senate Bill No. 5883 and Senate Bill No. 5989 which were referred to the Committee on Ways & Means.

Passed to Committee on Rules for second reading.

MOTION

February 22, 2007

On motion of Senator Eide, the Senate advanced to the fifth

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order of business.

INTRODUCTION AND FIRST READING

SB 6116 by Senators Pflug, Hobbs, Benton, Zarelli, Shin, Stevens, Kilmer, Hatfield, Roach, Marr, Swecker, Hargrove, Brandland, Holmquist, Honeyford, Carrell, Kohl-Welles and Rasmussen

AN ACT Relating to health care for veterans; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6117 by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.120, 90.46.130, 90.82.043, 90.54.020, and 90.54.180; amending 2006 c 279 s 3 (uncodified); adding a new section to chapter 58.17 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.01 RCW; adding new sections to chapter 90.46 RCW; and creating new sections.

Referred to Committee on Water, Energy & Telecommunications.

SB 6118 by Senators Fairley and Regala

AN ACT Relating to complementary and alternative health care; amending RCW 18.130.040; adding a new section to chapter 70.02 RCW; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health & Long-Term Care.

SB 6119 by Senators Eide, Keiser, Marr, Jacobsen, Franklin, Benton and Rasmussen

AN ACT Relating to changing the distribution to and allocation of the fire service training account; and amending RCW 43.43.944.

Referred to Committee on Ways & Means.

SB 6120 by Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser, Kohl-Welles and Rasmussen

AN ACT Relating to rail and freight infrastructure; amending RCW 47.06A.020 and 47.06A.040; and adding a new chapter to Title 81 RCW.

Referred to Committee on Transportation.

SB 6121 by Senators Jacobsen and Kline

AN ACT Relating to establishing a state report card for education; amending RCW 28A.655.061, 28A.655.065, 28A.655.063, and 28A.155.045; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SB 6122 by Senators Rasmussen, Delvin, Zarelli, Fairley, Prentice, Rockefeller, Honeyford, Oemig, Hatfield, Regala, Keiser, Parlette, Brandland, Brown, McAuliffe, Shin, Hargrove, Marr, Eide, Clements, Holmquist, Hobbs, Kauffman, Spanel, Kilmer, Pridemore, Kohl-Welles, Weinstein and Roach

AN ACT Relating to establishing the regional centers for Washington individuals with autism program; adding a new section to chapter 43.70 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SJM 8018 by Senators Kastama, Shin, Weinstein, Kline and Rasmussen

Requesting that the Philippines Consulate be established in Seattle, Washington.

Referred to Committee on Economic Development, Trade & Management.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, pursuant to Senate Rule 46, Senate committees were granted permission to continue meeting while the Senate is in pro forma sessions on Monday, February 26 and Tuesday, February 27.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9016, Edward Delmore, Gubernatorial Appointment No. 9026, Russell D. Hauge, Gubernatorial Appointment No. 9029, Ronald Kessler, Gubernatorial Appointment No. 9035, Dean S. Lum, Gubernatorial Appointment No. 9046, James L. Nagle; Gubernatorial Appointment No. 9050, Lenell Nussbaum; Gubernatorial Appointment No. 9110, Tari Eitzen; Gubernatorial Appointment No. 9200, Mike Brasfield and Gubernatorial Appointment No. 9202, Ellen Fair as members of the Sentencing Guidelines Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators McCaslin and Roach were excused.

The President Pro Tempore declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9016, Edward Delmore; Gubernatorial Appointment No. 9026, Russell D. Hauge; Gubernatorial Appointment No. 9029, Ronald Kessler; Gubernatorial Appointment No. 9035, Dean S. Lum; Gubernatorial Appointment No. 9046, James L. Nagel; Gubernatorial Appointment No. 9050, Lenell Nussbaum; Gubernatorial Appointment No. 9110, Tari Eitzen; Gubernatorial Appointment No. 9200, Mike Brasfield and Gubernatorial Appointment No. 9202, Ellen Fair as members of the Sentencing Guidelines Commission.

APPOINTMENT OF EDWARD DELMORE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9016, Edward Delmore as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF RUSSELL D. HAUGE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9026, Russell D. Hauge as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF RONALD KESSLER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9029, Ronald Kessler as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF DEAN S. LUM

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9035, Dean S. Lum as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF JAMES L. NAGEL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9046, James L. Nagel as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF LENELL NUSSBAUM

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9050, Lenell Nussbaum as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senator Holmquist - 1

Excused: Senator McCaslin - 1

APPOINTMENT OF TARI EITZEN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9110, Tari Eitzen as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

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Voting nay: Senator Benton - 1
Absent: Senator Holmquist - 1
Excused: Senator McCaslin - 1

APPOINTMENT OF MIKE BRASFIELD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9200, Mike Brasfield as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1
Absent: Senator Holmquist - 1
Excused: Senator McCaslin - 1

APPOINTMENT OF ELLEN FAIR

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9202, Ellen Fair as a member of the Sentencing Guidelines Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1
Absent: Senator Holmquist - 1
Excused: Senator McCaslin - 1

Gubernatorial Appointment No. 9016, Edward Delmore; Gubernatorial Appointment No. 9026, Russell D. Hauge; Gubernatorial Appointment No. 9029, Ronald Kessler; Gubernatorial Appointment No. 9035, Dean S. Lum; Gubernatorial Appointment No. 9046, James L. Nagle; Gubernatorial Appointment No. 9050, Lenell Nussbaum; Gubernatorial Appointment No. 9110, Tari Eitzen; Gubernatorial Appointment No. 9200, Mike Brasfield and Gubernatorial Appointment No. 9202, Ellen Fair having received the constitutional majority, were declared confirmed as members of the Sentencing Guidelines Commission.

MOTION

On motion of Senator Hewitt, Senator Holmquist was excused.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed Students Representing the Latino Education Achievement Project who were seated in the Gallery.

PERSONAL PRIVILEGE

2007 REGULAR SESSION

Senator Prentice: "Actually they're from all over the state and I just wanted to make it clear how welcome they are. Mr do tanto Orgullo averlos aqin. Education is going to be the key at the time when in your lifetime, we are going to be the majority and I'm so happy to see that your commitment to education is going to stand you in very, very good stead. I wish I were going to be around to see how many of you young people are going to take it for granted that you are going to be here in a place such as I. Thank you very much for being here."

MOTION

At 10:22 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 11:24 a.m. by President Pro Tempore.

PARLIAMENTARY INQUIRY

Senator Eide: "Are we currently in the sixth order of business?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Yes, we are in the sixth order."

SECOND READING

SENATE BILL NO. 5435, by Senators Kauffman, Pflug, Swecker and Keiser

Creating the public records exemptions accountability committee.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5166, by Senators Shin, Kastama, Marr, Murray, Kauffman, Kilmer, Zarelli, Eide, Berkey, Franklin, Jacobsen, Rockefeller, McAuliffe, Regala, Pridemore, Clements, Keiser, Rasmussen, Sheldon, Delvin and Roach

Designating Korean-American day.

The measure was read the second time.

MOTION

Senator Shin moved that the following amendment by Senator Shin be adopted.

On page 1, line 12, after "recognize" strike "their" and insert "Korean-American"

On page 1, line 13, after "manner" insert ", and to encourage Korean-Americans to honor the sacrifices made by American citizens during the Korean War"

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 1, line 12 to Senate Bill No. 5166.

The motion by Senator Shin carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5166 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Benton and Rasmussen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5166.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5408, by Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield

Modifying provisions on primary election ballots.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5408 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Fairley and Roach spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5408.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5408 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SENATE BILL NO. 5408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5456, by Senator Morton

Revising rules concerning nonresidents' participation in hunting and organized shooting events.

MOTION

On motion of Senator Morton, Substitute Senate Bill No. 5456 was substituted for Senate Bill No. 5456 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

Beginning on page 2, line 31, strike all of subsection (3) and insert the following:

"(3) The alien firearm license shall be valid for five years from the date of issue so long as the alien is lawfully present in the United States. The nonrefundable fee, paid upon application, for the five-year license shall be ~~((fifty-five))~~ thirty dollars plus additional charges imposed by the Washington state patrol and the Federal Bureau of Investigation that are passed on to the applicant. The nonrefundable license fee shall be ~~((distributed as follows:~~

~~—(a) Fifteen dollars shall be paid to the department of licensing;~~

~~—(b) Twenty-five dollars shall be paid to the Washington state patrol; and~~

~~—(c) Fifteen dollars shall be paid to the local law enforcement agency))~~ paid to the county sheriff's department conducting the background check."

Senator Morton spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Morton on page 2, line 31 to Substitute Senate Bill No. 5456.

The motion by Senator Morton carried and the amendment was adopted by voice vote.

On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 5456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5456.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5456 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5273, by Senators Swecker, Murray and Keiser

Modifying motorcycle driver's license endorsement and education provisions.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Clements: "Would Senator Swecker yield to a question? Thank you Senator. Is it the intent of this bill that the funds raised by this legislation will be distributed equally to geographic areas of this state? Specifically, if the bill is enacted will the Department of Licensing use this additional revenue in a manner consistent with its current practice of supporting state subsidized motorcycle safety courses throughout the state?"

Senator Swecker: "Thank you Senator for your question. Yes, the bill is not intended to conflict with the Department of Licensing current practice distributing state subsidies supporting motorcycle safety education courses. It is my understanding that the department currently distributes these funds based on the number of motorcycle endorsements in a give geographic area. This bill will not impair that existing practice."

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5273.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5391, by Senators Kilmer, Swecker, Haugen and Rockefeller

Modifying photo enforcement of traffic infraction provisions.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5391 was substituted for Senate Bill No. 5391 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kilmer, Swecker, Jacobsen and Haugen spoke in favor of passage of the bill.

Senator Benton spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5391.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5391 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Benton, Clements, Hargrove, Holmquist, Honeyford, Poulsen, Schoesler and Stevens - 8

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

FORTY-SEVENTH DAY, FEBRUARY 23, 2007
MOTION

2007 REGULAR SESSION

At 12:19 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Monday, February 26, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTIETH DAY, FEBRUARY 26, 2007

2007 REGULAR SESSION

FIFTIETH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, February 26, 2007

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 19, 2007

SB 5067 Prime Sponsor, Jacobsen: Requiring the use of headlights when windshield wipers are used. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Murray, Vice Chair; Berkey, Jacobsen, Kastama, Kilmer, Pflug, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Marr, Vice Chair; Benton, Clements, Delvin, Holmquist, Kauffman and Sheldon

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5109 Prime Sponsor, Rockefeller: Modifying requirements that direct the department of ecology to adopt rules to implement the state of California's motor vehicle emissions standards. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5120 Prime Sponsor, Kohl-Welles: Requiring a survey of the deployment of broadband technologies among households in the state to encourage cost-effectiveness and identify factors preventing widespread availability. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 23, 2007

SB 5237 Prime Sponsor, Poulsen: Regarding the purchase of carbon credits from methane-producing entities.

Revised for 1st Substitute: Regarding the purchase of carbon credits from entities that remove methane from the environment by the generation of electricity from the anaerobic decomposition of organic matter derived from dairy cows in the state. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5238 Prime Sponsor, Poulsen: Creating a public utility tax credit for eligible light and power businesses to encourage the reduction of methane emissions. Revised for 1st Substitute: Creating a public utility tax credit for eligible light and power businesses that purchase and retire renewable energy credits from a facility that generates electricity from methane gas derived from the anaerobic decomposition of organic matter obtained from dairy cows in the state. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5238 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Ways & Means.

February 23, 2007

SB 5287 Prime Sponsor, Rockefeller: Using renewable resources and energy credits to meet electricity consumption targets. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5287 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford

Passed to Committee on Ways & Means.

February 22, 2007

SB 5289 Prime Sponsor, Kilmer: Increasing state contracts with veteran-owned businesses. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Pridemore and Swecker

Passed to Committee on Ways & Means.

February 23, 2007

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SB 5317 Prime Sponsor, Kohl-Welles: Creating additional safeguards for child care. Reported by Committee on Human Services & Corrections

pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5317 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5328 Prime Sponsor, Jacobsen: Providing financial assistance to local gas stations to prevent the release of petroleum products into the environment. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 23, 2007

SB 5343 Prime Sponsor, Kline: Concerning crimes against property. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5383 Prime Sponsor, Hargrove: Modifying provisions of the energy freedom program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5449 Prime Sponsor, Swecker: Authorizing voluntary environmental management and incentive zone plans for subareas. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5449 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Pridemore and Swecker

Passed to Committee on Ways & Means.

February 23, 2007

SB 5452 Prime Sponsor, Rockefeller: Providing for reunification after termination of parental rights. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do

February 22, 2007
SB 5455 Prime Sponsor, Morton: Creating the community revitalization partnership pilot program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5455 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2007

SB 5472 Prime Sponsor, Kastama: Establishing a pilot program for family counseling. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Brandland, Carrell, Marr and McAuliffe

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5474 Prime Sponsor, Oemig: Providing for a one-year extension for shoreline master program updates in RCW 90.58.080. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5495 Prime Sponsor, Kohl-Welles: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey and Schoesler

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Ways & Means.

February 22, 2007

SB 5528 Prime Sponsor, Pflug: Requiring a review of the essential academic learning requirements in mathematics. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs,

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Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

February 23, 2007

SB 5544 Prime Sponsor, Fraser: Abating environmental noise. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5544 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer, McCaslin and Tom

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5553 Prime Sponsor, Spanel: Enhancing the state's oil spill response program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford. Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

February 23, 2007

SB 5614 Prime Sponsor, Rockefeller: Creating incentives for community-based solar energy projects. Revised for 1st Substitute: Creating investment cost recovery incentives for voluntarily funded projects of local citizens cooperating with a local governmental entity for the installation of photovoltaic systems of less than one hundred thirty kilowatts on property owned by the participating local governmental entity. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5638 Prime Sponsor, Rockefeller: Revising the statute law committee's publication authority. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Hargrove. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5650 Prime Sponsor, Kauffman: Requiring disclosure to customers of the percentage of automatic service charges paid to servers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5650 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5660 Prime Sponsor, Haugen: Authorizing rural counties to use local sales and use tax collections to fund certain power line conversions in rural counties. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5669 Prime Sponsor, Holmquist: Requiring agencies to expedite decisions regarding the implementation of renewable fuel standards. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5686 Prime Sponsor, Zarelli: Allowing public utility districts to disburse low-income energy assistance contributions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5698 Prime Sponsor, Hargrove: Concerning case management services for dangerous mentally ill offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5698 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5701 Prime Sponsor, Benton: Establishing a procedure for the election of county commissioners by district. Reported by Committee on Government Operations & Elections

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MAJORITY recommendation: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Pridemore and Swecker

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5780 Prime Sponsor, Eide: Preserving manufactured/mobile home communities. Revised for 1st Substitute: Preserving manufactured/mobile home communities by providing a tax exemption. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Ways & Means.

February 22, 2007

SB 5790 Prime Sponsor, Hobbs: Regarding skill centers. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5790 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hewitt, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Ways & Means.

February 23, 2007

SB 5800 Prime Sponsor, Sheldon: Limiting the obligations of landlords under writs of restitution. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senators Weinstein, Chair and Kauffman, Vice Chair

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5823 Prime Sponsor, Fairley: Prohibiting discrimination based on lawful source of income. Revised for 1st Substitute: Prohibiting discrimination based on section 8 program participation. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5827 Prime Sponsor, Hobbs: Regarding consumer privacy. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5854 Prime Sponsor, Benton: Limiting utility liens against rental property. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5861 Prime Sponsor, Rasmussen: Regarding special assessments for conservation districts. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5888 Prime Sponsor, Poulsen: Modifying the competitive classification of telecommunications services. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5888 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 20, 2007

SB 5902 Prime Sponsor, Prentice: Requiring additional state liquor stores to engage in Sunday sales. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Hewitt, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

February 23, 2007

SB 5909 Prime Sponsor, Rasmussen: Supporting the needs of children who have been in foster care. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5909 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5920 Prime Sponsor, Kohl-Welles: Establishing a pilot program for vocational rehabilitation services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5920 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

February 22, 2007

SB 5955 Prime Sponsor, Tom: Regarding educator preparation, professional development, and compensation. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5955 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senators Brandland, Clements, Hewitt and Zarelli

Passed to Committee on Ways & Means.

February 23, 2007

SB 5971 Prime Sponsor, Kauffman: Analyzing and remedying racial disproportionality and racial disparity in child welfare. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5971 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5974 Prime Sponsor, Hargrove: Revising provisions concerning the juvenile chemical dependency disposition alternative. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5974 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 23, 2007

SB 6013 Prime Sponsor, Hargrove: Creating the institutions review commission. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 23, 2007

SB 6016 Prime Sponsor, Regala: Concerning good cause reasons for failure to participate in WorkFirst program components. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr, McAuliffe and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senator Brandland

Passed to Committee on Ways & Means.

February 23, 2007

SB 6018 Prime Sponsor, Brandland: Changing provisions concerning detention of persons with a mental disorder or chemical dependency. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

February 23, 2007

SB 6052 Prime Sponsor, Holmquist: Requiring arson offenders to register with the county sheriff. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

February 22, 2007

SB 6056 Prime Sponsor, Clements: Requiring a study to evaluate the use of sugar beets for the production of biofuel. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

February 23, 2007

SB 6073 Prime Sponsor, Shin: Creating incentives to encourage the preservation of manufactured/mobile home communities. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice

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Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

Passed to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

February 23, 2007
SB 6107 Prime Sponsor, Zarelli: Reviewing pipeline capacity and distribution in southwest Washington. Reported by Committee on Water, Energy & Telecommunications

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MESSAGE FROM THE HOUSE

Passed to Committee on Ways & Means.

February 23, 2007

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5920 which was referred to the Committee on Rules and Senate Bill No. 6052 which was referred to the Committee on Ways & Means.

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1135,
 HOUSE BILL NO. 1218,
 SUBSTITUTE HOUSE BILL NO. 1264,
 HOUSE BILL NO. 1377,
 HOUSE BILL NO. 1378
 SUBSTITUTE HOUSE BILL NO. 1381,
 SUBSTITUTE HOUSE BILL NO. 1398,
 SUBSTITUTE HOUSE BILL NO. 1409,
 HOUSE BILL NO. 1416,
 SUBSTITUTE HOUSE BILL NO. 1445,
 HOUSE BILL NO. 1475,
 HOUSE BILL NO. 1480,
 and the same are herewith transmitted.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

February 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

MYRA JOHNSON, appointed February 15, 2007, for the term ending June 30, 2010, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

MESSAGE FROM THE HOUSE

February 23, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1338,
 HOUSE BILL NO. 1341,
 HOUSE BILL NO. 1370,
 HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1392,
 HOUSE BILL NO. 1412,
 HOUSE BILL NO. 1431,
 HOUSE BILL NO. 1446,
 SUBSTITUTE HOUSE BILL NO. 1565,
 HOUSE BILL NO. 1676,
 HOUSE BILL NO. 1813,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

February 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

DAN CONNOLLY, appointed February 16, 2007, for the term ending January 18, 2011, as Member of the Board of Pharmacy.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

February 6, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EARL HALE, appointed February 6, 2007, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board.

Sincerely,

INTRODUCTION AND FIRST READING

SB 6123 by Senators Keiser and Kohl-Welles

AN ACT Relating to making the governor the public employer of adult family home caregivers; amending RCW 74.39A.240 and 74.39A.270; adding a new section to chapter 74.39A RCW; and creating a new section.

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Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Labor, Commerce, Research & Development.

SB 6124 by Senators Tom, Weinstein, Kline, Pridemore, Kohl-Welles, Poulsen and Oemig

AN ACT Relating to a commission on psychoactive substance control; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SB 6125 by Senators Pflug, Hobbs, Carrell, Swecker, Rasmussen and Stevens

AN ACT Relating to military funerals; adding a new section to chapter 72.36 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SB 6126 by Senator Hargrove

AN ACT Relating to residential wells; amending RCW 18.104.020 and 19.27.097; and adding a new section to chapter 18.104 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SB 6127 by Senators Spanel, Swecker, Kilmer, Haugen, Marr and Kohl-Welles

AN ACT Relating to state ferries; amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date.

Referred to Committee on Transportation.

SB 6128 by Senators Keiser and Kohl-Welles

AN ACT Relating to persons authorized to make expenditures on behalf of a candidate or committee; and amending RCW 42.17.020, 42.17.040, and 42.17.070.

Referred to Committee on Government Operations & Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1135 by House Committee on Local Government (originally sponsored by Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn)

AN ACT Relating to aquifer conservation zones in qualifying island cities without access to potable water sources outside their jurisdiction; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

HB 1218 by Representatives Conway, Wood, Condotta, Kenney and Moeller

AN ACT Relating to the temporary issuance, summary suspension, and renewal of licenses by the gambling commission; and amending RCW 9.46.070.

SHB 1264 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, B. Sullivan, Kenney, Ericks, Haigh, Ormsby, Simpson and Moeller)

AN ACT Relating to the portability of public retirement benefits; and amending RCW 41.54.010, 41.54.030, and 41.54.070.

Referred to Committee on Ways & Means.

SHB 1338 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives P. Sullivan, Newhouse, B. Sullivan and Santos)

AN ACT Relating to the Washington beer commission; and amending RCW 15.89.070.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1341 by Representatives Simpson, Curtis, Ericks and Alexander

AN ACT Relating to limiting the regulation of the practice of massage by political subdivisions; amending RCW 18.108.210; creating a new section; and repealing RCW 18.108.100.

Referred to Committee on Health & Long-Term Care.

HB 1370 by Representatives Green, Conway, Hasegawa, Chase, Simpson, Morrell and Wood

AN ACT Relating to public workers excluded from prevailing wages on public works provisions; and amending RCW 39.12.020.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1377 by Representatives Pettigrew, Hinkle, Walsh, Haler, Kagi, Appleton, Wamick and Roberts

AN ACT Relating to the placement of children; amending RCW 13.34.130; and reenacting and amending RCW 74.15.020.

Referred to Committee on Human Services & Corrections.

HB 1378 by Representatives Cody, Priest, Campbell, Green, Morrell, Jarrett, Williams and Ormsby

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1381 by House Committee on Finance (originally sponsored by Representatives Hasegawa, Orcutt, McIntire and Condotta)

AN ACT Relating to making changes of a technical nature to laws relating to taxes or tax programs, administered by the department of revenue; amending RCW 76.09.405,

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82.04.250, 82.04.261, 82.04.294, 82.04.4281, 82.04.440, 82.04.4461, 82.04.4462, 82.04.530, 82.08.02745, 82.12.0284, 82.14B.020, 82.32.520, 82.32.545, 82.32.550, 82.32.555, 84.33.140, 84.34.108, 84.52.010, and 84.52.054; amending 2006 c 84 s 9 (uncodified); reenacting and amending RCW 82.04.050, 82.04.260, and 82.14B.030; reenacting RCW 82.32.600 and 82.32.600; creating a new section; repealing RCW 84.55.012 and 84.55.0121; repealing 2005 c 514 s 113, 2004 c 153 s 502, 2003 c 168 s 902, and 2002 c 67 s 18 (uncodified); repealing 2005 c 514 s 112 and 2003 c 168 s 503; providing an effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

HB 1391 by Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan

AN ACT Relating to filling vacancies in the office of mayor; and amending RCW 35.23.101, 35.23.191, 35.27.140, and 35A.12.050.

Referred to Committee on Government Operations & Elections.

SHB 1392 by House Committee on Local Government (originally sponsored by Representatives Moeller, Curtis, B. Sullivan, Appleton, Chase and Schual-Berke)

AN ACT Relating to medical insurance for city officials; and amending RCW 41.04.190.

Referred to Committee on Government Operations & Elections.

SHB 1398 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, Wallace, Anderson, McDonald, Pedersen and Chase)

AN ACT Relating to the University of Washington's and Washington State University's local borrowing authority; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1409 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, Orcutt, Kretz and Takko)

AN ACT Relating to the transfer of jurisdiction over conversion-related forest practices to local governments; amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1412 by Representatives Eddy, Curtis, Simpson and Upthegrove

AN ACT Relating to providing a one-year extension for shoreline master program updates in RCW 90.58.080; and amending RCW 90.58.080.

Referred to Committee on Water, Energy & Telecommunications.

HB 1416 by Representatives Grant, Chandler, Linville, Newhouse, Warnick and VanDeWege

AN ACT Relating to standards and grades for fruits and vegetables; and amending 2005 c 234 s 1 (uncodified).

Referred to Committee on Agriculture & Rural Economic Development.

HB 1431 by Representatives Goodman, Lantz, O'Brien, Rodne, Moeller and Hasegawa

AN ACT Relating to certificates of discharge; amending RCW 9.94A.637 and 9.96.050; and repealing RCW 29A.08.660.

Referred to Committee on Human Services & Corrections.

SHB 1445 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia)

AN ACT Relating to making adjustments to the recodification of the public records act; amending RCW 42.56.010, 42.56.030, 42.56.330, and 42.56.590; reenacting and amending RCW 42.56.270, 42.56.270, 42.56.400, and 42.56.570; adding a new section to chapter 42.56 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 1446 by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia

AN ACT Relating to the statute of limitations for actions under the public records act; and reenacting and amending RCW 42.56.550.

Referred to Committee on Government Operations & Elections.

HB 1475 by Representatives Hurst, Haigh, Eickmeyer, Curtis, Alexander, Morrell, Crouse, Simpson, Roach and VanDeWege

AN ACT Relating to the state board for volunteer firefighters and reserve officers; and amending RCW 41.24.250.

Referred to Committee on Government Operations & Elections.

HB 1480 by Representatives Roach, Hunter, McIntire, Condotta and Ericks

AN ACT Relating to the administration of tax programs administered by the department of revenue; amending RCW 82.16.120, 82.24.120, 82.24.135, 82.24.280, 82.32.033, 82.32.050, 82.32.100, 82.32.130, 82.32.140, 82.32.160, 82.32.170, 82.45.100, 84.12.260, 84.16.036, 84.36.815, 84.36.820, 84.36.825, 84.36.830, and 84.36.840; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Ways & Means.

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SHB 1565 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Dickerson and Kenney)

AN ACT Relating to public access to child in need of services and at-risk youth hearings; and amending RCW 13.32A.200.

Referred to Committee on Human Services & Corrections.

HB 1676 by Representatives Fromhold, Curtis, Moeller, Orcutt, Wallace, Dunn, Santos and Simpson

AN ACT Relating to allowing public utility districts to disburse low-income energy assistance contributions; and amending RCW 54.52.010 and 54.52.020.

Referred to Committee on Water, Energy & Telecommunications.

HB 1813 by Representatives Kelley, Priest, Hunt, Dunshee, Hinkle, Condotta, Fromhold and Linville

AN ACT Relating to changing the name of the interagency committee for outdoor recreation; making technical, nonsubstantive changes in order to facilitate the name change; amending RCW 42.17.2401, 43.03.028, 43.21J.030, 43.41.270, 43.60A.150, 43.83C.040, 43.99A.070, 43.99B.016, 43.99B.032, 43.99N.060, 43.99N.120, 46.09.020, 46.09.110, 46.09.165, 46.09.170, 46.09.240, 46.09.250, 46.09.280, 77.85.110, 77.85.120, 77.85.140, 79.10.140, 79.70.070, 79A.05.785, 79A.15.010, 79A.15.020, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.065, 79A.15.070, 79A.15.080, 79A.15.100, 79A.15.110, 79A.15.120, 79A.15.130, 79A.25.005, 79A.25.010, 79A.25.020, 79A.25.030, 79A.25.060, 79A.25.080, 79A.25.090, 79A.25.100, 79A.25.110, 79A.25.120, 79A.25.130, 79A.25.140, 79A.25.150, 79A.25.190, 79A.25.200, 79A.25.210, 79A.25.220, 79A.25.230, 79A.25.240, 79A.25.250, 79A.25.820, 79A.25.830, 79A.25.310, 79A.25.370, 79A.35.010, 79A.35.030, 79A.35.050, 79A.35.060, 79A.35.070, 79A.35.090, 79A.35.100, 79A.35.110, 79A.35.120, 79A.60.590, 84.34.055, and 90.71.020; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pridemore moved adoption of the following resolution:

SENATE RESOLUTION 8633

By Senators Pridemore and Benton

WHEREAS, January 23, 2007, marked the sesquicentennial of the City of Vancouver, Washington; and

WHEREAS, Vancouver has played a prominent role in the history of the State with notable events including the founding of Fort Vancouver in 1825, which served as the capital of the Hudson's Bay Company's Northwest fur trading empire; the first military post in the Pacific Northwest, Vancouver Barracks, which served as the headquarters of the United States military in the Pacific Northwest; being home to Officers Row, the first "neighborhood" in the Pacific Northwest; serving as the landing site, at Pearson Airfield, of the first transpolar flight; and the location of the Kaiser Shipyards, begun in 1942, to support the World War II efforts; and

WHEREAS, Through Vancouver Barracks, the City has been home to some of the most notable figures in military history including General George C. Marshall, General Ulysses S. Grant, General Oliver Otis Howard, and General Benjamin Bonneville; and

WHEREAS, Vancouver has been, in the past, and continues to be, a forward thinking, innovative community that was home to the first street lights and telephones in the Northwest, the first county library system in the State, the location of the first Hilton hotel in the world with a Leadership in Energy and Environmental Design certification, and whose award-winning trails system has helped earn it a designation as one of the most walkable cities in the United States; and

WHEREAS, Vancouver is currently the 4th largest city in the State and serves as a social and economic hub for Southwest Washington; and

WHEREAS, The City of Vancouver plans a yearlong series of events to celebrate its 150th anniversary kicked off by Mayor Royce Pollard's State of the City address on January 23rd and including a community picnic, a citywide bike ride with the Mayor, and a special 150th exhibit at the Clark County Historic Museum;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington congratulate America's Vancouver on reaching its 150th Anniversary; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the City of Vancouver.

Senators Pridemore and Benton spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8633.

The motion by Senator Pridemore carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced The Honorable Royce Pollard, Mayor of the city of Vancouver who was seated in the gallery.

MOTION

At 12:13 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, February 27, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FIRST DAY, FEBRUARY 27, 2007

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FIFTY-FIRST DAY**NOON SESSION**

Senate Chamber, Olympia, Tuesday, February 27, 2007

The Senate was called to order at 12:00 noon by President Pro Tempore. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 26, 2007

SB 5053 Prime Sponsor, Keiser: Creating the office of the ombudsman for workers of industrial insurance self-insured employers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5053 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5059 Prime Sponsor, Honeyford: Providing a business and occupation tax rate for custom farming services. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

February 26, 2007

SB 5076 Prime Sponsor, Honeyford: Increasing protections for agricultural operations, activities, and practices. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5076 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton and Schoesler

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5090 Prime Sponsor, Kastama: Promoting innovation partnership zones. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5090 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5106 Prime Sponsor, Jacobsen: Requiring emergency preparedness planning for service animals and household pets. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5145 Prime Sponsor, Haugen: Clarifying existing requirements for conservation of agricultural lands. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton and Schoesler

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5151 Prime Sponsor, Franklin: Requiring the registration of commercial youth athletic coaches. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

February 23, 2007

SB 5340 Prime Sponsor, Kline: Addressing the definition of disability. Revised for 1st Substitute: Defining disability in the Washington law against discrimination. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5340 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5342 Prime Sponsor, Kline: Modifying drug court provisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5342 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

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MINORITY recommendation: Do not pass. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5352 Prime Sponsor, Kline: Specifying the burden of proof in disciplinary actions for health professionals. Revised for 1st Substitute: Revising provisions affecting disciplinary actions involving health professionals. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5353 Prime Sponsor, Kline: Changing provisions concerning municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5406 Prime Sponsor, Kline: Revising state employee whistleblower protection definitions. Revised for 1st Substitute: Revising state employee whistleblower protection provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5443 Prime Sponsor, Kohl-Welles: Suppressing workers' compensation claims. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5465 Prime Sponsor, Schoesler: Clarifying the process for restoration of the right to possess firearms. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray and Roach

MINORITY recommendation: Do not pass. Signed by Senator Weinstein

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5505 Prime Sponsor, Fairley: Establishing the statewide CBRNE response program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 26, 2007

SB 5511 Prime Sponsor, Sheldon: Requiring state agencies to allow volunteer fire fighters to respond when called to duty. Revised for 1st Substitute: Requiring state agencies to allow volunteer firefighters to respond when called to duty. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5557 Prime Sponsor, Hargrove: Authorizing additional sales and use taxation by counties for economic development facilities. Revised for 1st Substitute: Concerning restrictions on certain public facilities for economic development purposes in rural counties. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5557 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5559 Prime Sponsor, Kohl-Welles: Concerning the employment of youth soccer referees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5559 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5585 Prime Sponsor, Tom: Concerning parent and

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child health services provided by the department of health.
Reported by Committee on Health & Long-Term Care

cigarette ignition propensity. Reported by Committee on Labor,
Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5585 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MAJORITY recommendation: That Substitute Senate Bill No. 5642 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

MINORITY recommendation: Without recommendation.
Signed by Senators Carrell and Pflug

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5587 Prime Sponsor, Honeyford: Modifying the judicial conduct commission. Reported by Committee on Judiciary

SB 5667 Prime Sponsor, Franklin: Providing excise tax relief for small businesses. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5587 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5595 Prime Sponsor, Holmquist: Exempting persons engaged in farming and certain farming services from business and occupation taxation. Reported by Committee on Agriculture & Rural Economic Development

SB 5716 Prime Sponsor, Keiser: Regulating retainer health care practices. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Pflug

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton and Schoesler

MINORITY recommendation: Without recommendation.
Signed by Senators Carrell and Parlette

Passed to Committee on Ways & Means.

Passed to Committee on Rules for second reading.

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SB 5601 Prime Sponsor, Oemig: Mandating primary election voters' pamphlets. Reported by Committee on Government Operations & Elections

February 26, 2007

SB 5722 Prime Sponsor, Regala: Excluding common rodent traps from the definition of "body-gripping trap." Revised for 1st Substitute: Regarding body-gripping traps. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

MAJORITY recommendation: That Substitute Senate Bill No. 5722 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

February 26, 2007

SB 5616 Prime Sponsor, Marr: Creating health sciences and services authorities. Reported by Committee on Labor, Commerce, Research & Development

SB 5763 Prime Sponsor, Shin: Modifying the business and occupation tax rate for certain life sciences purposes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MAJORITY recommendation: That Substitute Senate Bill No. 5763 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

Passed to Committee on Ways & Means.

February 26, 2007

SB 5642 Prime Sponsor, Kohl-Welles: Addressing

SB 5764 Prime Sponsor, Schoesler: Concerning the sales and use taxation of repairs to farm machinery and equipment. Revised for 1st Substitute: Making technical and administrative changes to improving the administration of sales and use tax exemptions for farm machinery and equipment.

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Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

February 26, 2007

SB 5805 Prime Sponsor, Hatfield: Modifying provisions relating to the sales and use taxation of grain elevators. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 5805 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen and Schoesler

Passed to Committee on Ways & Means.

February 23, 2007

SB 5829 Prime Sponsor, Kauffman: Expanding export assistance to businesses throughout the state. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5829 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5844 Prime Sponsor, Roach: Concerning specialized forest products and specialty wood. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5874 Prime Sponsor, Kline: Requiring health benefit plans to provide coverage for elemental formulas. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5874 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Pflug

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Parlette

Passed to Committee on Ways & Means.

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SB 5906 Prime Sponsor, Haugen: Regarding the practice of esthetics. Reported by Committee on Labor, Commerce, Research & Development

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MAJORITY recommendation: That Substitute Senate Bill No. 5906 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5917 Prime Sponsor, Kohl-Welles: Requiring the disclosure of gifts made by pharmaceutical manufacturers to persons who prescribe prescription drugs. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5917 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

MINORITY recommendation: Do not pass. Signed by Senators Carrell and Pflug. Without recommendation. Signed by Senator Parlette

Passed to Committee on Rules for second reading.

February 23, 2007

SB 5925 Prime Sponsor, Sheldon: Adjusting the sales and use tax for public facilities in rural counties. Revised for 1st Substitute: Concerning restrictions on certain public facilities for economic development purposes in rural counties. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That Substitute Senate Bill No. 5925 be substituted therefor, and the substitute bill do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5957 Prime Sponsor, Kohl-Welles: Revising provisions relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 6014 Prime Sponsor, Swecker: Authorizing industrial development on reclaimed surface coal mine sites. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 6021 Prime Sponsor, Fairley: Consolidating and

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eliminating certain boards and commissions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 6021 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

February 26, 2007

SB 6088 Prime Sponsor, Jacobsen: Revising state trust land management policies. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Without recommendation. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Morton

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 26, 2007

SJM 8007 Prime Sponsor, Rasmussen: Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SJM 8012 Prime Sponsor, Brown: Requesting the Washington Air and Army National Guard not be federalized. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 8012 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 23, 2007

SJM 8018 Prime Sponsor, Kastama: Requesting that the Philippines Consulate be established in Seattle, Washington. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

February 23, 2007

SCR 8406 Prime Sponsor, Shin: Creating an aerospace task force. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 26, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1598,
SUBSTITUTE HOUSE BILL NO. 1679,
HOUSE BILL NO. 1680,
SUBSTITUTE HOUSE BILL NO. 1682,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6129 by Senators Murray and Haugen

AN ACT Relating to funding for the state patrol highway account; amending RCW 46.16.045 and 46.70.180; and providing an effective date.

Referred to Committee on Transportation.

SB 6130 by Senators Pflug and Parlette

AN ACT Relating to reforming the health care system in Washington state; amending RCW 41.05.021, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, and 48.43.035; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 48.01.260, 48.20.025, 48.20.028, 48.20.029, 48.21.045, 48.21.047, 48.43.038, 48.43.041, 48.44.017, 48.44.021, 48.44.022, 48.44.023, 48.44.024, 48.46.062, 48.46.063, 48.46.064, 48.46.066, 48.46.068, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, and 70.47A.900; and providing effective dates.

Referred to Committee on Health & Long-Term Care.

SB 6131 by Senators Regala and Rasmussen

AN ACT Relating to service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

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Referred to Committee on Ways & Means.

SB 6132 by Senator Rasmussen

AN ACT Relating to regulating the keeping of exotic animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Rural Economic Development.

SB 6133 by Senators Roach and Benton

AN ACT Relating to tuition setting authority; amending RCW 28B.15.067; and creating a new section.

Referred to Committee on Higher Education.

SB 6134 by Senators Marr and Fairley

AN ACT Relating to prioritizing funding for special category C projects; amending RCW 46.68.090, 47.10.812, and 47.10.813; and creating a new section.

Referred to Committee on Transportation.

SB 6135 by Senators Marr and Berkey

AN ACT Relating to scoliosis screening in schools; and repealing RCW 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, and 28A.210.250.

Referred to Committee on Early Learning & K-12 Education.

SB 6136 by Senators Pridemore and Jacobsen

AN ACT Relating to the state wildlife account; amending RCW 77.32.350, 77.32.370, 77.32.380, 77.32.430, 77.32.450, 77.32.460, 77.32.470, and 77.65.480; adding a new section to chapter 77.12 RCW; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Ways & Means.

SB 6137 by Senators Roach and Swecker

AN ACT Relating to the designation and modification of urban growth areas; amending RCW 36.70A.110; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SB 6138 by Senators Roach and Stevens

AN ACT Relating to eminent domain payments and compensation; amending RCW 8.26.055; and adding a new section to chapter 8.28 RCW.

Referred to Committee on Judiciary.

SJM 8019 by Senator Pflug

Requesting that the Food and Drug Administration require that direct to consumer advertising of prescription pharmaceuticals be allowed only when done through the United States Surgeon General.

Referred to Committee on Health & Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1598 by Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Upthegrove, Newhouse, Kristiansen and Condotta

AN ACT Relating to accountability in the funding of salmon recovery; and reenacting and amending RCW 77.85.130.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1679 by House Committee on Appropriations (originally sponsored by Representatives Ericks, Hinkle, Conway, Buri, McDonald, Hurst, Haigh and Simpson)

AN ACT Relating to membership on the law enforcement officers' and firefighters' retirement system plan 2 board; amending RCW 41.26.715; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

HB 1680 by Representatives Hunter, Haler, P. Sullivan, Priest, Hurst, Conway, Schual-Berke, Haigh and Simpson

AN ACT Relating to transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2; amending RCW 41.26.547; amending 2005 c 459 s 3 (uncodified); amending 2003 c 293 s 2 (uncodified); and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1682 by House Committee on Human Services (originally sponsored by Representatives Dickerson, O'Brien, Roberts, Ormsby and Green)

AN ACT Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration; amending RCW 13.40.210; creating a new section; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pflug moved adoption of the following resolution:

SENATE RESOLUTION
8638

By Senator Pflug

FIFTY-FIRST DAY, FEBRUARY 27, 2007

WHEREAS, The Peace Corps was established on March 1, 1961, with three goals: Helping the people of interested countries in meeting their need for trained men and women; helping promote a better understanding of Americans on the part of the people served; and helping promote a better understanding of other people on the part of Americans; and

WHEREAS, Peace Corps volunteers currently work in the following areas: Education, youth outreach, and community development; business development; agriculture and environment; health and HIV/AIDS; and information technology; and

WHEREAS, Peace Corps volunteers continue to help countless individuals who want to build a better life for themselves, their children, and their communities; and

WHEREAS, Peace Corps volunteers currently have 67 posts serving 73 countries worldwide; and

WHEREAS, Washington schools placed among the highest in recruiting colleges and universities for the Peace Corps during 2006; and

WHEREAS, The University of Washington, with 110 such volunteers, had more than any other college in America; and

WHEREAS, Western Washington University, with 49 such volunteers, placed fourth in America in the small school category; and

WHEREAS, The University of Puget Sound, with 30 such volunteers, placed first in America in the small school category; and

WHEREAS, Gonzaga University, with 37 such volunteers, placed eighteenth in America in the small school category; and

WHEREAS, The Evergreen State College, with 17 such volunteers, placed eighteenth in America in the small school category;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the strong commitment of Washington college students to humanitarian service in the Peace Corps; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the University of Washington, Western Washington University, the University of Puget Sound, Gonzaga University, The Evergreen State College, the Peace Corps Regional Office in Seattle, and the Peace Corps Headquarters in Washington D.C.

Senators Pflug and Kohl-Welles spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8638.

The motion by Senator Pflug carried and the resolution was adopted by voice vote.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION 8642

By Senators Kohl-Welles, Rockefeller, Brandland, Fraser and Jacobsen

WHEREAS, The Washington state commercial fishing fleet begins leaving in March for the Pacific and Alaskan waters, and the Blessing of the Fleet will occur March 11, 2007, at Fisherman's Terminal in Ballard; and

WHEREAS, This is the seventy-eighth year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington state commercial fishing fleet begins leaving Blaine waters in May, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor, May 6, 2007; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

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WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The harvest annually contributes significantly to the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship that most people will never face; and

WHEREAS, Strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, at times in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often fishers lose their lives, and their deaths devastate not only the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

Senators Kohl-Welles and Spanel spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8642.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Ballard First Lutheran Church who were seated in the gallery.

MOTION

At 12:17 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, February 28, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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FIFTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 28, 2007

The Senate was called to order at 10:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton and Shin.

The Sergeant at Arms Color Guard consisting of Pages Patrick Leonard and Madison McAuliffe, presented the Colors. Pastor Leon Meyer of the Calvary Baptist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 27, 2007

SB 5052 Prime Sponsor, Eide: Prohibiting interested third parties from processing insurance claims. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5052 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5083 Prime Sponsor, Kilmer: Authorizing the use of automated traffic safety cameras in state highway work zones. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5083 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5100 Prime Sponsor, Hobbs: Regarding health insurance information for students. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5102 Prime Sponsor, McAuliffe: Modifying the legislative youth advisory council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5102 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5129 Prime Sponsor, Jacobsen: Creating the crime of unlawfully hunting upon the property of another. Revised for 1st Substitute: Regarding unlawfully hunting on the property of another. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5129 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Hargrove, Poulsen and Spanel

MINORITY recommendation: Do not pass. Signed by Senator Morton. Without recommendation. Signed by Senator Stevens

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5130 Prime Sponsor, Jacobsen: Expanding hunter access to certain private lands. Revised for 1st Substitute: Concerning wildlife-related recreational access. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Stevens

Passed to Committee on Ways & Means.

February 26, 2007

SB 5165 Prime Sponsor, McAuliffe: Providing temporary provisions to allow students who did not meet standards on the mathematics WASL to graduate. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Clements and Holmquist

Passed to Committee on Rules for second reading.

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SB 5188 Prime Sponsor, Haugen: Establishing a wildlife rehabilitation program. Reported by Committee on Natural Resources, Ocean & Recreation

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MAJORITY recommendation: That Substitute Senate Bill No. 5188 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Transportation.

February 26, 2007

SB 5265 Prime Sponsor, McAuliffe: Creating the outdoor education and recreation grant program for schools and others. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007

SB 5282 Prime Sponsor, Murray: Providing a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Jacobsen

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5297 Prime Sponsor, Haugen: Regarding providing medically and scientifically accurate sexual health education in schools. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Eide, Hewitt, Hobbs, Kauffman, Oemig and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Zarelli. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5363 Prime Sponsor, Jacobsen: Adding speed violations on arterial highways to the traffic safety camera law. Revised for 1st Substitute: Adding speed violations on certain arterial streets to the traffic safety camera law. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair;

Murray, Vice Chair; Berkey, Delvin, Jacobsen, Kauffman, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Clements, Holmquist, Pflug and Sheldon

Passed to Committee on Rules for second reading.

February 26, 2007

SB 5415 Prime Sponsor, Kohl-Welles: Creating health advisory councils. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5415 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Ways & Means.

February 27, 2007

SB 5445 Prime Sponsor, Jacobsen: Authorizing oil and gas regulatory cost-reimbursements. Revised for 1st Substitute: Regarding cost-reimbursement agreements. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5445 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5473 Prime Sponsor, Oemig: Changing the definition of floodway in the shoreline management act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5552 Prime Sponsor, Rockefeller: Changing compensation and penalties for oil spills. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Morton. Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

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SB 5714 Prime Sponsor, Roach: Creating a pilot program of Spanish and Chinese language instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Ways & Means.

February 27, 2007
SB 5715 Prime Sponsor, Benton: Concerning persons selling, soliciting, or negotiating insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5715 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2007
SB 5717 Prime Sponsor, Berkey: Establishing a program of market conduct oversight within the office of the insurance commissioner. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 26, 2007
SB 5812 Prime Sponsor, Rasmussen: Regarding election dates for educational service district board members. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

February 26, 2007
SB 5814 Prime Sponsor, McAuliffe: Creating educational opportunities in mathematics, science, and technology. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5814 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senators Hewitt and Zarelli

Passed to Committee on Ways & Means.

February 27, 2007
SB 5821 Prime Sponsor, Roach: Regulating body art facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5821 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

February 26, 2007
SB 5837 Prime Sponsor, Kohl-Welles: Monitoring federal and state nondiscrimination in education laws, rules, and regulations. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5837 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Ways & Means.

February 26, 2007
SB 5843 Prime Sponsor, Oemig: Regarding educational data and data systems. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5843 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Holmquist

Passed to Committee on Ways & Means.

February 26, 2007
SB 5862 Prime Sponsor, Kilmer: Addressing passenger-only ferry service funding. Revised for 1st Substitute: Regarding passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5862 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Sheldon. Without recommendation. Signed by Senators Murray, Vice Chair and Holmquist

Passed to Committee on Ways & Means.

February 26, 2007
SB 5864 Prime Sponsor, Oemig: Creating kindergarten transition plans. Reported by Committee on Early Learning & K-12 Education

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MAJORITY recommendation: That Substitute Senate Bill No. 5864 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Ways & Means.

February 27, 2007

SB 5880 Prime Sponsor, Kilmer: Concerning the department of social and health services' technical assistance and audit program for pharmacy payments. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5880 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

February 27, 2007

SB 5881 Prime Sponsor, Poulsen: Modifying water power license fees. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5881 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Holmquist and Morton. Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5894 Prime Sponsor, Rockefeller: Clarifying the regulatory authority for on-site sewage systems. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5894 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Ways & Means.

February 27, 2007

SB 5919 Prime Sponsor, Hobbs: Providing relief from retaliatory taxes on insurance premium taxes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2007
SB 5973 Prime Sponsor, Parlette: Establishing a controlled substances prescription monitoring program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5973 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

February 27, 2007

SB 6024 Prime Sponsor, Franklin: Assisting low-income persons to obtain affordable automobile liability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Benton, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6029 Prime Sponsor, Hobbs: Regulating interstate branching. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: That Substitute Senate Bill No. 6029 be substituted therefor, and the substitute bill do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6035 Prime Sponsor, Poulsen: Authorizing the creation of beach management districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford. Without recommendation. Signed by Senator Morton

Passed to Committee on Ways & Means.

February 27, 2007

SB 6040 Prime Sponsor, Hatfield: Providing for the creation of a public speedway authority. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6040 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen and Morton

MINORITY recommendation: Do not pass. Signed by Senator Schoesler

Passed to Committee on Ways & Means.

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SB 6044 Prime Sponsor, Rockefeller: Regarding the removal of derelict vessels. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6044 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Morton and Stevens. Without recommendation. Signed by Senator Swecker

Passed to Committee on Ways & Means.

February 27, 2007

SB 6046 Prime Sponsor, Kilmer: Allowing utilities to mitigate the environmental impacts of their operations. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6046 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford. Without recommendation. Signed by Senator Morton

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6055 Prime Sponsor, Hewitt: Extending the expiration date for the tax deduction for certain businesses impacted by the ban on American beef products. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: That Substitute Senate Bill No. 6055 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Morton and Schoesler

Passed to Committee on Ways & Means.

February 26, 2007

SB 6069 Prime Sponsor, Hargrove: Establishing advisory rates for log haulers. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 26, 2007

SB 6099 Prime Sponsor, Murray: Hiring a mediator to help the department of transportation develop a state route number 520 expansion impact plan. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 6099 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin,

Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Sheldon

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6110 Prime Sponsor, Poulsen: Creating the office of Washington state climatologist. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Morton, Oemig and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford

Passed to Committee on Ways & Means.

February 26, 2007

SB 6111 Prime Sponsor, Hobbs: Concerning electricity generation from tidal and wave energy. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6111 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Stevens and Swecker

Passed to Committee on Ways & Means.

February 27, 2007

SB 6112 Prime Sponsor, Pflug: Concerning smart grid energy technology. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

February 27, 2007

SB 6114 Prime Sponsor, Rasmussen: Expanding the duties of the caring for Washington individuals with autism task force. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6114 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5864 and Senate Bill No. 6110 which were referred to the Committee on Ways & Means and Senate Bill No. 6024 which was referred to the Committee on Rules.

MOTION

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On motion of Senator Eide, the Senate advanced to the third order of business.

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

MOTION

January 18, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF
WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

KIRSTIN HAUGEN, appointed January 20, 2007, for the term ending September 30, 2010, as Member, Board of Trustees, Cascadia Community College District No. 30.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6139 by Senators Benton and Stevens

AN ACT Relating to salmon guides; amending RCW 77.65.010, 77.65.150, and 77.65.370; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SB 6140 by Senators Zarelli, Stevens, Clements and Parlette

AN ACT Relating to enhancing the security of driver licenses; amending RCW 46.20.035, 46.20.091, and 46.20.161; and declaring an emergency.

Referred to Committee on Transportation.

SB 6141 by Senators Jacobsen and Morton

AN ACT Relating to forest health; and creating a new section.

Referred to Committee on Ways & Means.

SB 6142 by Senators Holmquist and Berkey

AN ACT Relating to limiting the number of bills a legislator may sponsor; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Government Operations & Elections.

MOTION

SECOND READING

SENATE BILL NO. 5032, by Senators Pridemore and Zarelli

Concerning the Vancouver national historic reserve.

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5032 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5079, by Senators Marr, Kline and McCaslin

Including supreme court and court of appeals commissioners to solemnize marriages.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5079.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Honeyford, Morton and Schoesler - 3
Excused: Senators Benton and Shin - 2

SENATE BILL NO. 5079, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Speaking of marriages and speaking of births, today we would like to recognize the Senator who has her thirty-first anniversary and she was remembered by those beautiful roses from her husband. Let's wish Senator Eide a happy anniversary."

PERSONAL PRIVILEGE

Senator Eide: "Well, thank you Madam President for recognizing my thirty-first wedding anniversary and yes I did marry my high school sweetheart, looking forward to having the evening with him. We are going out for dinner and I just wanted to say once again how much I love him. He has put up with a whole lot being married to me and, you know, I have been very fortunate by marrying the right man. But I also would like to recognize a couple of birthdays. Today is Senator Swecker's sixtieth birthday. Do you mind me telling everybody how old you are? You look wonderful, it's too late and also it is Lucas' birthday, Senator Brown's son birthday today. So, happy birthday to him."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "And I would like to just add to those birthdays and which we have more than one birthday today. Senator Pflug and, of course, Senator Swecker who was already stated. We wish you a happy birthday."

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Madam chair. I just wanted to thank the chair or the President and the other members who acknowledged my birthday but there is a historic fact that we should all be aware of. Our birthday and anniversary also fall on the date of the historic earthquake that occurred here. What, 2001? I think it was. I feel that anybody that, any marriage or party individual can could survive that earthquake has great longevity and great hope for the future. So I congratulate my fellow members on this historic date."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Well, I was going to speak about the same thing that the good Senator spoke about but add another little personal anecdote about that. White, I love looking at Senator, the Senator's beautiful flowers over there, I was the only one on the Senate floor that day and I was with her beautiful flowers when the earthquake struck. No staff was present in the Senate chambers as well. That was one of the most terrifying moments in my life to be right here under this dome all alone and later on in the day when we were able to come back up I grabbed Senator Eide's beautiful bouquet of anniversary flowers and took them down, rescued them and I hope I never have to do that again."

MOTION

The Senate resumed consideration of Senate Bill No. 5032.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5032 was substituted for Senate Bill No. 5032 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Zarelli spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5032.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5032 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Benton and Shin - 2

SUBSTITUTE SENATE BILL NO. 5032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Poulsen moved adoption of the following resolution:

SENATE RESOLUTION
8643

By Senators Poulsen, Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli

WHEREAS, On April 29, 1960, Steve Cox was born in Seattle, Washington; and

WHEREAS, A 1978 graduate of Evergreen High School, Cox earned a bachelor's degree from Central Washington University and a law degree from Willamette University; and

WHEREAS, Cox's passions in life were his family, serving his community, working on his rental properties, exercising, loving his dogs Luna and Danny, and being a devoted husband and father; and

WHEREAS, After working as a deputy prosecutor and a city prosecutor, Cox traded in his law degree for a police badge, fulfilling his lifelong dream; and

WHEREAS, Cox devoted the last nine years of his life to being a Deputy with the King County Sheriff's Office; and

WHEREAS, The last three years brought him back to his old neighborhood, White Center, where resident Ricardo Guarnero said he was trying to make a difference by giving the "community a sense it could overcome its problems and stigmas"; and

WHEREAS, To the residents of White Center; his wife, Maria; son, Bronson; and stepdaughter, Nicole, he became a

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"Superman" who was making the streets safer and neighborhoods better; and

WHEREAS, As President of the North Highline Unincorporated Area Council, the only publicly elected body in the White Center-Boulevard Park area, he won a Community Builder Award from the Seattle Neighborhood Group, and actively participated in the creation of the Weed and Seed Program; and

WHEREAS, According to Sheriff Sue Rahr, Cox "epitomized the concept of community policing and giving back to the residents where he worked. Deputy Steve Cox cannot be replaced"; and

WHEREAS, He cut across class and color lines -- treating his patrol area as his extended family -- and residents felt the same respect for and admiration toward Cox, whose call sign was "Ida 41"; and

WHEREAS, Many of his colleagues referred to him as "the hardest working deputy sheriff any of us has ever worked with"; and

WHEREAS, On December 2, 2006, Cox lost his life in the line of duty, leaving the residents of White Center grief stricken, but inspired to carry on his legacy; and

WHEREAS, A testament to his goal of uniting his community, thousands attended his memorial service at the Christian Faith Center in SeaTac on December 8th; and

WHEREAS, In the words of Governor Christine Gregoire, Cox was "the embodiment of the best in public service";

NOW, THEREFORE, BE IT RESOLVED, That Deputy Cox's legacy will be that working with police in the spirit of mutual respect is possible; and

BE IT FURTHER RESOLVED, That "Ida 41" is gone, but will never be forgotten; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the King County Sheriff's Office and Steve Cox's wife, Maria.

MOTION

Senator Jacobsen moved that all remarks be spread upon the Journal.

REMARKS BY SENATOR POULSEN

Senator Poulsen: "Thank you Madam President, well, the loss of Deputy Cox was really one of the most painful and senseless tragedies that White Center has ever experienced. For those of you who don't know, White Center is located about half way between Burien and Seattle. It's a small community. It's ethnically diverse. There's always been lots of poverty, crime, violence, lots of drug activity, and frankly, no small amount of fear and hopelessness. All that really started to turn around a couple years ago and I think that Steve Cox was a huge reason for that. More than any other individual that community has ever seen. He was a passionate community organizer and activist. He knew everyone and everyone knew him and I think that's what made him such a great cop. At his memorial service his fellow officers said that sometimes he literally knew when and where crime was about to happen and he would step in and keep it from happening. He had the sixth sense about criminals. Maybe that came from all the 'Adam 12' and 'Dragnet' he watched as a kid, but for whatever the reason he made more arrest than anyone else. He worked harder than you can imagine and even the people he arrested after his death expressed respect and sympathy for him because he would go to the homes of people he arrested and follow up with them and make sure there were taking their medications, they were going to their AA meetings, that they were seeing their parole officers. He really cared about even the people he arrested. He was really living his childhood dream as the resolution said. He was a very successful deputy

prosecutor. He could have made a lot of money doing that. He would have been a lot safer, but since he was a little kid he just wanted to be a cop. He wanted to come back to the community where he grew up and make it a better place and that's exactly what he did and I was just so moved after his memorial service to, on my way home, driving back to West Seattle, to see the streets literally lined for miles with ordinary citizens who had come out to pay tribute to Deputy Cox. I would like to give the body just a sense of that, the King County Sheriff's Office maintains a fallen officers page so people can post messages about those who've lost their lives in the line of duty. Madam President, with your permission I would like to read a few of the entries? Thank you.

From Mrs. Lawson's fourth grade Mount View Elementary class in White Center: 'We are so sad he is gone but we will use his life as an example of how one person can make a tremendous difference in the world.'

From a retired Sergeant from California: 'I'm confident that although no one can fill your void your brothers and sisters within the King County Sheriff's Office will do everything they can for your family.'

From a White Center resident: 'Steve gave us hope that White Center could brave the storm of our neighborhood problems. He inspired to reach out and get to know my neighbors.'

From another local resident: 'Office Cox was far more than just someone doing his job having growing up in White Center. He was deeply involved in efforts to improve our area. He was always there community meetings and events involving White Center.'

And from someone born and raised in White Center: 'What makes his death although more heartbreaking is that in all the years I lived there I cannot think of even one individual who stood out as an inspiration and a protector to White Center the way Officer Cox has.'

So in closing, I'd like to extend sympathy to Officer Cox's family, his mom and dad, brothers, his wife Maria, his son Bronson and daughter Nicole and to the King County Sheriff's Office and the families of all the others who lost their lives that awful night. And Madam President, with your permission I request a moment of silence to remember Deputy Cox."

MOMENT OF SILENCE

The Senate observed a moment of silence in memory of Officer Steve Cox, who passed away December 2, 2006.

REMARKS BY SENATOR DELVIN

Senator Delvin: "Thank you Madam President. It is an honor and a privilege to stand and honor a fallen brother, Deputy Steve Cox. Madam President, I only met him once. He served the Tri Cities as a Deputy Prosecutor back in the nineties and it was my honor to meet him at one time but he could do more but coming a Deputy and I count my blessings I was able to serve for 20-30 years and go home every night to my wife. Most times, we all do but sometimes some of us sacrifice our lives so our communities can be safe. All the Deputies that I've talked to just had the utmost respect for Deputy Cox and the law enforcement officers. They're the ones that work holidays while we're with our families. They're the ones that work night while we're sleeping and it's just, again it's, an honor and privilege to stand before you and offer my condolences to the families for the loss and thank you Madam President."

REMARKS BY SENATOR EIDE

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Senator Eide: "Thank you Madam President, I, too, stand in respect of this resolution. It's interesting how our lives intertwine one another. My husband attended Willamette University Law School at the same time. Also, my husband knew Steve Cox very well. Knew him when he was a prosecuting attorney. Knew him when he became a police officer. He's one of the men that I can honestly say that my husband, his death just shook him to hear him that Steve had died doing the job that he truly, truly loved. That's the one saving grace that we have. That Steve did love his job and he was so very good at it, so very good. Please Maria, know that my husband and I send our love and our condolences to you and your family but please keep in mind of all the wonderful things that he has done for our community."

REMARKS BY SENATOR KEISER

Senator Keiser: "Thank you Madam President. It was just three months ago we suffered a loss, the North Highline community or White Center is a community that doesn't get much respect but Deputy Cox brought it a lot of respect and his commitment and his love for the people of that community, of our community, was unbounded. It was the kind of commitment that had no limit. He had a heart. He just had a heart as big as all outdoors, as big as Mount Rainier and the community loved him. They revered him and we miss him. I know the family misses him too. We all miss him, we all think of him."

MOTION

Senator Keiser moved that all members names be added to Senate Resolution No. 8643.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8643.

The motion by Senator Poulsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced family members of Officer Steve Cox who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced ladies of United Methodist Church led by Violet Grace who were participating in a legislative day.

MOTION

At 10:46 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:56 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5183, by Senators Hatfield, Roach, Pridemore, Poulsen, Holmquist, Sheldon, Fairley, Keiser, Kline, Kilmer, Hobbs, Kauffman, Rasmussen and Kohl-Welles

Regarding cost savings on course materials for students at community and technical colleges.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5183 was substituted for Senate Bill No. 5183 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5183 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5183.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5183 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Benton and Shin - 2

SUBSTITUTE SENATE BILL NO. 5183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8207, by Senators Eide, Pridemore, Marr, McAuliffe, Weinstein, Shin, Tom, Kohl-Welles, Rasmussen, Kilmer, Franklin and Regala

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Benton and Sheldon be adopted:

Strike everything after page 1, line 7, and insert the following:

"Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money(~~(= Provided, however, That)~~). Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other

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MOTION

governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election(~~(- Provided, That)~~). Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years. A proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition if the proposition is approved at the general election, in which case the proposition to levy such additional tax shall be submitted not more than fourteen months before the date on which the proposed initial levy is to be made and not oftener than twice during the fourteen-month period beginning with the general election at which the proposition was first submitted. However, a proposition to levy an additional tax for a school district may be submitted at the 2008 general election if the proposition has been submitted no more than three times in such fourteen-month period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election(~~(- Provided, That)~~). Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein(~~(- And provided further, That)~~). The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Schoesler moved that the following amendment to the striking amendment by Senator Schoesler be adopted.

On page 2, line 19 of the striking amendment, after "period", insert the following:

"The state must guarantee that no school district is required to impose a tax rate higher than the state average tax rate needed to collect a maintenance and operations school levy by equalizing the full amount of the school district's maintenance and operations levy"

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Brown spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 19 to the striking amendment to Senate Joint Resolution No. 8207.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Benton and Sheldon to Senate Joint Resolution No. 8207.

Senator Hargrove spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator McCaslin: "In my declining years my hearing may have failed me but I don't think he moved adoption of the amendment. He did previous to Senator Schoesler's amendment but I believe he needs to move the amendment, move adoption of the amendment. Am I incorrect Senator? I believe you started your speech without moving the adoption."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator, he had moved the adoption."

POINT OF ORDER

Senator McCaslin: "Would you move so I could hear it Senator?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "The Senator has moved the adoption of the amendment."

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "Thank you very much. Thank you Senator, I am completely satisfied and will rest peaceably the rest of the day."

Senator Eide spoke in favor of the adoption of the striking amendment.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

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On motion of Senator Eide, the rules were suspended, Engrossed Senate Joint Resolution No. 8207 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Eide spoke in favor of passage of the bill.
Senator Holmquist spoke against passage of the bill.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Schoesler spoke against the motion.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Eide to suspend Rule 15.

The motion by Senator Eide carried by voice vote.

Senators Jacobsen, Sheldon and McCaslin spoke against passage of the bill.

Senators Hobbs, Brown spoke in favor of passage of the bill.

MOTION

Senator Kline demanded that the previous question be put.

The President Pro Tempore declared that at least two additional senators joined the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline, "Shall the main question be now put?"

The motion by Senator Kline that the previous question be put was carried by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Joint Resolution No. 8207.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Resolution No. 8207 and the resolution passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Tom and Weinstein - 30

Voting nay: Senators Brown, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senators Benton and Shin - 2

ENGROSSED SENATE JOINT RESOLUTION NO. 8207, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Brown gave notice of her intent to move to reconsider the vote by which

Engrossed Senate Joint Resolution No. 8207 failed to pass the Senate.

MOTION

At 12:46 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:28 p.m. by President Pro Tempore.

MOTION

On motion of Senator Fraser, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

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SB 5010 Prime Sponsor, Honeyford: Creating a state park foster home pass. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5010 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5011 Prime Sponsor, Kohl-Welles: Removing the expiration date on the 2006 beer and wine distribution bill. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5016 Prime Sponsor, Jacobsen: Limiting petitions for guardianship by professional guardians. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5016 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5018 Prime Sponsor, Jacobsen: Prohibiting a professional guardian from serving as both guardian or limited guardian and attorney or guardian ad litem. Reported by Committee on Judiciary

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MAJORITY recommendation: That Substitute Senate Bill No. 5018 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray and Weinstein

Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5020 Prime Sponsor, Jacobsen: Requiring that part-time community college faculty be paid on the same scale as full-time faculty. Revised for 1st Substitute: Regarding higher education faculty salaries. Reported by Committee on Labor, Commerce, Research & Development

SB 5197 Prime Sponsor, Tom: Regulating the sale of firearms at gun shows and events. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5197 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MAJORITY recommendation: That Substitute Senate Bill No. 5020 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

February 27, 2007

SB 5045 Prime Sponsor, Weinstein: Providing for the licensing of contractors. Reported by Committee on Labor, Commerce, Research & Development

SB 5230 Prime Sponsor, Kohl-Welles: Funding the administration of Title 50 RCW, unemployment compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5230 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5045 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5075 Prime Sponsor, Honeyford: Authorizing outdoor burning within an urban growth area to protect life or property from a fire hazard. Reported by Committee on Water, Energy & Telecommunications

SB 5246 Prime Sponsor, Hargrove: Changing provisions affecting the placement of children. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5246 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5075 be substituted therefor, and the substitute bill do pass. Signed by Senators Delvin, Fraser, Holmquist, Honeyford, Marr, Morton and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Oemig

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5108 Prime Sponsor, Haugen: Creating the office of farmland preservation. Reported by Committee on Ways & Means

SB 5312 Prime Sponsor, Tom: Addressing the issue of stolen metal property. Revised for 1st Substitute: Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5312 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

MAJORITY recommendation: That Substitute Senate Bill No. 5108 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield,

Passed to Committee on Rules for second reading.

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SB 5315 Prime Sponsor, Schoesler: Authorizing residents to access their property during a forest fire. Revised for 1st Substitute: Regarding access to property during a forest fire. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5315 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5346 Prime Sponsor, Kline: Revising the accrual of interest on judgments entered against offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Roach

Passed to Committee on Ways & Means.

February 28, 2007

SB 5372 Prime Sponsor, Rockefeller: Creating the Puget Sound partnership. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford

Passed to Committee on Ways & Means.

February 27, 2007

SB 5373 Prime Sponsor, Kohl-Welles: Regarding reporting, penalty, and corporate officer provisions of the unemployment insurance system. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5373 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5421 Prime Sponsor, Fraser: Concerning environmental covenants. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget;

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Passed to Committee on Rules for second reading.

February 28, 2007

SB 5447 Prime Sponsor, Hatfield: Instituting a Dungeness crab-coastal fishery buyback program. Revised for 1st Substitute: Regarding the coastal Dungeness crab fishery. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5463 Prime Sponsor, Jacobsen: Modifying forest fire protection assessments. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5463 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Schoesler

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5475 Prime Sponsor, Poulsen: Modifying provisions affecting underground storage tanks. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5475 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5482 Prime Sponsor, Brown: Providing for reasonable attorneys' fees for dishonored checks. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5482 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5484 Prime Sponsor, Jacobsen: Allowing dogs in bars. Revised for 1st Substitute: Allowing dogs in designated outdoor areas of bars and coffee shops. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5484 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Clements, Franklin, Holmquist and Murray

MINORITY recommendation: Do not pass. Signed by Senator Prentice. Without recommendation. Signed by Senator Hewitt

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5519 Prime Sponsor, Delvin: Directing the department of ecology to approve changes in the point of diversion under a water right. Revised for 1st Substitute: Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5519 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Holmquist, Honeyford, Marr and Morton

MINORITY recommendation: Do not pass. Signed by Senator Regala. Without recommendation. Signed by Senator Oemig

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5558 Prime Sponsor, Prentice: Regulating house-banked social card games. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5586 Prime Sponsor, Murray: Encouraging the use of cleaner energy. Revised for 1st Substitute: Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Morton

Passed to Committee on Ways & Means.

February 28, 2007

SB 5592 Prime Sponsor, Berkey: Revising regulation of telecommunications companies. Revised for 1st Substitute: Creating a joint task force to develop reforms to statutes regulating telecommunications companies and services. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5603 Prime Sponsor, Roach: Updating public records provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5603 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5615 Prime Sponsor, Rockefeller: Imposing penalties against convicted motor vehicle offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5622 Prime Sponsor, Kohl-Welles: Changing collective bargaining eligibility requirements for certain employees of higher education institutions and related boards. Revised for 1st Substitute: Regarding collective bargaining for certain employees of institutions of higher education and related boards. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5622 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Hewitt. Without recommendation. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

February 27, 2007

SB 5659 Prime Sponsor, Keiser: Establishing family and medical leave insurance. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Ways & Means.

February 27, 2007

SB 5675 Prime Sponsor, Franklin: Increasing minimum industrial insurance benefits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5676 Prime Sponsor, Keiser: Revising provision for receipt of temporary total disability. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5702 Prime Sponsor, Benton: Requiring notice to certain employees of a claim of exemption from paying unemployment insurance taxes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Murray

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5706 Prime Sponsor, Benton: Including a child fourteen or younger in the aggravated first degree murder provisions. Revised for 1st Substitute: Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5706 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, McCaslin, Roach and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Hargrove and Murray

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5711 Prime Sponsor, Parlette: Expanding the offender score to include offenses concerning the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5721 Prime Sponsor, Kohl-Welles: Concerning financial arrangements involving sports/entertainment facility license holders. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5721 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5725 Prime Sponsor, Franklin: Making health care providers' billing statements admissible. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5725 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5728 Prime Sponsor, Rasmussen: Regarding the salary schedule for educational staff associate positions and vocational certified instructors. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

February 28, 2007

SB 5733 Prime Sponsor, Stevens: Regarding hydraulic project permit approval for projects intended to reduce or eliminate damage from floods. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

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MINORITY recommendation: Do not pass. Signed by Senator Fraser

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5746 Prime Sponsor, Jacobsen: Regarding the practice of landscape architecture. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Hewitt. Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5748 Prime Sponsor, Jacobsen: Regarding ballast water management. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 27, 2007

SB 5751 Prime Sponsor, Kohl-Welles: Creating a wine and beer tasting pilot project in grocery stores. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Hewitt, Holmquist, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5772 Prime Sponsor, Kohl-Welles: Certifying an employee organization for the purposes of state collective bargaining. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5772 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5783 Prime Sponsor, Kohl-Welles: Applying

interest arbitration to certain care providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5783 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Ways & Means.

February 27, 2007

SB 5788 Prime Sponsor, Spanel: Requiring the licensing of home inspectors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5788 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5822 Prime Sponsor, Kohl-Welles: Allowing certain activities between manufacturers, importers, or distributors and retail sellers of wine. Revised for 1st Substitute: Allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5822 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5833 Prime Sponsor, Hargrove: Requiring the filing of a certificate of merit when a claim is filed against a design professional. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5836 Prime Sponsor, Fairley: Addressing the timing of accrual of property tax revenues. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5836 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

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SB 5838 Prime Sponsor, Kohl-Welles: Addressing spirits, beer, and wine restaurant licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5856 Prime Sponsor, Rockefeller: Providing responsible bidder criteria and related requirements for public works contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5856 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5859 Prime Sponsor, Kohl-Welles: Creating a spirits, beer, and wine nightlife liquor license and removing spirits, beer, and wine restaurant license limit. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Ways & Means.

February 28, 2007

SB 5866 Prime Sponsor, Kline: Increasing the homestead exemption amount. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5868 Prime Sponsor, Kline: Defining civil disorder. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5870 Prime Sponsor, Kline: Concerning records in a criminal case. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5870 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5873 Prime Sponsor, Kline: Defining "employer" in the human rights commission's provisions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Ways & Means.

February 28, 2007

SB 5878 Prime Sponsor, Hargrove: Concerning the filing of police incident reports for victims of identity theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5879 Prime Sponsor, Fairley: Authorizing payroll deductions for retiree organization dues. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5898 Prime Sponsor, Kohl-Welles: Authorizing the use of a common carrier for the shipment of wine. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5898 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

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SB 5899 Prime Sponsor, McAuliffe: Defining society or organization for alcoholic beverage control purposes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5900 Prime Sponsor, Regala: Increasing the safety of victims of domestic violence, sexual assault, or stalking by ensuring leave from employment. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5910 Prime Sponsor, Brandland: Modifying the notice requirement of intent to file a medical malpractice claim. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5915 Prime Sponsor, Honeyford: Providing unemployment and industrial insurance notices to employers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5915 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5923 Prime Sponsor, Swecker: Regarding aquatic invasive species enforcement and control. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5923 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

February 27, 2007

SB 5927 Prime Sponsor, Delvin: Regarding nondisclosure of certain information of gambling commission licensees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5929 Prime Sponsor, Delvin: Making a false or misleading material statement that results in an Amber alert. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5929 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5938 Prime Sponsor, Haugen: Providing a unified means for handling both Indian and non-Indian graves and cemeteries. Revised for 1st Substitute: Regarding the protection of graves and cemeteries. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: That Substitute Senate Bill No. 5938 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5944 Prime Sponsor, Brandland: Concerning ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5947 Prime Sponsor, Murray: Creating a business and occupation tax credit against state and federal payroll taxes paid on employee tips by restaurant owners. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Ways & Means.

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SB 5953 Prime Sponsor, Eide: Increasing penalties for acts of domestic violence involving strangulation. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5958 Prime Sponsor, Keiser: Creating innovative primary health care delivery. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5958 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 28, 2007

SB 5964 Prime Sponsor, Kline: Excluding offenders who have committed only the crimes of assault 2 and robbery 2 from the definition of persistent offender. Revised for 1st Substitute: Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5964 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5972 Prime Sponsor, Morton: Providing the department of natural resources with more consistent enforcement authority for protection against mining without a permit. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 5972 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5980 Prime Sponsor, Fraser: Notifying licensed nursing homes and boarding homes of offender status of residents or persons seeking admission. Revised for 1st Substitute: Requiring notification to nursing homes, boarding homes, and adult family homes of offender status of new residents. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 5980 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

February 27, 2007

SB 5984 Prime Sponsor, Murray: Allowing only structural engineers to provide engineering services for significant structures. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5987 Prime Sponsor, Clements: Increasing penalties for gang-related offenses. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 5987 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Carrell, Hargrove, McCaslin, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5990 Prime Sponsor, Kohl-Welles: Regarding crane safety. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6001 Prime Sponsor, Pridemore: Mitigating the impacts of climate change. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist, Honeyford and Morton

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6004 Prime Sponsor, Oemig: Concerning exceptional sentences. Revised for 1st Substitute: Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6004 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6005 Prime Sponsor, Shin: Revising provisions involving court interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

February 28, 2007

SB 6010 Prime Sponsor, Poulsen: Concerning the issuance of hydraulic project permits for activities in aquatic reserves. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen and Spanel

MINORITY recommendation: Do not pass. Signed by Senators Stevens and Swecker

Passed to Committee on Rules for second reading.

February 26, 2007

SB 6023 Prime Sponsor, McAuliffe: Regarding alternative assessments. Revised for 1st Substitute: Concerning the Washington assessment of student learning. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements and Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6030 Prime Sponsor, Parlette: Providing health insurance options for young adults. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6030 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6032 Prime Sponsor, Kohl-Welles: Concerning the medical use of marijuana. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6032 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kohl-Welles, Marr, Parlette and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6036 Prime Sponsor, Fraser: Addressing construction liens. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6036 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6053 Prime Sponsor, Spanel: Regarding the management of the state's food fish and shellfish resources. Revised for 1st Substitute: Creating a legislative task force on the structure of the department of fish and wildlife. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6053 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Rockefeller, Vice Chair

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6059 Prime Sponsor, Carrell: Allowing attorneys to recover actual costs for service of process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6065 Prime Sponsor, Kline: Providing funds to restore public school art programs. Revised for 1st Substitute: Providing school funding for various programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That Substitute Senate Bill No. 6065 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Hewitt, Holmquist and Zarelli. Without recommendation. Signed by Senator Hobbs

Passed to Committee on Ways & Means.

February 27, 2007

SB 6075 Prime Sponsor, Haugen: Increasing competitive bid limits for the purchase of materials, equipment, or supplies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6078 Prime Sponsor, Murray: Creating hotel licenses for the sale of alcoholic beverages. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6078 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 27, 2007

SB 6082 Prime Sponsor, Kohl-Welles: Addressing unemployment insurance for employees who voluntarily quit work. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6082 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6083 Prime Sponsor, Pflug: Providing access to medical information for physicians. Revised for 1st Substitute: Providing access to medical information for health professionals. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: That Substitute Senate Bill No. 6083 be substituted therefor, and the substitute bill do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

February 27, 2007

SB 6090 Prime Sponsor, Delvin: Regarding persons who perform crowd management or guest services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6094 Prime Sponsor, Pridemore: Creating the improving core subject instruction for all students pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6100 Prime Sponsor, Kline: Limiting the use of charitable donations in charging decisions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6102 Prime Sponsor, Poulsen: Modifying provisions affecting the telecommunications services of public utility districts. Revised for 1st Substitute: Authorizing locally regulated telecommunications services to the general public and public agencies by public utility districts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: That Substitute Senate Bill No. 6102 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Holmquist

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6103 Prime Sponsor, Kline: Creating a pilot program for enforcement of financial fraud and identity theft laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 6103 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

February 27, 2007

SB 6106 Prime Sponsor, Spanel: Establishing guidelines for the regulation of certain trades by the department of labor and industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 6106 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice

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Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Director of the Department of Printing. Reported by Committee on Government Operations & Elections

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

February 28, 2007

SB 6117 Prime Sponsor, Fraser: Regarding reclaimed water. Revised for 1st Substitute: Reported by Committee on Water, Energy & Telecommunications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 6117 be substituted therefor, and the substitute bill do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig and Pridemore

MOTION

On motion of Fraser, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Senate Bill No. 5346, Senate Bill No. 5783, Senate Bill No. 5958 and Senate Bill No. 6005 which were referred to the Committee on Ways & Means and Senate Bill No. 5836 and Senate Bill No. 6094 which were referred to the Committee on Rules.

MINORITY recommendation: Do not pass. Signed by Senator Morton. Without recommendation. Signed by Senators Delvin, Holmquist, Honeyford and Regala

Passed to Committee on Ways & Means.

MOTION

At 7:31 p.m., on motion of Senator Fraser, the Senate adjourned until 9:30 a.m. Thursday, March 1, 2007.

February 28, 2007

SB 6122 Prime Sponsor, Rasmussen: Establishing the regional centers for Washington individuals with autism program. Reported by Committee on Health & Long-Term Care

BRAD OWEN, President of the Senate

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

THOMAS HOEMANN, Secretary of the Senate

February 27, 2007

SB 6128 Prime Sponsor, Keiser: Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Benton, Roach and Swecker

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6141 Prime Sponsor, Jacobsen: Expanding provisions affecting forest health. Revised for 1st Substitute: Regarding forest health. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: That Substitute Senate Bill No. 6141 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 27, 2007

SGA 9240 JEAN-LUC DEVIS, appointed September 25, 2006, for the term ending at the governor's pleasure, as a

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 1, 2007

MESSAGE FROM THE HOUSE

February 28, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug and Shin.

The Sergeant at Arms Color Guard consisting of Pages Tucker Cholvin and Leila Frishak, presented the Colors. High Priest Jim Erlandson of the Community of Christ Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- HOUSE BILL NO. 1000,
- HOUSE BILL NO. 1269,
- HOUSE BILL NO. 1403,
- HOUSE BILL NO. 1476,
- SUBSTITUTE HOUSE BILL NO. 1482,
- SUBSTITUTE HOUSE BILL NO. 1500,
- HOUSE BILL NO. 1505,
- SUBSTITUTE HOUSE BILL NO. 1574,
- SUBSTITUTE HOUSE BILL NO. 1607,
- HOUSE BILL NO. 1645,
- SUBSTITUTE HOUSE BILL NO. 1646,
- HOUSE BILL NO. 1666,
- SUBSTITUTE HOUSE BILL NO. 1693,
- HOUSE BILL NO. 1759,
- HOUSE BILL NO. 1791,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1041,
- HOUSE BILL NO. 1068,
- HOUSE BILL NO. 1235,
- SUBSTITUTE HOUSE BILL NO. 1246,
- HOUSE BILL NO. 1293,
- SUBSTITUTE HOUSE BILL NO. 1304,
- SUBSTITUTE HOUSE BILL NO. 1472,
- SUBSTITUTE HOUSE BILL NO. 1498,
- HOUSE BILL NO. 1520,
- SUBSTITUTE HOUSE BILL NO. 1555,
- SUBSTITUTE HOUSE BILL NO. 1642,
- HOUSE BILL NO. 1775,
- SUBSTITUTE HOUSE BILL NO. 1929,
- SUBSTITUTE HOUSE BILL NO. 2049,
- SUBSTITUTE HOUSE BILL NO. 2147,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1102,
- SUBSTITUTE HOUSE BILL NO. 1122,
- SUBSTITUTE HOUSE BILL NO. 1140,
- HOUSE BILL NO. 1220
- HOUSE BILL NO. 1224,
- SUBSTITUTE HOUSE BILL NO. 1233,
- HOUSE BILL NO. 1270,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED HOUSE BILL NO. 1379,
- SUBSTITUTE HOUSE BILL NO. 1396,
- HOUSE BILL NO. 1420,
- HOUSE BILL NO. 1457,
- ENGROSSED HOUSE BILL NO. 1460,
- HOUSE BILL NO. 1526,
- HOUSE BILL NO. 1528,
- SUBSTITUTE HOUSE BILL NO. 1734,
- HOUSE BILL NO. 1824,
- HOUSE BILL NO. 1831,
- HOUSE BILL NO. 1859
- HOUSE BILL NO. 1888,
- HOUSE BILL NO. 1939,
- SUBSTITUTE HOUSE BILL NO. 1953,
- HOUSE BILL NO. 1966,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 28, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED HOUSE BILL NO. 1648,

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

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INTRODUCTION AND FIRST READING

SB 6143 by Senators Murray, Pflug, Eide, Rockefeller, Roach, Weinstein, Shin, Fairley and Kilmer

AN ACT Relating to providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

SB 6144 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to a Pacific Northwest maritime national heritage area feasibility assessment; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5088, by Senators Haugen, Swecker and Shin

Regulating ferry queues.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senators Haugen and Rockefeller be adopted.

On page 1, after line 15, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

(1) The driver of a vehicle waiting in a holding area operated by Washington state ferries shall not have the vehicle idle in excess of three consecutive minutes if the vehicle is gasoline-powered or in excess of five consecutive minutes if the vehicle is diesel-powered, unless:

(a) The vehicle is being used as an emergency vehicle in an emergency situation;

(b) The vehicle is required by a federal, state, or local law or official, but only to the extent necessary to comply with such a requirement;

(c) The vehicle's engine is providing auxiliary power for activities other than heating or air conditioning, such as loading, refrigeration, well drilling, or farming;

(d) Running the vehicle's engine is necessary for maintenance, servicing, repair, or diagnostic purposes;

(e) Running the vehicle's engine during adverse weather conditions is necessary to ensure the safe operation of the vehicle; or

(f) The ambient air temperature is below twenty degrees Fahrenheit for gasoline-powered vehicles or below thirty-two degrees Fahrenheit for diesel-powered vehicles, and idling of the

vehicle is necessary to ensure the safety or health of the passengers or driver.

(2) RCW 47.04.090 does not apply to this section."

On page 1, line 1 of the title, after "ferries;", strike "and"

On page 1, line 2 of the title, after "46.61 RCW", insert ";and adding a new section to chapter 47.60 RCW"

WITHDRAWAL OF AMENDMENT

On motion of Senator Rockefeller, the amendment by Senators Haugen and Rockefeller on page 1, line 15 to Senate Bill No. 5088 was withdrawn.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Shin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Pflug - 1

Excused: Senator Shin - 1

SENATE BILL NO. 5088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

SECOND READING

SENATE BILL NO. 5263, by Senators Franklin, Hobbs, Berkey and Hatfield

Modifying medical malpractice closed claim reporting requirements.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5263 was substituted for Senate Bill No. 5263 and the substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

MOTION

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On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5263 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5263.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5263 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

SUBSTITUTE SENATE BILL NO. 5263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5508, by Senators Kilmer, Zarelli, Hatfield, Schoesler, Holmquist, Kastama, Tom, Sheldon, Shin and Rasmussen

Providing for economic development project permitting.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senator Kilmer be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 88. (1) The legislature finds that permit programs have been legislatively established to protect the health, welfare, economy, and environment of Washington's citizens and to provide a fair, competitive opportunity for business innovation and consumer confidence. The legislature also finds that uncertainty in government processes to permit an activity by a citizen of Washington state is undesirable and erodes confidence in government. The legislature further finds that in the case of projects that would further economic development in the state, information about the permitting process is critical for an applicant's planning and financial assessment of the proposed project. The legislature also finds that applicants have a responsibility to provide complete and accurate information.

(2) The legislature recommends that applicants be provided with the following information when applying for a development permit from a city, county, or state agency:

(a) The minimum and maximum time an agency will need to make a decision on a permit, including public comment requirements;

(b) The minimum amount of information required for an agency to make a decision on a permit;

(c) When an agency considers an application complete for processing;

(d) The minimum and maximum costs in agency fees that will be incurred by the permit applicant; and

(e) The reasons for a denial of a permit in writing.

(3) In providing this information to applicants, an agency should base estimates on the best information available about

the permitting program and prior applications for similar permits, as well as on the information provided by the applicant. New information provided by the applicant subsequent to the agency estimates may change the information provided by an agency per subsection (2) of this section. Project modifications by an applicant may result in more time, more information, or higher fees being required for permit processing.

(4) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

(5) City, county, and state agencies issuing development permits are encouraged to track the progress in providing the information to applicants per subsection (2) of this section by preparing an annual report of its performance for the preceding fiscal year. The report should be posted on its web site made available and provided to the appropriate standing committees of the senate and house of representatives.

Sec. 89. RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) The cost of the project compared to the size of the local government and amount of loan money available;

~~((d))~~ (e) The number of communities served by or funding the project;

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~~((f))~~ ~~(f)~~ Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((ff))~~ ~~(g)~~ Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((fg))~~ ~~(h)~~ The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((fh))~~ ~~(i)~~ Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

Sec. 90. RCW 43.160.060 and 2004 c 252 s 3 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided by the board in any biennium shall consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(d) For a project the primary purpose of which is to facilitate or promote gambling.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; ~~(and)~~

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project; ~~and~~

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act.

(4) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 91. RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW that has not issued bonds to finance any public improvement shall be considered a revenue development area under this chapter without creating a new

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increment area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4) Sponsoring local governments, and any cosponsoring local governments, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve qualified projects, up to the annual state contribution limit. Except as provided in RCW 39.102.050, approvals shall be based on the following criteria:

(a) The project potential to enhance the sponsoring local government's regional and/or international competitiveness;

(b) The project's ability to encourage mixed use development and the redevelopment of a geographic area;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

(d) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((d))~~ (e) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (f) The estimated state and local net employment change over the life of the project;

~~((f))~~ (g) The estimated state and local net property tax change over the life of the project; and

~~((g))~~ (h) The estimated state and local sales and use tax increase over the life of the project.

(5) A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval. Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification shall be sent to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 92. RCW 43.160.230 and 2005 c 425 s 2 are each amended to read as follows:

(1) The job development fund program is created to provide grants for public infrastructure projects that will stimulate job creation or assist in job retention. The program is to be administered by the board. The board shall establish a competitive process to request and prioritize proposals and make grant awards.

(2) For the purposes of chapter 425, Laws of 2005, "public infrastructure projects" has the same meaning as "public facilities" as defined in RCW 43.160.020(11).

(3) The board shall conduct a statewide request for project applications. The board shall apply the following criteria for evaluation and ranking of applications:

(a) The relative benefits provided to the community by the jobs the project would create, including, but not limited to: (i) The total number of jobs; (ii) the total number of full-time, family wage jobs; (iii) the unemployment rate in the area; and (iv) the increase in employment in comparison to total community population;

(b) The present level of economic activity in the community and the existing local financial capacity to increase economic activity in the community;

(c) Whether the applicant has a good record of providing information to those applying for development permits consistent with section 1(2) of this act;

~~((d))~~ (d) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project;

~~((d))~~ (e) The lack of another timely source of funding available to finance the project which would likely prevent the proposed community or economic development, absent the financing available under chapter 425, Laws of 2005;

~~((e))~~ (f) The ability of the project to improve the viability of existing business entities in the project area;

~~((f))~~ (g) Whether or not the project is a partnership of multiple jurisdictions;

~~((g))~~ (h) Demonstration that the requested assistance will directly stimulate community and economic development by facilitating the creation of new jobs or the retention of existing jobs; and

~~((h))~~ (i) The availability of existing assets that applicants may apply to projects.

(4) Job development fund program grants may only be awarded to those applicants that have entered into or expect to enter into a contract with a private developer relating to private investment that will result in the creation or retention of jobs upon completion of the project. Job development fund program grants shall not be provided for any project where:

(a) The funds will not be used within the jurisdiction or jurisdictions of the applicants; or

(b) Evidence exists that the project would result in a development or expansion that would displace existing jobs in any other community in the state.

(5) The board shall, with the joint legislative audit and review committee, develop performance criteria for each grant and evaluation criteria to be used to evaluate both how well successful applicants met the community and economic development objectives stated in their applications, and how well the job development fund program performed in creating and retaining jobs.

Sec. 93. RCW 43.42.010 and 2003 c 71 s 2 are each amended to read as follows:

(1) The office of regulatory assistance is created in the office of financial management and shall be administered by the office of the governor to assist citizens, businesses, and project applicants.

(2) The office shall:

(a) Maintain and furnish information as provided in RCW 43.42.040;

(b) Furnish facilitation as provided in RCW 43.42.050;

(c) Furnish coordination as provided in RCW 43.42.060;

(d) Coordinate cost reimbursement as provided in RCW 43.42.070;

(e) Work with state agencies and local governments to continue to develop a range of permit assistance options for project applicants;

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(f) ~~((Review initiatives developed by the transportation permit efficiency and accountability committee established in chapter 47.06C RCW and determine if any would be beneficial if implemented for other types of projects)) Help local jurisdictions comply with the requirements of RCW 36.70B.080 by:~~

~~(i) Providing information about best practices and compliance with the requirements of RCW 36.70B.080; and~~

~~(ii) Providing technical assistance in reducing the turnaround time between submittal of an application for a development permit and the issuance of the permit;~~

(g) Work to develop informal processes for dispute resolution between agencies and permit applicants;

(h) Conduct customer surveys to evaluate its effectiveness; and

(i) Provide the following biennial reports to the governor and the appropriate committees of the legislature:

(i) A performance report, based on the customer surveys required in (h) of this subsection;

(ii) A report on any statutory or regulatory conflicts identified by the office in the course of its duties that arise from differing legal authorities and roles of agencies and how these were resolved. The report may include recommendations to the legislature and to agencies; and

(iii) A report regarding use of outside independent consultants under RCW 43.42.070, including the nature and amount of work performed and implementation of requirements relating to costs.

(3) A director of the office shall be hired no later than June 1, 2003.

(4) The office shall give priority to furnishing assistance to small projects when expending general fund moneys allocated to it.

Sec. 94. RCW 43.131.401 and 2003 c 71 s 5 are each amended to read as follows:

The office of regulatory assistance established in RCW 43.42.010 and its powers and duties shall be terminated June 30, ~~((2007))~~ 2011, as provided in RCW 43.131.402.

Sec. 95. RCW 43.131.402 and 2003 c 71 s 6 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2008))~~ 2012:

(1) RCW 43.42.005 and 2003 c 71 s 1 & 2002 c 153 s 1;

(2) RCW 43.42.010 and section 6 of this act, 2003 c 71 s 2, & 2002 c 153 s 2;

(3) RCW 43.42.020 and 2002 c 153 s 3;

(4) RCW 43.42.030 and 2003 c 71 s 3 & 2002 c 153 s 4;

(5) RCW 43.42.040 and 2003 c 71 s 4 & 2002 c 153 s 5;

(6) RCW 43.42.050 and 2002 c 153 s 6;

(7) RCW 43.42.060 and 2002 c 153 s 7;

(8) RCW 43.42.070 and 2002 c 153 s 8;

(9) RCW 43.42.905 and 2002 c 153 s 10;

(10) RCW 43.42.900 and 2002 c 153 s 11; and

(11) RCW 43.42.901 and 2002 c 153 s 12.

NEW SECTION. **Sec. 96.** The sum of forty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the office of regulatory assistance, created within the office of financial management under RCW 43.42.010, for the purposes of section 6 of this act.

NEW SECTION. **Sec. 97.** Section 4 of this act expires June 30, 2039.

NEW SECTION. **Sec. 98.** Section 5 of this act expires June 30, 2011."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer to Senate Bill No. 5508.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "permitting;" strike the remainder of the title and insert "amending RCW 43.155.070, 43.160.060, 39.102.040, 43.160.230, 43.42.010, 43.131.401, and 43.131.402; creating a new section; making an appropriation; and providing expiration dates."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 5508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5508.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5508 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

ENGROSSED SENATE BILL NO. 5508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:03 a.m., on motion of Senator Eide, the Senate was declared to be at ease for the purpose of caucuses.

The Senate was called to order at 10:45 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5497, by Senators McAuliffe, Holmquist, Rasmussen, Oemig, Pridemore, Zarelli, Weinstein, Eide, Hobbs, Keiser, Fraser, Hewitt, Tom, Kauffman, Clements, Hargrove, Kilmer, Franklin, Kohl-Welles and Shin

Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Holmquist be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that

FIFTY-THIRD DAY, MARCH 1, 2007

only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

NEW SECTION. Sec. 2. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program. For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(1) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include students in special education, foster care youth, and youth involved in the juvenile justice system;

(2) Coaches or mentors for students as necessary;

(3) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(4) Retrieval or reentry activities; and

(5) Alternative educational programming, including, but not limited to, career and technical education preparatory programs and online learning opportunities.

NEW SECTION. Sec. 3. The office of the superintendent of public instruction shall:

(1) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(2) Develop and monitor requirements for grant recipients to:

(a) Identify eligible students, including students who both fail the Washington assessment of student learning and drop out of school;

(b) Identify their own strengths and gaps in services provided to youth;

(c) Set their own local goals for program outcomes;

(d) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(e) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(3) In setting the requirements under subsection (2) of this section, encourage creativity and provide for flexibility in implementing the local building bridges program;

(4) Identify and disseminate successful practices;

(5) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(a) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's

housing status, whether a student is a foster or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(b) Washington assessment of student learning scores;

(c) Dropout rates;

(d) On-time graduation rates;

(e) Extended graduation rates;

(f) Credentials obtained;

(g) Absenteeism rates;

(h) Truancy rates; and

(i) Credit retrieval;

(6) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership; and

(7) Report to the legislature by December 1, 2008.

NEW SECTION. Sec. 4. In awarding the grants under section 3 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates and truancy rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership.

NEW SECTION. Sec. 5. To be eligible for a grant under section 3 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

NEW SECTION. Sec. 6. Educational service districts, in collaboration with area workforce development councils, shall:

(1) Provide training to local partnerships established under a grant awarded under section 3 of this act on subjects such as cultural competency, identifying diverse learning styles, and collecting and using performance data;

(2) Assist school districts and their partners in identifying effective intervention strategies for students at risk for dropping out; and

(3) Provide training to assist in the design of functional sustainability plans including the identification of potential funding sources for future operation.

NEW SECTION. Sec. 7. (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of

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school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; associations representing students in special education; the department of health; local school districts; community organizations serving youth; federally recognized tribes and urban tribal centers; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 28A.175 RCW."

Senators McAuliffe and Holmquist spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Holmquist to Substitute Senate Bill No. 5497.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Holmquist and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Shin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5336, by Senators Murray, Kohl-Welles, Fairley, Prentice, Regala, Oemig, Tom, Kline, Hobbs, Pridemore, Keiser, Berkey, Franklin, Brown, Weinstein, Rockefeller, Poulsen, Fraser, Jacobsen, Spanel and McAuliffe

Protecting individuals in domestic partnerships by granting certain rights and benefits.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5336 was substituted for Senate Bill No. 5336 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 33, after line 18, insert the following:

"NEW SECTION. Sec. 34. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 8 of the title, after "70.58 RCW;" strike the remainder of the title and insert "adding a new chapter to Title 26 RCW; and providing for submission of this act to a vote of the people."

Senator Benton spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Murray: "Mr. President, the underlying bill deals with the issue of domestic partnership. It does not deal with the issue of marriage. I'd ask that the member speak to the issue before us."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton."

Senator Benton spoke in favor of adoption of the amendment.

Senator Murray spoke against adoption of the amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the Senate support the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 33, line 18 to Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 18; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin,

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Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Tom and Weinstein - 29

Excused: Senators Pflug and Shin - 2

MOTION

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5336 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray spoke in favor of passage of the bill.

Senator Stevens spoke against passage of the bill.

POINT OF ORDER

Senator Murray: "The citizens of this state should not be described with those derogatory terms. She's not speaking to the bill."

REPLY BY THE PRESIDENT

President Owen: "Senator Stevens, you are drifting a little way from the bill. The President would appreciate it if you'd bring your remarks relative to the bill."

POINT OF ORDER

Senator Eide: "We need to discuss the bill. This is going way off to another direction. Please, Mr. President, we need to continue to discuss the bill."

REPLY BY THE PRESIDENT

President Owen: "The President believes that there is discretion for a person to give their opinion on which direction a bill is going, however, Senator Stevens, it is important by your own rules, that you discuss, specifically, the bill before you."

Senator Hargrove spoke on passage of the bill.

Senators Weinstein, Franklin, Brown, Kohl-Welles and Haugen spoke in favor of passage of the bill.

Senators Swecker, Benton and Rasmussen spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5336.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5336 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senators Pflug and Shin - 2

SUBSTITUTE SENATE BILL NO. 5336, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was unable to attend the Senate floor session on Thursday, March 1 primarily due to illness. In addition the significant amount of snowfall around my home prevented me from traveling to Olympia on that day. My unavoidable absence resulted in my missing votes on the following measures: Senate Bill No. 5088, Substitute Senate Bill No. 5263, Substitute Senate Bill No. 5336, Engrossed Substitute Senate Bill No. 5497 and Engrossed Senate Bill No. 5508.

SENATOR CHERYL PLUG, 5th Legislative District

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5336 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION
8640

By Senator Franklin

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social "disorganization" for women 50 years and older; and

WHEREAS, Sue Ellen Cooper was inspired by Warning, a poem by Jenny Joseph that opens with the line "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The Red Hat Society was created as a social outlet for women at least 50 years old; and

WHEREAS, Members of The Red Hat Society who are 50 years or older wear a red hat and purple attire and members younger than 50 wear pink hats and lavender clothing until their "Reduation"; and

WHEREAS, The motto of The Red Hat Society is "Red Hatters Matter," to promote the value of older women in society and reshape the way they are viewed in today's culture; and

WHEREAS, Women of The Red Hat Society are from all areas of life: Mothers, grandmothers, homemakers, entrepreneurs, teachers, retirees, and senators, as well as women who are single, married, or widowed; and

WHEREAS, There are more than one million members of The Red Hat Society worldwide; and

WHEREAS, Leaders of individual chapters obtain the title "Queen Mum" and the members are referred to as "Red Hatters"; and

WHEREAS, March 1st is Red Hat Day at the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Red Hat Day and that its members celebrate womanhood by having fun; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Washington State Senate and the Lakewood and Puyallup chapters of The Red Hat Society.

Senator Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8640.

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The motion by Senator Franklin carried and the resolution was adopted by voice vote.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 2, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-FOURTH DAY, MARCH 2, 2007

2007 REGULAR SESSION

FIFTY-FOURTH DAY

SB 5477 Prime Sponsor, Kastama: Addressing manufactured/mobile home community registrations and dispute resolution. Reported by Committee on Ways & Means

MORNING SESSION

Senate Chamber, Olympia, Friday, March 2, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Hewitt.

The Sergeant at Arms Color Guard consisting of Pages John My and Dominiquea Walton, presented the Colors.

2006 Miss Tri-Cities, Miss Charlotte Smith, performed mazing Grace.'

PERSONAL PRIVILEGE

Senator Eide: "Well, I would just like to say thank you very much. Every time I hear that song it gives me goose bumps but Madam you can certainly sing. Thank you for that this morning."

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President, I too would like to commend the previous performance. It reminds me that there is a new movie that's just been released called 'Amazing Grace.' It's a story about parliamentarian who worked for decades to end slavery. It's really an exciting movie and I got to go to the premiere of it several weeks ago. It's just been released so I'm sure we'll all be able to relate to it and I would encourage members to see it."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to inform the Board of Ethics that I did not have her here to promote that movie but timing is perfect I guess. Thank you."

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 28, 2007

SB 5305 Prime Sponsor, Franklin: Extending medicaid coverage for foster youth. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2007

MAJORITY recommendation: That Second Substitute Senate Bill No. 5477 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5517 Prime Sponsor, Berkey: Increasing the personal needs allowance for persons receiving state-financed care. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5517 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5662 Prime Sponsor, Weinstein: Regulating charitable organizations that solicit contributions from the public. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5662 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5882 Prime Sponsor, Fraser: Funding the Washington state heritage center. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5882 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

FIFTY-FOURTH DAY, MARCH 2, 2007

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The Evergreen State College Audit Report is on file in the Office of the Secretary of the Senate.

February 28, 2007

SB 5918 Prime Sponsor, Fraser: Revising retirement benefits for judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Workfirst Contract Outcome Measures. This report is mandated under Chapter 58, Laws of 1997, Section 704.

If you have any questions about the report, please call 360-725-4888.

Sincerely,

Robin Arnold-Williams, Secretary
The Department of Social & Health Services, Workfirst Contract Outcome Measures is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is The Evergreen State College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

MESSAGES FROM THE STATE OFFICES

February 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Eastern Washington University Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-310.

Sincerely,

Brian Sonntag, State Auditor
The Eastern Washington University Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Renton Technical College Audit Report. If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Renton Technical College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Lower Columbia College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Lower Columbia College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Ecology Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Department of Ecology Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Traffic Safety Commission Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,
Brian Sonntag, State Auditor

The Traffic Safety Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 20, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. Social & Health Services, Hospital Reimbursement Study. This report is mandated under ESB 6090 Section 209(11).

If you have any questions about the report, please call 360-725-1828.

Sincerely,
Robin Arnold-Williams, Secretary

The Dept. Social & Health Services, Hospital Reimbursement Study is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 21, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Foster Care Assessment Instrument. This report is mandated under Chapter 232, Laws of 2000, Section 4 RCW 74.14A.050.

If you have any questions about the report, please call 360-902-7956.

Sincerely,
Robin Arnold-Williams, Secretary
The Department of Social & Health Services, Foster Care Assessment Instrument is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services Implementation of Enhancement Program Report. This report is mandated under Chapter 518, Section 202(7), Laws of 2005.

If you have any questions about the report, please call 360-902-7920.

Sincerely,
Robin Arnold-Williams, Secretary
The Dept. of Social & Health Services Implementation of Enhancement Program Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

February 28, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Superintendent of Public Instruction Recommendations for Educational Interpreter Standards Report.

If you have any questions about the report, please call 360-725-6075.

Sincerely,
Dr. Terry Bergeson, Superintendent of Public Instruction
The Washington Superintendent of Public Instruction Recommendations for Educational Interpreter Standards Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

FIFTY-FOURTH DAY, MARCH 2, 2007

2007 REGULAR SESSION

February 20, 2007

41.40.408, 41.40.767, 41.40.770, 41.40.870, 41.40.873,
41.40.877, and 41.40.880.

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Agriculture Pesticide Investigations and Enforcement Report. This report is mandated under RCW 15.58.420 and RCW 17.21.350.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Assistant to Director

The Department of Agriculture Pesticide Investigations and Enforcement Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 6, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JAMES GARRISON, reappointed April 4, 2007, for the term ending April 3, 2011, as Member of the State Board for Community and Technical Colleges.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 1, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JIM TSANG, reappointed October 1, 2006, for the term ending September 30, 2011, as Member, Board of Trustees, Pierce Community College District No. 11.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Gubernatorial Appointments Report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6145 by Senators Honeyford and Schoesler

AN ACT Relating to the purchase of an increased benefit multiplier for judicial service; and amending RCW 41.32.584, 41.32.587, 41.40.124, 41.40.127, 41.40.404,

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1000 by Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan, Wood, Warnick and Ormsby

AN ACT Relating to adding porphyria to the list of disabilities for special parking privileges; amending RCW 46.16.381; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1041 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Haler, Moeller and Lantz)

AN ACT Relating to plurality voting for directors; amending RCW 23B.08.030, 23B.08.050, 23B.08.070, 23B.08.100, and 23B.10.200; adding a new section to chapter 23B.10 RCW; and adding a new section to chapter 23B.07 RCW.

Referred to Committee on Judiciary.

HB 1068 by Representatives Hunt, Newhouse, Fromhold, Armstrong, Dunshee, McDonald and Morrell

AN ACT Relating to increasing the nonconstruction loan limit for projects using financing through the public works board; amending RCW 43.155.050; reenacting and amending RCW 43.155.050; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

SHB 1102 by House Committee on Finance (originally sponsored by Representatives Campbell, Green, McCune, Conway, Kirby, Appleton, McCoy, Ormsby, B. Sullivan, Hurst, Linville, O'Brien, P. Sullivan, Sells, Springer, Rolfes, Moeller, Wallace and Morrell)

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.381 and 84.36.383; and creating a new section.

Referred to Committee on Ways & Means.

SHB 1122 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, VanDeWege, B. Sullivan, Kagi, McCoy, Orcutt, Eickmeyer, Lantz, Warnick, Wallace, Hailey and Dickerson)

AN ACT Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands; amending RCW 79.15.540; creating a new section; and repealing 2004 c 218 s 10 (uncodified).

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1140 by House Committee on Technology, Energy &

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Communications (originally sponsored by Representatives McCoy, Crouse, Grant and Blake)

AN ACT Relating to net meter aggregation of electricity; and amending RCW 80.60.010, 80.60.020, and 80.60.030.

Referred to Committee on Water, Energy & Telecommunications.

HB 1220 by Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien and Simpson

AN ACT Relating to the appointment of indeterminate sentence review board members; and amending RCW 9.95.003.

Referred to Committee on Human Services & Corrections.

HB 1224 by Representatives Kelley, Sells, Pedersen, Fromhold, Ormsby, Hasegawa, Upthegrove, Skinner, Appleton, Wallace, Roberts, Kagi, Kenney, P. Sullivan, Darneille, Simpson, McDonald, Moeller, Schual-Berke, Morrell, Green, Barlow and Lantz

AN ACT Relating to cost savings on course materials for students at community and technical colleges; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

SHB 1233 by House Committee on Health Care & Wellness (originally sponsored by Representatives Ericks, Kirby, Roach, Williams, Jarrett and Simpson)

AN ACT Relating to specified disease, hospital confinement, or other fixed payment insurance; amending RCW 48.43.005; adding new sections to chapter 48.20 RCW; and adding new sections to chapter 48.21 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1235 by Representatives Kirby and Roach

AN ACT Relating to providing confidentiality to certain insurance commissioner examinations; and reenacting and amending RCW 48.02.065.

Referred to Committee on Financial Institutions & Insurance.

SHB 1246 by House Committee on Human Services (originally sponsored by Representatives McCoy, Darneille, Dickerson, Ahern, Kenney and Moeller)

AN ACT Relating to residential services and support enforcement standards; reenacting and amending RCW 71A.12.270; creating a new section; and recodifying RCW 71A.12.270.

Referred to Committee on Health & Long-Term Care.

HB 1269 by Representatives Quall, Strow, Bailey, Morris and Kenney

AN ACT Relating to superior court judicial positions; amending RCW 2.08.065; and creating a new section.

Referred to Committee on Judiciary.

HB 1270 by Representatives Kirby, Roach and Moeller

AN ACT Relating to the duration period of loans made under the consumer loan act; and amending RCW 31.04.125.

Referred to Committee on Financial Institutions & Insurance.

HB 1293 by Representatives Cody and Sommers

AN ACT Relating to insurance commissioner regulatory assessment fees; and amending RCW 48.02.190 and 48.46.120.

Referred to Committee on Ways & Means.

SHB 1304 by House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn, Jarrett, Flannigan, McCoy, Darneille, Lovick, Campbell, Schual-Berke, Kenney, Morrell and Roberts)

AN ACT Relating to commercial motor vehicle carriers; amending RCW 46.04.480, 46.32.010, 46.32.020, 46.32.040, 46.32.080, 46.32.090, 46.32.100, 46.87.294, 46.87.296, and 82.38.100; reenacting and amending RCW 46.16.160 and 46.44.105; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.32 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Transportation.

ESHB 1368 by House Committee on Local Government (originally sponsored by Representatives Simpson, Hinkle, Armstrong and Linville)

AN ACT Relating to special purpose district commissioner per diem compensation; and amending RCW 35.61.150, 52.14.010, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.460, 36.57A.050, and 85.38.075.

Referred to Committee on Government Operations & Elections.

EHB 1379 by Representatives Hinkle, Green, Campbell, Cody and Morrell

AN ACT Relating to the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser; and amending RCW 18.35.040.

Referred to Committee on Health & Long-Term Care.

SHB 1396 by House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke)

AN ACT Relating to a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election; amending RCW 36.120.070 and 81.112.030; adding a new section to chapter 29A.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

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HB 1403 by Representatives O'Brien, Hinkle, Condotta, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to charter licenses; and amending RCW 77.65.150.

AN ACT Relating to snowmobile registration; and amending RCW 46.10.020.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Transportation.

SHB 1482 by House Committee on Transportation (originally sponsored by Representatives Takko, Flannigan, Springer and Hailey)

HB 1420 by Representatives Kelley, Hailey, Chandler, Warnick, Hunt, Armstrong, Green, Miloscia, Appleton, Ormsby and Moeller

AN ACT Relating to primary election ballots; and amending RCW 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

AN ACT Relating to retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance; amending RCW 47.26.080, 47.26.164, and 47.26.340; and reenacting and amending RCW 46.68.110.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Transportation.

HB 1457 by Representatives Lovick, Dunshee, Ericks, Williams, Conway, Wood, Moeller, Crouse, Green and Hunter

AN ACT Relating to youth soccer referees; and amending RCW 26.28.060 and 51.12.020.

SHB 1498 by House Committee on Finance (originally sponsored by Representatives Grant, Walsh, Lovick, Santos, Armstrong, Linville, Hinkle, Kessler, Green, Kenney, Williams, Ericks and Dunn)

AN ACT Relating to excluding self-service laundry from the definition of retail sale for excise tax purposes; reenacting and amending RCW 82.04.050; creating a new section; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Ways & Means.

EHB 1460 by Representatives Schual-Berke, Hankins, Cody, Campbell, Morrell, Green, Dickerson, Darneille, McDermott, Jarrett, Hudgins, Moeller, Kagi, Rodne, Williams, Ormsby, Haigh, Linville, Wood, Conway, O'Brien, Hasegawa, Santos and Lantz

AN ACT Relating to extending existing mental health parity requirements to individual and small group plans; amending RCW 48.21.241, 48.44.341, 48.46.291, and 48.41.110; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.41 RCW; repealing RCW 48.21.240, 48.44.340, and 48.46.290; and providing an effective date.

SHB 1500 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Chase, Kenney, Wood and Moeller)

AN ACT Relating to permanent partial disability claims; amending RCW 51.32.080; and creating a new section.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1464 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Simpson, Hudgins, Wood, Campbell, Morrell and Hasegawa)

AN ACT Relating to reducing the environmental health impact of cleaning in state facilities; and adding a new chapter to Title 70 RCW.

HB 1505 by Representatives Clibborn, Curtis, Seaquist, Hinkle, Morrell, Linville, Armstrong, Rodne, B. Sullivan, Eriksen, Ericks, Roberts, Darneille, Moeller and McCune

AN ACT Relating to allowing physician assistants to determine disability for special parking privileges; and amending RCW 46.16.381.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Health & Long-Term Care.

SHB 1472 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Pettigrew, Haler, Kagi, P. Sullivan, Walsh, Lovick, Barlow, Kenney, McCoy, Darneille, Hasegawa, Roberts, Hinkle, Santos, Appleton, Upthegrove, Williams, Moeller, Ormsby, VanDeWege, Schual-Berke and Dickerson)

AN ACT Relating to analyzing and remedying racial disproportionality and racial disparity in child welfare; creating new sections; and providing an expiration date.

HB 1520 by Representatives Williams, Rodne, Simpson, Moeller, O'Brien, Kirby and Kenney

AN ACT Relating to polygraph examinations of sexual assault victims; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

Referred to Committee on Human Services & Corrections.

HB 1526 by Representatives Hunt, Chandler, Armstrong, Ormsby, Kenney, Linville and Moeller

AN ACT Relating to presidential primary ballots; and amending RCW 29A.56.040.

Referred to Committee on Government Operations & Elections.

HB 1476 by Representatives Blake and Kretz

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HB 1528 by Representatives Hunt, Chandler, Green, Kretz, Ormsby, Armstrong, Miloscia, Appleton, Kenney, Goodman and Moeller

AN ACT Relating to electronic voter registration; adding a new section to chapter 29A.08 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 1555 by House Committee on Judiciary (originally sponsored by Representatives Williams, Rodne, Lantz, Chase and Ericks)

AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.005, 7.90.030, and 7.90.110.

Referred to Committee on Judiciary.

SHB 1574 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Hudgins, Condotta, Moeller and Kenney)

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.220.040, 18.220.130, 18.220.050, 18.165.170, 18.170.180, 18.235.005, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110, 18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175, 18.85.343, 18.220.140, 18.220.150, 18.220.170, and 18.220.180.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1607 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives O'Brien, Lovick, Pearson and Strow)

AN ACT Relating to corrections personnel training; and amending RCW 43.101.220 and 43.101.350.

Referred to Committee on Human Services & Corrections.

SHB 1642 by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green)

AN ACT Relating to criminal violations of no-contact orders, protection orders, and restraining orders; amending RCW 26.50.110; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1645 by Representatives Pedersen, Curtis, Schual-Berke, Ormsby and Moeller

AN ACT Relating to providing the administrator with authority to administer grants on behalf of the health care authority; and amending RCW 41.05.021.

Referred to Committee on Health & Long-Term Care.

SHB 1646 by House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

AN ACT Relating to sampling of fish, wildlife, and shellfish by department of fish and wildlife employees; amending RCW 77.15.360; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

EHB 1648 by Representatives B. Sullivan, Kretz, Grant, Linville and Strow

AN ACT Relating to agricultural operations, activities, and practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1666 by Representatives Green, Conway, Morrell, Cody, Ormsby, Schual-Berke, Moeller and Simpson

AN ACT Relating to extending the authority of nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance; repealing 2004 c 65 s 19 (uncodified); and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1693 by House Committee on Commerce & Labor (originally sponsored by Representatives Appleton, Flannigan and Rodne)

AN ACT Relating to time periods for collective bargaining by state ferry employees; and amending RCW 47.64.170, 47.64.210, 47.64.230, and 47.64.300.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1734 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haigh, Chandler, McDermott, Hunt, Armstrong, Kretz and Ormsby)

AN ACT Relating to reorganizing campaign contribution and disclosure laws; amending RCW 42.17.020, 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, and 42.17.400; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.135,

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42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110,
42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070,
42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660,
42.17.670, 42.17.720, 42.17.730, 42.17.740, 42.17.770,
42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128,
42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150,
42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175,
42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220,
42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242,
42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410,
42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920,
42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955,
42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964,
42.17.965, and 42.17.966; repealing RCW 42.17.131,
42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467,
42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647;
and providing an effective date.

Referred to Committee on Government Operations & Elections.

ESHB 1756 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Uptegrove, B. Sullivan, Blake, Takko and VanDeWege)

AN ACT Relating to the department of fish and wildlife's hound hunting cougar season pilot project; amending 2004 c 264 s 1 (uncodified); and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1759 by Representatives McIntire, Hunt, Kessler, Uptegrove, Darneille, Moeller, Kenney, Hasegawa, Simpson, Ormsby and Morrell

AN ACT Relating to shared leave for declared emergencies; and amending RCW 41.04.665.

Referred to Committee on Government Operations & Elections.

HB 1775 by Representatives Hinkle, Pettigrew, Kretz, Grant, Armstrong, Pearson, Strow, Sump, Warnick and Blake

AN ACT Relating to crimes against livestock belonging to another person; amending RCW 4.24.320; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1791 by Representatives Schual-Berke, Walsh, Kagi, Haler, Roberts, Hunter, Appleton, Pettigrew, Kenney, Santos, Ericks, Dickerson and Moeller

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; and amending RCW 43.121.020.

Referred to Committee on Human Services & Corrections.

HB 1824 by Representatives Chase, O'Brien, Simpson, Williams and Ormsby

AN ACT Relating to benefits for the survivors of certain firefighters; and amending RCW 41.18.080 and 41.18.100.

Referred to Committee on Ways & Means.

HB 1831 by Representatives Hunt, Armstrong, Appleton, Miloscia, Priest, Green, Ormsby, Williams, Hudgins, Condotta, Moeller and Chase

AN ACT Relating to the definition for election cycle; and amending RCW 42.17.020.

Referred to Committee on Government Operations & Elections.

HB 1859 by Representatives Goodman and Priest

AN ACT Relating to publications of the statute law committee; and amending RCW 40.04.031, 1.08.110, 34.05.210, 34.05.312, 34.05.380, and 42.56.580.

Referred to Committee on Judiciary.

HB 1888 by Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan

AN ACT Relating to Brassica seed production; adding a new chapter to Title 15 RCW; repealing RCW 15.65.055 and 15.66.025; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1929 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hurst, Morris and Kenney)

AN ACT Relating to authorizing utilities to engage in environmental mitigation efforts; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 1939 by Representatives Goodman, Warnick, Rodne, Williams, Priest, Moeller, B. Sullivan, Cody, Chase, Pedersen, Lantz and Hinkle

AN ACT Relating to privileged communications; and reenacting and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SHB 1953 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Wood, Buri, Wallace, Rodne, Schindler, Ahern, Morrell and Ormsby)

AN ACT Relating to premium reductions for older insureds completing an accident prevention course; and amending RCW 48.19.460.

Referred to Committee on Financial Institutions & Insurance.

HB 1966 by Representatives Curtis, Cody, Skinner, Morrell, Green, Barlow, Darneille, Ormsby and Schual-Berke

AN ACT Relating to physician assistants signing and attesting to documents; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating a new section.

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Referred to Committee on Health & Long-Term Care.

SHB 2049 by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Rolfes, Strow, Appleton, Hunt, Springer, McDermott, VanDeWege, Seaquist, McCoy, Eickmeyer and Lantz)

AN ACT Relating to Puget Sound marine resource committees; adding new sections to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2147 by House Committee on Appropriations (originally sponsored by Representatives Kristiansen, Ericks, Chandler, Blake, Curtis, Morrell, Roberts, Hurst, Pearson, McCune, Moeller, B. Sullivan, Simpson, Santos, Ormsby, Newhouse and Kelley)

AN ACT Relating to vocational rehabilitation services for volunteer firefighters and reserve officers; adding a new section to chapter 41.24 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Brandland, Senators Hewitt, Holmquist and Pflug were excused.

SECOND READING

SENATE BILL NO. 5627, by Senators McAuliffe, Clements, Tom, Weinstein, Rockefeller, Oemig, Kastama, Hobbs, Pridemore, Eide, Franklin, Shin, Regala, Marr, Murray, Spanel, Hargrove, Kline, Kilmer, Haugen, Kohl-Welles and Rasmussen

Requiring a review and development of basic education funding.

MOTION

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5627 was substituted for Senate Bill No. 5627 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holmquist moved that the following amendment by Senators McAuliffe and Holmquist be adopted.

On page 2, beginning on line 4, after "(1)" strike all material through "formulas" on line 7 and insert "The Washington state institute for public policy shall staff a joint task force to review the definition of basic education and all current basic education funding formulas and develop a new funding structure and all

necessary formulas, and a new definition of basic education"

Senators Holmquist and McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Holmquist on page 2, line 4 to Second Substitute Senate Bill No. 5627.

The motion by Senator Holmquist carried and the amendment was adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Holmquist be adopted.

On page 3, line 16, after "outcome-based", insert ", and one of the options must be a re-direction and prioritization within existing resources based on research-proven education programs"

On page 3, line 26, after "outcome-based", insert ", and one of the options must be a re-direction and prioritization within existing resources based on research-proven education programs"

Senators Zarelli and Tom spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Holmquist on page 3, line 16 to Second Substitute Senate Bill No. 5627.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Tom, Holmquist, Swecker, Brown, Rockefeller and Clements spoke in favor of passage of the bill.

Senators Schoesler spoke against passage of the bill.

Senators Honeyford and Pflug spoke on passage of the bill.

Senator Schoesler again spoke against passage of the bill.

Senator Pflug again spoke on passage of the bill.

Senator McAuliffe again spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Carrell, Honeyford, Pflug, Schoesler and Stevens - 5

Excused: Senator Hewitt - 1

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ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5402, by Senators Kilmer, Delvin, Shin and Rockefeller

Establishing additional requirements for private vocational schools.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

SENATE BILL NO. 5382, by Senators Kauffman, Prentice, McAuliffe, Marr, Hobbs, Rasmussen, Regala, Franklin, Keiser, Shin and Kohl-Welles

Authorizing record checks for employees and applicants for employment at bureau of Indian affairs-funded schools.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5382 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5382.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5382 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Hewitt - 2

SENATE BILL NO. 5382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Harry Holmquist, the brother of Senator Holmquist who was seated in the gallery.

SECOND READING

SENATE BILL NO. 5450, by Senators Rasmussen, McAuliffe, Tom and Keiser

Allowing students whose individualized education program continues beyond high school to participate in high school graduation ceremonies.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5450 was substituted for Senate Bill No. 5450 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators McAuliffe and Holmquist be adopted.

On page 1, line 17, after "in" insert "recognizing students' attendance and accomplishments in their individualized education programs and in"

On page 2, beginning on line 10, after "twenty-one" strike all material through "plan," on line 11

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Holmquist on page 1, line 17 to Substitute Senate Bill No. 5450.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5450.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5450 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5288, by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen

Requiring cyberbullying to be included in school district harassment prevention policies.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5288 was substituted for Senate Bill No. 5288 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Holmquist spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would the Chairman of the Education Committee yield to a question?"

Senator McAuliffe: "I would prefer you would ask the sponsor of the bill the question."

Senator Benton: "Thank you. Senator, is there funding provided in this bill for the schools to implement this legislation?"

Senator Kohl-Welles: "No, there is not Senator Benton. Again, we're talking about adding one word to their policy and to provide on the website information about what this is and what can be done or written material so the cost should be minimal."

Senator Benton spoke on the passage of the bill.

Senator Morton spoke against passage of the bill.

Senator McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5288.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman,

Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Carrell, Honeyford, McCaslin, Morton and Schoesler - 6

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Pridemore moved adoption of the following resolution:

SENATE RESOLUTION 8625

By Senators Pridemore, Benton and Honeyford

WHEREAS, History was made on the morning of June 20, 1937, with the landing of Russian aviator Valery Chkalov, and his crew, Georgy Baidukov and Alexander Belyakov, in their single-engine aircraft ANT-25 at Pearson Army Airfield in Vancouver, Washington; and

WHEREAS, Chkalov completed the first nonstop flight across the North Pole setting a world aviation record by flying for 63 hours and 16 minutes over the North Pole from Schelkovo Air Field near Moscow, Russia to Vancouver, Washington; and

WHEREAS, In an international feat of great aviation significance, Chkalov set down at the Pearson Army Airfield in Vancouver, Washington; the oldest continuously operating general aviation airfield in the United States, where he and his crew were greeted by General George C. Marshall, commander of the Vancouver Barracks; and

WHEREAS, Citizens throughout the world were following this first transpolar flight, on radio and in the newspaper, as Valery Chkalov spoke on NBC Radio from the balcony of the stately Victorian-era Army military residence of General Marshall; and

WHEREAS, Chkalov proclaimed that like the Volga and Columbia Rivers, which flow on the same planet and ultimately merge into one and the same World Ocean, without interfering with one another, "Our peoples . . . should live in the same world in peace. Our joint efforts should beautify the ocean of human life"; and

WHEREAS, In the intervening years, the polar bridge established by the Chkalov flight has been the basis for numerous visits and exchanges between local residents and citizens and with Valery Chkalov's family and village, and has been kept alive by the long established Vancouver Chkalov Transpolar Flight Committee and, since 1999, the Chkalov Cultural Exchange Committee; and

WHEREAS, In 1975, Vancouver citizens dedicated a monument honoring the bravery of Valery Chkalov and his crew, thus making this flight the only one in the world with commemoratives marking both departure and arrival points; and

WHEREAS, The Russian Federation and many individual Russians have responded with friendship to this expression of international goodwill by visiting the City of Vancouver to lay flowers at the monument, and by hosting groups from Vancouver in Russia; and

WHEREAS, June 20, 2007, is the 70th Anniversary of the Transpolar Flight, and events honoring this historic event are

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being held in Russia this year as part of an official "State Event"; and

WHEREAS, The Chkalov Cultural Exchange Committee, a nonprofit organization in the state of Washington, along with the City of Vancouver, Clark County, and other governmental entities and officials are planning events and activities in the Vancouver-Portland area for an invited delegation from Russia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby acknowledge this historic flight, call upon the citizens of the State of Washington to join the citizens of Russia in celebrating the 70th Anniversary, we extend a warm welcome to all Russian visitors who travel to Vancouver to participate in these events, and encourage all Washington citizens to participate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Minister of Foreign Affairs of Russia, the Russian Federation Ministry of Defense, the City of Vancouver, Clark County, and the Chkalov Cultural Exchange Commission.

Senators Pridemore, Kline and Swecker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8625.

The motion by Senator Pridemore carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a representative of Chkalov Cultural Exchange Committee, Mr. Buck Hydrick, who was seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5481, by Senators Oemig, Delvin, Rockefeller, Fraser and Regala

Including water conservation in energy conservation provisions. Revised for 1st Substitute: Including conservation measures in performance-based contracting.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5481 was substituted for Senate Bill No. 5481 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5481 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5481.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen,

Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hewitt - 1

SUBSTITUTE SENATE BILL NO. 5481, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Weinstein: "Thank you Mr. President. Mr. President, I think its all together fitting and proper that flush with success from his most recent election campaign and victory, Senator Oemig has introduced a bill regarding solid waste and toilets because, I tell you what, after the press he's received after his most recent escapade yesterday trying to impeach the President, that's exactly where his career's going. Right down the toilet."

PERSONAL PRIVILEGE

Senator Pridemore: "I am going to have a difficult time topping the spontaneous wit of Senator Weinstein. I guess I want to say a few things about Senator Oemig. You know he's an intelligent person. He's learned a lot. He learned about computers at the University of Wisconsin. He learned about business at Microsoft. He learned about performance measurements from his wife. We, a few weeks ago, we had the Dairy Court here and the princess were asked 'Which Senator do they consider most attractive?' They said, 'It was Senator Oemig,' and that offended Senator Hobbs because he thought he was the cutest and that kind of offended Senator Hatfield because he thought he was the cutest and that offended Senator Poulsen which made the rest of us laugh. Senator Oemig is the former host of a public access show that analyzed politics and that's further proof that you really can learn more about watching FOX than public access. I want to point out to everybody, I want to be extremely clear that this is the guy who sits to my left, ok. Finally, I don't want to make too many more jokes less he tries to impeach me."

PERSONAL PRIVILEGE

Senator Oemig: "Thank you Mr. President. Oh, I want to thank those of you who reconsidered your position on this last bill. I know that a lot of times when more information is learned, positions can change and there was a lot of political heat on that last bill and it was very contiguous but I'm glad that you all came along and supported me strongly. It meant a lot to me and to show my appreciation I have brought some gifts. I brought three things that I think that represent the character and flavor of the people who elected me to represent them. First, I bring some organic apple preserves from a farm in the district, Remington Farms because in a community we want sustainable healthy farms to enrich the community and keep our nutrition healthy. I also bring something, a Kirkland brand, which is Costco, started in my home city, Kirkland and I think that represents what happens a company can deliver great share holder value while paying a family wage with excellent benefits delivering value to the community and still running a great business. Finally, a symbolic token of the company that I use to work for, Microsoft who opened their most recent campus in my district who one mayor came to me and said, 'We have just fifty percent of our households are employed by someone working at Microsoft.' I think Microsoft represents we need to invest in education that when we create high powered jobs, when we make these investments in education we have dividend payments that bring value throughout the community and that's what our economic plan should look like. So, I hope you enjoy the gifts, the tokens

and the representation of the rural and suburban character of my district.”

PERSONAL PRIVILEGE

Senator Pridemore: “Well, Mr. President, left the important duties of the Senate be eclipsed by recognition of Senator Oemig’s first speech, we would be remiss not to point out that Senator Holmquist, Senator Murray and Senator Tom have also spoken this week for the first time and I thought it would be appropriate, since all three of these members had come over from the House of Representatives if somebody would point out some things, some differences between the House and the Senate so that they would know how to properly behave. First off, the House likes to start meetings early in the morning, caucus extremely often and work late into the night. The Senate doesn’t drink as much as the House. In the House, no member has any experience. A Senator, in the Senate, no member will admit to have an experience of being a Representative. In the House there’s a speaker. In the Senate, particularly on some bills, there are way too many speakers. In the House, the most common thing said on the floor is, ‘Hey, don’t forget to vote for me, I got to take a leak.’ In the Senate, the most common thing heard on the floor is ‘hey, tell Hargrove to wake up Kline.’ In the House, the guy with the gavel can totally ignore you, can choose to hear more nays than ayes just because he wants too and can generally mess up the smallest bill you have just because he doesn’t like you. In the Senate, the guy with the gavel is the best-looking, the most intelligent, the fairest-minded and the most dedicated guy in the room. I hope that compliment didn’t go over his head. The House has a new Chair of the Transportation Committee. The Senate has a new Vice Chair of Transportation and new senators get the smallest offices, get over it. Thank you Mr. President.”

PERSONAL PRIVILEGE

Senator Clements: “Having the honor of being the oldest freshman with the youngest freshman and having the honor of being in so many committees with her and sitting on committees. I am a high-maintenance Senator and she is a detailed Senator so you sit in committee with her you get things, ‘did you see this Senator Clements’. ‘Have you read this? Have you looked at this’. ‘I said ‘Well no I haven’t’ and ‘I can’t vote for your bill because on this line and that line this is wrong.’ I said ‘Oh, that’s nice, you’re going to kill’ ya, I’m going to kill it. The most amazing thing that happened that I think I need to share with this body is the endeavor she and I had in the Freshman Follies and she was slightly concerned about what her role might be. I told her without smiling or very serious, I said ‘Well, leadership’s asked me to decide and I thought maybe Goldie Locks and the Bear would be appropriate and she didn’t like that idea. I know she had been a Madonna in a school play or something like that and I thought that was old hat but I did love Marilyn Monroe. So, she got real nervous about all of this so at the end of the day, I thought, ‘Boy this is going to be great’ but she was Batman and I was Robin and her lines were rather putting, I got the worst of it, I think, and with that though I can tell you it’s a great pleasure to be in the smallest room next to hers and she is a great partner in battle and endeavors that we do as two Senators with adjoining districts and I want you to know, and I told her when I go to my grave be sure to be there and read a few lines from our freshman follies. Thank you.”

PERSONAL PRIVILEGE

Senator Shin: “Thank you again, I’m not a comedian, I usually, when I speak people cry but I want to thank you for allowing me to go to my birth place, Korea. Senator George Allen from Virginia accompanied me. Went to talk about important topic that is, in light of North Korea, is some concession to do away with nuclear research. We want to testify to them that they make sure that they do that because it’s been a long time since 1974 and we haven’t received a commitment agreement from them but until that is realized, I can not believe, and for the sake of world peace and for the sake of United States and relations in Asia, that North Korea will come along with a nuclear weapons so that the peace will avail and I thank you my leadership allow me to go to Korea. In my absence a lot of things happened. I send my apology for missing the votes but I be looking forward to working with you. Thank you.”

PERSONAL PRIVILEGE

Senator Schoesler: “Due to the close time to lunch hour I will keep the remarks brief. I’ve learned a lot this morning about the gentleman from the Forty-Fifth District. I now know what insomniacs do in the Forty-Fifth District. I’ve also got a story or two about the members that I knew as House members and I served with the gentleman from the Forty-Third District on the Capital Budget Committee. We came to a real good understanding. He wouldn’t endorse me. I wouldn’t endorse him. I also served with the good lady from the Thirteenth District and a lot of you’ve heard about her bio from people here but she has another passion in Transportation that most of you don’t know about. She is an official crash tester for cable barriers in the state of Washington. Thank you.”

PERSONAL PRIVILEGE

Senator Hatfield: “Thank you Mr. President. Also rising to welcome the new members who I also served with in the House. What took you so long getting here? A few observations to Senator Holmquist, many of you noticed that she introduced a bill that would limit legislators to introducing only fifteen measures per session. It was her sixteenth measure. To Senator Tom, I knew it was a new day in the Senate-as part of the poor caucus, we’re a little envious-but I knew it was a new day when I sat at the Governor’s welcoming dinner with the freshman Senators at the same table with Senator Tom and Senator Oemig. Senator Oemig leaned over, Senator Oemig’s wife leaned over to Senator Tom’s wife and asked, ‘Where does Rodney have his shirts made?’ I found this shirt actually. It was in Poulsen’s closet and to the good Senator from Speaker Chopp’s district, we welcome you to the Senate. I didn’t realize office space was a problem but your certainly welcome to use my office any time and your little dog too.”

PERSONAL PRIVILEGE

Senator Poulsen: “Thank you Mr. President. I too would like to welcome the new Senator from Speaker Frank Chopp’s district. I’ve worked with Speaker Chopp’s seat mate now for about twelve years so I know him very well but it was the first time that I’ve met his Irish Cavalier King Charles Spaniel, Flannigan. Now, I presume that Flannigan was named after a fellow legislator of Speaker Frank Chopp’s and I just wanted to tell the body that I am really proud of this historic moment in Senate history because Flannigan is the first openly gaelic dog to reside in a Senator’s office. Senator Murray, I just have one

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favor. You're on our team now. You're one of us. You're a Senator. You're democrat. So when you take Flannigan out to do his business would you please stroll him over to the Newhouse Building to the lawn and do his business there. Thank you."

PERSONAL PRIVILEGE

Senator Brown: "I want to welcome our new Senators as well. Just a brief comment, I've had the opportunity, many of you know, that some of us once a week will go out and dance a little and blow off a little steam. It's a bipartisan endeavor and I've had the opportunity to do that with a couple of our new Senators. Senator Holmquist and Senator Murray and dancing to some great numbers by Village People and Gloria Gaynor and Abba and I just want to say if anybody has any doubt about it, it would either be Senator Holmquist or possibly me, certainly not Senator Murray who would get the title 'Dancing Queen.'"

REMARKS BY THE PRESIDENT

President Owen: "Lest the Senate think the President has a short memory he would like to invite Senator Pridemore to his office for a short meeting. If Senator Pridemore thinks he could stagger down there."

PERSONAL PRIVILEGE

Senator Murray: "Well, you know to quote Bill Clinton, 'I love you people' I think. As you know, I represent an area of diverse district so a gift I couldn't really figure out what would be appropriate. In Fremont, there's a statue of Lenin that I know Senator Schoesler had some interest in so I decided maybe some of you wouldn't appreciate a little Lenin pen so I didn't do that. There is throughout the district, particularly downtown, a lot of body piercing places and I thought about maybe a little body piercing kit but maybe that wouldn't be appropriate. Maybe some leather from Capital Hill, decided that wouldn't be appropriate. But despite the stereotype of my district, there is a Hooters and I thought maybe a tee shirt from Hooters but I decided against that too. So, let me tell you what's in this little bag, what's in the little bag. First of all, there's Kels an Irish Pub in my district and the people who opened up Kels came from Belfast and that is where my family came from. There is some Irish soda bread mix. If you don't use it, send it down to the kitchen and maybe they can make it the week of St. Patrick's Day. Starbucks started in my district so there is some Starbucks coffee. Seattle has a new slogan called, 'Seattle Metro Natural' so you all have that. The best chocolate in the state is made in Capital Hill on Broadway and that's Dilettantes so there's some Dilettantes chocolate. Pikes Place Market is in the district so there's a centennial cup from Pikes Place Market. Finally, UW is in the district and Seattle U is in the district and so there's gifts from both of those great institutions of higher education. Thank you for the privilege of being able to serve with you all and my staff person is so happy that he got something he didn't get in the House, his own office. It just happens to be about the same size as mine."

PERSONAL PRIVILEGE

Senator Holmquist: "Well, I would first off like to thank you for the kind and interesting comments. I humble myself before you as a lowly freshman with my freshman offering to my senior colleagues and that's in both sense of the words since I'm the youngest. I'm but, from my district, the first gift is a can of

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smoked rainbow trout and this is from Trout Lodge Incorporated. Trout Lodge is actually the world's largest producer and supplier of live fish eggs in the world and we have it right here in Washington State. Their live embryos supply fish farms in forty-two foreign countries and twenty-five states of the Union. I'm lucky enough to have three of their hatcheries in my district. They employ at least fifty families in the rural counties and they also contract with the Department Fish and Wildlife to put in some very good size rainbow trout for fishing enthusiasts to catch and eat. I do want to mention that it's a family-owned business. It's founded by Edward and Lois McCleary and they started it at 1945 in the head waters of the Rocky Ford Creek and this year, and I think Ed may be joining us via TVW right now, but this year in September he will be ninety years young. I'd like to thank personally Ed and Lois for all their support and these wonderful gifts for my colleagues and I. The second gift is a bottle of wine from my district. This is Jones of Washington. We'll mention just quickly that I went to school with the Jones kids so I have a good tie to the Jones family but they're involved in the production of Washington State fruit and vegetables as well as wine grapes now. They started out as a potato farmer and he decided to create a diverse operation and he now grows apple varieties, cherries, pears, onions and currently has six-hundred and eighty acres of grapes in the state of Washington. I will just close with, you will notice that the date on my items, this is a 2004, but I want you to be assured that this adds value to my gifts unlike for example an Aqua Fest 2005 tee shirt. Thank you so much. It is such an honor to serve with you all and I look forward to the remaining of this session. Thank you Mr. President."

PERSONAL PRIVILEGE

Senator Tom: "Well, some of the comments were very interesting and I will get that name of that tailor Senator Hatfield. My good friend to the left, since he writes the budget, all I have to say about him is that he is a gentleman, a scholar and I hear he is a real lady killer. On some of these gifts it seems like people really stress out on some of these gifts and being in my district is the home of Microsoft, one of the world's richest corporations, I thought that it was only fitting that I bring a gift from Microsoft. Now, I don't want you to get too excited that your getting like Vista or anything because that probably wouldn't fit in. I was thinking I'd do the, the Senator Hobbs deal and get you something you know a couple of years old and I was thinking maybe Windows 95. On Windows 95, I was worried that too many of my colleagues east of the mountains would think that that was an update. But, so what I did is I went to the world's richest corporation and basically said, 'I want you to share my personal philosophy just because you have a lot of money you can still be frugal.' So basically what you're going to be getting from one of the world's richest corporations is basically whatever they have left over. So, that's what you're going to be having here today. Just wanted to say thanks for everybody for all the incredible welcome I've had here in the Senate. I have had probably a little more changes than most new members coming over from the other side in several different ways I guess you could say and look forward to working with all of you. Thank you."

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, March 5, 2007.

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BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

FIFTY-SEVENTH DAY, MARCH 5, 2007

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FIFTY-SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, March 5, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Delvin, Hargrove, Kastama and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Lyle Brunner and Hope Fournier, presented the Colors. Member Mary-Lynne Reiner of Temple Beth Hatfiloh Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 1, 2007

SB 5024 Prime Sponsor, Jacobsen: Increasing fees to fund community traumatic brain injury services. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5024 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Benton. Without recommendation. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

February 28, 2007

SB 5159 Prime Sponsor, Jacobsen: Regarding personal rapid transit and magnetic levitation transit systems. Revised for 1st Substitute: Adding personal rapid transit and magnetic levitation transit systems to the definition of rail fixed guideway system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5159 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5171 Prime Sponsor, Schoesler: Establishing contribution rates in the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5171 be substituted therefor, and the substitute bill do

pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5188 Prime Sponsor, Haugen: Establishing a wildlife rehabilitation program. Reported by Committee on Transportation

MAJORITY recommendation: That Second Substitute Senate Bill No. 5188 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5207 Prime Sponsor, Haugen: Creating and funding the freight congestion relief account for the purpose of improving freight rail systems and state highways used as freight corridors through imposing a fee on the processing of shipping containers. Revised for 1st Substitute: Concerning a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Clements, Holmquist and Sheldon

Passed to Committee on Rules for second reading.

February 28, 2007

SB 5298 Prime Sponsor, Haugen: Modifying provisions concerning transportation providers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5313 Prime Sponsor, Haugen: Establishing the retirement age for members of the Washington state patrol retirement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist,

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Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5333 Prime Sponsor, Murray: Modifying driver's license and training provisions that affect teenage drivers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5333 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kastama, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Murray, Vice Chair; Benton, Clements, Holmquist, Kilmer and Sheldon

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5412 Prime Sponsor, Murray: Realigning goals and objectives of certain transportation agencies. Revised for 1st Substitute: Clarifying goals, objectives, and responsibilities of certain transportation agencies. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 2, 2007

SB 5634 Prime Sponsor, Brandland: Revising corrections personnel training provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5739 Prime Sponsor, Rockefeller: Providing requirements for vehicle idling in Washington state ferry holding areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Eide, Jacobsen, Kastama, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Berkey, Delvin, Holmquist, Kauffman and Sheldon. Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5797 Prime Sponsor, Clements: Requiring motorcycle endorsement verification before registration renewal. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5803 Prime Sponsor, Murray: Creating regional transportation commissions. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Kastama, Kauffman, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Delvin, Holmquist and Jacobsen

Passed to Committee on Rules for second reading.

February 27, 2007

SB 5937 Prime Sponsor, Haugen: Providing for additional patrols along high-accident corridors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 5937 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

March 1, 2007

SB 5979 Prime Sponsor, Murray: Modifying transportation innovative partnerships provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

February 28, 2007

SB 6068 Prime Sponsor, Hobbs: Requiring a feasibility study on providing commuter rail service between Everett and Leavenworth. Revised for 1st Substitute: Requiring a feasibility

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study on providing commuter rail service from Everett east.
Reported by Committee on Transportation

Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer,
Sheldon, Spanel and Swecker

MAJORITY recommendation: That Substitute Senate Bill No. 6068 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 1, 2007

SB 6120 Prime Sponsor, Marr: Addressing rail and freight infrastructure. Reported by Committee on Transportation

SHB 1417 Prime Sponsor, Committee on Appropriations: Providing reimbursement for certain Washington state patrol survivor benefits. Reported by Committee on Transportation

Passed to Committee on Rules for second reading.

March 1, 2007

MAJORITY recommendation: That Substitute Senate Bill No. 6120 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kauffman, Kilmer, Sheldon and Spanel

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MINORITY recommendation: Do not pass. Signed by Senators Benton and Holmquist. Without recommendation. Signed by Senator Swecker

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

Passed to Committee on Rules for second reading.

March 1, 2007

SB 6127 Prime Sponsor, Spanel: Regarding state ferries. Reported by Committee on Transportation

MOTION

Senator Fraser moved adoption of the following resolution:

MAJORITY recommendation: That Substitute Senate Bill No. 6127 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

SENATE RESOLUTION 8644

By Senators Fraser, Murray, Kline, Kohl-Welles and Rockefeller

MINORITY recommendation: Without recommendation. Signed by Senators Clements and Holmquist

WHEREAS, The Student Conservation Association was founded in 1957 by Vassar College alumna Elizabeth (Cushman) Titus Putnam, with the assistance of Martha Hayne, to promote college student conservation efforts to benefit America's beautiful lands; and

Passed to Committee on Rules for second reading.

March 1, 2007

SB 6129 Prime Sponsor, Murray: Providing additional funding for the state patrol highway account. Reported by Committee on Transportation

WHEREAS, In 1957, Washington state was fortunate to sponsor the Student Conservation Association's first conservation effort, in Port Angeles' Olympic National Park; and

WHEREAS, The goal of the Student Conservation Association is for high school and college-age volunteers to unite through their commitment to preserve the nation's public lands, forests, parks, refuges, and rivers; and

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

WHEREAS, The Student Conservation Association has created strong ties with governmental agencies, environmental groups, and conscientious corporations, such as the United States Park Service, United States Forest Service, United States Navy's Natural Resource Program, AmeriCorps, the Corporation for National Service, and the Ford Foundation; and

Passed to Committee on Rules for second reading.

WHEREAS, The Student Conservation Association operates in all 50 states and in three foreign countries; and

WHEREAS, After flooding in Mount Rainier National Park in 2006, the Student Conservation Association is leading the volunteer flood recovery and land restoration efforts; and

SCR 8405 Prime Sponsor, Haugen: Establishing a joint interim work group concerning the Columbia River Crossing Project. Revised for 1st Substitute: Providing for the study of legislative and financial issues regarding the Columbia River Crossing Project. Reported by Committee on Transportation

WHEREAS, There are more than 4,000 Student Conservation Association volunteers in Washington state who have contributed more than an estimated 1.5 million hours of service to help preserve our state's natural ecosystems, forests, and wildlife reserves; and

MAJORITY recommendation: That Substitute Senate Bill No. 8405 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin,

WHEREAS, Nearly 60 percent of Student Conservation Association alumni go on to pursue careers in the conservation field to preserve America's breathtaking natural landscapes; and

WHEREAS, This year marks the golden 50th anniversary of the founding of the Student Conservation Association;

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NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and recognize the Student Conservation Association for its contributions to Washington state and the United States to help restore and maintain America's natural beauty; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate and the Student Conservation Association.

Senators Fraser and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8644.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Student Conservation Association who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5149, by Senators Pridemore, Swecker, Fairley, Oemig and Shin

Modifying county treasurer administrative provisions.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Delvin, Roach and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Absent: Senators Hargrove and Kastama - 2

Excused: Senators Delvin and Zarelli - 2

SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:18 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:18 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5050, by Senators Weinstein, Franklin, Kauffman, Rockefeller, Oemig, Murray, Rasmussen, Keiser and Kohl-Welles

Modifying the mileage tolling calculation in the motor vehicle lemon law.

MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 5050 was substituted for Senate Bill No. 5050 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 5050 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5050.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5050 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Kastama - 2

SUBSTITUTE SENATE BILL NO. 5050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5513, by Senators Kilmer, Holmquist, Hobbs, Marr, Oemig, Hatfield, McAuliffe and Rasmussen

Establishing a state government efficiency hotline.

The measure was read the second time.

MOTION

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Senator Kilmer moved that the following amendment by Senators Fraser, Kastama and Kilmer be adopted.

On page 1, line 9, after "abuse" insert ", as well as examples of efficiency or outstanding achievement,"

Senator Kilmer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Kastama and Kilmer on page 1, line 9 to Senate Bill No. 5513.

The motion by Senator Kilmer carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Senate Bill No. 5513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5513.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Brown and Pridemore - 2

Excused: Senator Kastama - 1

ENGROSSED SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5112, by Senators Schoesler, Kohl-Welles, Rasmussen, Pridemore, Clements, Sheldon, Morton, Hatfield and Honeyford

Allowing auctioneers to auction vessels without registering as a vessel dealer.

MOTION

On motion of Senator Schoesler, Substitute Senate Bill No. 5112 was substituted for Senate Bill No. 5112 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Kohl-Welles be adopted.

On page 2, line 3, after "feet." insert "The auction company shall comply with all other vessel dealer requirements of this chapter and rules adopted under this chapter if the registration fees established in WAC 308-90-080 and RCW 88.02.060 are

waived."

On page 5, line 32, after "auctions." insert "The auction company shall comply with the vessel dealer requirements of chapter 88.02 RCW and rules adopted under chapter 88.02 RCW if the bonding provisions of RCW 18.11.121, when in force, replace the bonding provisions of RCW 88.02.060."

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Kohl-Welles on page 2, line 3 to Substitute Senate Bill No. 5112.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Schoesler, the rules were suspended, Engrossed Substitute Senate Bill No. 5112 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5112.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5112 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Kastama and Pridemore - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "Well thank you Mr. President. I would like to just to note that today is a significant historical anniversary today. The first Monday in March, it's the day the Legislative Building first opened, eighty years ago. That day I am told the Legislators walked from the Old Capitol Building to the new capitol building so then I looked up in the journal from 1927 to see well what did they do that day. Of course they had a joint session to welcome the new building and all members of the House and Senate were present. The prayer was given by Reverend Hart of St. John's Episcopal Church in Olympia and of course they had a lot of people addressing the joint session. Governor Hartley, the State Auditor, the State Lands

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Commissioner-all on the State Capitol Committee; the Speaker, the President of the Senate, former Governor Hart, the Chief Justice, so it was a major day. There was music and singing including the UW Glee Club and the Varsity Club. Interestingly they passed a motion directing that photographs be taken and then they adjourned the joint session and went back to their respective chambers and back to business. Guess what? Call of the Senate. They worked all day and then they went into an evening session which also had a call of the Senate. So, this is an historic day. The eightieth anniversary of the day this building opened.”

PERSONAL PRIVILEGE

Senator Honeyford: “Well, thank you Mr. President. It’s also interesting to note on the opening of the grand opening of the capitol building Governor Hartley was so tight he vetoed any funds for celebration for it. And I understand that Senator McCaslin was on that walk and enjoyed it very much.”

SECOND READING

SENATE BILL NO. 5087, by Senators Haugen, Swecker and Murray

Addressing Washington state compliance with the federal REAL ID Act of 2005.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5087 was substituted for Senate Bill No. 5087 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5087 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Voting nay: Senators Carrell, McCaslin, Morton and Zarelli - 4

Absent: Senator Hewitt - 1

Excused: Senators Brown, Kastama and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 5087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5042, by Senators Berkey and Shin

Regulating the business of insurance.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Hewitt, Kastama and Pridemore - 4

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5074, by Senators Honeyford, Poulsen, Schoesler and Delvin

Dividing water resource inventory area 29 into WRIA 29a and WRIA 29b.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the final passage of

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Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Poulsen - 1

Excused: Senators Brown, Kastama and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5754, by Senator Stevens

Creating the family, children, and youth administration in the department of social and health services. Revised for 1st Substitute: Creating the children in families administration in the department of social and health services.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5754 was substituted for Senate Bill No. 5754 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5754.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5754 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kastama - 1

SUBSTITUTE SENATE BILL NO. 5754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1025, by Representatives Rolfes, Newhouse, Lovick, Armstrong, Dunshee, Eickmeyer, Ericks, Blake, Morrell, Kenney, P. Sullivan, Wallace, Moeller, Warnick, Chase and Miloscia

Recommending authorization for projects by the public works board.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1025.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1025 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kastama - 1

HOUSE BILL NO. 1025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 9:08 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 5, 2007

SB 5009

Prime Sponsor, Haugen: Exempting biodiesel

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fuel used for nonhighway farm use from sales and use tax.
Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5009 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5026 Prime Sponsor, Murray: Providing a sales and use tax exemption for recovered wood waste boiler equipment.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5070 Prime Sponsor, Carrell: Changing provisions affecting offenders who are leaving confinement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5070 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5085 Prime Sponsor, Haugen: Providing that transportation accounts receive one hundred percent of their proportionate share of earnings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5085 as recommended by Committee on Transportation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5090 Prime Sponsor, Kastama: Promoting innovation partnership zones. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5090 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5092 Prime Sponsor, Marr: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5092 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5097 Prime Sponsor, Rockefeller: Changing requirements for safe school plans. Revised for 1st Substitute: Regarding safe schools. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5097 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5098 Prime Sponsor, Rockefeller: Creating the guaranteed opportunities scholarship. Revised for 2nd Substitute: Creating the Washington guaranteed scholarship program. (REVISED FOR ENGROSSED: Creating the Washington college bound scholarship program.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5098 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles,

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Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: That Substitute Senate Bill No. 5143 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Parlette, Schoesler and Zarelli

March 5, 2007

SB 5114 Prime Sponsor, Rockefeller: Changing student transportation funding. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5114 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5151 Prime Sponsor, Franklin: Requiring the registration of commercial youth athletic coaches. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Rockefeller

MAJORITY recommendation: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Honeyford and Parlette

March 5, 2007

SB 5115 Prime Sponsor, Kilmer: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5115 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5155 Prime Sponsor, Kilmer: Creating the passport to college promise program. Revised for 2nd Substitute: Creating the passport to college promise pilot program. Reported by Committee on Ways & Means

MINORITY recommendation: Without recommendation. Signed by Senator Fraser, Vice Chair, Capital Budget Chair

MAJORITY recommendation: That Second Substitute Senate Bill No. 5155 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5116 Prime Sponsor, Kastama: Creating a public-private tourism partnership. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

March 2, 2007

SB 5164 Prime Sponsor, Jacobsen: Expanding the veterans conservation corps program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5116 as recommended by Committee on Economic Development, Trade & Management be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Second Substitute Senate Bill No. 5164 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

March 5, 2007

SB 5143 Prime Sponsor, Fraser: Authorizing additional land used for housing to qualify under the open space program. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

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SB 5169 Prime Sponsor, Shin: Creating the Washington international relations foundation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5169 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007
SB 5184 Prime Sponsor, Hatfield: Modifying sales and use tax provisions for public facilities districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5184 as recommended by Committee on Economic Development, Trade & Management be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Rasmussen, Regala, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Rockefeller

Passed to Committee on Rules for second reading.

March 5, 2007
SB 5187 Prime Sponsor, Haugen: Exempting a portion of the valuation of residential property from property taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Keiser, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Hewitt, Honeyford, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007
SB 5224 Prime Sponsor, Jacobsen: Concerning the statewide salmon recovery office. Revised for 1st Substitute: Concerning the governor's salmon recovery office. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5224 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007
SB 5238 Prime Sponsor, Poulsen: Creating a public utility tax credit for eligible light and power businesses to encourage the reduction of methane emissions. Revised for 1st Substitute: Creating a public utility tax credit for eligible light and power businesses that purchase and retire renewable energy credits from a facility that generates electricity from methane gas derived from the anaerobic decomposition of organic matter obtained from dairy cows in the state. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5238 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007
SB 5239 Prime Sponsor, Tom: Requiring implementation of a segmented mathematics alternative assessment. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5239 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt, Honeyford, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2007
SB 5244 Prime Sponsor, Hargrove: Implementing the deficit reduction act. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5244 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

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March 2, 2007

SB 5245 Prime Sponsor, Hargrove: Modifying foster children placement provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5245 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5279 Prime Sponsor, Franklin: Creating the children's environmental health and protection advisory council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senator Parlette. Without recommendation. Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 2, 2007

SB 5285 Prime Sponsor, Keiser: Concerning residential services and support enforcement standards. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5285 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5320 Prime Sponsor, Franklin: Creating an office of public guardianship as an independent agency of the judiciary. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5320 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-

Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5321 Prime Sponsor, Carrell: Addressing child welfare. Reported by Committee on Ways & Means

MAJORITY recommendation: Without recommendation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5346 Prime Sponsor, Kline: Revising the accrual of interest on judgments entered against offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Keiser, Kohl-Welles, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Brandland, Carrell, Oemig, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5372 Prime Sponsor, Rockefeller: Creating the Puget Sound partnership. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5372 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Hewitt, Honeyford, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5381 Prime Sponsor, Hargrove: Concerning dependent children. Reported by Committee on Ways & Means

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MAJORITY recommendation: That Second Substitute Senate Bill No. 5381 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5390 Prime Sponsor, Swecker: Extending the sales and use tax credit for certain public facilities districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5431 Prime Sponsor, Rasmussen: Creating a public utility tax deduction for the transportation of agricultural commodities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5440 Prime Sponsor, Keiser: Modifying provisions relating to public facilities districts. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5440 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Keiser, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5454 Prime Sponsor, Morton: Addressing special needs transportation services provided by rural public utility districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5455 Prime Sponsor, Morton: Creating the community revitalization partnership pilot program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5455 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5467 Prime Sponsor, Keiser: Creating the individual and family services program for people with developmental disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5467 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Carrell, Honeyford, Parlette and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5470 Prime Sponsor, Hargrove: Revising provisions concerning dissolution proceedings. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5470 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5493 Prime Sponsor, Hargrove: Modifying provisions relating to the excise taxation of forest products businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5493 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig,

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Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Revised for 2nd Substitute: Requiring a review of the essential academic learning requirements in mathematics. (REVISED FOR ENGROSSED: Requiring a revision of essential academic learning requirements and grade level expectations for mathematics.) Reported by Committee on Ways & Means

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Second Substitute Senate Bill No. 5528 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pridemore, Vice Chair, Operating Budget

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5498 Prime Sponsor, Regala: Revising voter-approved funding sources for local taxing districts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Zarelli. Without recommendation. Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Roach and Schoesler

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5533 Prime Sponsor, Pflug: Revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5533 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5509 Prime Sponsor, Kastama: Concerning disciplinary actions for health care providers regulated under chapter 18.130 RCW. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5509 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5542 Prime Sponsor, Jacobsen: Creating the heritage barn preservation program. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5542 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5522 Prime Sponsor, Prentice: Providing for the annexation of a portion of a rural county library district by a city, code city, or town. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fairley and Honeyford. Without recommendation. Signed by Senators Oemig, Regala and Tom

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5557 Prime Sponsor, Hargrove: Authorizing additional sales and use taxation by counties for economic development facilities. Revised for 2nd Substitute: Concerning public facilities for economic development purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5557 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles,

March 5, 2007

SB 5528 Prime Sponsor, Pflug: Requiring a review of the essential academic learning requirements in mathematics.

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Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Rasmussen, Regala, Rockefeller and Tom

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Oemig, Parlette, Roach, Schoesler and Zarelli

March 5, 2007

SB 5563 Prime Sponsor, Hargrove: Providing backup for mental health professionals doing home visits. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

March 5, 2007
SB 5589 Prime Sponsor, Keiser: Addressing law enforcement officer and firefighter retirement system plan 2 retiree medical. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5589 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

March 5, 2007

SB 5568 Prime Sponsor, Rasmussen: Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Revised for 1st Substitute: Extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Substitute Senate Bill No. 5568 as recommended by Committee on Agriculture & Rural Economic Development be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

March 5, 2007
SB 5597 Prime Sponsor, Franklin: Concerning contracts with chiropractors. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: That Second Substitute Senate Bill No. 5597 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Regala, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Parlette

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5572 Prime Sponsor, Murray: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Ways & Means

March 5, 2007
SB 5616 Prime Sponsor, Marr: Creating health sciences and services authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Rasmussen, Regala, Roach, Rockefeller and Tom

MAJORITY recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Oemig, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5586 Prime Sponsor, Murray: Encouraging the use of cleaner energy. Reported by Committee on Ways & Means

March 5, 2007
SB 5643 Prime Sponsor, Regala: Addressing children and families of incarcerated parents. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5586 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice

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MAJORITY recommendation: That Second Substitute Senate Bill No. 5643 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5653 Prime Sponsor, Kauffman: Authorizing the development of self-employment assistance programs. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5653 as recommended by Committee on Economic Development, Trade & Management be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5659 Prime Sponsor, Keiser: Establishing family and medical leave insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5659 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Carrell, Honeyford, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5712 Prime Sponsor, Parlette: Revising provisions for the Washington state health insurance pool. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5712 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5714 Prime Sponsor, Roach: Creating a pilot

program of Spanish and Chinese language instruction. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5714 as recommended by Committee on Early Learning & K-12 Education be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Pridemore, Vice Chair, Operating Budget

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5768 Prime Sponsor, Kilmer: Concerning the excise taxation of electronically delivered financial information. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget and Fairley

Passed to Committee on Rules for second reading.

March 2, 2007

SB 5774 Prime Sponsor, Hargrove: Revising background check requirements for the department of social and health services and the department of early learning. Revised for 1st Substitute: Revising background check requirements for the department of social and health services and the department of early learning. (REVISED FOR ENGROSSED: Revising background check processes.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5774 as recommended by Committee on Human Services & Corrections be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5790 Prime Sponsor, Hobbs: Regarding skill centers. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5790 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice

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Passed to Committee on Rules for second reading.

March 5, 2007

SB 5805 Prime Sponsor, Hatfield: Modifying provisions relating to the sales and use taxation of grain elevators. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5805 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Parlette, Rasmussen, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Pridemore, Vice Chair, Operating Budget; Regala and Rockefeller

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5806 Prime Sponsor, Schoesler: Implementing Washington learns higher education recommendations. Revised for 2nd Substitute: Regarding tuition limits and billing disclosures. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5806 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5813 Prime Sponsor, McAuliffe: Improving mathematics and science education. Revised for 2nd Substitute: Creating educational opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5813 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Hewitt, Honeyford, Parlette, Regala, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5828 Prime Sponsor, Kauffman: Regarding early child development and learning. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5828 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5841 Prime Sponsor, Hobbs: Enhancing student learning opportunities and achievement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5841 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5843 Prime Sponsor, Oemig: Regarding educational data and data systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5843 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5859 Prime Sponsor, Kohl-Welles: Creating a spirits, beer, and wine nightlife liquor license and removing spirits, beer, and wine restaurant license limit. Revised for 2nd Substitute: Changing the formula for determining how many spirits, beer, and wine restaurant liquor licenses can be issued in the state. (REVISED FOR ENGROSSED: Addressing retail liquor licenses.) Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5859 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair;

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MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5862 Prime Sponsor, Kilmer: Addressing passenger-only ferry service funding. Revised for 2nd Substitute: Regarding passenger-only ferry service. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5862 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Honeyford, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5883 Prime Sponsor, Fraser: Concerning conversion of forest land to nonforestry uses. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5883 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5894 Prime Sponsor, Rockefeller: Clarifying the regulatory authority for on-site sewage systems. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5894 as recommended by Committee on Water, Energy & Telecommunications be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5902 Prime Sponsor, Prentice: Requiring additional state liquor stores to engage in Sunday sales. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Regala, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Roach. Without recommendation. Signed by Senators Carrell and Parlette

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5903 Prime Sponsor, Hargrove: Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinault Indian Reservation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5905 Prime Sponsor, Franklin: Concerning certificate of capital authorization. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5905 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5923 Prime Sponsor, Swecker: Regarding aquatic invasive species enforcement and control. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5923 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

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SB 5926 Prime Sponsor, Kohl-Welles: Creating a joint legislative task force to review the underground economy in the construction industry. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5930 Prime Sponsor, Keiser: Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5930 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Hewitt, Honeyford, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5955 Prime Sponsor, Tom: Regarding educator preparation, professional development, and compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5955 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5958 Prime Sponsor, Keiser: Creating innovative primary health care delivery. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5958 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig,

Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5967 Prime Sponsor, Pridemore: Concerning the sales of vehicles and associated services to nonresidents of Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5967 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5980 Prime Sponsor, Fraser: Notifying licensed nursing homes and boarding homes of offender status of residents or persons seeking admission. Revised for 1st Substitute: Requiring notification to nursing homes, boarding homes, and adult family homes of offender status of new residents. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5980 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Regala

Passed to Committee on Rules for second reading.

March 5, 2007

SB 5995 Prime Sponsor, Kastama: Providing for the role of the economic development commission in state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5995 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6016 Prime Sponsor, Regala: Concerning good cause reasons for failure to participate in WorkFirst program components. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6016 be substituted therefor, and the second

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substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senator Carrell. Without recommendation. Signed by Senators Honeyford, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6044 Prime Sponsor, Rockefeller: Regarding the removal of derelict vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6044 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Hewitt and Schoesler

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6081 Prime Sponsor, Parlette: Regarding outdoor burning in small cities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6081 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6083 Prime Sponsor, Pflug: Providing access to medical information for physicians. Revised for 1st Substitute: Providing access to medical information for health professionals. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6083 as recommended by Committee on Health & Long-Term Care be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6107 Prime Sponsor, Zarelli: Reviewing pipeline capacity and distribution in southwest Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6117 Prime Sponsor, Fraser: Regarding reclaimed water. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 6117 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Rasmussen, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Oemig, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6119 Prime Sponsor, Eide: Changing the distribution to and allocation of the fire service training account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

SB 6141 Prime Sponsor, Jacobsen: Expanding provisions affecting forest health. Revised for 1st Substitute: Regarding forest health. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6141 as recommended by Committee on Natural Resources, Ocean & Recreation be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 5, 2007

FIFTY-SEVENTH DAY, MARCH 5, 2007

SJR 8210 Prime Sponsor, Haugen: Providing a homestead exemption from property taxation for principal residences. Revised for 1st Substitute: Providing a homestead exemption from property taxation for residences. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 8210 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Keiser, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senator Hewitt. Without recommendation. Signed by Senators Brandland, Honeyford, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated.

MOTION

At 9:08 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, March 6, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MORNING SESSION**MOTION**

Senate Chamber, Olympia, Tuesday, March 6, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Carrell, Jacobsen, Oemig, Pflug and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Madjura Panjini and Michael Shaheen, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6146 by Senators Carrell, Rasmussen, Roach, Hobbs, Zarelli, Stevens, Kilmer, Kastama and Benton

AN ACT Relating to military monuments; adding a new section to chapter 38.40 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

SCR 8407 by Senators Kohl-Welles, Clements, Keiser and Parlette

Addressing liquor laws.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5101, by Senators Hobbs, McAuliffe, Fairley, Weinstein, Marr, Shin, Oemig, Fraser, Kline, Regala, Rasmussen, Tom, Kohl-Welles and Haugen

Expanding higher education tuition waivers to include certain certificated instructional staff.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5101 was substituted for Senate Bill No. 5101 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5101 was advanced to third reading,

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Hewitt, Pflug and Roach were excused.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5101.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senators Brown, Oemig and Rasmussen - 3

Excused: Senators Carrell, Jacobsen and Pflug - 3

SUBSTITUTE SENATE BILL NO. 5101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5366, by Senators Haugen and Jacobsen

Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5366 was substituted for Senate Bill No. 5366 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Oemig were excused.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5366.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Carrell and Jacobsen - 3

SUBSTITUTE SENATE BILL NO. 5366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Holmquist: I was off the Senate floor today working on an amendment for a bill coming up on the calendar. When I returned the Senate was completing the vote on Senate Bill 5366, and I inadvertently voted "Yes" when I intended to vote "No".

SENATOR HOLMQUIST, 13th Legislative District

SECOND READING

SENATE BILL NO. 5236, by Senators Parlette, Fraser and Rockefeller

Concerning the management of public lands.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Carrell and Jacobsen - 3

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5399, by Senators Kilmer, Kastama, Kauffman, Shin, Schoesler, Berkey, Delvin, Rockefeller and Rasmussen

Developing a work group to support industry clusters as an economic development tool.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5399 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5399.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5399 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Carrell and Jacobsen - 3

SENATE BILL NO. 5399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5451, by Senators Rasmussen and McAuliffe

Authorizing students who are covered by section 504 of the rehabilitation act of 1973 to obtain a certificate of individual achievement.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug,

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Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Jacobsen - 2

SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5304, by Senators Eide, Tom, Haugen, Shin and Kline

Providing an exemption from special fuel taxes for regional transit authorities.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5304 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5304.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5304 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 40

Voting nay: Senators Benton, Carrell, Clements, Holmquist, McCaslin, Schoesler, Stevens and Zarelli - 8

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5639, by Senators Spanel, Clements, Pflug, Kohl-Welles, Jacobsen, Rasmussen, Poulsen, Regala and Kline

Authorizing a caterer's endorsement for licensed microbreweries.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 5639 was substituted for Senate Bill No. 5639 and the substitute bill was placed on the second reading and read the second time.

Senator Spanel spoke in favor of the substitute bill.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 5639 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5639.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5639 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5225, by Senators Oemig, Poulsen, Honeyford and Spanel

Modifying gas and hazardous liquid pipeline provisions.

MOTIONS

On motion of Senator Oemig, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Oemig, the rules were suspended, Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5202, by Senators Delvin, Eide, Hewitt, Brandland, Pridemore, Holmquist, McCaslin, Haugen, Jacobsen, Honeyford, Rasmussen and Roach

Concerning permissible weaponry for on-duty law enforcement officers.

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MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 5202 was substituted for Senate Bill No. 5202 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 5202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5775, by Senators Kauffman, Rasmussen, Zarelli, Berkey, Oemig, McAuliffe, Shin and Kohl-Welles

Changing special education provisions.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-

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Excused: Senator Jacobsen - 1

SENATE BILL NO. 5775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5137, by Senators Kohl-Welles and Keiser

Modifying industry average unemployment contribution rates.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5137 was substituted for Senate Bill No. 5137 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5137.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5137 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, Holmquist, Honeyford and Stevens - 4

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5620, by Senator Fairley

Clarifying the authority of the civil service commissions for sheriffs' offices.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5620 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5620.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5620 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5104, by Senators McAuliffe, Tom, Rockefeller, Shin, Oemig, Berkey, Brandland, Fairley, Pflug, Delvin, Rasmussen, Kohl-Welles, Keiser, Zarelli, Prentice, Eide, Kline, Hobbs, Clements and Kilmer

Expanding the applied baccalaureate degree pilot program.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5104 was substituted for Senate Bill No. 5104 and the substitute was placed on the second reading and read the second time.

Senator McAuliffe spoke in favor of the substitute bill.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5104 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5104.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5104 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Spanel - 1

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 5104, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5258, by Senators Regala, Stevens and Shin

Concerning members of the Washington council for the prevention of child abuse and neglect.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5258.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5258 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION
8645

By Senators Kohl-Welles, Prentice, Pridemore, Hatfield, Keiser, Hobbs, Kline, Regala, Parlette and Brandland

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer, and have played a critical role in nurturing our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms, and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific,

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governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington state has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, and continue to have one of the highest proportion of women legislators in the history of the United States at 40.8% in 2000 and at 32.7% currently; and

WHEREAS, Washington state is the first state in the nation to have two female United States senators, Patty Murray and Maria Cantwell, and a female governor, Christine Gregoire, serving at the same time; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, Since 1975, the United Nations has proclaimed March 8th to be International Women's Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world on March 8th, International Women's Day, and during March, National Women's History Month.

Senators Kohl-Welles and McCaslin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8645.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

MOTION

At 10:57 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 2:35 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5983, by Senators Stevens and Hargrove

Requiring juvenile courts to provide truancy hearing notice within the court's resources.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Stevens be adopted.

On page 2, line 29, after "hearing is" strike "held" and insert "~~(held)~~ scheduled"

On page 2, line 29, after "directly and" strike "within" and insert "using"

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Stevens on page 2, line 29 to Senate Bill No. 5983.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, Senators Hewitt, Holmquist and Roach were excused.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Senate Bill No. 5983 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5983.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5983 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 5983, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5278, by Senators Franklin, Kastama, Kline, Spanel, Keiser, Kohl-Welles, McAuliffe, Regala, Pridemore, Poulsen, Fraser, Rasmussen and Rockefeller

Concerning use of public funds to finance campaigns for local office.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5278 was substituted for Senate Bill No. 5278 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin, Spanel, Murray and Oemig spoke in favor of passage of the bill.

Senators Zarelli, Berkey and Roach spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

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On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5278 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5469, by Senators Prentice, Parlette, Franklin, Benton, Hobbs, Keiser and Schoesler

Modifying provisions concerning pawnbrokers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5469 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5469.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5469 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Jacobsen and Kastama - 2

SENATE BILL NO. 5469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5269, by Senators McAuliffe, Delvin, Kauffman, Roach, Franklin, Rasmussen, Kohl-Welles, Sheldon, Marr, Murray, Oemig, Jacobsen, Rockefeller, Shin and Kilmer

Establishing the first peoples' language, culture, and history teacher certification program. Revised for 1st Substitute: Establishing the first peoples' language and culture teacher certification program.

MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on the second reading and read the second time.

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MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 35. The legislature finds that:

(1) Teaching first peoples' languages and cultures is a critical factor in successful educational experiences and promoting cultural sensitivity for all students. Experience shows such teaching dramatically raises student achievement. The effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for Native American students' success;

(3) The sole expertise of sovereign tribal governments in the transmission of their indigenous languages, heritage, cultural knowledge, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in Washington state and the state of Washington;

(5) Establishing a first peoples' language and culture teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language and culture certification program implements the following policy objectives of P.L. 101-477, the federal Native American languages act of 1990, in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language and culture certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of P.L. 107-110, the no child left behind act of 2001, in a manner that is consistent with tribal traditions, languages, and cultures.

NEW SECTION. Sec. 36. A new section is added to chapter 28A.410 RCW to read as follows:

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(1) The Washington state first peoples' language and culture teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in the first peoples' language and culture teacher certification program developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language and culture teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language and culture program. Before certification of the individual, the participating sovereign tribal government may conduct a background check through the tribal police departments within Washington state to determine, to the extent possible, whether the individual has been convicted of any crimes that may otherwise disqualify the person from being awarded a teacher certificate and provide the information to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language and culture without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language and culture teacher certificate serves as a subject area endorsement in first peoples' language and culture. The holder of a Washington state first peoples' language and culture teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages and cultures designated on the certificate and no other subject;

(d) In order to teach first peoples' language and culture, teachers must hold certificates from both the office of the superintendent of public instruction and from the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language and culture teacher certificate meets Washington state's definition of a highly qualified teacher under P.L. 107-110, the no child left behind act of 2001, for the purposes of teaching first peoples' language and culture, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued by the state board of education or the professional educator standards board under a pilot program before the effective date of this section remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and first peoples' language and culture certification programs for in-service teacher training and continuing education in the culture

appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

Sec. 37. RCW 28A.415.020 and 2006 c 263 s 808 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language or culture provided by a sovereign tribal government participating in the Washington state first peoples' language and culture program authorized under section 2 of this act shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

NEW SECTION. Sec. 38. This act may be known and cited as the "First peoples' language/culture teacher certification act: Honoring our ancestors."'''

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the striking amendment be adopted.

On page 3, line 12 of the amendment, after "Washington", insert "and who is a signatory to the 1989 centennial accord"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Kauffman spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens to the striking amendment on page 3, line 12 to Substitute Senate Bill No. 5269.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

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Senator Holmquist moved that the following amendment by Senators Holmquist and Kauffman to the striking amendment be adopted.

On page 3, line 21 of the striking amendment, after "government", strike "may", and insert "shall"

Re-number the sections consecutively and correct any internal references accordingly.

Senators Holmquist and McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Kauffman to the striking amendment on page 3, line 21 to Substitute Senate Bill No. 5269.

The motion by Senator Holmquist carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe as amended to Substitute Senate Bill No. 5269.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5272, by Senators Haugen and Sheldon

Modifying the administration of fuel taxes.

The measure was read the second time.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 21, beginning on line 6, after "delivered" strike all material through "copying" on line 10 and insert "annually to the director of the department of licensing by July 1st, unless the agreement is reached between January 1st and June 30th of a given year, then the report is due July 1st of the following year. The compliance report must include verification of all dollars received from fuel tax proceeds and verification of all dollars spent. This compliance report shall be a public record as defined in RCW 42.17.020(41) and shall be provided upon lawful request by the director of the department of licensing"

Re-number the remaining subsections consecutively and correct internal references accordingly.

Senator Clements spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 21, line 6 to Senate Bill No. 5272.

The motion by Senator Clements failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5272 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Sheldon spoke in favor of passage of the bill.

Senators Holmquist and Hewitt spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5272.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Stevens and Zarelli - 14

Excused: Senator Jacobsen - 1

SENATE BILL NO. 5272, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6011, by Senators Poulsen, Eide, Brown, Rockefeller, Spanel, Fraser, Weinstein, Murray, Pridemore and Keiser

Creating the Maury Island aquatic reserve.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6011 was substituted for Senate Bill No. 6011 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 22, after "low-impact" strike "public"

On page 3, line 32, after "low-impact" strike "public"

On page 4, line 4, after "78.44.031" insert ", unless such a mine has been designated a mineral land of long-term commercial significance under chapter 36.70A RCW,"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 22 to Substitute Senate Bill No. 6011.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 5, beginning on line 3, strike all of section 3

On page 1, line 2 of the title, after "79.105.210;" insert "and" and on line 3, after "RCW" strike "; and declaring an emergency"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, line 3 to Substitute Senate Bill No. 6011.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 5, after line 2, insert the following:

"NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Re-number the remaining section consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "RCW;" insert "creating a new section;"

Senator Honeyford spoke in favor of adoption of the

amendment.

Senator Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 5, line 2 to Substitute Senate Bill No. 6011.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 3, line 22, after "low-impact" strike "public"

On page 3, line 32, after "low-impact" strike "public"

On page 4, beginning on line 1, strike all of subsection (5)

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Poulsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 3, line 22 to Substitute Senate Bill No. 6011.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen, Rockefeller and Regala spoke in favor of passage of the bill.

Senators Honeyford, Pflug, Carrell, Sheldon and Stevens spoke against passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by a rising voice vote.

PARLIAMENTARY INQUIRY

Senator Hewitt: "Thank you Mr. President. There was a suggestion on the floor that this was against the constitution so I'm not sure what we would ask for on this ruling. Would that ruling come from you as to whether it's a special piece of legislation, special interest legislation?"

Senator Brown: "Thank you Mr. President, I was not clear on the point raised by the Senator but it seems to me he was speaking to the constitutionality issue that was raised during the debate. My point would be to suggest that although we appreciate your rulings on many issues the President does not normally rule on constitutional questions."

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REPLY BY THE PRESIDENT

President Owen: "Senator Brown, you would be correct except for the cases when there is a rule of the Senate that is in direct relationship to the constitution or in determining the number of votes necessary because of the constitution. So, that therefore there are times when the President does rule. As a rule, the President does not on issues of constitutionality, that could be and would be determined by the courts. The President believes that that's where this ruling would go but we're trying to figure out how exactly, how we get to that answer. not to make that answer come out, but in order to give it to you in the correct fashion, so that's what we're debating up here."

REPLY BY THE PRESIDENT

President Owen: "Senator Hewitt, the President believes that the answer to your question is a point of order would be raised as to whether or not this legislation is appropriately before us because of the prohibitions against special legislation of Article 2, Section 28 of the constitution. Should you raise that question the President would rule that it is a question that would be determined not by the President because it is not parliamentary issue. it is a constitutional issue that would be determined by the courts. So you can raise it if you would like."

POINT OF PARLIAMENTARY INQUIRY

Senator Sheldon: "Since I'd raised this originally, I'd just like to make a quick, if I could, a quick argument. That usually sways you I know....."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, let me make a clarification. You did not raise the point of order. You only raised the issue, so there's not a point of order before us at this time."

POINT OF ORDER

Senator Sheldon: "Mr. President, thinking Article 2, Section 28, the constitution is very clear in delineating that special legislation must not be used, must not be enacted by the Legislature to overturn and to change civil law. It appears, in this case that the State Court of Appeals has ruled in this issue. And I think it's a straight forward case of the Legislature trying to undo a court decision."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon has raised the point of order that this legislation would be considered special legislation and conflict prohibited by Article 2, Section 28 and therefore is not properly before us."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, in ruling on your point of order on this issue the President has consistently provided that it is the Legislature's responsibility to determine whether or not they feel an issue is constitutional or is not. It is not the President's place to make that determination, yet the courts. If the Legislature is wrong, then the courts will make that determination but not the President. Therefore, your point of order is not well taken."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel and Weinstein - 26

Voting nay: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli - 22

Excused: Senator Jacobsen - 1

SUBSTITUTE SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6011 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5174, by Senators Pridemore and Schoesler

Making technical corrections in the public retirement systems. Revised for 1st Substitute: Making corrections in the public retirement systems.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5174 was substituted for Senate Bill No. 5174 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5174 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5174.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5174 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

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SUBSTITUTE SENATE BILL NO. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5251, by Senators Kohl-Welles, Clements, Hobbs, Parlette, Pridemore and Hatfield

Establishing the term of existence of a collective bargaining agreement.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Clements be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.070 and 1975 1st ex.s. c 296 s 18 are each amended to read as follows:

In the event the commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years, except that any agreement entered into between cities, counties, or municipal corporations, and their respective employees, may provide for a term of existence of up to six years.

"**Sec. 2.** RCW 41.56.070 and 1975 1st ex.s. c 296 s 18 are each amended to read as follows:

In the event the commission elects to conduct an election to ascertain the exclusive bargaining representative, and upon the request of a prospective bargaining representative showing written proof of at least thirty percent representation of the public employees within the unit, the commission shall hold an election by secret ballot to determine the issue. The ballot shall contain the name of such bargaining representative and of any other bargaining representative showing written proof of at least ten percent representation of the public employees within the unit, together with a choice for any public employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot and neither of the three or more choices receives a majority vote of the public employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the two choices which received the largest and second-largest number of

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votes. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement. Any agreement which contains a provision for automatic renewal or extension of the agreement shall not be a valid agreement; nor shall any agreement be valid if it provides for a term of existence for more than three years, except that any agreement entered into between school districts and their respective employees may provide for a term of existence of up to six years."

Senators Kohl-Welles and Clements spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles and Clements to Senate Bill No. 5251.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "agreement;" strike the remainder of the title and insert "and amending RCW 41.56.070 and 41.56.070."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kastama - 1

Excused: Senator Jacobsen - 1

ENGROSSED SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5560, by Senators Schoesler, Zarelli, Regala and Prentice

Making changes of a technical nature to tax laws.

MOTION

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On motion of Senator Schoesler, Substitute Senate Bill No. 5560 was substituted for Senate Bill No. 5560 and the substitute bill was placed on the second reading and read the second time.

Senator Schoesler spoke in favor of the substitute bill.

MOTION

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Regala, Senators Kastama and Kline were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5560.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Jacobsen, Kastama and Kline - 3

SUBSTITUTE SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5920, by Senators Kohl-Welles, Keiser, Shin and Rasmussen

Establishing a pilot program for vocational rehabilitation services.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5920 was substituted for Senate Bill No. 5920 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Clements moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 2, line 6, after "appropriate," insert the following:

"An injured worker may not participate in vocational rehabilitation under this section or section 2 of this act if such participation would result in a payment of benefits as described in RCW 51.32.240(5), and any benefits so paid shall be recovered according to the terms of that section."

Senators Clements and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Clements and Kohl-Welles on page 2, line 6 to Substitute Senate Bill No. 5920.

The motion by Senator Clements carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 5, line 14, after "certain", insert "state fund"

On page 11, line 12, after "For" insert "state fund"

On page 11, line 32, after "experience." strike everything through "paid." on line 36.

On page 12, line 7, after "to the" strike everything through "self-insurers." on line 13, and insert "state fund employer was provided and the average cost per claim. A report to the vocational rehabilitation subcommittee and the legislature shall also be made annually including the number of claims and average cost per claim reported by self-insured employers for claims meeting the requirements in subsection (1)(a), (b) and (d) of this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Clements and Kohl-Welles on page 5, line 14 to Substitute Senate Bill No. 5920.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senators Clements and Kohl-Welles be adopted.

On page 6, line 7, after "development", insert the following: "The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Clements and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Clements and Kohl-Welles on page 6, line 7 to Substitute Senate Bill No. 5920.

The motion by Senator Clements carried and the amendment was adopted by voice vote.

MOTION

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Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Clements be adopted.

On page 6, line 29, after "2012." insert "The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed."

Senators Kohl-Welles and Clements spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Clements on page 6, line 29 to Substitute Senate Bill No. 5920.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5920.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5920 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Honeyford, McCaslin and Morton - 4

Excused: Senators Brandland, Jacobsen and Kastama - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5525, by Senators Oemig, Swecker and Regala

Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5525 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5525.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5525 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Hewitt, Holmquist, Honeyford, Schoesler and Stevens - 6

Excused: Senators Brandland and Jacobsen - 2

SENATE BILL NO. 5525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5674, by Senators Haugen, Fairley and Kline

Authorizing registered voters who reside outside of, but own land in, a water district to be elected as a water district commissioner.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5674 was substituted for Senate Bill No. 5674 and the substitute bill was placed on the second reading and read the second time.

Senator Haugen spoke in favor of the substitute bill.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Carrell - 1

Excused: Senators Brandland and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 7, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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FIFTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 7, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hargrove and Holmquist.

The Sergeant at Arms Color Guard consisting of Pages Laura Pflug and Ryan Browne, presented the Colors. Pastor Walter Snook of Tumwater United Methodist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6147 by Senators Brown, Kohl-Welles and Keiser

AN ACT Relating to business and occupation tax imposed on retail establishments; adding new sections to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Jacobsen moved that Gubernatorial Appointment No. 9229, Fred A. Shiosaki, as a member of the Fish and Wildlife Commission, be confirmed.

Senators Jacobsen and Morton spoke in favor of the motion.

APPOINTMENT OF FRED A. SHIOSAKI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9229, Fred A. Shiosaki as a member of the Fish and Wildlife Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9229, Fred A. Shiosaki as a member of the Fish and Wildlife Commission and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen,

Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Hargrove and Holmquist - 2

Gubernatorial Appointment No. 9229, Fred A. Shiosaki, having received the constitutional majority was declared confirmed as a member of the Fish and Wildlife Commission.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Benton moved that Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott as members of the Investment Board, be confirmed.

Senator Benton spoke in favor of the motion.

APPOINTMENT OF MASON PETTIT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott as members of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9166, Mason Pettit as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF GLENN GORTON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9208, Glenn Gorton as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

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APPOINTMENT OF DAVID SCOTT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9209, David Scott as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9166, Mason Pettit; Gubernatorial Appointment No. 9208, Glenn Gorton and Gubernatorial Appointment No. 9209, David Scott having received the constitutional majority were declared confirmed as members of the Investment Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Jacobsen moved that Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller as members of the Parks and Recreation Commission, be confirmed.

Senators Jacobsen and Morton spoke in favor of the motion.

APPOINTMENT OF ROBERT C. PETERSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller as members of the Parks and Recreation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9054, Robert C. Petersen as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF ELIOT SCULL

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9064, Eliot Scull as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF CECILIA VOGT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9077, Cecilia Vogt as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF FRED OLSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9210, Fred Olson as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF JOE TALLER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9248, Joe Taller as a member of the Parks and Recreation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9054, Robert C. Petersen; Gubernatorial Appointment No. 9064, Eliot Scull; Gubernatorial Appointment No. 9077, Cecilia Vogt; Gubernatorial Appointment No. 9210, Fred Olson and Gubernatorial Appointment No. 9248, Joe Taller having received the constitutional majority were declared confirmed as members of the Parks and Recreation Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

FIFTY-NINTH DAY, MARCH 7, 2007
MOTION

Senator Kohl-Welles moved that Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson as members of the Lottery Commission, be confirmed.

Senator Kohl-Welles spoke in favor of the motion.

APPOINTMENT OF ROBERT SCARBROUGH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson as members of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9062, Robert Scarbrough as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF WILLIAM HANSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9025, William Hanson as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9062, Robert Scarbrough and Gubernatorial Appointment No. 9025, William Hanson having received the constitutional majority were declared confirmed as members of the Lottery Commission.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Keiser moved adoption of the following resolution:

2007 REGULAR SESSION
SENATE RESOLUTION
8614

By Senators Keiser, Berkey, Parlette, Kauffman, Fairley, Carrell, Franklin, Kohl-Welles and Pflug

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, Approximately 832,000 people in Washington state have a disability requiring personal assistance services by family members, providers, and community organizations; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of the 32,000 plus home and personal care workers in Washington state working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support the independence and rights of all individuals with disabilities on March 7, 2007, Independent Living Day.

Senator Keiser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8614.

The motion by Senator Keiser carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced representatives of project Pas-Port for Change sponsored by the Washington Protection & Advocacy System who were seated in the gallery.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8646

By Senators Benton, Parlette, Hewitt, McAuliffe, Prentice, Schoesler, McCaslin, Stevens and Brandland

WHEREAS, Lynn D. "Buck" Compton served his nation with courage and valor in World War II, having joined the United States Army in early 1943, and receiving an assignment to the 2nd platoon of Easy Company, 2nd Battalion, 506th Parachute Infantry Regiment, 101st Airborne Division; and

WHEREAS, His heroic actions in defense of our country were recounted in the book "Band of Brothers" by Stephen Ambrose and later visualized on the screen in the critically acclaimed television miniseries of the same name, produced by Tom Hanks and starring Neil McDonough as Second Lieutenant Compton; and

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WHEREAS, On June 6, 1944, as part of the Allied D-Day Invasion of Hitler's Fortress Europe, Airborne divisions dropped into Normandy, with Second Lieutenant Compton and other paratroopers from Easy Company parachuted behind enemy lines under perilous conditions; and

WHEREAS, In the face of overwhelming opposition, Second Lieutenant Compton and other soldiers relied upon superior tactics in assaulting a German battery, disabling four 105mm guns and routing the enemy, for which Second Lieutenant Compton was awarded the Silver Star, and eventually promoted to First Lieutenant; and

WHEREAS, In September 1944, First Lieutenant Compton served with American and British Allies in Operation Market Garden, in which First Lieutenant Compton was wounded; and

WHEREAS, First Lieutenant Compton, awarded the Purple Heart, returned to his unit in time for the Battle of the Bulge, beginning in late 1944, and later left Easy Company for another assignment, having bravely served his country and the cause of liberty; and

WHEREAS, Buck Compton returned to civilian life after World War II, married and raised two children, attended law school, successfully prosecuted Sirhan Sirhan for the murder of Robert F. Kennedy, and served twenty years as a judge on the California Court of Appeals following an appointment by Governor Ronald Reagan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially honor and thank Lynn D. "Buck" Compton for his accomplished and continuing life of sacrifice and dedicated service in the defense and betterment of a grateful nation.

Senators Benton and Hobbs spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8646.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Bob Compton who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Bob Compton to address the Senate.

REMARKS BY BOB COMPTON

Bob Compton: "Thank you for this honor. I can't tell you how much I appreciate it and how flattered I am by it but I can only tell you I accept it only as a representative of thousands of other guys who did more or as much as I did in the war. 'A Band of Brothers' have given us some publicity and popularity or whatever you want to call it. Probably far beyond what we deserve except that we hope that we represent madicom or microcosm of all the people who had fought in World War II and that's what we always hold ourselves out to be so. The other thing what we, my buddies at least in the 101st we spend a lot of time talking to the young soldiers of today and what we like to tell them is that we believe to a man that they're fighting a more dangerous enemy and a more difficult enemy than we ever fought against and they deserve our best support but we think it's a war that has to be won, that has to be fought. On behalf of my former brothers of arms, again I thank you for this honor."

MOTION

At 10:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 2007

MR. PRESIDENT:
The Speaker has signed:
HOUSE BILL NO. 1025,
and the same is here transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1025,

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1032,
SUBSTITUTE HOUSE BILL NO. 1397,
HOUSE BILL NO. 1449,
HOUSE BILL NO. 1543,
SUBSTITUTE HOUSE BILL NO. 1561,
HOUSE BILL NO. 1674,
HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1848,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,
ENGROSSED HOUSE BILL NO. 1347,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:
The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1088,
HOUSE BILL NO. 1416,
SECOND SUBSTITUTE SENATE BILL NO. 5093,

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE SENATE BILL NO. 5093,

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1230,
SECOND SUBSTITUTE HOUSE BILL NO. 1242,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1312,
HOUSE BILL NO. 1331,
HOUSE BILL NO. 1343,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1201,
SUBSTITUTE HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1333,
SECOND SUBSTITUTE HOUSE BILL NO. 1334,
SECOND SUBSTITUTE HOUSE BILL NO. 1716,
SECOND SUBSTITUTE HOUSE BILL NO. 1922
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1311,
HOUSE BILL NO. 1344,
HOUSE BILL NO. 1447,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1940
HOUSE BILL NO. 1972,
HOUSE BILL NO. 2090,
HOUSE BILL NO. 2119,
HOUSE BILL NO. 2154,
SUBSTITUTE HOUSE BILL NO. 2225,
HOUSE BILL NO. 2281,
HOUSE BILL NO. 2283,
SUBSTITUTE HOUSE BILL NO. 2312,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 2319,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5090, by Senators Kastama, Shin, Franklin, Kilmer, Marr, Kauffman, Murray and Rasmussen

Promoting innovation partnership zones.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5090 was substituted for Senate Bill No. 5090 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5090.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SECOND SUBSTITUTE SENATE BILL NO. 5090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5092, by Senators Marr, Brown, Kilmer, Kauffman, Murray, Shin and Rasmussen

Revising provisions for contracts with associate development organizations for economic development services.

MOTIONS

On motion of Senator Marr, Second Substitute Senate Bill No. 5092 was substituted for Senate Bill No. 5092 and the

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second substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Second Substitute Senate Bill No. 5092 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5092.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5092 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5461, by Senators Morton, Jacobsen, Fraser, Hatfield, Hargrove, Benton, Sheldon and Rasmussen

Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5461 was substituted for Senate Bill No. 5461 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Marr, Senator Poulsen was excused.

MOTION

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5461 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Carrell, McCaslin, Roach and Swecker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5461.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5461 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Hatfield and Kline - 2

Excused: Senators Poulsen and Roach - 2

SUBSTITUTE SENATE BILL NO. 5461, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Hatfield: It was my intention to vote "YEA" on the final passage of Substitute Senate Bill No. 5461.

SENATOR HATFIELD, 19th Legislative District

MOTION

At 1:39 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:55 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5093, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

FIFTY-NINTH DAY, MARCH 7, 2007

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SENATE JOINT MEMORIAL NO. 8012, by Senators Brown, Hewitt, Franklin, Fraser, Oemig, Kline, Kilmer, Swecker, Hobbs, Hatfield, Marr, Spanel, Regala, Kohl-Welles, Berkey, Pridemore, Rasmussen, McAuliffe, Sheldon and Shin

Requesting the Washington Air and Army National Guard not be federalized.

MOTIONS

On motion of Senator Brown, Substitute Senate Joint Memorial No. 8012 was substituted for Senate Joint Memorial No. 8012 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8012 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 42

Voting nay: Senators Carrell, Holmquist, Honeyford, Morton, Parlette, Stevens and Zarelli - 7

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5199, by Senators Berkey, Prentice, Benton, Hobbs, Hatfield, Schoesler, Parlette, Franklin and Keiser

Restricting small loan practices.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 5199 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5199.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5199 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5171, by Senators Schoesler, Pridemore, Fairley, McAuliffe, Shin, Prentice, Sheldon, Franklin, Kline and Rasmussen

Establishing contribution rates in the Washington state patrol retirement system.

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5171 was substituted for Senate Bill No. 5171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5171.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5171 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

FIFTY-NINTH DAY, MARCH 7, 2007

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SENATE BILL NO. 5264, by Senators Haugen and Swecker

Authorizing the transportation commission to name or rename state transportation facilities.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Hargrove, Honeyford, Murray and Poulsen - 4

SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5351, by Senators Kline and Spanel

Changing travel reimbursement provisions affecting judges of the court of appeals.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5351.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer,

Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5385, by Senators Shin, Jacobsen, Schoesler, Rockefeller, Delvin, Tom and Kohl-Welles

Providing the Washington higher education facilities authority the ability to originate and purchase educational loans and to issue student loan revenue bonds.

The measure was read the second time.

MOTION

Senator Shin moved that the following amendment by Senator Shin be adopted.

On page 11, beginning on line 5, strike all of section 18
Senator Shin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 11, line 5 to Senate Bill No. 5385.

The motion by Senator Shin carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 4 of the title, after "RCW;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5385 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5385.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5385 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

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ENGROSSED SENATE BILL NO. 5385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Franklin assumed the chair.

SECOND READING

SENATE BILL NO. 5228, by Senators Kline, McCaslin and Weinstein

Protecting indirect purchasers for injuries arising from state antitrust law violations. Revised for 1st Substitute: Revising provisions concerning actions under the consumer protection act.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5228 was substituted for Senate Bill No. 5228 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5228 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5228.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5228 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Carrell and Stevens - 2

SUBSTITUTE SENATE BILL NO. 5228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5260, by Senators Jacobsen and Morton

Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5260.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5260 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5243, by Senators Brandland, Hargrove, McAuliffe, Stevens, Rasmussen, Shin and Roach

Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5243 was substituted for Senate Bill No. 5243 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5243.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5243 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

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SECOND READING

SENATE BILL NO. 5463, by Senators Jacobsen, Rockefeller, Morton, Shin and Rasmussen

Modifying forest fire protection assessments.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5463 was substituted for Senate Bill No. 5463 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Swecker was excused.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Haugen and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5468, by Senators Oemig, Zarelli, Regala and Schoesler

Regarding the administration of tax programs administered by the department of revenue.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5468 was advanced to third reading, the second

MOTION

At 2:51 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:44 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5483, by Senators Kauffman, Holmquist, Haugen, Clements, Rasmussen and Shin

Retaining the distribution of city hardship assistance program funds to cities and towns for street maintenance.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5483 was substituted for Senate Bill No. 5483 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5483 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5483.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5483 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Benton - 1

Absent: Senators Haugen and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5468.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5468 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Haugen and Swecker - 2

SENATE BILL NO. 5468, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5475, by Senators Poulsen, Honeyford, Regala and Kohl-Welles

Modifying provisions affecting underground storage tanks.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5475 was substituted for Senate Bill No. 5475 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Carrell and Pflug were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 37

Voting nay: Senators Benton, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton and Schoesler - 8

Excused: Senators Carrell, Haugen, Pflug and Swecker - 4

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SUBSTITUTE SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5635, by Senators Brandland, Kline and Delvin

Revising provisions relating to limitations on polygraph tests.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brandland and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Pflug - 2

SENATE BILL NO. 5635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5715, by Senators Benton, Berkey, Hobbs, Prentice, Hatfield, Franklin and Shin

Concerning persons selling, soliciting, or negotiating insurance.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5715.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Kline - 1

Excused: Senators Carrell and Pflug - 2

SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5717, by Senators Berkey, Hobbs, Prentice, Hatfield and Franklin

Establishing a program of market conduct oversight within the office of the insurance commissioner.

MOTION

On motion of Senator Berkey, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Berkey moved that the following amendment by Senators Berkey and Benton be adopted.

On page 22, beginning on line 24, after "(11)" strike all material through "(12))" on line 37, and insert "Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11); and

(12)"

On page 22, line 38, after "under" strike "~~(RCW 48.135.060)~~ section 8 of this act" and insert "RCW 48.135.060"

On page 22, after line 38, insert the following:

"(13) Documents, materials, or information obtained by the insurance commissioner under section 8 of this act;"

On page 23, line 1, strike "(12)" and insert "(14)"

On page 23, line 4, strike "(13)" and insert "(15)"

Senator Berkey spoke in favor of adoption of the

amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Berkey and Benton on page 22, line 24 to Substitute Senate Bill No. 5717.

The motion by Senator Berkey carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Berkey, the rules were suspended, Engrossed Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Pflug - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5036, by Senators Eide, Weinstein, Brown, Rockefeller, Regala, Fraser, Murray, Berkey, Kauffman, Jacobsen, Keiser, Haugen, Rasmussen, Shin, Tom and Kohl-Welles

Repealing the application of the sunset act to the intermediate driver's license program.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5036 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

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Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 37

Voting nay: Senators Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Morton, Schoesler, Sheldon, Stevens and Zarelli - 10

Excused: Senators Carrell and Pflug - 2

SENATE BILL NO. 5036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5086, by Senators Haugen, Swecker and Murray

Increasing the population threshold for state highway maintenance responsibility in cities and towns.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Morton - 1

Excused: Senators Carrell, Pflug and Poulsen - 3

SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5384, by Senators Fraser, Shin, Brandland, Delvin, Murray, Tom and Kohl-Welles

Expanding the University of Washington's and Washington State University's local borrowing authority.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5384.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Pflug and Poulsen - 3

SENATE BILL NO. 5384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5957, by Senator Kohl-Welles

Revising provisions relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5957 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5957.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5957 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

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Excused: Senators Pflug and Poulsen - 2

SENATE BILL NO. 5957, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5405, by Senators Carrell, Kline and McCaslin

Providing procedures for judicial orders concerning distraint of personal property.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5405 was substituted for Senate Bill No. 5405 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5405 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Carrell spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5405.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5405 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

SUBSTITUTE SENATE BILL NO. 5405, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5401, by Senators Rasmussen, Swecker, Shin, Schoesler and Hatfield

Licensing Christmas tree growers.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Brandland and Hargrove be adopted.

On page 5, after line 18, strike all material through "section." on line 21, and insert the following:

"(1) Any Christmas tree grower owning Christmas trees, whose business consists solely of retail sales to the ultimate consumer, is exempt from the requirements of this section if:

- (a) The grower has less than one acre of Christmas trees; or
- (b) The grower harvests, by u-cut or otherwise, fewer than four hundred Christmas trees per year."

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Brandland and Hargrove on page 5, line 18 to Senate Bill No. 5401.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Holmquist - 1

Excused: Senators Brown, Carrell and Poulsen - 3

ENGROSSED SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Benton: "We're at a lull. We're passing out amendments. Can you tell me why this? Are we at ease? Is the Senate at ease?"

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REPLY BY THE PRESIDENT

President Owen: "We're at the 'mill around.' What we are is, we're just waiting for the amendments to get passed out so we can start the next bill Senator."

PARLIAMENTARY INQUIRY

Senator Benton: "And that bill would be?"

REPLY BY THE PRESIDENT

President Owen: "As far as I know, that bill is Senate Bill No. 5297."

PERSONAL PRIVILEGE

Senator Benton: "My point of personal privilege is that, it is my opinion, while we're milling around waiting for all these amendments to come out, that the bill that we're about to vote on will be one of the most significant bill this Senate will vote on affecting parents rights. I wanted to alert members of the floor and members of the-----"

POINT OF ORDER

Senator Brown: "Mr. President, I would ask you to consider whether or not the Senator's remarks truly constitute a point of personal privilege or are rather remarks to a piece of legislation that is about to come before the body."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, I do believe, that as you look at the rules on points of personal privilege, that you are exceeding the point of personal privilege, that your remarks will be more pertinent to the bill itself."

PARLIAMENTARY INQUIRY

Senator Benton: "Thank you Mr. President, I appreciate your comments and I will speak to the bill when we get into debate on the bill. I just wanted to make sure that we're actually moving in that direction and wanted to alert folks to be ready for that. Thank you."

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 7, 2007."

Senator Schoesler spoke against the motion.

Benton spoke against the motion.

POINT OF ORDER

Senator Brown: "I would ask the President to consider whether or not the Senator is impugning the motives by referring to arrogance of the members on this side of the aisle."

REPLY BY THE PRESIDENT

President Owen: "The President would remind members that in any debate you are to speak to the issue at hand and without making comments to other members about other members."

MOTION

Senator Brown demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Brown, "Shall the main question be now put?"

The motion by Senator Brown that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the motion by Senator Eide to limit debate

The motion by Senator Eide carried and debate was limited through March 7, 2007.

PERSONAL PRIVILEGE

Senator McCaslin: "If we're going to get into sex we senior citizens need more than three minutes."

PERSONAL PRIVILEGE

Senator Rockefeller: "Senator McCaslin, I object."

SECOND READING

SENATE BILL NO. 5297, by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig

Regarding providing medically and scientifically accurate sexual health education in schools.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5297 was substituted for Senate Bill No. 5297 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen, McAuliffe and Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. (1) The legislature finds that young people should have the knowledge and skills necessary to build healthy relationships, and to protect themselves from unintended pregnancy and sexually transmitted diseases, including HIV infection. The primary responsibility for sexual health education is with parents and guardians. However, this responsibility also extends to schools and other community groups. It is in the public's best interest to ensure that young people are equipped with medically and scientifically accurate, age-appropriate information that will help them avoid unintended pregnancies, remain free of sexually transmitted diseases, and make informed, responsible decisions throughout their lives.

(2) The legislature intends to support and advance the standards established in the January 2005 guidelines for sexual

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health information and disease prevention developed by the office of the superintendent of public instruction and the department of health. These guidelines are a fundamental tool to help school districts, teachers, guest speakers, health and counseling providers, community groups, parents, and guardians choose, develop, and evaluate sexual health curricula to better meet the health and safety needs of adolescents and young adults in their communities.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

(1) By September 1, 2008, every public school that offers sexual health education must assure that sexual health education is medically and scientifically accurate, age-appropriate, appropriate for students regardless of gender, race, disability status, or sexual orientation, and includes information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. All sexual health information, instruction, and materials must be medically and scientifically accurate. Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention. Sexual health education must be consistent with the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the office of the superintendent of public instruction.

(2) As used in this act, "medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in peer-review journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the Washington state department of health, and the federal centers for disease control and prevention.

(3) The superintendent of public instruction and the department of health shall make the January 2005 guidelines for sexual health information and disease prevention available to school districts, teachers, and guest speakers on their web sites. Within available resources, the superintendent of public instruction and the department of health shall make any related information, model policies, curricula, or other resources available as well.

(4) The superintendent of public instruction, in consultation with the department of health, shall develop a list of sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention. This list shall be intended to serve as a resource for schools, teachers, or any other organization or community group, and shall be updated no less frequently than annually and made available on the web sites of the office of the superintendent of public instruction and the department of health.

(5) Public schools that offer sexual health education are encouraged to review their sexual health curricula and choose a curriculum from the list developed under subsection (4) of this section. Any public school that offers sexual health education may identify, choose, or develop any other curriculum, if the curriculum chosen or developed complies with the requirements of this section.

(6) Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school his or her child attends, or the principal's designee. In addition, any parent or legal guardian may review the sexual health education curriculum offered in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee.

(7) The office of the superintendent of public instruction shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask public schools to

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identify any curricula used to provide sexual health education, and shall report the results of this inquiry to the legislature on a biennial basis, beginning with the 2008-09 school year.

(8) The requirement to report harassment, intimidation, or bullying under RCW 28A.600.480(2) applies to this section.

NEW SECTION, Sec. 5. This act may be known and cited as the healthy youth act."

Senator Haugen spoke in favor of adoption of the striking amendment.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Clements and Shin to the striking amendment be adopted:

On page 1, line 26 of the amendment, after "education" strike "must" and insert "may"

On page 2, line 2 of the amendment, after "materials" strike "must" and insert "should"

On page 2, line 3 of the amendment, after "may" strike "not"

On page 2, line 5 of the amendment, after "education" strike "must be consistent" and insert "should be as consistent as practicable"

Senators Rasmussen, Holmquist, Roach, Pflug, Sheldon, Zarelli and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators McAuliffe and Keiser spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put was carried by voice vote.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Clements and Shin on page 1, line 26 and page 2, line 2, to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the amendment by Senators Rasmussen, Clements and Shin to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller,

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 2, line 5, after "prevention." insert "Every public school that offers comprehensive sexual health education shall offer both abstinence education and comprehensive sexual health programs. Each program may be taught as separate units and may or may not be taught in separate blocks of time."

Re-number the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Holmquist, Roach, Parlette and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and Brown spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

Senator Jacobsen demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Jacobsen, "Shall the main question be now put?"

The motion by Senator Jacobsen that the previous question be put was carried by voice vote.

Senator Zarelli again spoke in favor of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 23

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 26

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others to the striking amendment be adopted.

On page 2, line 5 of the amendment, after "prevention." insert "A school may choose to use separate, outside speakers or

prepared curriculum to teach different content areas or units within the comprehensive sexual health program as long as all speakers, curriculum, and materials used are in compliance with this section."

Senators Hobbs, Kastama, Roach and Franklin spoke in favor of adoption of the amendment to the striking amendment.

Senators Holmquist, Shin, Zarelli and Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

The motion by Senator Hobbs carried and the amendment to the striking amendment was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Kastama, the amendment by Senators Kastama, Rasmussen and Shin on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297 was withdrawn.

MOTION

Senator Holmquist moved that the following amendment by Senators Kastama, Rasmussen and Shin to the striking amendment be adopted.

On page 2, line 5 of the amendment, after "education" strike "must" and insert "may"

Senators Holmquist and Rasmussen spoke in favor of adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator McAuliffe: "I object to talking about bureaucrats creating a guidelines. I think that is an accusation and not necessary on the Senate floor."

REPLY BY THE PRESIDENT

President Owen: "Senator McAuliffe, her remarks to that is not inconsistent with your rules. She may speak in that fashion if she wishes. Senator Holmquist."

Senator Holmquist demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Rasmussen and Shin on page 2, line 5 to the striking amendment to Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kastama, Rasmussen and Shin to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman,

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Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

Absent: Senator Shin - 1

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 2, line 5, after "prevention." insert "Every public school that offers comprehensive sexual health education shall offer both abstinence education and comprehensive sexual health programs. Each program may be taught as a separate unit provided that each unit receives equal time."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Zarelli, Holmquist, Rockefeller, Parlette and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senators Haugen and McAuliffe spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 5 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Spanel, Tom and Weinstein - 27

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 2, line 10 after "supported by", strike all material through "health," on line 16, and insert "statistically significant research in compliance with scientific methods, and is recognized as accurate and objective by medical textbooks, by the American college of obstetricians and gynecologists,"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Carrell spoke in favor of adoption of the amendment to the striking amendment.

Senator Franklin spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 10 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 3, line 2, after "complies with" strike "the requirements of this section" and insert "information about abstinence or other materials and instruction on contraceptives and disease prevention"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 3, line 2 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 28

MOTION

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Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 3, line 3, after "(6)" insert the following "The superintendent of the school district shall notify parents or guardians that their students will be receiving sexual health education, and shall present the curricula and materials to parents at a public meeting. The notification and the public meeting must occur at least one month prior to the beginning of classroom instruction."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Morton and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Rockefeller: "To guess that the speaker is impugning the motives of the rest of us. I don't happen to agree with it."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, please make sure your remarks are relative to the amendment not the motives of the members."

Senator Brown spoke against adoption of the amendment to the striking amendment.

Senators Roach and Clements spoke in favor of the amendment to the striking amendment.

Senator Holmquist again spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 3 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

MOTION

Senator Clements moved that the following amendment by Senator Clements to the striking amendment be adopted.

On page 3, strike all of line 18 and 19 and insert the following:

"Sec. 3. RCW 28A.600.480 and 2002 c 207 s 4 are each amended to read as follows:

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, ~~((is encouraged to))~~ including as a result of being excused from any planned instruction in sexual health education, shall report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident."

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, line 22 strike the title amendment.

Senator Clements spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Parlette, Senators McCaslin and Delvin were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 3, line 18 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Clements to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 27

Excused: Senator Delvin - 1

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MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 3, after line 19, insert the following:

"(9) Any teacher who submits specific written objections to any portion of the curriculum to the superintendent of the school district shall be permitted to omit that portion of the curriculum from his or her classroom instruction."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 19 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Excused: Senator Delvin - 1

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 3, after line 21, insert the following:

"**NEW SECTION. Sec. 4.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF INQUIRY

Senator Holmquist: "Would the good lady chair of Early Learning, K-12 Committee yield to a question?"

Senator McAuliffe: "No."

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 21 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist to the striking amendment and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

MOTION

Senator Roach moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 3 after line 19 of the striking amendment, insert the following:

"(9) The Superintendent of public instruction shall develop an email, fax, and/or written method for parents or guardians to communicate permission for a student to take part in mandated instruction in sex education. Without the permission of a parent or guardian a student may not be taught the sex education curriculum."

Senator Roach spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 3, line 19 to the striking amendment to Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Roach to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 29

Absent: Senator Kastama - 1

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senators Haugen, McAuliffe and Brown to Substitute Senate Bill No. 5297.

The motion by Senator Haugen carried and the striking amendment as amended was adopted by voice vote.

FIFTY-NINTH DAY, MARCH 7, 2007

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "schools;" strike "amending RCW 28A.600.480;"

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen spoke in favor of passage of the bill.

Senators Schoesler, Hargrove, Swecker, Rasmussen, Stevens, Shin, Honeyford and Roach spoke against passage of the bill.

POINT OF ORDER

Senator Haugen: "I would ask the speaker not to impugn our motives for introducing this legislation. Some of us do not consider ourselves the far left."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, please keep your remarks to the bill at hand. Senator Roach."

Senators Kastama and Franklin spoke in favor of passage of the bill.

Senators Benton and Carrell spoke against passage of the bill.

MOTION

Senator Weinstein demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Holmquist: "Is it appropriate to speak against the motion before us?"

REPLY BY THE PRESIDENT

President Owen: "It's not debateable."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. May the Ranking Republican member on Early Learning & K-12 have an opportunity to close debate?"

REPLY BY THE PRESIDENT

President Owen: "No."

REMARKS BY THE PRESIDENT

President Owen: "Senator Holmquist, for clarification: The rule is, at least our understanding of the rule is, that the person

who opens the debate or is lead, in this case Senator Haugen, may close, as well when you have a motion to cut off debate."

PARLIAMENTARY INQUIRY

Senator Holmquist: "Thank you Mr. President. I guess point of inquiry maybe. Is it customary to close debate without allowing ranking members to speak to the passage of the bill."

REPLY BY THE PRESIDENT

President Owen: "When you have passed a motion to close debate, yes, that is correct. It is not only customary, it is the rules."

The President declared the question before the Senate to be the motion of Senator Weinstein, "Shall the main question be now put?"

The motion by Senator Weinstein that the previous question be put was carried by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5297.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5297 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5297, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5297 was immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5190, by Senators Hargrove, McCaslin and Shin

Modifying provisions relating to the collection of legal financial obligations.

FIFTY-NINTH DAY, MARCH 7, 2007

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MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler, Stevens, Swecker and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom and Weinstein - 40

Excused: Senators Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Stevens, Swecker and Zarelli - 9

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:48 p.m., on motion of Senator Eide, the Senate adjourned until 9:45 a.m. Thursday, March 7, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTIETH DAY, MARCH 8, 2007

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SIXTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 8, 2007

The Senate was called to order at 9:45 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Berkey, Rasmussen and Spanel.

The Sergeant at Arms Color Guard consisting of Pages Colin Lewis and Connie Bahng, presented the Colors. Member Mary-Lynne Reiner of Temple Beth Hatfiloh Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1755,
HOUSE BILL NO. 2204,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The House has passed the following bills:
HOUSE BILL NO. 1049,
SECOND SUBSTITUTE HOUSE BILL NO. 1076,
HOUSE BILL NO. 1137,
ENGROSSED HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1266,
SUBSTITUTE HOUSE BILL NO. 1314,
HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1605,
HOUSE BILL NO. 1671,
HOUSE BILL NO. 1672,
HOUSE BILL NO. 1706,
HOUSE BILL NO. 1747,
SUBSTITUTE HOUSE BILL NO. 1784,
HOUSE BILL NO. 1789,
HOUSE BILL NO. 1793,
HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1832,
HOUSE BILL NO. 1852,
HOUSE BILL NO. 1870,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 2007

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1278,
HOUSE BILL NO. 1430,
HOUSE BILL NO. 1443,
SUBSTITUTE HOUSE BILL NO. 1456,
SUBSTITUTE HOUSE BILL NO. 1458,
HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1880,
SUBSTITUTE HOUSE BILL NO. 1977,
SUBSTITUTE HOUSE BILL NO. 1988,
HOUSE BILL NO. 2034,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 2007

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 1436,
HOUSE BILL NO. 1836,
SUBSTITUTE HOUSE BILL NO. 1865,
HOUSE BILL NO. 1925,
HOUSE BILL NO. 1949,
SUBSTITUTE HOUSE BILL NO. 1987,
SUBSTITUTE HOUSE BILL NO. 2003,
HOUSE BILL NO. 2104,
HOUSE BILL NO. 2170,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING**SB 6148** by Senator Benton

AN ACT Relating to the establishment of collaborative life science learning centers; adding new sections to chapter 28A.300 RCW; creating a new section; and making appropriations.

Referred to Committee on Early Learning & K-12 Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1032 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Anderson, Wallace, Moeller, B. Sullivan and Chase)

AN ACT Relating to creating a sustainable energy trust; and adding a new chapter to Title 80 RCW.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1047 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams and Blake)

AN ACT Relating to alcohol content in food products and

SIXTIETH DAY, MARCH 8, 2007

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confections; amending RCW 66.24.360 and 69.04.240; and reenacting and amending RCW 66.04.010.

Referred to Committee on Labor, Commerce, Research & Development.

2SHB 1088 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibborn, Upthegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos)

AN ACT Relating to children's mental health services; amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; and repealing RCW 71.36.020 and 71.36.030.

Referred to Committee on Human Services & Corrections.

ESHB 1114 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Moeller and B. Sullivan)

AN ACT Relating to marketing of estate distribution documents; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

ESHB 1131 by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Haler, Kenney, Fromhold, Priest, Roberts, Jarrett, Kagi, Hunt, McDermott, Haigh, Ormsby, Chase, Wallace, Hudgins, Schual-Berke, Simpson, Conway, Morrell, Moeller and Santos)

AN ACT Relating to helping former foster care youth gain postsecondary education and providing scholarships to former foster care youth for this purpose; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

SHB 1192 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, B. Sullivan, Miloscia, Kagi and Wood)

AN ACT Relating to the director of parks and recreation; and amending RCW 79A.05.070, 43.17.020, and 79A.05.040.

Referred to Committee on Natural Resources, Ocean & Recreation.

2SHB 1201 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Haler, P. Sullivan, Walsh, Pettigrew, Darneille, Santos, McCoy, Ormsby, Wood, Dickerson, Clibborn, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Pedersen and Seaquist)

AN ACT Relating to extending medicaid coverage for foster care youth who reach age eighteen; amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating new sections.

Referred to Committee on Health & Long-Term Care.

HB 1230 by Representatives Hurst, Roach, P. Sullivan and Simpson

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

2SHB 1242 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Hinkle, Cody, Takko, Curtis, Blake, Campbell, Green, Alexander, Moeller, Wallace, Roberts, Conway, Kenney, Ormsby, Darneille, Simpson, McDonald and Schual-Berke)

AN ACT Relating to a voluntary adult family home certification program; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 1244 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

AN ACT Relating to industrial insurance, but only with respect to defining wages to include the cost of health insurance; amending RCW 51.08.178; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1259 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, Kretz, Blake and Moeller)

AN ACT Relating to park passes; and amending RCW 79A.05.065.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1287 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney)

AN ACT Relating to compliance with the federal safe and timely interstate placement of foster children; amending RCW 13.34.138, 13.34.145, and 13.34.062; and adding new sections to chapter 13.34 RCW.

Referred to Committee on Human Services & Corrections.

HB 1311 by Representatives Grant, Hailey, McCoy, McDonald, Newhouse, Chase, Dickerson, Haler, Kenney, Springer and Morrell

AN ACT Relating to the small farm direct marketing assistance program; and amending RCW 15.64.050.

Referred to Committee on Agriculture & Rural Economic Development.

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SHB 1312 by House Committee on Transportation
(originally sponsored by Representatives Hudgins and Hankins)

AN ACT Relating to the regulation of transportation providers; amending RCW 80.01.040, 81.04.010, 81.04.080, 81.04.130, 81.04.150, 81.04.160, 81.04.220, 81.04.240, 81.04.250, 81.04.270, 81.04.280, 81.04.300, 81.04.330, 81.04.350, 81.04.360, 81.08.010, 81.12.010, 81.16.010, 81.24.010, 81.28.010, 81.28.020, 81.28.030, 81.28.040, 81.28.050, 81.28.080, 81.28.180, 81.28.190, 81.28.200, 81.28.210, 81.28.220, 81.28.230, 81.28.250, 81.28.260, 81.29.010, 81.29.020, 81.44.010, 81.44.020, 81.44.040, 81.61.020, 81.66.040, 81.66.060, 81.68.010, 81.68.015, 81.68.020, 81.68.040, 81.68.060, 81.68.065, 81.68.080, 81.68.090, 81.70.020, 81.70.030, 81.70.230, 81.70.250, 81.70.280, 81.70.290, 81.70.320, 81.70.330, 81.70.340, 81.77.010, 81.77.040, 81.77.100, 81.80.010, 81.80.020, 81.80.045, 81.80.060, 81.80.070, 81.80.080, 81.80.130, 81.80.140, 81.80.150, 81.80.170, 81.80.190, 81.80.220, 81.80.230, 81.80.250, 81.80.260, 81.80.270, 81.80.272, 81.80.280, 81.80.305, 81.80.330, 81.80.370, 81.80.371, 81.80.430, 81.84.020, 47.76.230, 47.76.240, 81.68.030, 81.84.060, 79A.40.100, 81.53.261, and 15.66.270; reenacting and amending RCW 81.84.010; adding new sections to chapter 81.04 RCW; adding a new section to chapter 81.66 RCW; adding a new section to chapter 81.68 RCW; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.77 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 81.48 RCW; recodifying RCW 81.56.120; and repealing RCW 15.65.610, 81.04.170, 81.04.180, 81.04.190, 81.04.520, 81.08.070, 81.36.070, 81.40.040, 81.40.100, 81.44.031, 81.44.032, 81.44.050, 81.44.060, 81.44.065, 81.44.091, 81.44.092, 81.44.093, 81.44.094, 81.44.095, 81.44.096, 81.44.097, 81.44.0971, 81.44.0972, 81.44.098, 81.44.0981, 81.44.0982, 81.44.099, 81.44.100, 81.44.101, 81.44.102, 81.44.103, 81.44.104, 81.44.105, 81.44.110, 81.44.120, 81.48.010, 81.48.015, 81.52.010, 81.52.020, 81.52.030, 81.52.040, 81.56.010, 81.56.020, 81.56.030, 81.56.040, 81.56.050, 81.56.060, 81.56.070, 81.56.080, 81.56.100, 81.56.110, 81.56.130, 81.56.140, 81.56.150, 81.56.160, 81.68.070, 81.70.300, 81.77.015, 81.77.070, 81.80.030, 81.80.175, 81.80.240, 81.80.301, 81.80.312, 81.80.318, 81.80.340, 81.80.346, 81.80.375, 81.80.380, 81.80.381, 81.80.391, 81.80.395, 81.80.400, 81.80.410, 81.80.420, 81.80.440, 81.80.450, and 81.80.460.

Referred to Committee on Transportation.

HB 1331 by Representatives Haigh, Kretz, Wallace, Walsh, Cody, Strow, Hinkle, Pettigrew, Priest and Dunn

AN ACT Relating to veterinary technicians; amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1333 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh)

AN ACT Relating to child welfare; amending RCW 13.34.025, 13.34.138, and 13.34.145; adding a new section to chapter 26.44 RCW; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Human Services & Corrections.

2SHB 1334 by House Committee on Appropriations
(originally sponsored by Representatives Hinkle and Walsh)

AN ACT Relating to documentation in child welfare proceedings; adding a new section to chapter 13.34 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 1343 by Representatives Takko and Armstrong

AN ACT Relating to examination requirements for a certificate of ownership; and amending RCW 46.12.030.

Referred to Committee on Transportation.

HB 1344 by Representatives Lovick, Rodne, Hudgins, Uptegrove and Campbell

AN ACT Relating to a window tint exemption for law enforcement vehicles; and amending RCW 46.37.430.

Referred to Committee on Transportation.

EHB 1347 by Representatives Schual-Berke, Kagi, Morrell, Haigh, Green, Kessler, Cody, Appleton, Ormsby, Hunter, Kenney, O'Brien, Springer, Santos and Campbell

AN ACT Relating to emergency response plans for long-term care facilities; amending RCW 71A.12.080; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 70.128 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1397 by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Kenney, Curtis, Cody and Uptegrove)

AN ACT Relating to the definition of massage therapy; amending RCW 18.108.010; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1447 by Representative Morrell

AN ACT Relating to temporary management in boarding homes; and adding new sections to chapter 18.20 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1449 by Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn

AN ACT Relating to independent auditor reports and financial statements of licensees regulated by the gambling commission; reenacting and amending RCW 42.56.270 and 42.56.270; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1543 by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller

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AN ACT Relating to financing economic development officers; and amending RCW 82.14.370.

Referred to Committee on Economic Development, Trade & Management.

SHB 1561 by House Committee on Judiciary (originally sponsored by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and P. Sullivan)

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

HB 1599 by Representatives Hunt, Williams, Conway, Ormsby, McDermott and Wood

AN ACT Relating to raffles conducted by state employees; amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1674 by Representatives Hunter, Conway, Dunn, Ormsby and Wood

AN ACT Relating to authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe; and amending RCW 43.06.460.

Referred to Committee on Ways & Means.

2SHB 1716 by House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Hinkle, Haler, Walsh, Appleton, Pettigrew, Dickerson, Darneille, Anderson, Moeller, O'Brien, McDonald, Santos, Wood, Kenney, Simpson and Lantz)

AN ACT Relating to supporting educational achievement for children in foster care; amending RCW 28A.150.510; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 43.20A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 1722 by Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson

AN ACT Relating to physician assistants executing certain certificates and other forms for labor and industries; adding a new section to chapter 51.28 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 1777 by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell)

AN ACT Relating to charitable organizations that solicit contributions from the public; amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085,

19.09.097, 19.09.100, 19.09.210, and 19.09.440; reenacting and amending RCW 43.79A.040; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095.

Referred to Committee on Consumer Protection & Housing.

SHB 1848 by House Committee on Health Care & Wellness (originally sponsored by Representatives Curtis, Cody, Hinkle, Condotta, Orcutt, Fromhold, Moeller and Campbell)

AN ACT Relating to identification for health services applicants; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health & Long-Term Care.

2SHB 1922 by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Pettigrew, Miloscia, McIntire, Walsh, Kagi, Appleton, Kenney, Hasegawa and Ormsby)

AN ACT Relating to creating an independent youth housing program; adding new sections to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

HB 1940 by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby

AN ACT Relating to requiring state agencies to notify local governments of proposed land dispositions; adding a new section to chapter 43.17 RCW; adding a new section to chapter 79.11 RCW; adding a new section to chapter 79.17 RCW; adding a new section to chapter 79.22 RCW; adding a new section to chapter 43.300 RCW; adding a new section to chapter 77.04 RCW; adding a new section to chapter 77.12 RCW; adding a new section to chapter 47.12 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 1972 by Representatives Ross and Newhouse

AN ACT Relating to proceeds from irrigation district foreclosure sales; and amending RCW 87.06.080.

Referred to Committee on Government Operations & Elections.

HB 2090 by Representatives Dickerson, Dunn and Kenney

AN ACT Relating to the Washington family policy council; and amending RCW 70.190.010.

Referred to Committee on Human Services & Corrections.

HB 2119 by Representatives Lovick, Priest, Lantz, Rodne, Upthegrove, P. Sullivan, Eddy, Ericks, Pearson, Hudgins, Kelley and Ormsby

AN ACT Relating to penalties for acts of violence by strangulation; amending RCW 9A.36.021 and 9A.04.110; creating a new section; and prescribing penalties.

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Referred to Committee on Judiciary.

HB 2154 by Representatives Fromhold, Priest, P. Sullivan, Quall, Kenney and Moeller

AN ACT Relating to election dates for educational service district board members; and amending RCW 28A.310.080.

Referred to Committee on Early Learning & K-12 Education.

SHB 2225 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Anderson and Wood)

AN ACT Relating to a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2281 by Representatives Appleton and Hunt

AN ACT Relating to shared leave; and amending RCW 41.04.665.

Referred to Committee on Government Operations & Elections.

HB 2283 by Representatives Hunter, Alexander, Schual-Berke, Cody, Kenney and Kelley

AN ACT Relating to the joint legislative audit and review committee performance reviews of the home care quality authority; and amending RCW 74.39A.290.

Referred to Committee on Health & Long-Term Care.

SHB 2312 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Walsh, Kagi, Morrell and Kenney)

AN ACT Relating to legislative oversight of WorkFirst and temporary assistance to needy families; and adding a new section to chapter 74.08A RCW.

Referred to Committee on Human Services & Corrections.

HB 2319 by Representatives Kagi, P. Sullivan, Wallace, Seaquist, Appleton, Morrell, Goodman, Santos, Wood, Ormsby and Kenney

AN ACT Relating to supporting early learning and parenting education opportunities at community colleges; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HJM 4016 by Representatives Seaquist, Hinkle, Pettigrew, Ormsby, Priest, Anderson, Wood, Hankins, Quall, Cody, Appleton, Morrell, Green, Kelley, Schual-Berke, Hasegawa, Rolfes, Campbell, Ericks, Kenney, VanDeWege, Conway, Goodman, Simpson and Linville

Requesting that Congress reauthorize the State Children's Health Insurance Program.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5830, by Senators Kauffman, Brown, Rasmussen, Keiser, Kohl-Welles, McAuliffe and Shin

Providing home visitation services for families.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5830 was substituted for Senate Bill No. 5830 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5830 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senators Benton, Brandland, Carrell and McCaslin were excused.

MOTION

On motion of Senator Regala, Senators Berkey and Spanel were excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5830.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5830 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Rasmussen - 1

Excused: Senators Berkey and Spanel - 2

SUBSTITUTE SENATE BILL NO. 5830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Kline, Swecker, Fairley, Kohl-Welles, Shin, Pridemore, McAuliffe, Regala, Murray, Spanel, Franklin, Rockefeller, Kauffman and Keiser

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Addressing the definition of disability. Revised for 1st Substitute: Defining disability in the Washington law against discrimination.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5340 was substituted for Senate Bill No. 5340 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 6

Excused: Senator Berkey - 1

SUBSTITUTE SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5512, by Senators Kilmer, Regala, Hobbs, Eide, Pridemore and Rasmussen

Modifying financing provisions for hospital benefit zones.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5512.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel,

Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Berkey - 1

SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5647, by Senators Fraser, Morton, McAuliffe, Fairley, Swecker, Regala, Hatfield, Spanel, Rockefeller, Kohl-Welles and Rasmussen

Clarifying the use of existing lodging tax revenues for tourism promotion.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5647 was substituted for Senate Bill No. 5647 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5647 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Roach: "I believe that there is an amendment on the bar."

MOTION

Senator Roach, moved that the rules be suspended, Substitute Senate Bill No. 5647 be returned to second reading for the purpose of amendment.

Senator Eide spoke against the motion

The President Pro Tempore declared the question before the Senate to be the motion by Senator Roach to suspend the rules and return Substitute Senate Bill No. 5647 to second reading for the purpose of an amendment.

Senator Fraser spoke against the motion.

Senator Roach spoke in favor of the motion.

The motion by Senator Roach failed by a voice vote.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5647.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 35

Voting nay: Senators Benton, Carrell, Hewitt, Holmquist,

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Honeyford, Marr, McCaslin, Parlette, Pflug, Roach, Schoesler and Stevens - 12

Excused: Senators Berkey and Brown - 2

SUBSTITUTE SENATE BILL NO. 5647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8404, by Senators Shin, Delvin and Kilmer

Approving the 2006 update to the state comprehensive plan for workforce training.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Concurrent Resolution No. 8404 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senator Shin spoke in favor of passage of the resolution.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Concurrent Resolution No. 8404.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8404 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Berkey and Brown - 2

SENATE CONCURRENT RESOLUTION NO. 8404, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5204, by Senators Rasmussen, Schoesler, Shin, Hatfield, Jacobsen and Morton

Enforcing animal health laws.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen and others be adopted.

On page 1, line 14, after "by the director" insert ", with emphasis on livestock being brought in from outside the state"

On page 2, beginning on line 8, after "livestock" strike "imported into this state for immediate slaughter" and insert "~~imported into this state for immediate slaughter~~ destined for immediate slaughter at a federally inspected slaughter facility where federal disease control standards are applied"

Senator Rasmussen spoke in favor of adoption of the

amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen and others on page 1, line 14 to Senate Bill No. 5204.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5204.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Berkey - 1

ENGROSSED SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5037, by Senators Eide, Weinstein, Murray, Berkey, Regala, Rockefeller, Kauffman, Keiser, Spanel, Jacobsen and Kohl-Welles

Restricting the use of a wireless communications device while operating a moving motor vehicle.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 5037 was substituted for Senate Bill No. 5037 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 2, line 1, after "vehicle" insert "in a county located west of the Cascade mountains with a population density of more than one hundred persons per square mile and a land area of more than one thousand square miles"

Senators Clements, Hargrove, Sheldon and Honeyford spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 2, line 1 to Substitute Senate Bill No. 5037.

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Senator Hargrove demanded a division.

The motion by Senator Clements failed and the amendment was not adopted by a rising voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 2, line 14, after "property" insert "; or

(d) A for hire vehicle that is regulated under chapter 46.72 RCW or regulated in accordance with chapter 81.72 RCW"

Senator Clements spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 2, line 14 to Substitute Senate Bill No. 5037.

The motion by Senator Clements failed and the amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 14, after "property" insert ";

(d) An amateur radio station who is also holding a valid amateur radio operator license issued by the federal communications commission"

Senators Parlette and Eide spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 14 to Substitute Senate Bill No. 5037.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, line 2, after "ear" insert "or while eating or drinking"

Remember the sections consecutively and correct any internal references accordingly.

Senators Holmquist and Pflug spoke in favor of adoption of the amendment.

Senators Hargrove and Eide spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 2 to Substitute Senate Bill No. 5037.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, after line 14, insert the following: (d) operating a commercial vehicle who also holds a commercial drivers license while driving within the scope of their employment.

Senator Benton spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

MOTION

Senator Benton demanded a division.

The President Pro Tempore declared that two additional members supported the demand and the demand was sustained.

Senator Benton demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 2, line 14 to Substitute Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 17; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 17

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 31

Excused: Senator Berkey - 1

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, line 26, after "offense." insert "For the first six months after the effective date of this act, law enforcement officers may only issue verbal warnings.

Remember the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Eide spoke against adoption of the amendment.

Senator Carrell demanded a roll call.

The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 26 to Substitute Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and the amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Prentice, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Pridemore, Rasmussen,

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Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein
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MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5037 was deferred and the bill held its place on the second reading calendar.

MOTION

On motion of Senator Carrell, Senator Morton was excused.

MOTION

At 11:17 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:50 a.m. by President Pro Tempore.

MOTION

On motion of Senator Eide, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Pro Tempore.

SECOND READING

SENATE BILL NO. 5558, by Senators Prentice, Honeyford, Kohl-Welles, Delvin, Franklin, Pflug, Keiser, Marr, Fairley and Clements

Regulating house-banked social card games.

MOTION

On motion of Senator Prentice, Substitute Senate Bill No. 5558 was substituted for Senate Bill No. 5558 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6. POLICY STATEMENT. In keeping with the gambling policy statement in RCW 9.46.010, the legislature intends to:

(1) Limit the number of licenses that may be issued for conducting house-banked social card games; and

(2) Grant local jurisdictions limited authority to determine the areas within which house-banked social card games may be conducted.

NEW SECTION. Sec. 7. A new section is added to chapter 9.46 RCW to read as follows:

LIMIT ON HOUSE-BANKED CARD GAME LICENSES.

(1) Except as provided in RCW 9.46.295 and section 4 of this act, the commission may not accept or approve an application to be licensed to conduct house-banked social card games unless the applicant:

(a) As of March 1, 2007, was in operation under an unrevoked and unexpired license to conduct house-banked social card games in the location identified in the license;

(b) As of March 1, 2007, had submitted a completed application as determined by the commission to obtain a license

to conduct house-banked social card games at an identified location;

(c) Has purchased a substantial interest in, or substantially all of the assets of, a business issued a license under (a) or (b) of this subsection to conduct house-banked social card games and the application is for a license to continue to conduct such games in the location identified in the previous license; or

(d) Having been issued a license under (a), (b), or (c) of this subsection, submits a timely application to renew the license for the location identified in the license.

(2) Notwithstanding any ordinance, resolution, or legislative act in existence before the effective date of this section, a city, town, or county may not prohibit the holder of a license issued by the commission to conduct house-banked social card games from conducting such games in the location identified by such license except as follows:

(a) The jurisdiction has a prohibition in effect, enacted after the effective date of this section, applying to house-banked social card games that complies with RCW 9.46.295(1)(a).

(b) A jurisdiction, with a prohibition in effect applying to house-banked social card games that complies with RCW 9.46.295(1)(a), that annexes territory within which a holder of a license issued by the commission to conduct house-banked social card games is conducting such games may prohibit that licensee from conducting such games. To prohibit such activities of the licensee, the jurisdiction must adopt an ordinance, resolution, or other legislative act prohibiting house-banked social card games in the annexed territory and this prohibition may not take effect for eighteen months after the ordinance, resolution, or other legislative act is adopted.

(3) This section does not restrict a holder of a license issued by the commission to conduct house-banked social card games from:

(a) Selling, exchanging, or otherwise transferring such interests in gambling equipment, subject to commission rules regarding the transfer of gambling equipment; or

(b) Relocating that business, subject to the commission's review and approval, but only if the jurisdiction to which the licensee proposes to relocate has in effect an ordinance, resolution, or other legislative act enacted pursuant to section 4 of this act and the proposed location complies with section 4 of this act.

Sec. 8. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

LOCAL JURISDICTION OPTIONS. (1) Any license to engage in any of the gambling activities authorized by this chapter (~~as now exists or as hereafter amended;~~) and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city or town located therein with respect to that city or town, or a county with respect to all areas within that county except for such cities or towns, may:

(a) Absolutely prohibit (~~but may not change the scope of license;~~) any or all of the gambling activities for which the license was issued. However, such prohibition enacted after the effective date of this section relating to house-banked social card games may not be repealed for at least three years from the effective date of the ordinance, resolution, or other legislative act enacting the prohibition; or

(b) Determine, in accordance with section 4 of this act, the areas within which house-banked social card games may be relocated.

(2) This section does not authorize any city, town, or county to adopt or enforce any ordinance, resolution, or other legislative act changing or purporting to change the scope of a license issued under this chapter.

(3) Until July 1, 2010, an ordinance, resolution, or other legislative act that absolutely prohibits the operation of house-banked social card games under subsection (1)(a) of this section that is adopted by a city or town on or after the effective date of this act is subject to referendum under the referendum procedures of RCW 35A.11.100 and 35A.29.170.

NEW SECTION. Sec. 9. A new section is added to chapter 9.46 RCW to read as follows:

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RELOCATION ZONING ORDINANCES AUTHORIZED.

(1) A city, town, or county that has, pursuant to chapter 36.70A RCW, adopted a comprehensive land use plan containing a statement identifying the jurisdiction's policy regarding the extent to which licensed gambling activity is to be allowed within the jurisdiction may enact, amend, and enforce an ordinance, resolution, or other legislative act, consistent with the policy statement in the comprehensive plan and subject to subsection (2) of this section, that does the following:

(a) Allows the relocation of house-banked social card games within all or part of the city, town, or county. If the ordinance, resolution, or other legislative act allows such games in only part of the jurisdiction, it must:

(i) Designate a land use zone or zones that is not less than and that is wholly contained in one-third of the land use zone or zones within which eating and drinking establishments licensed by the liquor control board are allowed to operate;

(ii) Apply uniformly throughout each designated land use zone or zones within the jurisdiction, with no authority to grant variances or nonconforming uses based on house-banked social card games; and

(iii) Apply only to house-banked social card games that did not have an identified location under section 2(1) of this act in the jurisdiction. However, the house-banked card game licensee may relocate that business into the designated land use zone if it meets the requirements of this section; or

(b)(i) Prohibits house-banked social card games from relocating within up to five hundred feet of any of the following uses that existed on the initial date of application for relocation of the license:

(A) A building used exclusively for religious worship, religious schooling, or other activity in connection therewith;

(B) A residence located in a zone that is identified specifically in a local ordinance or legislative enactment as being composed predominantly of single-family or multifamily residences;

(C) A tax-supported public elementary or secondary school or private school meeting the requirements for private schools under Title 28A RCW; or

(D) Publicly owned or leased buildings designated within the jurisdiction's comprehensive plan and used exclusively by the jurisdiction as a place of business for its employees, elected officials, or for public meetings, including but not limited to any library, courthouse, jail, police station, or fire station.

(ii) Any distances established for the purposes of this subsection (1)(b) must be measured in a straight line from the perimeter property line of the grounds of the use identified under this subsection to the nearest property line of the property within which an applicant has applied to locate house-banked social card games.

(2) The repeal of a land use zone enacted pursuant to this section may not apply for at least three years from the effective date of such ordinance, resolution, or other legislative act to the holder of a license issued by the commission to conduct house-banked social card games who is conducting such games in that location within the jurisdiction on the date that the repeal took effect.

(3) For the purposes of this section, "land use zone" means any area within a jurisdiction that: (a) Is defined by an action of a jurisdiction's legislative body and appears on the jurisdiction's land use zoning map; (b) is situated within a single, continuous, and discrete boundary perimeter; and (c) has land uses within the area that are subject to the same zoning regulations, definitions, or standards as may be determined by the jurisdiction.

(4) The land use petition act, chapter 36.70C RCW, governs challenges regarding the adoption or enforcement of an ordinance, resolution, or other legislative act enacted or amended pursuant to this section.

(5) The commission, its members, and staff are absolutely immune from any legal action relating to a decision of the commission: To issue, renew, or not issue a license under this section or section 2 of this act; or that is based on the commission's interpretation of this section, section 2 of this act, or any local ordinance, resolution, or other legislative act

enacted or amended under this section. No court, board, agency, entity, or tribunal of any kind has jurisdiction to join the commission as a party to any such legal action.

Sec. 10. RCW 9.46.070 and 2002 c 119 s 1 are each amended to read as follows:

POWERS AND DUTIES OF GAMBLING COMMISSION.

The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules (~~(and regulations)~~) adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, to utilize punch boards and pull-tabs in accordance with the provisions of this chapter and any rules (~~(and regulations)~~) adopted pursuant thereto and to revoke or suspend (~~(said)~~) such licenses for violation of any provisions of this chapter or any rules (~~(and regulations)~~) adopted pursuant thereto (~~(= PROVIDED, That)~~). However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued (~~(= PROVIDED FURTHER, That)~~). The commission or director shall not issue, deny, suspend, or revoke any license because of considerations of race, sex, creed, color, or national origin (~~(= AND PROVIDED FURTHER, That)~~). The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization operating a business primarily engaged in the selling of items of food or drink for consumption on the premises, approved by the commission meeting the requirements of this chapter and any rules (~~(and regulations)~~) adopted pursuant thereto permitting (~~(said)~~) such person, association, or organization to utilize punch boards and pull-tabs and to conduct social card games as a commercial stimulant in accordance with the provisions of this chapter and any rules (~~(and regulations)~~) adopted pursuant thereto and to revoke or suspend (~~(said)~~) such licenses for violation of any provisions of this chapter and any rules (~~(and regulations)~~) adopted pursuant thereto (~~(= PROVIDED, That)~~). However, except as provided in section 2 of this act, the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued (~~(= PROVIDED FURTHER, That)~~). The commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To authorize and issue licenses for a period not to exceed one year to any person, association, or organization approved by the commission meeting the requirements of this chapter and meeting the requirements of any rules (~~(and regulations)~~) adopted by the commission pursuant to this chapter (~~(as now or hereafter amended)~~), permitting (~~(said)~~) such person, association, or organization to conduct or operate amusement games in such manner and at such locations as the commission may determine;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association, or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by this chapter;

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which fees shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules (~~(and regulations)~~) adopted pursuant thereto (~~(= PROVIDED, That)~~). All licensing fees shall be submitted with an application therefor and such portion of (~~(said)~~) such fee as the commission may determine, based upon its cost of processing and investigation, shall be retained by the commission upon the withdrawal or denial of any such license application as its reasonable expense for processing the

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application and investigation into the granting thereof(~~PROVIDED FURTHER, That~~). If in a particular case the basic license fee established by the commission for a particular class of license is less than the commission's actual expenses to investigate that particular application, the commission may at any time charge to that applicant such additional fees as are necessary to pay the commission for those costs. The commission may decline to proceed with its investigation and no license shall be issued until the commission has been fully paid therefor by the applicant(~~AND PROVIDED FURTHER, That~~). The commission may establish fees for the furnishing by it to licensees of identification stamps to be affixed to such devices and equipment as required by the commission and for such other special services or programs required or offered by the commission, the amount of each of these fees to be not less than is adequate to offset the cost to the commission of the stamps and of administering their dispersal to licensees or the cost of administering such other special services, requirements or programs;

(6) To prescribe the manner and method of payment of taxes, fees and penalties to be paid to or collected by the commission;

(7) To require that applications for all licenses contain such information as may be required by the commission(~~PROVIDED, That~~). All persons (a) having a managerial or ownership interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or (b) participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such application(~~PROVIDED FURTHER, That~~). The commission shall require fingerprinting and national criminal history background checks on any persons seeking licenses, certifications, or permits under this chapter or of any person holding an interest in any gambling activity, building, or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity. All national criminal history background checks shall be conducted using fingerprints submitted to the United States department of justice-federal bureau of investigation. The commission must establish rules to delineate which persons named on the application are subject to national criminal history background checks. In identifying these persons, the commission must take into consideration the nature, character, size, and scope of the gambling activities requested by the persons making such applications;

(8) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(9) To require that all income from bingo games, raffles, and amusement games be recorded and reported as established by rule (~~or regulation~~) of the commission to the extent deemed necessary by considering the scope and character of the gambling activity in such a manner that will disclose gross income from any gambling activity, amounts received from each player, the nature and value of prizes, and the fact of distributions of such prizes to the winners thereof;

(10) To regulate and establish maximum limitations on income derived from bingo. In establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character, and scope of the activities of the licensee; (ii) the source of all other income of the licensee; and (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes. However, the commission's powers and duties granted by this subsection are discretionary and not mandatory;

(11) To regulate and establish the type and scope of and manner of conducting the gambling activities authorized by this chapter, including but not limited to, the extent of wager, money, or other thing of value which may be wagered or contributed or won by a player in any such activities;

(12) To regulate the collection of and the accounting for the fee which may be imposed by an organization, corporation, or person licensed to conduct a social card game on a person desiring to become a player in a social card game in accordance with RCW 9.46.0282;

(13) To cooperate with and secure the cooperation of county, city, and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(14) In accordance with RCW 9.46.080, to adopt such rules (~~and regulations~~) as are deemed necessary to carry out the purposes and provisions of this chapter. All rules (~~and regulations~~) shall be adopted pursuant to the administrative procedure act, chapter 34.05 RCW;

(15) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized by this chapter;

(16) To establish and regulate a maximum limit on salaries or wages which may be paid to persons employed in connection with activities conducted by bona fide charitable or nonprofit organizations and authorized by this chapter, where payment of such persons is allowed, and to regulate and establish maximum limits for other expenses in connection with such authorized activities, including but not limited to rent or lease payments. However, the commissioner's powers and duties granted by this subsection are discretionary and not mandatory.

In establishing these maximum limits the commission shall take into account the amount of income received, or expected to be received, from the class of activities to which the limits will apply and the amount of money the games could generate for authorized charitable or nonprofit purposes absent such expenses. The commission may also take into account, in its discretion, other factors, including but not limited to, the local prevailing wage scale and whether charitable purposes are benefited by the activities;

(17) To authorize, require, and issue for a period not to exceed one year such licenses or permits, for which the commission may by rule provide, to any person to work for any operator of any gambling activity authorized by this chapter in connection with that activity, or any manufacturer, supplier, or distributor of devices for those activities in connection with such business. The commission shall not require that persons working solely as volunteers in an authorized activity conducted by a bona fide charitable or bona fide nonprofit organization, who receive no compensation of any kind for any purpose from that organization, and who have no managerial or supervisory responsibility in connection with that activity, be licensed to do such work. The commission may require that licensees employing such unlicensed volunteers submit to the commission periodically a list of the names, addresses, and dates of birth of the volunteers. If any volunteer is not approved by the commission, the commission may require that the licensee not allow that person to work in connection with the licensed activity;

(18) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee;

(19) To establish guidelines for determining what constitutes active membership in bona fide nonprofit or charitable organizations for the purposes of this chapter; and

(20) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 11. CAPTIONS. Captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Prentice spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 5558.

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The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "games;" strike the remainder of the title and insert "amending RCW 9.46.295 and 9.46.070; adding new sections to chapter 9.46 RCW; and creating new sections."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute Senate Bill No. 5558 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Fairley and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5558.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5558 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5778, by Senators Fraser, Rockefeller, Poulsen and Kline

Concerning shellfish protection programs.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5778 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Morton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5778.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5778 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SENATE BILL NO. 5778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5358, by Senators Kline, Kohl-Welles, Fairley, McCaslin and Marr

Protecting the news media from being compelled to testify in legal proceedings.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5358 was substituted for Senate Bill No. 5358 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 1, line 4, after "(2)" insert "or (3)"

On page 1, line 17, after "(2)" insert "A court may compel disclosure of the identity of a source described in subsection (1)(a) of this section if, after conducting an in-camera review, the court finds that the party seeking the identity of a source has established by clear and convincing evidence:

(a)(i) In a criminal investigation or prosecution, that there are reasonable grounds to believe that a crime has occurred; or

(ii) In a civil action or proceeding, that there is a prima facie cause of action; and

(b) In all matters, whether criminal or civil, that:

(i) The identity of a source is highly material and relevant;

(ii) The identity of a source is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto;

(iii) The party seeking the identity of a source has exhausted all reasonable and available means to obtain it from alternative sources; and

(iv) There is a compelling public interest in the disclosure.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Carrell spoke in favor of adoption of the amendment.

Senator Kline spoke against adoption of the amendment.

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The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 1, line 4 to Substitute Senate Bill No. 5358.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Weinstein spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Parlette was excused.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

Senator Carrell spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Carrell, Delvin, McCaslin, Morton, Poulsen, Rasmussen and Regala - 7

Excused: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Rasmussen: On March 8, 2007, I inadvertently voted against Senate Bill No. 5358. My intention was to vote in favor of it, but other floor activity distracted me.

SENATOR RASMUSSEN, 2nd Legislative District

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Madam. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 8, 2007."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 8, 2007.

SECOND READING

SENATE BILL NO. 5080, by Senators Marr, Swecker, Murray, Weinstein, Kauffman, Rasmussen, Hatfield, Hobbs, Berkey, Pridemore, Regala, Tom, McCaslin, Oemig, Jacobsen and Rockefeller

Extending waste tire removal fees and the disposition of the fees. Revised for 1st Substitute: Extending tire replacement fees.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 5080 was substituted for Senate Bill No. 5080 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Marr moved that the following striking amendment by Senator Marr and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature restates its goal to fully clean up unauthorized waste tire piles in Washington state in an expeditious fashion. In partnership with local governments and the private sector, the legislature encourages ongoing efforts to prevent the creation of future unauthorized waste tire piles. The legislature notes a positive trend in tire recycling in recent years and encourages all parties to continue these strong recycling efforts.

Sec. 2. RCW 70.95.510 and 2005 c 354 s 2 are each amended to read as follows:

(1) There is levied a one dollar per tire fee on the retail sale of new replacement vehicle tires ~~((for a period of five years, beginning July 1, 2005)).~~ The fee imposed in this section ~~((shall))~~ must be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in RCW 70.95.535(1) ~~((shall))~~ must be paid to the department of revenue in accordance with RCW 82.32.045.

(2) The department of revenue shall incorporate into the agency's regular audit cycle a reconciliation of the number of tires sold and the amount of revenue collected by the businesses selling new replacement vehicle tires at retail. The department of revenue shall collect on the business excise tax return from the businesses selling new replacement vehicle tires at retail:

- (a) The number of tires sold; and
- (b) The fee levied in this section.

(3) All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(4) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

Sec. 3. RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. ~~((All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account.))~~ Moneys in the

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account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

Fifty percent of all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the multimodal transportation account under RCW 47.66.070, until June 30, 2010. Beginning July 1, 2010, all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the multimodal transportation account under RCW 47.66.070. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

Fifty percent of all receipts from tire fees imposed under RCW 70.95.510 must be deposited in the waste tire removal account under RCW 70.95.521, until June 30, 2010.

Sec. 5. RCW 70.95.530 and 2005 c 354 s 5 are each amended to read as follows:

(1) Moneys in the waste tire removal account may be appropriated to the department of ecology:

(a) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; and

(b) To accomplish the other purposes of RCW 70.95.020 as they relate to waste tire cleanup under this chapter(~~;~~ and

~~(c) To conduct a study of existing tire cleanup sites. The office of financial management shall oversee the study process and approve the completed study. The completed study shall be delivered to the house of representatives and senate transportation committees by November 15, 2005. In conducting the study, the department shall consult on a regular basis with interested parties. The following identified elements at a minimum shall be included in the completed study:~~

~~(i) Identification of existing tire cleanup sites in the state of Washington;~~

~~(ii) The estimated number of tires in each tire cleanup site;~~

~~(iii) A map identifying the location of each one of the tire cleanup sites;~~

~~(iv) A photograph of each one of the tire cleanup sites;~~

~~(v) The estimated cost for cleanup of each tire [cleanup] site by cost component;~~

~~(vi) The estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;~~

~~(vii) Identification of the type of reimbursements for recovery by each of the tire cleanup sites;~~

~~(viii) The estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;~~

~~(ix) An assessment of local government functions relating to unauthorized tire piles, including cleanup, enforcement, and public health;~~

~~(x) Identification of needs in the areas in (c)(ix) of this subsection for each one of the counties; and~~

~~(xi) A statewide cleanup plan based on multiple funding options between twenty cents and sixty cents for each new tire sold at retail in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 legislature shall determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan).~~

(2) In spending funds in the account under this section, the department of ecology shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.

(3) ~~((Immediately after July 1, 2005, the department of ecology shall initiate a pilot project in a city with a population between three and four thousand within a county with a population less than twenty thousand to contract to clean up a formerly licensed tire pile in existence for ten or more years. To~~

~~begin the project, the department shall seek to use financial assurance funds set aside for clean up of the tire pile. For purposes of this subsection, population figures are the official 2004 population as estimated by the office of financial management for purposes of state revenue allocation.) On September first of even-numbered years, the department of ecology shall provide a report to the house and senate transportation committees on the progress being made on the cleanup of unauthorized waste tire piles in the state and efforts underway to prevent the formation of future unauthorized waste tire piles. The report should detail any additional waste tire piles discovered since the last report and present a plan to clean up these new unauthorized waste tire piles if they have not already done so, as well as include a listing of authorized waste tire piles and transporters. The report shall also include the status of funds available to the program and a needs assessment of the program. On September 1, 2008, the department shall also make recommendations to the committees for an ongoing program to prevent the formation of future unauthorized waste tire piles. Such a program, if required, must include joint efforts with local governments and the tire industry.~~

Sec. 6. RCW 70.95.555 and 2005 c 354 s 6 are each amended to read as follows:

Any person engaged in the business of transporting or storing waste tires shall be licensed by the department. To obtain a license, each applicant must:

(1) Provide assurances that the applicant is in compliance with this chapter and the rules regarding waste tire storage and transportation;

(2) Accept liability for and authorize the department to recover any costs incurred in any cleanup of waste tires transported or newly stored by the applicant in violation of this section, or RCW 70.95.560, 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1, 2005;

(3) ~~((Until January 1, 2006, post a bond in the sum of ten thousand dollars in favor of the state of Washington for waste tires transported or stored before July 1, 2005. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;~~

~~((4))~~ After January 1, 2006, for waste tires transported or stored before July 1, 2005, or for waste tires transported or stored after July 1, 2005, post a bond in an amount to be determined by the department sufficient to cover the liability for the cost of cleanup of the transported or stored waste tires, in favor of the state of Washington. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;

~~((5))~~ (4) Be registered in the state of Washington as a business and be in compliance with all state laws, rules, and local ordinances;

~~((6))~~ (5) Have a federal tax identification number and be in compliance with all applicable federal codes and regulations; and

~~((7))~~ (6) Report annually to the department the amount of tires transported and their disposition. Failure to report shall result in revocation of the license."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section."

Senator Marr spoke in favor of adoption of the striking amendment.

Senator Honeyford spoke against adoption of the striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 1, line 12, strike "one dollar", and insert "fifty cents"

On page 1, line 13, after "tires", insert "for a period of five years, (SIC) beginning July 1, 2005".

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On page 2, line 6, after "treasury", insert the following: "All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account."

On page 2, line 12, strike all of section 4.

Senators Honeyford and Marr spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 12 to the striking amendment to Substitute Senate Bill No. 5080.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Schoesler: "Madam President, I submit to you that this measure takes a two-thirds vote for final passage under Initiative 601 because it changes what was a dedicated fee into a general tax. Madam President, the speaker or President has consistently ruled that dedicated fees do not trigger the super majority requirements of I-601 but general tax increases do. In this case we have a strange set of circumstances where a bill would change what was a dedicated fee for a specific purpose into a general tax for no specific purpose. Under this bill, half of the funds collected under this bill are to be sent to a general spending account with no limitation or connection to the purpose of the original fee which was waste tire removal. For these reasons I believe it takes a two-thirds vote of this body on final passage and I respectfully ask for a ruling thereon."

Senator Haugen spoke against the parliamentary inquiry.

POINT OF ORDER

Senator Brown: "Thank you Madam President, I believe it customary in these types of, when these types of points are brought forward, that we have one speech on each side."

The President assumed the chair.

PARLIAMENTARY INQUIRY

Senator Eide: "We are currently on amendments if I'm not mistaken and don't we have this type of ruling on final passage?"

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler's point was a little early. Although it is the striking amendment it is the same effect as the bill so the President believes that it would be more appropriate if we took it on final passage, that the amendment be dealt with before the point of order. But if you are not willing to wait, I'll do the point of order first. Senator Schoesler, normally your point of order would be taken on final passage so we'll dispose of the amendment first and then I'll take your point of order, if that's agreeable. Thank you."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5080 was deferred and the bill held its place on the second reading calendar.

SECOND READING

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SENATE JOINT MEMORIAL NO. 8011, by Senators McAuliffe, Clements, Rasmussen, Eide, Oemig, Sheldon, Shin, Kline and Tom

Petitioning Congress to raise funding levels of the No Child Left Behind Act.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Joint Memorial No. 8011 was substituted for Senate Joint Memorial No. 8011 and the substitute memorial was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Joint Memorial No. 8011 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senator McAuliffe spoke in favor of passage of the memorial.

MOTION

On motion of Senator Delvin, Senators Hewitt, Parlette and Schoesler were excused.

MOTION

On motion of Senator Regala, Senators Brown, Eide and Spanel were excused.

Senator Holmquist spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8011.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8011 and the memorial passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Absent: Senator Hargrove - 1

Excused: Senators Brown, Eide, Hewitt, Parlette, Schoesler and Spanel - 6

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5550, by Senators Weinstein, Kohl-Welles, Murray, Kauffman, Kastama, Tom, Rockefeller, Pridemore, Spanel, Marr, Haugen, Eide, McAuliffe, Hargrove, Hatfield, Fraser, Kilmer, Jacobsen, Brown, Keiser, Shin, Franklin, McCaslin, Poulsen, Oemig, Kline and Regala

Concerning real property.

MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 5550 was substituted for Senate Bill No. 5550 and the substitute bill was placed on the second reading and read the second time.

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MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appliances, fixtures, and items of equipment" means furnaces, boilers, oil tanks and fittings, air purifiers, air handling equipment, ventilating fans, ceiling fans, air conditioning equipment, water heaters, pumps, stoves, ranges, ovens, refrigerators, garbage disposals, compactors, dishwashers, automatic door openers, washers and dryers, bathtubs, sinks, toilets, faucets and fittings, lighting fixtures, lighting control and energy management systems, security systems, circuit breakers, and other similar items.

(2) "Builder" means any person, corporation, general contractor, or other legal entity that:

(a) Is engaged in the business of erecting or otherwise constructing a new home; or

(b) Purchases a completed new home for resale in the course of its business.

(3) "Defect" means any violation or nonconformity with applicable building codes, regulations, or permits that has an adverse effect or will have an adverse effect on the new home or component of the new home alleged to be in violation of the new home warranty. As used in this subsection, an "adverse effect" must be more than technical and must be significant to a reasonable person. To establish an adverse effect, the person alleging the breach is not required to prove that the breach renders the new home uninhabitable or unfit for its intended purpose.

(4) "Electrical systems" means all wiring, electrical boxes, switches, outlets, and connections to the public utility system.

(5) "Heating, cooling, and ventilating systems" means all duct work, gas, steam, water and refrigerant lines, registers, convectors, solar panels, radiation elements, and dampers.

(6) "Load-bearing portions of the home" means the load-bearing portions of the:

(a) Foundation system and footings;

(b) Beams;

(c) Girders;

(d) Lintels;

(e) Columns;

(f) Walls and partitions;

(g) Floor systems; and

(h) Roof framing systems.

(7)(a) "New home" means every newly constructed private dwelling unit in the state and the appliances, fixtures, and items of equipment and structure that are made a part of a newly constructed private dwelling unit at the time of construction. Newly constructed private dwelling units include substantial remodels. "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the improvements for property tax purposes at the time the contract for remodel was made.

(b) "New home" does not include:

(i) A condominium, as defined in RCW 64.34.020, used for residential purposes, as defined in RCW 64.34.020;

(ii) A residential timeshare as defined in RCW 64.36.010;

(iii) A manufactured home or mobile home as defined in RCW 65.20.020;

(iv) Outbuildings, including detached garages and carports, except outbuildings that contain plumbing, electrical, heating, cooling, or ventilation systems serving the new home, and then only to the extent that defects to the outbuildings could affect these systems;

(v) Driveways;

(vi) Walkways;

(vii) Boundary walls;

(viii) Retaining walls not necessary for the structural stability of the new home;

(ix) Landscaping;

(x) Sprinkler or irrigation systems;

(xi) Fences;

(xii) Off-site improvements;

(xiii) Appurtenant recreational facilities; and

(xiv) Other similar items as determined by the director of the department of labor and industries by rule.

(8) "New home warranty" means the warranty created in section 2 of this act.

(9) "Owner" means the purchaser of a new home or any subsequent owner of a home to which the warranty created in section 2 of this act applies.

(10) "Plumbing systems" means:

(a) Gas supply lines and fittings;

(b) Water supply, waste, and vent pipes and their fittings;

(c) Septic tanks and their drain fields; and

(d) Water, gas, and sewer service piping and their extensions to the tie-in of a public utility connection, or on-site wells and sewage disposal systems.

(11)(a) "Structural defect" means any defect in the load-bearing portions of a new home that adversely affects its load-bearing function to the extent that the home becomes or is in danger of becoming unsafe, unsanitary, or otherwise not reasonably safely inhabitable.

(b) "Structural defect" also includes damage due to subsidence, expansion, or lateral movement of soil that has been disturbed or relocated by the builder.

(c) "Structural defect" does not include damage caused by movement of the soil:

(i) Resulting from a flood or earthquake; or

(ii) For which compensation has been provided.

(12) "Warranty date" means the first day on which the owner occupies the new home, closes on the new home, makes the final contract payment on the new home, or obtains an occupancy permit for the new home if the home is built on the owner's property, whichever is earlier.

NEW SECTION. Sec. 2. (1)(a) Except as excluded under (b) of this subsection, every contract for the construction or sale of a new home includes, as a matter of law, a warranty from the residential builder that shall warrant at a minimum that:

(i) For two years, beginning on the warranty date, the new home is free from any defects in materials and workmanship;

(ii) For three years, beginning on the warranty date, the new home is free from any defects in the electrical, plumbing, heating, cooling, and ventilating systems, except that in the case of appliances, fixtures, and items of equipment, the warranty need not exceed the length and scope of the warranty offered by the manufacturer, and the warranty of merchantability, fitness, and all other implied warranties with respect to appliances, fixtures, and items of equipment shall be governed by the Washington uniform commercial code;

(iii) For five years, beginning on the warranty date, the new home is free from any defects that permit or, without repair, will lead to water penetration; and

(iv) For ten years, beginning on the warranty date, the new home is free from any structural defects.

(b) The new home warranty excludes the following:

(i) Damage to real property that is not part of the home covered by the warranty or that is not included in the purchase price of the home;

(ii) Bodily injury or damage to personal property;

(iii) Any defect in materials supplied or work performed by anyone other than the builder or the builder's employees, agents, or subcontractors;

(iv) Any damage that the owner knew or had reason to know existed but has not taken reasonable action to mitigate;

(v) Normal wear and tear or expiration of normal useful life;

(vi) Insect damage, except where the builder has failed to use proper materials or construction methods designed to prevent insect infestation;

(vii) Any loss or damage that arises while the home is being used primarily for nonresidential purposes;

(viii) Any damage to the extent it is caused or made worse by negligence, improper maintenance, or improper operations by anyone other than the builder or its employees, agents, or subcontractors;

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(ix) Any damage to the extent it is caused or made worse by changes of the grading of the ground by anyone other than the builder, its employees, agents, or subcontractors; and

(x) Any loss or damage caused by acts of God.

(2) The warranty created by this section runs from the builder to the owner. This warranty entitles the owner to recover from the builder all costs associated with repairing the defects, including all incidental and consequential damages. The liability of a builder under the new home warranty shall be limited to the fair market value of the home. Absence of privity of contract between the owner and the builder is not a defense to the enforcement of this warranty.

(3) If the defect is the result of work performed by a subcontractor, the builder has a right of contribution from that subcontractor for amounts paid to the owner as a result of the new home warranty.

(4) No action to enforce the new home warranty created by this section may be commenced after six years have passed from the time the defect is discovered or, with reasonable diligence, should have been discovered. However, an action may not be brought under this section more than ten years after the warranty date. Providing written notice and a reasonable description of a defect to the builder has the effect of tolling the limitation periods established by this subsection and subsection (5) of this section. Tolling continues until the builder completes the repair to the owner's satisfaction, or the builder gives the owner written notice that the builder refuses to make the repair or has completed as much of the repair as the builder intends to complete.

(5) Except as provided in subsection (4) of this section, no action to enforce the new home warranty created by this section may be filed later than the time periods described in subsection (1)(a) of this section.

(6) The new home warranty is a cumulative remedy, and shall not have the effect of diminishing or replacing any other remedy or warranty created by law or equity or agreement between the parties.

(7) The new home warranty does not expire on the subsequent sale of a new home by the owner to a subsequent purchaser, but continues to protect later purchasers until the warranties provided in subsection (1)(a) of this section expire.

(8) The new home warranty created in this section may not be omitted, waived, or disclaimed in any way.

(9) All new homes must include in the purchase and sale agreement between the builder and the buyer the following statement: "This home was built in accordance with the statutory warranty set forth in chapter 64.-- RCW (sections 1 and 2 of this act), which representation and warranty may not be omitted, waived, or disclaimed in any way." This subsection is intended to provide notice to owners of their rights under the new home warranty created under sections 1 and 2 of this act and is not intended to create a separate cause of action under this act.

(10) This chapter is not intended to create an independent right to maintain a class action against any builder.

Sec. 3. RCW 4.16.300 and 2004 c 257 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is specifically intended to benefit persons having performed work for which the persons must be registered or licensed under RCW 18.08.310, 18.27.020, 18.43.040, 18.96.020, or 19.28.041, and shall not apply to claims or causes of action against persons not required to be so registered or licensed.

(2) RCW 4.16.300 through 4.16.320 shall not apply to chapter 64.--RCW (sections 1 and 2 of this act).

NEW SECTION. Sec. 4. (1) A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The following eleven members jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) One builder of single-family homes, based upon the recommendation of the statewide building industry association;

(ii) One residential construction defense attorney with experience representing builders in single-family construction defect actions;

(iii) One residential construction plaintiff attorney with experience representing homeowners in single-family construction defect actions;

(iv) Three representatives of the Washington homeowners coalition;

(v) One third-party private building inspector;

(vi) One architect;

(vii) One representative of the statewide building industry association;

(viii) One representative of the insurance industry; and

(ix) One expert in water penetration issues affecting residential construction; and

(d) One person appointed by the governor to serve as chair of the committee.

(2) The committee shall:

(a) Study the cause, extent, and type of construction defects currently existing with single-family residential construction;

(b) Evaluate the existing remedies for homeowners in Washington for single-family residential construction defects;

(c) Examine what contractors and their industry groups can do to improve the quality of construction to minimize construction defects and, as a result, reduce contractors' liability costs as well as reduce problems for their customers;

(d) Examine the issue of contractor licensing including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(e) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homebuyers;

(f) Determine whether there should be increased standards for city and county building inspectors and examine if changes are needed to the permit sign off process;

(g) Assess whether changes to the building code are necessary to avoid water penetration problems; and

(h) Examine the costs and benefits of the statutory warranty created in section 2 of this act, including availability of insurance, efficient access to justice, and potential application of alternative dispute resolution, and evaluate whether there is a more cost-effective way to protect both the homeowners and the residential construction industry in Washington state. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California.

(3) Staff support for the committee must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the committee must be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) By December 31, 2007, the committee shall deliver to the consumer protection and housing committee of the senate and the judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation.

(6) This section expires on January 1, 2008.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act constitute a new chapter in Title 64 RCW.

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NEW SECTION. Sec. 6. Sections 1 and 2 of this act take effect July 1, 2008."

Senator Weinstein spoke in favor of adoption of the striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 1, beginning on line 3 of the amendment, after "1." strike all material through "earlier." on line 33, page 3 of the amendment and insert "The legislature finds that homeowners have experienced problems in residential construction, resulting in great economic loss, only to discover that there are limited remedies available at law, if any. However, it is unclear if construction defects are an industry-wide problem or limited to a small segment of builders and other construction professionals. The scope and nature of the problem must be determined in order for the legislature to develop a comprehensive solution that may necessitate several pieces of legislation covering a wide range of issues from contractor licensing, permit processes and sign offs, requirements of the state building code and of building officials, as well as homeowner warranties."

Beginning on page 3, line 34 of the amendment, strike all of sections 2 and 3

On page 6, beginning on line 26 of the amendment, after "(1)" strike all material through "2008." on line 18, page 8 of the amendment and insert "A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of labor and industries or the director's designee;

(d) The president of the state building code council or the president's designee;

(e) One third-party private building inspector;

(f) One expert in water penetration issues affecting residential construction;

(g) The following four members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) Two builders;

(ii) A residential construction defect plaintiff's attorney; and

(iii) A residential construction defect defense attorney.

(2) The committee shall choose two cochairs from among its membership.

(3) The committee shall:

(a) Examine the issue of contractor licensing including, but not limited to, whether contractors should be licensed and what education and training requirements should exist;

(b) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homebuyers;

(c) Examine the state building code and determine whether the code should be strengthened to protect homeowners;

(d) Determine whether there should be increased standards for city and county building inspectors;

(e) Study current remedies at law for residential construction defects;

(f) Examine homeowner insurance warranty products; and

(g) Using the statutory home warranty proposed in chapter . . . (Substitute Senate Bill No. 5550), Laws of 2007 as a model,

evaluate what impact a statutory warranty for new home construction would have on the industry and homebuyers including, but not limited to, any concerns regarding increased insurance costs for construction professionals. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California.

(4) By December 31, 2008, the committee shall deliver to the consumer protection and housing committee of the senate and the judiciary committee of the house of representatives a report of the findings and conclusions of the committee and any proposed legislation."

On page 8, after line 18 of the amendment, insert the following:

"NEW SECTION. This act expires January 31, 2009."

On page 8, beginning on line 19 of the amendment, strike all of sections 5 and 6

Renumber the sections consecutively and correct any internal references accordingly.

On page 8, beginning on line 24 of the title amendment, after "insert" strike the remainder of the title amendment and insert "creating a new section and providing an expiration date."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Weinstein spoke against adoption of the amendment to the striking amendment.

Senator Honeyford demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 3 to the striking amendment to Substitute Senate Bill No. 5550.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Weinstein to the striking amendment be adopted.

On page 5, line 3, after "including all" insert "economic"

Senators Hargrove and Weinstein spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Weinstein on page 5, line 3 to the striking amendment to Substitute Senate Bill No. 5550.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

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The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein as amended to Substitute Senate Bill No. 5550.

The motion by Senator Weinstein carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "property;" strike the remainder of the title and insert "amending RCW 4.16.300; adding a new chapter to Title 64 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Substitute Senate Bill No. 5550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Tom and Jacobsen spoke in favor of passage of the bill.

Senators Honeyford, Sheldon, Benton, Roach and Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5550.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5550 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

ENGROSSED SUBSTITUTE SENATE BILL NO. 5550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 5550 was immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5118, by Senators Kohl-Welles, Brandland, Keiser, Murray, Prentice, McAuliffe, Marr and Shin

Developing sexual harassment policies, procedures, and mandatory training for all state employees.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5118 was substituted for Senate Bill No. 5118 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5118 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5118.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5118 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Carrell and Rockefeller - 2

SUBSTITUTE SENATE BILL NO. 5118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5142, by Senators Fraser and Swecker

Modifying the disbursement of funds by air pollution control agencies.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, line 2, after "board." insert "An authority that disburses its own funds must require the board's financial officer, who must be a person other than its executive director, to submit a monthly certified statement to the board setting forth all financial transactions of the authority for the previous thirty days."

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Fraser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 2 to Senate Bill No. 5142.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, McCaslin, Poulsen and Schoesler - 4

SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5894, by Senators Rockefeller, Poulsen, Fraser, Oemig, Shin and Carrell

Clarifying the regulatory authority for on-site sewage systems.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5894 was substituted for Senate Bill No. 5894 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller be adopted.

On page 4, after line 33, insert the following:

"(9) Any permit issued by the department of ecology for a large on-site sewage system under chapter 90.48 RCW is valid until it first expires after the effective date of this section. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit."

Re-number the remaining subsection consecutively and correct any internal references accordingly.

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 4, line 33 to Substitute Senate Bill No. 5894.

The motion by Senator Rockefeller carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 5, line 2, after "rules" insert "that are consistent with and no more stringent than the provisions of this chapter"

Senator Holmquist spoke in favor of adoption of the

amendment.

Senator Rockefeller spoke against adoption of the amendment.

A division was demanded.

The President declared that two additional members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 5, line 2 to Engrossed Substitute Senate Bill No. 5894.

The motion by Senator Holmquist failed and the amendment was not adopted by a rising voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5894 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5894.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5894 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Carrell, Delvin, Hewitt, Holmquist, McCaslin, Morton, Roach and Stevens - 8

Absent: Senator Regala - 1

Excused: Senator Kline - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5634, by Senators Brandland, Kline, McCaslin and Delvin

Revising corrections personnel training provisions.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5634 was substituted for Senate Bill No. 5634 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5634 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5634.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5039, by Senators Eide, Murray, Marr, Shin, Rockefeller, Weinstein, Rasmussen, Kauffman, Keiser, Jacobsen, Haugen and Kohl-Welles

Providing for the state investment board to administer scholarship endowment funds. Revised for 1st Substitute: Providing for the state investment board to manage scholarship endowment funds.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5039 was substituted for Senate Bill No. 5039 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5039.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Poulsen and Sheldon - 2

SUBSTITUTE SENATE BILL NO. 5039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5116, by Senators Kastama, Kilmer, Kauffman, McAuliffe, Shin, Parlette, Kohl-Welles, Rasmussen and Regala

Creating a public-private tourism partnership.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5116 was substituted for Senate Bill No. 5116 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5116 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5116.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5116 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 5116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5231, by Senators Berkey, Roach, Fairley, Pridemore and Shin

Revising provisions relating to water-sewer districts.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5231 was substituted for Senate Bill No. 5231 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5231.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5231 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

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SUBSTITUTE SENATE BILL NO. 5231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5244, by Senators Hargrove, Stevens and Brandland

Implementing the deficit reduction act.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5244 was substituted for Senate Bill No. 5244 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5244.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5490, by Senator Brandland

Adding a law enforcement representative to the adult family home advisory committee.

The measure was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Senate Bill No. 5490 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5490.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5613, by Senators Kilmer, Kastama, Kauffman, Shin, Delvin, Brown and McAuliffe

Concerning entrepreneurial training opportunities.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5153, by Senators Franklin, Kohl-Welles, Shin, Weinstein, Oemig, Keiser, Kauffman, Rockefeller, Fairley, Hargrove, Rasmussen, Spanel, Fraser, Jacobsen and Haugen

Encouraging employers to be infant-friendly.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5153 was substituted for Senate Bill No. 5153 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Franklin and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5153.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette and Zarelli - 8

SUBSTITUTE SENATE BILL NO. 5153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5542, by Senators Jacobsen, McAuliffe, Poulsen, Honeyford, Rasmussen and Holmquist

Creating the heritage barn preservation program.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5542 was substituted for Senate Bill No. 5542 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5542 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5542.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5542 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 48

Voting nay: Senator Tom - 1

SUBSTITUTE SENATE BILL NO. 5542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5652, by Senators Kauffman, Kastama, Kilmer, Brown, Berkey, Rockefeller, Keiser and Shin

Establishing the microenterprise development program.

MOTIONS

On motion of Senator Kauffman, Second Substitute Senate Bill No. 5652 was substituted for Senate Bill No. 5652 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Second Substitute Senate Bill No. 5652 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5652.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5652 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5743, by Senators Kastama, Kilmer and Shin

Linking economic clusters and quality management practices to customized training.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5743 was substituted for Senate Bill No. 5743 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5743.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

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SECOND SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5826, by Senators Berkey, Benton, Roach, Zarelli, Kauffman, Marr, Kilmer, Carrell, Hobbs, Schoesler, Franklin, Haugen and Shin

Modifying consumer credit report provisions.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5826 was substituted for Senate Bill No. 5826 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5826.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5826 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5995, by Senators Kastama, Zarelli, Kilmer, Clements, Kauffman, Shin, Pridemore, Regala, Fairley, Brown, Jacobsen and Rasmussen

Providing for the role of the economic development commission in state government.

MOTIONS

On motion of Senator Kastama, Second Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Second Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators Eide, Roach, Franklin, Hobbs, Fairley, Kastama, Prentice, Jacobsen, Shin and Parlette

Prohibiting interested third parties from processing insurance claims.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5052 was substituted for Senate Bill No. 5052 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5290, by Senators Keiser, Kohl-Welles and Clements

Establishing industrial insurance medical and chiropractic advisory committees.

MOTION

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On motion of Senator Keiser, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Clements be adopted.

On page 2, beginning on line 5, after "The director" strike all material through "from" on line 6 and insert "shall select the members from the nominations provided by"

On page 2, line 10, after "management" strike "and naturopathic medicine"

On page 2, line 12, after "medicine." insert "The director may choose up to two additional members, not necessarily from the nominations submitted, who have expertise in occupational medicine."

On page 3, after line 7, insert the following:

"(10) The workers' compensation advisory committee may request that the industrial insurance medical advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance medical advisory committee is not required to act on the request."

Senators Keiser and Clements spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Clements on page 2, line 5 to Substitute Senate Bill No. 5290.

The motion by Senator Keiser carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5919, by Senators Hobbs, Benton, Berkey, Schoesler, Hatfield, Roach and Shin

Providing relief from retaliatory taxes on insurance premium taxes.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5919 was substituted for Senate Bill No. 5919 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5919 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5919.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5919 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5597, by Senators Franklin, Benton, Zarelli, Kauffman, Kline, Carrell, Poulsen, Keiser, Kohl-Welles, Delvin and Roach

Concerning contracts with chiropractors.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5597 was substituted for Senate Bill No. 5597 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "This section applies only to services within the direct scope of practice of the licensed chiropractor. Nothing in this section requires carriers to pay for the services of other license categories for whom it contracts directly, including but not limited to licensed massage practitioners or radiology, or for services delivered by unlicensed persons, including students.

(4) This section does not authorize billing practices that would not be permitted under the federal or state medicare or medicaid as applied to physician practices.

(5)"

Senators Rasmussen, Pflug and Rockefeller spoke in favor of adoption of the amendment.

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Senators Keiser and Franklin spoke against adoption of the amendment.

Senator Rasmussen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Clements, Hargrove, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Murray, Parlette, Pflug, Rasmussen, Rockefeller, Schoesler, Sheldon, Shin and Tom - 19

Voting nay: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Poulsen, Prentice, Pridemore, Regala, Roach, Spanel, Stevens, Swecker, Weinstein and Zarelli - 30

MOTION

Senator Rasmussen moved that the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597 be withdrawn.

MOTION

Senator Pflug moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "Nothing in this section is intended to override, conflict with, or enhance the network adequacy, claims processing, care delivery, quality, or utilization review standards of health carriers registered under this chapter. The Washington state chiropractic quality assurance commission may not directly or indirectly set standards that require carriers to pay for services of unproven efficacy, or that apply service delivery standards that have the intent or effect of raising health care costs.

(4)"

Senators Pflug and Parlette spoke in favor of adoption of the amendment.

Senators Franklin and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Jacobsen and Rockefeller be adopted.

On page 2, line 6, after "(3)" insert "A chiropractor shall not enter into an agreement for, charge, or collect an illegal or excessive fee. A fee is illegal when services of nonlicensed employees, students, or trainees are billed as if delivered by, or at the same rate as, the chiropractor. A chiropractor may not bill for services delivered by other persons or for services outside of

his or her scope of practice. A chiropractor may not require any person or payor to engage the services of other professionals in order to secure the services of the chiropractor. A chiropractor shall not prescribe nor perform any services which are not reasonably necessary in consideration of the patient's condition and shall furnish an explanation of charges for chiropractic services upon request of the commission or the state attorney general's office.

(4)"

Senators Rasmussen and Pflug spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Jacobsen and Rockefeller on page 2, line 6 to Second Substitute Senate Bill No. 5597.

The motion by Senator Rasmussen failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Keiser spoke in favor of passage of the bill.

Senator Pflug and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 39

Voting nay: Senators Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Parlette, Pflug, Rasmussen, Sheldon and Tom - 10

SECOND SUBSTITUTE SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "I'd just like to remind everybody that this is International Women's Day and that we are very proud to hold the record of the highest percentage of women in the country and the state senate, forty-one percent. Forty-five percent of the governor's cabinet are women, record nationally, and forty-four of the governor's appointments to boards and commissions are women. We know what other records we hold. We've talked about it on Tuesday."

On motion of Senator Eide, the Senate recessed until 6:45 p.m.

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The President called the Senate to order at 6:45 p.m.

MOTION

SECOND READING

SENATE BILL NO. 5398, by Senators Marr, Brandland and Keiser

Licensing specialty hospitals.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, Senate Bill No. 5398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Clements, Senators Brandland, Delvin, Hewitt, Holmquist, Parlette, Roach and Zarelli were excused.

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5398.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5398 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 42

Voting nay: Senators McCaslin and Swecker - 2

Excused: Senators Delvin, Holmquist, Jacobsen, Parlette and Zarelli - 5

SENATE BILL NO. 5398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5759, by Senators Schoesler, Delvin and Shin

Including the boards of trustees of technical colleges in the definition of "executive state officer."

The measure was read the second time.

MOTION

On motion of Senator Schoesler, the rules were suspended, Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

On motion of Senator Regala, Senators Berkey, Brown, Haugen, Hobbs and Shin were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5759.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Excused: Senators Berkey, Brown, Delvin, Haugen, Hobbs, Jacobsen, Shin and Zarelli - 8

SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:02 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 8:26 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5108, by Senators Haugen, Rasmussen, Jacobsen, Shin, Spanel, Swecker, Brandland, Hatfield and Parlette

Creating the office of farmland preservation.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5108 was substituted for Senate Bill No. 5108 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5108 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5108.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Brandland, Holmquist and Honeyford

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- 3

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Earlier this evening, given the enormous volume of bills, amendments, and motions before the Senate, I inadvertently voted "no" on the final passage of Substitute Senate Bill No. 5108, which would create an office of farmland preservation. I recognize how tremendously important farmland is to my district and our state, and any effort to retain farmland has my full support. I regret this mistake, and should have voted "yes" to pass this important measure.

Sincerely,

SENATOR DALE BRANDLAND, 42nd Legislative District

SECOND READING

SENATE BILL NO. 5113, by Senators Schoesler, Rasmussen, Holmquist, Clements, Morton, Hatfield and Pridemore

Authorizing the application of barley straw to waters of the state.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Roach: "In regards to the issue that was just brought up, you know we're going to be doing these bills and it just seems to me that when we got two books with which we're dealing-to have one for the supplement; one from the yellow; from the yellow; yellow; yellow; supplement; supplement; yellow; yellow, that. We're going to do them anyway. Why can't we stick in one book? For, just a courtesy question, that 's all."

POINT OF ORDER

Senator Brown: "It's not a point of personal privilege."

REPLY BY THE PRESIDENT

President Owen: "That's correct. The President believes with the page numbers and the bill numbers that you should be able to find the bills ahead of time on the calendar."

The President declared the question before the Senate to be the final passage of Senate Bill No. 5113.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5113 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SENATE BILL NO. 5113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5305, by Senators Franklin, Hargrove, Brandland, Eide, Hobbs, Spanel, Swecker, McAuliffe, Regala, Kauffman, Kohl-Welles, Fairley, Tom, Murray, Zarelli, Jacobsen, Keiser, Shin, Honeyford, Parlette, Rasmussen, Roach, Kline and Marr

Extending medicaid coverage for foster youth.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5470, by Senators Hargrove, Stevens, McAuliffe, Brown and Regala

Revising provisions concerning dissolution proceedings.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5470 was substituted for Senate Bill No. 5470 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Kastama moved that the following amendment by Senators Kastama, Oemig and Shin be adopted.

On page 32, line 1, after "RCW 26.09.191." strike "Where" and insert "Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, there is a rebuttable presumption that each parent shall have periods of time, amounting to at least one-third of a year, in which the child resides with or is under the actual, direct, day-to-day care and supervision of each of the parents. In addition, where"

Senators Kastama and Shin spoke in favor of adoption of the amendment.

Senators Hargrove, Stevens, Rockefeller and Pflug spoke against adoption of the amendment.

Senator Eide demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Oemig and Shin on page 32, line 1 to Second Substitute Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Kastama, Oemig and Shin and the amendment was not adopted by the following vote: Yeas, 19; Nays, 27; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Carrell, Clements, Franklin, Hobbs, Honeyford, Kastama, McCaslin, Morton, Oemig, Poulsen, Rasmussen, Roach, Sheldon, Shin, Swecker, Tom and Weinstein - 19

Voting nay: Senators Brandland, Brown, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Parlette, Pflug, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Spanel and Stevens - 27

Excused: Senators Delvin, Jacobsen and Zarelli - 3

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute Senate Bill No. 5470 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Brown spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5470.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5470 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SECOND SUBSTITUTE SENATE BILL NO. 5470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5534, by Senators Kohl-Welles, Clements and Keiser

Granting an exemption from unemployment compensation contributions for certain small performing arts industries. Revised for 1st Substitute: Creating an exemption from unemployment compensation for certain small performing arts industries.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5534 was substituted for Senate Bill No. 5534 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5534 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5534.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5534 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5342, by Senators Kline and Kohl-Welles

Modifying drug court provisions.

MOTION

On motion of Senator Kline, Substitute Senate Bill No. 5342 was substituted for Senate Bill No. 5342 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kline moved that the following amendment by Senator Kline be adopted.

On page 2, after line 26, insert the following:
"(4) The drug court may charge a reasonable fee for participation in the drug court program."

Senator Kline spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be

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the adoption of the amendment by Senator Kline on page 2, line 26 to Substitute Senate Bill No. 5342.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute Senate Bill No. 5342 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senators Roach and Carrell spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Pflug: "Thank you Mr. President. Perhaps this is a point of inquiry, but I have the bill book here open and on page 2, line 10, of the bill it strikes the language. 'The offender has not previously been convicted of a serious violent offense or sex offense.' So, it appears to me that the current form of the bill does indeed strike out language that would prevent someone who had committed a serious violent offense or a sex offense from being allowed entry into the program. Since we didn't hear the entire the bill read, is that how you have it up there?"

REPLY BY THE PRESIDENT

President Owen: "I think that question would be better presented to the chair of the committee."

Senator Kline: "Let me look that one up. That is 5342. Mr. President, members, I stand corrected. That's true. Ok, well, a serious violent offense or sex offense is defined in the statute."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5342 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SENATE BILL NO. 5691, by Senators Zarelli, Prentice and Roach

Defining the near general fund and requiring revenue forecasts thereof.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5691 was substituted for Senate Bill No. 5691 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5691 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5691.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5691 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

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Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5718, by Senators Kohl-Welles, Hargrove, Regala, Stevens, Keiser and Rasmussen

Imposing penalties for engaging in the commercial sexual abuse of minors.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5773, by Senators Hargrove, Parlette and Keiser

Modifying treatment records provisions.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 5773.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Jacobsen - 2

SENATE BILL NO. 5773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:53 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:56 p.m. by President Owen.

The Senate resumed consideration of Substitute Senate Bill No. 5037 which had been deferred earlier in the day..

WITHDRAWAL OF AMENDMENT

On motion of Senator Holmquist, the following amendments to Substitute Senate Bill No. 5037 were withdrawn; Amendment by Senator Holmquist on page 2, line 26; amendment by Senator Holmquist on page 2, line 2; amendment by Senator Benton on page 2, line 2; and amendment by Senator Holmquist on page 2, line 2.

NOTICE OF RECONSIDERATION

Senator Parlette gave notice of her intent to move to immediately reconsider the vote by which the amendment by Senator Parlette on page 2, line 14. The motion by Senator Parlette carried and the Senate reconsidered the amendment by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senator Parlette be adopted.

On page 2, line 14, after "property" insert ";

(d) An amateur radio station who is also holding a valid amateur radio operator license issued by the federal communications commission"

The President declared the question before the Senate to be the adoption of the amendment by Senator Parlette on page 2, line 14 to Substitute Senate Bill No. 5037.

The motion by Senator Parlette failed and the amendment was not adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Eide be adopted.

On page 2, after line 14, insert the following: "(3) Subsection (1) of this section does not restrict the operation of

an amateur radio station by a person who holds a valid amateur radio operator license issued by the federal communications commission."

Renumber the remaining sections consecutively and correct internal references accordingly.

Senators Parlette and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Eide on page 2, line 14 to Substitute Senate Bill No. 5037.

The motion by Senator Parlette carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, after line 26, insert the following:

"(6) Infractions that result from the use of a wireless communication device while operating a motor vehicle under this section shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Holmquist and Eide spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 26 to Substitute Senate Bill No. 5037.

The motion by Senator Holmquist carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed Substitute Senate Bill No. 5037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5037 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Murray, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Clements, Hargrove, Hewitt, Holmquist, Honeyford, McAuliffe, Morton, Oemig, Parlette, Pflug, Pridemore, Roach, Schoesler, Sheldon, Stevens and Zarelli - 18

Excused: Senators Delvin and Jacobsen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Benton moved adoption of the following resolution:

SENATE RESOLUTION
8629

By Senators Benton, Delvin, Hewitt, Schoesler, Stevens, McCaslin, Swecker and Parlette

WHEREAS, Ninety-six years ago, on February 6, 1911, Ronald Wilson Reagan was born to John and Nelle Reagan in the family's modest apartment above the general store in Tampico, Illinois; and

WHEREAS, John Reagan struggled both before and during the Great Depression in his attempts to provide for his family, until he was appointed director of the Dixon, Illinois office of the Works Progress Administration, a New Deal, back to work program; and

WHEREAS, Ronald Reagan, building upon a successful career in the private sector, acted upon the courage of his convictions and entered the world of politics and public service as Governor of California; and

WHEREAS, Ronald Reagan was extraordinarily successful at communicating his vision to the American people with powerful words such as these: "The house we hope to build is not for my generation but for yours. It is your future that matters. And I hope that when you are my age, you will be able to say as I have been able to say: We lived in freedom. We lived lives that were a statement, not an apology."; and

WHEREAS, During his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, Ronald Reagan, as all great American presidents, used the power of the Presidency as he deemed best to invigorate our economy, put Americans to work, honor our obligation to those who need help, and inspire all Americans to seek a more perfect Union; and

WHEREAS, Ronald Reagan's leadership, with the support of the American people, helped to end the Cold War, set many nations on a path to freedom and democracy, and promoted greater peace and stability to many regions of the world; and

WHEREAS, President Ronald Reagan provided this nation a great vision for the future and the leadership to advance the cause of democracy and the American dream;

NOW, THEREFORE, BE IT RESOLVED, That it is with great respect, that the Washington State Senate remember the work, honor, and excellence of character exemplified by President Ronald Wilson Reagan as we honor his life and Presidency.

Senators Benton and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8629.

The motion by Senator Benton carried and the resolution was adopted by voice vote.

MOTION

At 10:20 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Friday, March 9, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-FIRST DAY, MARCH 9, 2007

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SIXTY-FIRST DAY

SECOND SUBSTITUTE HOUSE BILL NO. 1277,
 SUBSTITUTE HOUSE BILL NO. 1298,
 HOUSE BILL NO. 1313,
 HOUSE BILL NO. 2032,
 SECOND SUBSTITUTE HOUSE BILL NO. 2055,
 HOUSE BILL NO. 2163,
 HOUSE JOINT MEMORIAL NO. 4017,
 and the same are herewith transmitted.

MORNING SESSION

Senate Chamber, Olympia, Friday, March 9, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Berkey, Delvin and Prentice.

The Sergeant at Arms Color Guard consisting of Pages David Hinschberger and Mandi Roach, presented the Colors. Member Mary Lynne Reinier of Temple Beth Hatfiloh Church offered the prayer.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2007

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,
 HOUSE BILL NO. 1517,
 SUBSTITUTE HOUSE BILL NO. 1566,
 ENGROSSED HOUSE BILL NO. 1967,
 ENGROSSED HOUSE BILL NO. 2070,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1091,
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,
 SECOND SUBSTITUTE HOUSE BILL NO. 1178,
 SUBSTITUTE HOUSE BILL NO. 1276,
 SUBSTITUTE HOUSE BILL NO. 1337,
 SUBSTITUTE HOUSE BILL NO. 1965,
 SUBSTITUTE HOUSE BILL NO. 2007,
 HOUSE BILL NO. 2026,
 HOUSE BILL NO. 2033,
 SUBSTITUTE HOUSE BILL NO. 2103,
 SUBSTITUTE HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2161,
 HOUSE BILL NO. 2263,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2007

MR. PRESIDENT:

The House has passed the following bills:

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2073,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SJM 8020 by Senators Jacobsen and Spanel

Seeking congressional action to limit credit card interchange fees and to develop clear and concise consumer disclosure on such fees.

Referred to Committee on Financial Institutions & Insurance.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1008 by House Committee on Judiciary (originally sponsored by Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz)

AN ACT Relating to the protection of vulnerable adults; amending RCW 74.34.020, 74.34.110, 74.34.120, 74.34.145, 74.34.150, and 74.34.210; reenacting and amending RCW 74.34.130; and adding new sections to chapter 74.34 RCW.

Referred to Committee on Judiciary.

HB 1049 by Representatives Fromhold, Orcutt, Moeller, Wallace, Dunn and B. Sullivan

AN ACT Relating to the Vancouver national historic reserve; adding new sections to chapter 27.34 RCW; and creating a new section.

Referred to Committee on Government Operations & Elections.

2SHB 1076 by House Committee on Appropriations (originally sponsored by Representatives Blake, Takko, B. Sullivan and Moeller)

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AN ACT Relating to rockfish research; amending RCW 77.65.150, 77.65.210, and 77.32.470; adding a new section to chapter 77.12 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 1137 by Representatives Fromhold, McDonald, Ormsby, Moeller and Haler

AN ACT Relating to creating the water quality capital account; adding a new section to chapter 70.146 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 1189 by Representatives Dunshee, Lovick, Miloscia, Ormsby, Simpson and Hasegawa

AN ACT Relating to campaign contributions by limited liability companies; and amending RCW 42.17.660.

Referred to Committee on Government Operations & Elections.

SHB 1266 by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller)

AN ACT Relating to death benefits for public employees; and amending RCW 41.04.017, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, 41.40.0932, and 43.43.285.

Referred to Committee on Ways & Means.

SHB 1278 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Simpson and Kenney)

AN ACT Relating to revising the industry average unemployment contribution rates; amending RCW 50.29.025; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1314 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Crouse, Linville and Anderson)

AN ACT Relating to regulation of gas and hazardous liquid pipelines; amending RCW 81.88.010, 81.88.040, 81.88.050, 81.88.060, 81.88.080, 81.88.090, 81.88.100, 19.122.020, and 81.04.490; adding a new section to chapter 81.88 RCW; and repealing RCW 80.28.205, 80.28.207, 80.28.210, 80.28.212, 80.28.215, and 81.88.150.

Referred to Committee on Water, Energy & Telecommunications.

HB 1430 by Representatives Pettigrew, Haler, Kenney, Chase, P. Sullivan and Linville

AN ACT Relating to financing community and economic development; amending RCW 35.21.735; and creating new sections.

Referred to Committee on Economic Development, Trade & Management.

EHB 1436 by Representatives McIntire, Chase, Dunshee, Sells, Wallace, Jarrett, Anderson, Kenney, Ormsby, Roberts, Haigh, Ericks and O'Brien

AN ACT Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds; amending RCW 28B.07.030; adding new sections to chapter 28B.07 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 1443 by Representatives Grant, Buri, Blake, Walsh, B. Sullivan, Linville, Hailey, Newhouse and O'Brien

AN ACT Relating to a state public utility tax deduction for certain transportation activities with respect to agricultural commodities; and amending RCW 82.16.050.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1456 by House Committee on Appropriations (originally sponsored by Representatives Green, Hinkle, Appleton, Cody, Moeller, Strow, Crouse, Curtis, Seaquist, Jarrett, Hasegawa, Walsh, P. Sullivan, Buri, Simpson, O'Brien, Lantz, Hunt, McDonald, Sells, Schual-Berke, Linville, Kessler, Hankins, Haler, Skinner, Campbell, Morrell, Darneille, Armstrong, Dunshee, Fromhold, Kagi, Williams, Conway, Barlow, Grant, Priest, Dunn, Hunter, Hurst, Ericks, Pearson, Anderson, Clibborn, Pettigrew, Flannigan, Lovick, Dickerson, Kenney, Ormsby, Haigh, Wood, Rolfes, Santos and McDermott)

AN ACT Relating to home visits by mental health professionals; adding new sections to chapter 71.05 RCW; and creating new sections.

Referred to Committee on Human Services & Corrections.

SHB 1458 by House Committee on Judiciary (originally sponsored by Representatives VanDeWege, Kessler, Rodne, Appleton, Ahern, Curtis, Kenney, Clibborn, Morrell, P. Sullivan, Eickmeyer, Armstrong, Buri, Chandler, Ericksen, Hinkle, Condotta, Anderson, Eddy, Goodman, Kelley, Haler, McCune, Kretz, Kagi, Ericks, Warnick, Pedersen, Bailey, Newhouse, McDonald, Priest, Roach, Strow, Green, Campbell, Hunter, Takko, Sells, Springer, McCoy, Upthegrove, Williams, Moeller, Ormsby, Pearson, Haigh, Linville, Conway, Dickerson, Dunn, Hasegawa, Rolfes, Ross and Lantz)

AN ACT Relating to adequate notice to property owners regarding acquisition of property for public purposes through the exercise of eminent domain; amending RCW 8.12.530; adding a new section to chapter 8.25 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; and adding a new section to chapter 8.20 RCW.

Referred to Committee on Judiciary.

HB 1501 by Representatives Wood, Conway, Williams, Chase, Kenney and Moeller

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AN ACT Relating to adjustments to industrial insurance total disability compensation reductions; and amending RCW 51.32.220.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1592 by Representative Hurst

AN ACT Relating to the indeterminate sentenced offenders; and amending RCW 9.95.011, 9.95.420, 9.95.435, and 9.96.050.

Referred to Committee on Human Services & Corrections.

SHB 1605 by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Eickmeyer, Haigh, Upthegrove, Blake, Lantz, Seaquist, Linville, Chase, Pedersen, Morris, Wood and Rolfes)

AN ACT Relating to the effect of extension of sewer services in aquatic rehabilitation zone one; amending RCW 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Water, Energy & Telecommunications.

HB 1671 by Representative Green

AN ACT Relating to reclassifications, class studies, and salary adjustments; and amending RCW 41.06.152.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1672 by Representative Green

AN ACT Relating to the authority of the director of the Washington state department of personnel and the Washington personnel resources board; amending RCW 41.06.070, 41.06.093, 41.06.420, 41.48.140, 41.04.670, 43.43.832, 70.24.300, 72.01.210, and 72.02.045; reenacting and amending RCW 41.06.150; and repealing RCW 41.06.136.

Referred to Committee on Government Operations & Elections.

HB 1706 by Representatives Conway, Hunt, Wood, Hurst, Simpson and Appleton

AN ACT Relating to removing expiration dates for state consent to federal court jurisdiction in actions under the Indian gaming regulatory act; and amending RCW 9.46.36001.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1747 by Representatives Simpson and Rodne

AN ACT Relating to the acquisition of insurance for regional transit authority projects over one hundred million dollars; and amending RCW 81.112.060.

Referred to Committee on Transportation.

ESHB 1755 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Hurst, O'Brien, Eddy, Kessler, Lovick, Rolfes, Williams, Dunshee, Kenney, Green, Hunter, Quall, VanDeWege, Simpson, Hasegawa and Ormsby)

AN ACT Relating to consumer credit reports; amending RCW 19.182.170; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SHB 1784 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Sells, Buri and Wood)

AN ACT Relating to investment of funds derived from the sale of lands set apart for institutions of higher education; amending RCW 39.42.070, 39.42.090, 43.33A.150, 43.79.010, 43.79.060, 43.79.110, 43.79.130, and 43.79.160; creating a new section; and providing a contingent effective date.

Referred to Committee on Ways & Means.

HB 1789 by Representatives Kagi, Priest, Hunter, Jarrett, Dunshee, Orcutt, Linville, Strow, Dickerson, McCoy, B. Sullivan, Lantz, Hunt, Chase, Rodne and Schual-Berke

AN ACT Relating to minimizing the environmental threat caused by leaking home heating oil tanks; amending RCW 70.149.040; adding a new section to chapter 70.149 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 1793 by Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller

AN ACT Relating to removing the limit on the number of cities eligible for indigent defense grants through the office of public defense; and amending RCW 10.101.080.

Referred to Committee on Judiciary.

HB 1820 by Representatives Dickerson, Hankins, Lovick, B. Sullivan, Simpson, Hasegawa and Moeller

AN ACT Relating to reducing air pollution through the licensing and use of medium-speed electric vehicles; amending RCW 46.61.688; reenacting and amending RCW 46.04.320 and 46.61.687; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SHB 1832 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Chandler, Williams, Ormsby and Condotta)

AN ACT Relating to limitation on actions; and amending RCW 42.17.400 and 42.17.410.

Referred to Committee on Government Operations & Elections.

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HB 1836 by Representatives Ericks, Pearson, Lovick, Williams, Kelley, Kretz, Hurst and Simpson

AN ACT Relating to requiring registered sex and kidnapping offenders to register after serving a term of confinement for a subsequent offense that is not a sex or kidnapping offense; and reenacting and amending RCW 9A.44.130.

Referred to Committee on Human Services & Corrections.

HB 1852 by Representatives Green, Cody, Kenney and Schual-Berke

AN ACT Relating to treatment records; and amending RCW 71.05.630 and 71.05.020.

Referred to Committee on Human Services & Corrections.

SHB 1865 by House Committee on Judiciary (originally sponsored by Representatives Williams, O'Brien, Springer, Fromhold, Warnick and McCune)

AN ACT Relating to limiting the obligations of landlords under writs of restitution; amending RCW 59.18.312; creating a new section; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

HB 1870 by Representatives Pedersen, Ross, Lovick, Bailey, Hunt, Hasegawa, Pettigrew, Skinner, Flannigan, Darnelle, Roberts, Newhouse, Hankins, Walsh, Appleton, Santos, Lantz, McCoy, Rodne, Schual-Berke, Ormsby, Upthegrove, Morrell, Kessler, Williams, Kenney, McDermott and Chase

AN ACT Relating to a Washington state day of remembrance for Juneteenth; amending RCW 1.16.050; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 1880 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Anderson, Ormsby, Buri, Curtis, Haigh, Priest, Armstrong, Jarrett, Roberts, Kenney, Conway, Morrell and Wood)

AN ACT Relating to creating the skills-based economic growth program; amending RCW 28C.18.010; adding new sections to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1925 by Representatives Curtis, Fromhold, Orcutt, Moeller, Wallace, Dunn and Hinkle

AN ACT Relating to removing a termination date affecting industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

HB 1949 by Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby

AN ACT Relating to providing industrial insurance coverage for workers involved in harvesting geoduck clams; and amending RCW 51.12.100.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1977 by House Committee on Education (originally sponsored by Representatives Quall, Fromhold, Priest, Curtis, Ormsby, Hunt, P. Sullivan, Haigh, Dunn, Kenney, Morrell and Wood)

AN ACT Relating to skill centers; amending RCW 84.52.068; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 1987 by House Committee on Judiciary (originally sponsored by Representatives Warnick, Armstrong, Haler, Hailey, Sump, McCune, VanDeWege, Skinner, Kristiansen and Rodne)

AN ACT Relating to exempting property owners from injury caused to another person as a result of metal theft; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

SHB 1988 by House Committee on Commerce & Labor (originally sponsored by Representatives Morrell, DeBolt, Lovick, Conway, Green, Hudgins and Kenney)

AN ACT Relating to security guard training; amending RCW 18.170.010; adding a new section to chapter 18.170 RCW; and repealing RCW 18.170.100.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2003 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Alexander, Hunt, Morrell and Ormsby)

AN ACT Relating to a pilot program for the business enterprises program; amending RCW 74.18.200; adding a new section to chapter 74.18 RCW; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2034 by Representatives Jarrett, Clibborn, Roberts and Hurst

AN ACT Relating to providing a civil cause of action for victims of motor vehicle theft; amending RCW 46.20.291; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2104 by Representatives Curtis, Simpson, Ross and Eddy

AN ACT Relating to real property electronic recording; and adding a new chapter to Title 65 RCW.

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SENATE RESOLUTION

8626

Referred to Committee on Government Operations & Elections.

HB 2170 by Representatives Ross, O'Brien, Pearson, Newhouse, Curtis, Rodne, McCune, Kelley, Eddy, Goodman, VanDeWege, Hurst, Simpson and Moeller

AN ACT Relating to protecting employees, contract staff, and volunteers of a law enforcement agency; amending RCW 9A.46.110; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2171 by House Committee on Commerce & Labor (originally sponsored by Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, VanDeWege, Condotta, Green, Seaquist, Dickerson, P. Sullivan and Sommers)

AN ACT Relating to crane safety; adding new sections to chapter 49.17 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2204 by Representatives Morrell, Cody and Hasegawa

AN ACT Relating to modifying the nursing home certificate of bed need ratio; adding a new section to chapter 70.38 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

HB 2240 by Representatives Conway, Condotta and Kenney

AN ACT Relating to allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine; and reenacting and amending RCW 66.28.010.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

By Senators Shin, Morton, Schoesler, Rasmussen, Hatfield, Kastama, Jacobsen, Zarelli, Kauffman and Kilmer

WHEREAS, Sergeant Paul D. Hickok became a Lynnwood city patrolman in January 1967, and graduated from the Washington State Basic Law Enforcement Academy in March 1969; and

WHEREAS, Sergeant Hickok received the Lynnwood Jaycees "Outstanding Young Policeman" award in 1970; and

WHEREAS, Sergeant Hickok was promoted to Sergeant of Police in June 1977; was elected President of the Lynnwood Police Officer's Association from 1982 to 1985; served as a field-training officer and assisted in the training of new field sergeants; and was awarded the Robert Burns "Sergeant of the Year" from the Free and Accepted Masons of Washington; and

WHEREAS, Sergeant Hickok was the K-9 Unit Supervisor and received the LPOA "Meritorious" award for his procurement of K-9 ballistic vests in 2001; and he received recognition from the City of Everett Police Department for efforts in helping to provide 13 ballistic vests to improve the safety of police K-9 service dogs throughout the region; and

WHEREAS, Sergeant Hickok deserves acknowledgment and acclamation for his full dedication and superior contributions to the grace and dignity of the City of Lynnwood Police Department, the same commitment, grace, and dignity he brought to work each day;

NOW, THEREFORE, BE IT RESOLVED, That Sergeant Paul D. Hickok be congratulated on his retirement from four decades of public service and wished the very best in pursuing future endeavors; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Sergeant Paul D. Hickok, and the City of Lynnwood Police Department.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8626.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Sergeant Paul D. Hickok who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced, Dr. Tony Geist, Chair of the Division of Spanish and Portuguese Studies, University of Washington and Jose Ignacio Callen, Director of the Cervantes Institute at the University of Washington who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced guests from Spain, the Honorary Vice Consul of Spain, Luis Fernando Esteban; Juan Pedro de Basterrechea, Director of Development of the Cervantes Institute in Madrid Spain and Eduardo Lago, Director of the Cervantes Institute in New York City who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Juan Pedro de Basterrechea to address the Senate.

REMARKS BY JUAN PEDRO DE BASTERRECHEA

"Mr. President, honorable members of the Senate: It is a great pleasure and a great honor to be here today in the Senate

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of the State of Washington representing the Institute of Cervantes. As you know the Institute of Cervantes is a Spanish public, nonprofit organization, part of the Spanish Ministry of Foreign Affairs. It was founded in 1991 with a two-fold objective; to promote world wide the Spanish language; and the culture of the Spanish speaking peoples. The King of Spain is the President of honor of the Board of Institute and the Prime Minister is its Executive President. In order to achieve its goals, the Institute of Cervantes is creating a network of centers in the four continents. We are now present in sixty-seven cities, in forty countries in the world. Yesterday, with the attendance of an impressive representation of academic, political, cultural and economic personalities of Seattle and of Washington State, the Cervantes of the University of Washington was solemnly inaugurated. It was a great moment for us. Now, ambitious Spanish-language teaching programs, teacher-training courses and the organization of cultural activities that we have been defining with a very active department of Spanish and Portuguese of the University of Washington, will become true. We have already been able to see that the demand the support and the opportunities for our activity this state are unique. All this has been made possible thanks to the vision of outstanding men. It all began two and a half years ago when the delegation of the State of Washington visited the Institute of Cervantes in Madrid. Amongst them, the President of the Senate and Lt. Governor, Mr. Brad Owen; he sent the champ, Mr. Antonio Sanchez; Mr. William Gates, Sr.; the head of the department of Spanish and Portuguese of the University of Washington Mr. Anthony Geist and the Spanish Counsel in Seattle, Mr. Luis Fernando Esteban. Thanks to their determination, in remarkably short time, many of our goals have been achieved. On behalf of the Institute of Cervantes, I want to pay tribute to their generosity and enthusiasm. From now on, in close collaboration with the University of Washington, we will be able to fulfill our task. We will be able to promote the Spanish language and the culture of the Spanish-speaking peoples amongst the citizens of state of Washington. Thank you very much for this opportunity and for the very, very warm welcome that you will have given us. Thank you."

PERSONAL PRIVILEGE

Senator Eide: "Well, I would like to also welcome you here to Washington State and it is indeed a privilege to have the Cervantes Institute here in the State of Washington. We have a common goal here and that is to provide quality education and foreign language. Also to increase our cultural understanding across borders and also it enables our students to work with people from different countries and helps build new bridges for international trade. Now, on a personal note, I must say that I had the honor of visiting your country in December and thoroughly enjoyed myself and the culture was, and the history, I just can't tell you, it gives me goose bumps even thinking about it but I am looking forward to the day when I can retire in Spain. Thank you very much, it is a pleasure to see you here today and thanks for all that you do for us here in Washington State."

PERSONAL PRIVILEGE

Senator Benton: "I too want to thank the Government of Spain and, of course, King Juan Carlos for the wonderful gift. It is such an honor for us to one of only four centers in the United States, right here, at our own University of Washington. I too, like the previous speaker have visited Spain. My son and I spent

a wonderful time in Barcelona. We enjoyed it very much. The people of Spain are very gracious and welcomed us and we just loved it and we look forward to going back again soon. So to have this relationship, of course our relationship with your country has been a long relationship. It started many years ago. I remember back in 1995, when we first began to doing business with Talgo for the Talgo train and that has continued, of course, to be a very good relationship. We look forward to a long and fruitful, mutual relationship with your country and our great state of Washington. Thank you very much and I look forward to seeing you at noon today."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Muchas gracias, Mr. President. Welcome to Mr. Vice Counsel, I too have traveled to Spain. The first time, forty-two years ago and loved it then and have always loved being there. I am very excited about the Cervantes Center and it is a great tribute to our state and the University of Washington to be selected to have one of the four centers. I'd also like to say that Don Quijote is one of my most favorite novels that I've ever read and as a very young person reading it, and I may be incorrect, I believe that it was one of the first novels ever published in the world. As a public policy-maker who sometimes is probably thought of as chasing windmills and some of the legislation that I introduced. I think there's a lot to be said for that and certainly Don Quijote is a beloved character in fiction but also it brings a lot in real life. Thank you."

PERSONAL PRIVILEGE

Senator McAuliffe: "I want to welcome you to our beautiful state to Washington State and I want to thank you for crossing the borders and bringing to us your beautiful language so that we may go online and have the opportunity to be tutored and to improve our Spanish. That will be a great experience for all of us and I also do want to thank you for the gifts that you brought, particularly yourselves as well for coming to visit us. One of my favorite songs in the whole world is, 'The Impossible Dream' and I think as a Legislature we always have to dream and sometimes I do feel that you have to do those kind of things because that is why we are here for the people of the State of Washington as you are here for the people of Spain. So welcome and thank you so much."

REMARKS BY THE PRESIDENT

President Owen: " Just a reminder to the members of the reception at noon today. If you are interested in getting the program and going online and doing as Senator Regala has already from what I understand, contact our office and you will be able to obtain, we'll connect you to get your password and your code and you will be able to access this incredible opportunity.

Gracias. Estamos muy emocionado para esta oportunidad. I should note, by the way, you're going to have to get on and learn that Spanish quick, because the book is in Spanish."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

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On motion of Senator Regala, Senators Berkey and Brown were excused.

MOTION

On motion of Senator Brandland, Senators Delvin and Pflug were excused.

SECOND READING

SENATE BILL NO. 5259, by Senators Jacobsen and Morton

Modifying provisions governing the sale of unneeded park land.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Senate Bill No. 5259 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5259.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5259 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Prentice - 1

Excused: Senators Berkey and Delvin - 2

SENATE BILL NO. 5259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5321, by Senators Carrell, Regala, Stevens, Schoesler, Clements and Rasmussen

Addressing child welfare.

MOTIONS

On motion of Senator Carrell, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Carrell, the rules were suspended, Substitute Senate Bill No. 5321 was advanced to third reading,

the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 43

Absent: Senators Kline and Weinstein - 2

Excused: Senators Berkey, Brown, Delvin and Prentice - 4

SUBSTITUTE SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Hobbs and Weinstein were excused.

SECOND READING

SENATE BILL NO. 5625, by Senators Hargrove and Pridemore

Authorizing counties and cities to contract for jail services with counties and cities in adjacent states.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5625 was substituted for Senate Bill No. 5625 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5625.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5625 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

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McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Excused: Senators Berkey, Brown, Delvin, Prentice and Weinstein - 5

SUBSTITUTE SENATE BILL NO. 5625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5855, by Senators Delvin, Shin, Berkey, Kilmer, Oemig and Rasmussen

Implementing the Washington learns modifications.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5855 was substituted for Senate Bill No. 5855 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5855 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5855.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5855 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Berkey, Delvin and Prentice - 3

SUBSTITUTE SENATE BILL NO. 5855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Thank you Mr. President. A good friend of this legislature for the last forty years and a good friend of yours, Mr. President passed away last night. It was Marlyta Deck and I know that you know her and many of you know her but she was lobbyist for the Cattlemen. She worked hard for agriculture, for fairs and for kids. If Senator Deccio was here he would join me along with Senator McCaslin and Senator Newhouse and particularly Tubb Hanson, for those who remember Senator Hanson. Marlyta was the heart and the soul of this legislature. She raised the lobbyist you see outside of our doors, she raised them and she called them her boys. Anybody that went to fairs and had kids in 4H knew Marlyta. Marlyta was a Thurston County, she was a State Fair. She's one of the

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reasons I'm here. She was involved with me in 4H and Future Farmers of America. We started the fair board for the Future Farmers of America. She served as the first president and then I served as a president after her but she got us all involved in all sorts of things that had to do with youth groups. She was a good friend of Ron Crockett. She was the one that lobbied for Emerald Downs when it was Longacres. She cared about every aspect of agriculture. I know that you'll all join me in wishing her well on her journey to be with our Lord in heaven and she's just been so grand to all of our young people and now I look at those lobbyist that she raised and as we're all getting old when can say, 'Thank you Marlyta, Thank you for what you've done for all of us,' because she, it was a job well done. Could we just have a moment of silence for our friend Marlyta Deck?"

MOMENT OF SILENCE

The senate observed a moment of silence in memory of Mrs. Marlyta Deck who passed away March 8, 2007.

SECOND READING

SENATE BILL NO. 5952, by Senators McAuliffe, Kohl-Welles and Rasmussen

Correcting provisions for the department of early learning.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5952 was substituted for Senate Bill No. 5952 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5952 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5952.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5952 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Berkey, Delvin and Prentice - 3

SUBSTITUTE SENATE BILL NO. 5952, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 11:44 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5261, by Senators Keiser, Franklin, Kohl-Welles, Fairley and Kline

Granting the insurance commissioner the authority to review individual health benefit plan rates.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senators Rockefeller and Keiser be adopted.

On page 5, after line 13, strike all of sections 4 and 5 and insert the following:

"Sec. 4. RCW 48.20.025 and 2003 c 248 s 8 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the insurer of health care services, as defined in RCW 48.43.005, provided to a policyholder or paid to or on behalf of the policyholder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for a policyholder.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) An insurer shall file, for informational purposes only, a notice of its schedule of rates for its individual health benefit plans with the commissioner prior to use.

(3) An insurer shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the insurer's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the insurer's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio

standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any insurer issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the insurer.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the insurer, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The insurer shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be ~~((seventy-four))~~ seventy-seven percent minus the premium tax rate applicable to the insurer's individual health benefit plans under RCW 48.14.020.

Sec. 5. RCW 48.44.017 and 2001 c 196 s 11 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health care service contractor of health care services, as defined in RCW 48.43.005, provided to a contract holder or paid to or on behalf of a contract holder in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably

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be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health care service contractor shall file, for informational purposes only, a notice of its schedule of rates for its individual contracts with the commissioner prior to use.

(3) A health care service contractor shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health care service contractor's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health care service contractor's projection;

(c) The percentage of premium attributable in aggregate for nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health care service contractor issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in this state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health care service contractor.

(c) Any dispute regarding the calculation of the actual loss ratio shall upon written demand of either the commissioner or the health care service contractor be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health care service contractor shall calculate a percentage of premium to be remitted to the Washington state

health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be ~~((seventy-four))~~ seventy-seven percent minus the premium tax rate applicable to the health care service contractor's individual health benefit plans under RCW 48.14.0201.

Sec. 6. RCW 48.46.062 and 2001 c 196 s 12 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Claims" means the cost to the health maintenance organization of health care services, as defined in RCW 48.43.005, provided to an enrollee or paid to or on behalf of the enrollee in accordance with the terms of a health benefit plan, as defined in RCW 48.43.005. This includes capitation payments or other similar payments made to providers for the purpose of paying for health care services for an enrollee.

(b) "Claims reserves" means: (i) The liability for claims which have been reported but not paid; (ii) the liability for claims which have not been reported but which may reasonably be expected; (iii) active life reserves; and (iv) additional claims reserves whether for a specific liability purpose or not.

(c) "Earned premiums" means premiums, as defined in RCW 48.43.005, plus any rate credits or recoupments less any refunds, for the applicable period, whether received before, during, or after the applicable period.

(d) "Incurred claims expense" means claims paid during the applicable period plus any increase, or less any decrease, in the claims reserves.

(e) "Loss ratio" means incurred claims expense as a percentage of earned premiums.

(f) "Reserves" means: (i) Active life reserves; and (ii) additional reserves whether for a specific liability purpose or not.

(2) A health maintenance organization shall file, for informational purposes only, a notice of its schedule of rates for its individual agreements with the commissioner prior to use.

(3) A health maintenance organization shall file with the notice required under subsection (2) of this section supporting documentation of its method of determining the rates charged. The commissioner may request only the following supporting documentation:

(a) A description of the health maintenance organization's rate-making methodology;

(b) An actuarially determined estimate of incurred claims which includes the experience data, assumptions, and justifications of the health maintenance organization's projection;

(c) The percentage of premium attributable in aggregate for

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nonclaims expenses used to determine the adjusted community rates charged; and

(d) A certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the adjusted community rate charged can be reasonably expected to result in a loss ratio that meets or exceeds the loss ratio standard established in subsection (7) of this section.

(4) The commissioner may not disapprove or otherwise impede the implementation of the filed rates.

(5) By the last day of May each year any health maintenance organization issuing or renewing individual health benefit plans in this state during the preceding calendar year shall file for review by the commissioner supporting documentation of its actual loss ratio for its individual health benefit plans offered or renewed in the state in aggregate for the preceding calendar year. The filing shall include aggregate earned premiums, aggregate incurred claims, and a certification by a member of the American academy of actuaries, or other person approved by the commissioner, that the actual loss ratio has been calculated in accordance with accepted actuarial principles.

(a) At the expiration of a thirty-day period beginning with the date the filing is received by the commissioner, the filing shall be deemed approved unless prior thereto the commissioner contests the calculation of the actual loss ratio.

(b) If the commissioner contests the calculation of the actual loss ratio, the commissioner shall state in writing the grounds for contesting the calculation to the health maintenance organization.

(c) Any dispute regarding the calculation of the actual loss ratio shall, upon written demand of either the commissioner or the health maintenance organization, be submitted to hearing under chapters 48.04 and 34.05 RCW.

(6) If the actual loss ratio for the preceding calendar year is less than the loss ratio standard established in subsection (7) of this section, a remittance is due and the following shall apply:

(a) The health maintenance organization shall calculate a percentage of premium to be remitted to the Washington state health insurance pool by subtracting the actual loss ratio for the preceding year from the loss ratio established in subsection (7) of this section.

(b) The remittance to the Washington state health insurance pool is the percentage calculated in (a) of this subsection, multiplied by the premium earned from each enrollee in the previous calendar year. Interest shall be added to the remittance due at a five percent annual rate calculated from the end of the calendar year for which the remittance is due to the date the remittance is made.

(c) All remittances shall be aggregated and such amounts shall be remitted to the Washington state high risk pool to be used as directed by the pool board of directors.

(d) Any remittance required to be issued under this section shall be issued within thirty days after the actual loss ratio is deemed approved under subsection (5)(a) of this section or the determination by an administrative law judge under subsection (5)(c) of this section.

(7) The loss ratio applicable to this section shall be ~~((seventy-four))~~ seventy-seven percent minus the premium tax rate applicable to the health maintenance organization's individual health benefit plans under RCW 48.14.0201."

Senators Rockefeller, Pflug and Keiser spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be

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the adoption of the amendment by Senators Rockefeller and Keiser on page 5, line 13 to Senate Bill No. 5261.

The motion by Senator Rockefeller carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, beginning on line 3 of the title, after "48.44.020," strike the remainder of the title and insert "48.46.060, 48.20.025, 48.44.017, and 48.46.062."

On page 1, line 2 of the title, after "rates;" insert "and"

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Senate Bill No. 5261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senators Pflug and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5261.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5261 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Clements, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Excused: Senators Delvin and Prentice - 2

ENGROSSED SENATE BILL NO. 5261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Eide, the Senate is recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by President Owen at 1:30 p.m.

SECOND READING

SENATE BILL NO. 5790, by Senators Hobbs, Rockefeller, Rasmussen, Fairley, McAuliffe, Kohl-Welles, Pridemore, Hatfield, Clements, Jacobsen and Shin

Regarding skill centers.

MOTIONS

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On motion of Senator Hobbs, Second Substitute Senate Bill No. 5790 was substituted for Senate Bill No. 5790 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Hobbs, the rules were suspended, Second Substitute Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Benton and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Prentice - 2

SECOND SUBSTITUTE SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5969, by Senators Kilmer, Delvin, Kastama, Shin, Kauffman, Marr, Murray, Kohl-Welles, Hobbs and Tom

Creating the civic education travel grant program.

The measure was read the second time.

MOTION

On motion of Senator Kilmer, the rules were suspended, Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Prentice - 2

SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF ORDER

Senator Sheldon: "Well, Mr. President, I was getting a little bit older out here in the back row and I wondered maybe if you could kind a raise the level of your, raise your voice up to about forty-five decibels? I could probably hear you a little better back here."

REPLY BY THE PRESIDENT

President Owen: "I know that there's people in this area, primarily the gallery, that think you were addressing them for some clever reason. The truth of the matter is, ladies and gentlemen, he's referring to himself, who today has turned another year older and is finding it more difficult to hear. Happy Birthday, Senator Sheldon."

SECOND READING

SENATE BILL NO. 5955, by Senators Tom, McAuliffe, Kauffman, Oemig, Kilmer, Eide, Kohl-Welles and Rasmussen

Regarding educator preparation, professional development, and compensation.

MOTIONS

On motion of Senator Tom, Second Substitute Senate Bill No. 5955 was substituted for Senate Bill No. 5955 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Second Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third that the bill was placed on final passage.

Senator Zarelli spoke against the motion to advance.

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5955 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5843, by Senators Oemig, Tom, Rockefeller, Zarelli and Keiser

Regarding educational data and data systems.

MOTION

On motion of Senator Oemig, Second Substitute Senate Bill No. 5843 was substituted for Senate Bill No. 5843 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Oemig moved that the following amendment by Senator Oemig and others be adopted.

On 3, after line 15, insert following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. Personally identifiable student data will be safeguarded consistent with the requirements of the federal family educational rights privacy act and any relevant state laws. Consistent with privacy protections in the above-referenced laws, data may be disclosed for educational purposes and studies, including but are not limited to:

(a) Educational studies authorized or mandated by the state legislature;

(b) Studies initiated by other state educational authorities and authorized by the office of superintendent of public instruction;

(c) Studies initiated by other state agencies and authorized by the office of superintendent of public instruction;

(d) Studies initiated by private study groups authorized by the office of superintendent of public instruction.

(2) Any group or agency that utilizes this data shall adhere to federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records.

(3) Nothing in this section precludes the office of superintendent of public instruction from collecting and distributing non student level data, nor student level data without personally identifiable information."

Senators Oemig and Holmquist spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oemig and others on page 3, after line 15 to Second Substitute Senate Bill No. 5843.

The motion by Senator Oemig carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, "systems" strike the remainder of the title and insert "adding new sections to chapter 28A.300 RCW; and creating new sections."

MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oemig and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5843.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5843 and the bill passed the Senate by the following vote Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Schoesler - 1

Excused: Senators Delvin and Prentice - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Roach, Prentice, Rasmussen, Oemig, Clements, Rockefeller, Tom, Fairley, Hobbs, Shin, Swecker, Holmquist, Benton, Stevens, Parlette, Delvin and Kline

Creating a pilot program of Spanish and Chinese language instruction.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5714 was substituted for Senate Bill No. 5714 and the substitute bill was placed on the second reading and read the second time.

Senator Roach spoke in favor of the substitute bill.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5828, by Senators Kauffman, McAuliffe, Tom, Rasmussen, Eide, Oemig, Clements, Hobbs, Weinstein, Rockefeller, Kline and Kohl-Welles

Regarding early child development and learning.

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MOTION

On motion of Senator Kauffman, Second Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, McAuliffe and Kauffman be adopted.

On page 5, line 13, insert "(h) One representative from the Washington federation of independent schools." Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, McAuliffe and Kauffman on page 5, line 13 to Engrossed Second Substitute Senate Bill No. 5828.

The motion by Senator Holmquist carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kauffman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5828.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Pflug - 1

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Haugen and Rasmussen

Clarifying existing requirements for conservation of agricultural lands.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Keiser was excused.

Senators Kline, Honeyford and Zarelli spoke against passage of the bill

Senators Spanel and Rasmussen spoke in favor of passage of the bill.

Senator Schoesler spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 38

Voting nay: Senators Benton, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pridemore, Stevens and Zarelli - 9

Excused: Senators Delvin and Keiser - 2

SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5221, by Senators Hargrove, Marr, Stevens, Carrell, Eide, Regala, Brandland, Kilmer and Rasmussen

Revising provisions relating to the release of offenders.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5221 was substituted for Senate Bill No. 5221 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regal spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5221.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5332, by Senators Roach, Prentice and Rasmussen

Creating a statewide automated victim information and notification system.

The measure was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5332 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5332.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5332 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Keiser - 1

Excused: Senator Delvin - 1

SENATE BILL NO. 5332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5964, by Senators Kline and Hargrove

Excluding offenders who have committed only the crimes of assault 2 and robbery 2 from the definition of persistent offender. Revised for 1st Substitute: Revising the definition of

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"most serious offense" and creating a task force to study crimes included in "most serious offense."

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5964 was substituted for Senate Bill No. 5964 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5964 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Carrell and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5964.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5964 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5964, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6107, by Senators Zarelli, Hatfield and Rasmussen

Reviewing pipeline capacity and distribution in southwest Washington.

The measure was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6107 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6107 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig,

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Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

MOTION

Excused: Senator Delvin - 1

SENATE BILL NO. 6107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Keiser moved that the following striking amendment by Senators Keiser and Marr be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the public policy of Washington to promote access to medical care for all citizens and to encourage innovative arrangements between patients and providers that will help provide all citizens with a medical home.

Washington needs a multipronged approach to provide adequate health care to many citizens who lack adequate access to it. Direct patient-provider practices, in which patients enter into a direct relationship with medical practitioners and pay a fixed amount directly to the health care provider for primary care services, represent an innovative, affordable option which could improve access to medical care, reduce the number of people who now lack such access, and cut down on emergency room use for primary care purposes, thereby freeing up emergency room facilities to treat true emergencies.

Sec. 2. RCW 48.44.010 and 1990 c 120 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. "Health care service contractor" does not include direct patient-provider primary care practices as defined in section 3 of this act.

(4) "Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Senator Bob Oke and his wife, Judy, who were seated at the rostrum.

REMARKS BY SENATOR OKE

Senator Oke: "I love you all, even the ones that are new here, I love you too and I do miss this place but I miss you individuals and God bless you for what your doing. Keep your good work going. I just can't say enough for my wonderful wife. I want you to know that she's for hire if you want to have a retirement but she said you can't afford her."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 1148,
- HOUSE BILL NO. 1371,
- HOUSE BILL NO. 1644,
- SUBSTITUTE HOUSE BILL NO. 1675,
- SECOND SUBSTITUTE HOUSE BILL NO. 1677,
- SUBSTITUTE HOUSE BILL NO. 1694,
- HOUSE BILL NO. 1887,
- HOUSE BILL NO. 1923,
- SUBSTITUTE HOUSE BILL NO. 1955,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5958, by Senators Keiser, Parlette, Marr and Kohl-Welles

Creating innovative primary health care delivery.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5958 was substituted for Senate Bill No. 5958 and the second substitute bill was placed on the second reading and read the second time.

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(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.44.037(3) and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement. The fee must represent the total amount due for all health care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing

health care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; (b) be terminable at will upon written notice by the direct patient; and (c) include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier.

NEW SECTION. Sec. 4. (1) A direct practice must charge a direct fee on a monthly basis.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds will be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) A direct practice must designate a contact person to receive and address any patient complaints.

NEW SECTION. Sec. 5. (1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

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(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

- (i) Make referrals to other participating providers;
- (ii) Admit the carrier's members to participating hospitals and other health care facilities;
- (iii) Prescribe prescription drugs; and
- (iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services provided in connection with wellness physical examinations. In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

NEW SECTION. Sec. 6. (1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice or if the direct practice reasonably determines that the patient would be better served by another health care provider.

(2) Direct practices may accept payment of direct fees directly or indirectly from nonemployer third parties.

NEW SECTION. Sec. 7. Direct practices, as defined in section 3 of this act, who comply with this chapter are not insurers under RCW 48.01.050, health carriers under chapter 48.43 RCW, health care service contractors under chapter 48.44 RCW, or health maintenance organizations under chapter 48.46 RCW.

NEW SECTION. Sec. 8. A person shall not make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a direct practice, or relative to the business of a direct practice.

NEW SECTION. Sec. 9. A person shall not make, issue, or circulate, or cause to be made, issued, or circulated, a misrepresentation of the terms of any direct agreement, or the benefits or advantages promised thereby, or use the name or title of any direct agreement misrepresenting the nature thereof.

NEW SECTION. Sec. 10. Violations of this chapter constitute unprofessional conduct enforceable under RCW 18.130.180.

NEW SECTION. Sec. 11. (1) Direct practices must submit annual statements to the office of insurance commissioner specifying the number of providers in each practice, total number of patients being served, providers' names, and the business address for each direct practice. The form for the annual statement will be developed in a manner prescribed by the commissioner.

(2) A health care provider may not act as, or hold himself or herself out to be, a direct practice in this state, nor may a direct agreement be entered into with a direct patient in this state, unless the provider submits the annual statement in subsection (1) of this section to the commissioner.

(3) The commissioner shall report annually to the legislature on direct practices. The initial report shall be due December 1, 2009.

NEW SECTION. Sec. 12. A comprehensive disclosure statement shall be distributed to all direct patients with their

enrollment forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner.

NEW SECTION. Sec. 13. Sections 3 through 12 of this act constitute a new chapter in Title 48 RCW."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 3, line 23 of the amendment, after "agreement;" strike "or"

On page 3, beginning on line 28 of the amendment, after "code" strike all material through "RCW" on line 30

On page 3, line 33 of the amendment, after "practice;" insert "or"

(iv) Health care service contractors under chapter 48.44 RCW or health maintenance organizations under chapter 48.46 RCW that contract with or employ primary care providers, and while operating as a direct practice shall only be subject to the provisions of this chapter."

On page 4, line 2 of the amendment, after "RCW" insert "unless the direct practice is owned or operated by a health care service contractor or health maintenance organization"

On page 5, line 33 of the amendment, after "(1)" strike "Direct" and insert "Unless a direct practice is owned or operated by a health care service contractor or health maintenance organization, direct"

On page 7, line 16 of the amendment, after "not" insert "operating as"

Senators Jacobsen and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Keiser and Marr spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Pflug: "Mr. President, while it is allowed to be inaccurate it is not allowed, on the floor of the Senate, to impugn motives and to say that the opponents of this or the proponents of this measure, this amendment, are trying to smother the initiative is impugning motives. We're not trying to smother primary care practices, we support them. We think everybody should be allowed to do them if anyone's allowed to do them."

REPLY BY THE PRESIDENT

President Owen: "Thank you Senator. It is correct that the members will speak to the measure and definitely not to the motives of the individuals for introducing the measures."

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 3, line 23 to the striking amendment to Second Substitute Senate Bill No. 5958.

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The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 3, after line 33 of the amendment, insert the following:

"(b) A direct practice under (a)(i), (ii), and (iii) of this subsection shall provide at least fifteen percent of its primary health care services as charity care for low-income children and adults having no retainer agreement or health coverage."

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Senators Jacobsen and Pflug spoke in favor of adoption of the amendment to the striking amendment.

Senators Keiser and Franklin spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 3, after line 33 to the striking amendment to Second Substitute Senate Bill No. 5958.

The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 8, after line 22 of the amendment, insert the following:

"**Sec. 14.** RCW 48.14.0201 and 2005 c 405 s 1, 2005 c 223 s 6, and 2005 c 7 s 1 are each reenacted and amended to read as follows:

(1) As used in this section, "taxpayer" means a health maintenance organization as defined in RCW 48.46.020, a health care service contractor as defined in RCW 48.44.010, a direct practice as defined in section 3 of this act, or a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010.

(2) Each taxpayer shall pay a tax on or before the first day of March of each year to the state treasurer through the insurance commissioner's office. The tax shall be equal to the total amount of all premiums and prepayments for health care services received by the taxpayer during the preceding calendar year multiplied by the rate of two percent.

(3) Taxpayers shall prepay their tax obligations under this section. The minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation for the preceding calendar year recomputed using the rate in effect for the current year. For the prepayment of taxes due during the first calendar year, the minimum amount of the prepayments shall be percentages of the taxpayer's tax obligation that would have been due had the tax been in effect during the previous calendar year. The tax prepayments shall be paid to the state treasurer through the commissioner's office by the due dates and in the following amounts:

- (a) On or before June 15, forty-five percent;
- (b) On or before September 15, twenty-five percent;
- (c) On or before December 15, twenty-five percent.

(4) For good cause demonstrated in writing, the commissioner may approve an amount smaller than the

preceding calendar year's tax obligation as recomputed for calculating the health maintenance organization's, health care service contractor's, self-funded multiple employer welfare arrangement's, or certified health plan's prepayment obligations for the current tax year.

(5) Moneys collected under this section shall be deposited in the general fund through March 31, 1996, and in the health services account under RCW 43.72.900 after March 31, 1996.

(6) The taxes imposed in this section do not apply to:

(a) Amounts received by any taxpayer from the United States or any instrumentality thereof as prepayments for health care services provided under Title XVIII (medicare) of the federal social security act.

(b) Amounts received by any taxpayer from the state of Washington as prepayments for health care services provided under:

(i) The medical care services program as provided in RCW 74.09.035;

(ii) The Washington basic health plan on behalf of subsidized enrollees as provided in chapter 70.47 RCW; or

(iii) The medicaid program on behalf of elderly or disabled clients as provided in chapter 74.09 RCW when these prepayments are received prior to July 1, 2009, and are associated with a managed care contract program that has been implemented on a voluntary demonstration or pilot project basis.

(c) Amounts received by any health care service contractor, as defined in RCW 48.44.010, as prepayments for health care services included within the definition of practice of dentistry under RCW 18.32.020.

(d) Participant contributions to self-funded multiple employer welfare arrangements that are not taxable in this state.

(7) Beginning January 1, 2000, the state does hereby preempt the field of imposing excise or privilege taxes upon taxpayers and no county, city, town, or other municipal subdivision shall have the right to impose any such taxes upon such taxpayers. This subsection shall be limited to premiums and payments for health benefit plans offered by health care service contractors under chapter 48.44 RCW, health maintenance organizations under chapter 48.46 RCW, direct practices as defined in section 3 of this act, and self-funded multiple employer welfare arrangements as defined in RCW 48.125.010. The preemption authorized by this subsection shall not impair the ability of a county, city, town, or other municipal subdivision to impose excise or privilege taxes upon the health care services directly delivered by the employees of a health maintenance organization under chapter 48.46 RCW.

(8)(a) The taxes imposed by this section apply to a self-funded multiple employer welfare arrangement only in the event that they are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing state premium taxes on these arrangements. Once the legality of the taxes has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these taxes.

(b) If there has not been a final determination of the legality of these taxes, then beginning on the earlier of (i) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (ii) April 1, 2006, the arrangement shall deposit the taxes imposed by this section into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the taxes are not preempted by the employee retirement income security act of

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1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the state treasurer.

(9) The effect of transferring contracts for health care services from one taxpayer to another taxpayer is to transfer the tax prepayment obligation with respect to the contracts.

(10) On or before June 1st of each year, the commissioner shall notify each taxpayer required to make prepayments in that year of the amount of each prepayment and shall provide remittance forms to be used by the taxpayer. However, a taxpayer's responsibility to make prepayments is not affected by failure of the commissioner to send, or the taxpayer to receive, the notice or forms."

On page 8, line 24 of the title amendment, after "48.44.010;" insert "reenacting and amending RCW 48.14.0201;"

Senator Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Pflug: "Will the good lady yield to a question? Senator Keiser, are the health insurance carriers in Washington covering the kinds of primary care services provided by these direct service practices?"

Senator Keiser: "In some cases but not all. Some carriers with catastrophic plans are not covering these kinds of services but not all."

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 8, after line 22 to the striking amendment to Second Substitute Senate Bill No. 5958.

The motion by Senator Jacobsen failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 1, beginning on line 3 of the amendment after "1." strike all material through "emergencies." on line 15 of the amendment and insert "It is the public policy of Washington State to allow continued access to medical care for all citizens and to provide the opportunity for continued innovative arrangements between patients and providers that will help provide all citizens with a medical home."

On page 5, beginning on line 9 of the amendment strike sections 4 through sections 13 on page 8, line 21 of the amendment.

On page 8, after line 20 of the amendment, insert

"**NEW SECTION.** The office of the insurance commissioner shall not have the authority and is prohibited from regulating or otherwise controlling direct patient-provider primary care practices and direct practices as defined in this act that are operating in Washington State."

Re-number the sections consecutively and correct any internal references accordingly.

On page 8, beginning on line 24 of the title amendment, after "RCW 48.44.010;" strike "adding a new chapter to Title 48 RCW;"

Senator Pflug spoke in favor of adoption of the amendment

to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 1, line 3 to the striking amendment to Second Substitute Senate Bill No. 5958.

The motion by Senator Pflug failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Marr to Second Substitute Senate Bill No. 5958.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "delivery;" strike the remainder of the title and insert "amending RCW 48.44.010; adding a new chapter to Title 48 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5958 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Keiser spoke in favor of passage of the bill.

Senators Parlette, Jacobsen and Pflug spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5958.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5958 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 38

Voting nay: Senators Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Parlette, Pflug, Schoesler and Stevens - 10

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before

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the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 9, 2007.”

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 9, 2007.

SECOND READING

SENATE BILL NO. 5712, by Senator Parlette

Revising provisions for the Washington state health insurance pool.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5712 was substituted for Senate Bill No. 5712 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Parlette moved that the following striking amendment by Senators Parlette and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the Washington state health insurance pool is a critically important insurance option for people in this state and must reflect health care provisions based on the best available evidence and be financially sustainable over time. The laws governing the Washington state health insurance pool have been read to preclude the program from modifying contracts, and yet coverage needs and options change with time. Everyone in this state benefits when the Washington state health insurance pool is more affordable and higher performing. Changes are needed to the Washington state health insurance pool to increase affordability, offer quality and cost-effective benefits, and enhance the governance and operation of the pool.

Sec. 2. RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However;))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least one policy which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The pool shall offer at least one policy which closely adheres to benefits available in the private, individual market.

~~((6))~~ (6) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (7) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ((The pool benefit policy cost shares and limitations must be consistent with those that are generally

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~~included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.~~

~~(6))~~ (8) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (9) of this section.

~~((7))~~ (9)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (10) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(11) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

Sec. 3. RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) A pool policy offered under this chapter prior to the effective date of this section shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150.

(2) A pool policy offered after the effective date of this section shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the pool;
- (c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar

plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replaced plan. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) The ability of carriers to offer health plans in the individual market;
- (v) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((7))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

Sec. 4. RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

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(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~(aged fifty to sixty-four)~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~(aged fifty to sixty-four)~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 5. RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

Sec. 6. RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~(one)~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under

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subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.
~~(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.~~

Sec. 7. RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection ~~((3))~~ (2) of this section, a pool policy offered in accordance with RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

~~(2) (Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.~~

~~—(3))~~ The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

~~((4))~~ (3) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

~~(4) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.~~

Sec. 8. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five

hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ~~((five hundred))~~ dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter

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71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care

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service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 9. RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately. The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal

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actions against the pool to enforce the pool's statutory or contractual duties or obligations.

Sec. 10. RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Parlette and Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Keiser to Second Substitute Senate Bill No. 5712.

The motion by Senator Parlette carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "pool;" strike the remainder of the title and insert "amending RCW 48.41.110, 48.41.160, 48.41.200, 48.41.037, 48.41.100, 48.41.120, 48.43.005, 48.41.190, and 41.05.075; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5712 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5712.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5712 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Kline - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5712, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5114, by Senators Rockefeller, Parlette, Eide, Weinstein, Fairley, Keiser, Shin, Kohl-Welles, Murray, McAuliffe, Rasmussen, Kauffman, Kilmer, Franklin and Holmquist

Changing student transportation funding.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5114 was substituted for Senate Bill No. 5114 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and Morton be adopted.

On page 2, after line 6, strike all material through line 33 and insert the following:

"Sec. 2. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is more than one (~~radius~~) mile using the shortest road mile that is the safest route to travel from the student's school, except that no mileage restriction applies if the student to be transported;

(a) Is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided~~(, in which case no mileage distance restriction applies)~~; or

(b) Qualifies for an exemption due to hazardous walking conditions.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; ~~(and)~~

(d) Transportation of students for instructional activities necessary to basic education or federal requirements related to special education or no child left behind, or for homeless children; and

(e) Transportation of students with disabilities to and from schools and agencies for special education services.

Except as provided in (a) through (e) of this subsection, extended day transportation shall not be considered part of transportation of students "to and from school" for the purposes of chapter 61, Laws of 1983 1st ex. sess.

(4) "Transportation services" for students living within one radius mile from school means school transportation services including the use of buses, funding of crossing guards, and

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matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "hazardous walking conditions" means those instances of the existence of dangerous walkways documented by the board of directors of a school district that meet criteria specified in rules adopted by the superintendent of public instruction.

On page 2, line 34, following "Sec. 3.", strike "Section 1 of this" and insert "This"

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "RCW" insert "28A.160.160 and"

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Schoesler, Holmquist, Clements and Parlette spoke in favor of the adoption of the amendment.

Senators Brown spoke against adoption of the amendment.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

Senator Zarelli again spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and Morton on page 2, after line 6 to Second Substitute Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Zarelli and Morton the amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Excused: Senator Delvin - 1

MOTION

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On motion of Senator Rockefeller, the rules were suspended, Second Substitute Senate Bill No. 5114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Zarelli spoke in favor of passage of the bill.

Senators Honeyford and Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5114.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5114 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, Pflug and Schoesler - 3

Excused: Senator Delvin - 1

SECOND SUBSTITUTE SENATE BILL NO. 5114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5841, by Senators Hobbs, McAuliffe, Rockefeller, Tom, Oemig, Kauffman, Regala, Kohl-Welles and Rasmussen

Enhancing student learning opportunities and achievement.

MOTION

On motion of Senator Hobbs, Second Substitute Senate Bill No. 5841 was substituted for Senate Bill No. 5841 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 2, after line 9, insert the following:

"In furtherance of those goals, and in recognition it is the legislature's paramount duty to make ample provision for the education of all of Washington's children, it is the intent of the legislature to require that all appropriations for K-12 basic education, together with appropriations for other K-12 education programs, be enacted into law before the legislature takes final action on omnibus operating appropriations legislation.

Sec. 2. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in this chapter, RCW 28A.160.150

through 28A.160.210, 28A.300.170, and 28A.500.010.

(2) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

(3) Beginning with the 2009-2011 fiscal biennium and thereafter, appropriations for the purposes of this section and other K-12 education purposes must be made in legislation that is separate from the omnibus operating appropriations act. Such appropriations shall be enacted into law before it is in order for the legislature to take final action on omnibus operating appropriations legislation.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW 28A.150.210", insert "and 28A.150.380"

Senators Zarelli and Holmquist spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, after line 9 to Second Substitute Senate Bill No. 5841.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

REMARKS BY THE PRESIDENT

President Owen: "While most of the members.... the President would like to make an announcement. As we're getting quite busy at this time and a lot of things are going on, we have some new members, remind members that standing in the wings during the vote and waving at someone to come off or winking at them is still considered 'approaching the bar.' Please do not do that or you may hear the gavel be rapped and one of us will be embarrassed. Just a reminder. Just my annual reminder I guess I should say."

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 2, line 22, after "support", strike "students who qualify for free and reduced-price lunch program support" and insert "all students at the school who are enrolled in kindergarten"

Senator Clements spoke in favor of adoption of the amendment.

Senators Hobbs and Brown spoke against adoption of the amendment.

Senator Carrell spoke on the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 2, line 22 to Second Substitute Senate Bill No. 5841.

The motion by Senator Clements failed and the amendment was not adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senators Carrell and Zarelli be adopted.

On page 6, following line 24, insert the following:

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NEW SECTION. Sec. 5. The state auditor's office, in consultation with the office of financial management and the joint legislative audit and review committee, will conduct an audit and evaluation of the current process for determining student eligibility for free and reduced price lunch. The audit and review shall include, but is not limited to: (1) and assessment of the current error rate for determining eligibility for free or reduced price lunch; (2) recommendations on methods and procedures that would reduce the error rate; and (3) an analysis of other poverty measures that could be used as a more accurate indicator of school district poverty. The audit and review shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature by September 1, 2008."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "creating", strike "a new section" and insert "new sections"

Senators Carrell and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 6, line 24 to Second Substitute Senate Bill No. 5841.

The motion by Senator Carrell carried and the amendment was adopted by voice vote.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland be adopted.

On page 6, following line 24, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning with the 2007-08 school year and each school year thereafter, an additional two hundred dollars per each average annual special education student will be allocated to augment the special education safety net in section 507 of the omnibus appropriations act.

(2) The funds appropriated in this section are in addition to any special education safety net funds appropriated in section 507 of the omnibus appropriations act. Any funds from this appropriation not expended for special education safety net awards shall be allocated to school districts based on the number of resident students ages three to twenty-one receiving specially designed instruction in accordance with a properly formulated individualized education program."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "28A.630 RCW;" insert "adding a new section to 28A.155 RCW;"

Senator Brandland spoke in favor of adoption of the amendment.

Senator Prentice spoke against adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Brandland, the amendment by Senator Brandland on page 6, line 24 to Second Substitute Senate Bill No. 5841 was withdrawn.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland, Hobbs and McAuliffe be adopted.

On page 6, after line 24, insert the following:

"New Section. Sec. 5. A new section is added to 28A.155 RCW to read as follows:

(1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula. If safety net awards exceed the amount appropriated, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to know what they need to do to correct any deficiencies in their safety net application, and that there is consistency between awards approved by school districts and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts to assist them in preparing and submitting their special education safety net application.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

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(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

NEW SECTION. **Sec. 6.(1)** In addition to the responsibilities in section 5 of this act, the state special education safety net oversight committee, with the assistance of the office of the superintendent of public instruction, shall conduct further evaluation of issues raised in the recently completed review of the special education excess cost accounting procedures by the office of the superintendent of public instruction and the 2006 report of the joint legislative audit and review committee report on the accounting of special education excess costs. Specifically, the state special education safety net oversight committee shall evaluate options for modifying or replacing the current accounting methodology in place for the 2005-06 school year in a way that better reflects the special education program funding and spending. By November 1, 2008, the oversight committee shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature outlining the options for replacing the current excess cost method. One of the options will be based on, to the maximum extent appropriate, a full cost accounting.

(2) This section expires June 30, 2009."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Brandland and McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland, Hobbs and McAuliffe on page 6, after line 24 to Second Substitute Senate Bill No. 5841.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "28A.150 RCW", insert "adding new sections to chapter 28A.155;"

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 6, after line 26, insert the following:

"**Sec. 6** RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

Supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.150.370, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment. Beginning with 2007-08 school year and in each subsequent school year, the legislature shall appropriate sufficient funds to provide per student allocations for three percent of a district's full-time equivalent enrollment. School districts shall use the increased allocations to expand and offer additional advanced placement opportunities for students."

On page 1, line 2 of the title, after " RCW 28A.150.210;" insert "amending RCW 28A.185.020;"

Senator Pflug spoke in favor of adoption of the amendment. Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 6, after line 26 to Second Substitute Senate Bill No. 5841.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Holmquist and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute Senate Bill No. 5955 which had been deferred earlier in the day.

MOTION

Senator Tom withdrew his motion to advance Second Substitute Senate Bill No. 5955 to third reading and final passage.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 8, after line 16, insert the following:

"**Sec. 8** RCW 28A.405.140 and 1993 c 336 s 403 are each amended to read as follows:

(1) After an evaluation conducted pursuant to RCW 28A.405.100, the principal or the evaluator may require the teacher to take in-service training provided by the district in the area of teaching skills needing improvement, and may require the teacher to have a mentor for purposes of achieving such

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improvement.

(2) Notwithstanding the provisions of RCW 28A.405.210 and RCW 28A.405.220, if after three years of unsuccessful improvement based on the in-service training and mentoring provided pursuant to subsection 1 of this section and after a finding that the lack of a teacher's progress in improving his or her teaching skills is detrimental to the academic performance of their students, the principal may initiate an action to dismiss the teacher. In the event the principal makes this determination, the teacher shall be notified in writing. The notification shall include a detailed explanation of the reasons for the principal making this determination.

(3) Within ten days of receiving notice pursuant to this section, every teacher receiving such notice, at his or her request, shall be provided an opportunity to meet informally with the principal for the purpose of requesting the principal reconsider their decision. At such meeting, the teacher shall be given the opportunity to refute any facts upon which the principal's determination was made.

(4) Within ten days following the meeting with the teacher, the principal shall either reinstate the teacher or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending the employment contract of the teacher be terminated. A copy of the report shall be delivered to the teacher at least ten days prior to the scheduled meeting of the board of directors. At the board of directors meeting, the teacher shall be given the opportunity to present information and provide documentation refuting any facts upon which the principal's determination was made.

(5) The board of directors shall notify the teacher in writing of its final decision within ten days following the meeting at which the principal's recommendation was considered. The decision of the board of directors to terminate the contract of a teacher pursuant to this section shall be final and not subject to appeal.

(6) All school district collective bargaining agreements signed, adopted, or renewed after September 1, 2008 shall include provisions consistent with this section."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW 28A.310.350;" insert "amending RCW 28A.405.140;"

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 8, after line 16 to Second Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, Keiser, McCaslin, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Stevens, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen,

Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Sheldon, Shin, Spanel, Tom and Weinstein - 30

Excused: Senator Delvin - 1

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 8, after line 16, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 28A.400 RCW to read as follows:

PERFORMANCE-BASED INCENTIVE PAY PILOT PROGRAM

(1) Beginning with the 2008-09 school year, a voluntary performance-based incentive pay pilot program shall be established in a minimum of three school districts. To the maximum extent possible, school districts participating in the pilot program shall be selected to ensure adequate representation based on school district size and geographic location throughout the state.

(2) Beginning with the 2008-09 school year through the 2012-2013 school year, the legislature shall annually appropriate five million dollars for grants to implement the performance-based incentive pay pilot program. While the performance-based incentive pay pilot grants are intended to be flexible based on local school districts needs, school districts participating in the pilot program created in this section will agree to award the incentive based pay on the criteria developed as a result of subsection 3 of this section.

(3) By March 1, 2008, the Washington Institute for Public Policy, with the technical assistance of the office of superintendent of public instruction, will develop the criteria for awarding the performance-based incentive pay for school districts participating in the pilot program. The criteria developed shall be based on the indicators that the research indicates are the most important in impacting student academic performance, the school has direct influence on, and can be objectively assessed. This includes, but is not limited to, student grades, performance on the Washington assessment of student learning, dropping out of school, and improving student attendance. The criteria will also be based on awarding the performance-based incentive pay on a school wide basis for those schools improving in the objective indicators from a baseline which will also be established by the Washington Institute for Public Policy.

(4) By September 1, 2010, the Washington Institute for Public Policy shall provide a preliminary evaluation of the performance-based incentive pay pilot program to the office of financial management and the appropriate policy and fiscal committees of the legislature. By September 1, 2014, the Washington Institute for Public Policy shall submit a final report on the effectiveness of the performance-based incentive pay pilot program to the office of financial management and the appropriate policy and fiscal committees of the legislature. To the extent supported by the results of the pilot program, the final report may include recommendations for statewide implementation of a performance-based incentive pay system."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "28A.415 RCW;" insert "adding a new section to chapter 28A.400 RCW;"

Senator Zarelli spoke in favor of adoption of the

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amendment.

Senator Tom spoke against adoption of the amendment.

Senator Zarelli demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 8, after line 16 to Second Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zarelli and the amendment was not adopted by the following vote: Yeas, 14; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Hewitt, Holmquist, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 14

Voting nay: Senators Berkey, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 34

Excused: Senator Delvin - 1

MOTION

On motion of Senator Tom, the rules were suspended, Second Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom spoke in favor of passage of the bill.

Senators Holmquist and Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom and Weinstein - 40

Voting nay: Senators Clements, Hewitt, Holmquist, Morton, Parlette, Stevens, Swecker and Zarelli - 8

Excused: Senator Delvin - 1

SECOND SUBSTITUTE SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "Senator Schoesler has a raised the question as to whether Substitute Senate Bill 5080 takes a simple majority or a two-thirds vote on final passage, because it implicates provisions of the law commonly referred to as Initiative 601. The President believes this is an important issue

and wants to be clear in his explanation, and therefore asks for the body's patience as he issues this ruling.

The workings of the statutes enacted by I-601 are complex, made more complex by various amendments to the original law enacted by the Legislature over the years. At its heart, though, one of the primary limitations in this collective law is clear: The legislature may not take action which raises state revenue unless the enacting legislation is passed with a two-thirds vote of the Senate.

The key to this ruling, as with many of the President's past rulings, is whether or not the measure before us raises state revenue. The President has a long history of differentiating between taxes and fees when making this analysis. In general, enacting a tax increase requires a supermajority vote, while enacting a fee takes only a simply majority vote. The President has taken guidance from Article VIII, Section 1(c) of our state Constitution in making this determination. In short, a fee is collected for a specific, limited purpose. It is often placed into a specific account. This narrow nexus between the collection of the money and its limitation on being spent for a specific purpose is crucial in classifying a revenue action as a fee and not a more general tax. By contrast, where there is not a specific connection between the collection of money and a limitation as to the purpose for which it will be spent, it is more likely that the revenue action is a tax. In making this analysis, the accounts into which fees are placed are important, but not controlling; more important is the limitation on the funds. The President does believe that the interplay between various accounts is far more controlling with respect to transfers, rainy day funds, and expenditure limits, but not for making the initial determination as to whether the revenue action is a fee or tax increase in the first place. A careful review of all of the President's past rulings will show this to be the overriding factor, and, while the President has never specifically ruled on the matter before us, this ruling is consistent with and continues past precedent.

Applying this analysis to the matter before the body, the President believes a brief recitation of the bill's background is helpful. The waste tire fee is not new to this body or enacted by this bill. As originally implemented, there was a solid nexus between the fee collected and the purpose for which the proceeds could be spent: \$1 per tire sold was collected, placed into a dedicated account, and the proceeds were limited to waste tire clean-up and prevention. Under this bill, the amount collected would be unchanged, but its distribution is significantly altered. While half of the money would essentially be deposited and spent as before, the other half would be placed into a more general account, with the only limitation being that it be spent for transportation purposes. And, in 2010, this bill would direct that all of the money would be placed into this more general account, with only the more general limitation. In so doing, the President believes the bill would convert a dedicated fee—which is not subject to I-601's supermajority provisions—into a general tax.

For these reasons, Senator Schoesler's point is well-taken, and passage of this bill will require a two-thirds vote of this body."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5080 was deferred and the bill held its place on the second reading calendar.

SECOND READING

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SENATE BILL NO. 5930, by Senators Keiser, Kohl-Welles, Shin and Rasmussen

Providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5930 was substituted for Senate Bill No. 5930 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY

NEW SECTION. Sec. 1. The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within state purchased health care programs to:

- (1) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;
- (2) Pay for care that reflects patient preference and is of proven value;
- (3) Require the use of evidence-based standards of care where available;
- (4) Tie provider rate increases to measurable improvements in access to quality care;
- (5) Direct enrollees to quality care systems;
- (6) Better support primary care and provide a medical home to all enrollees; and
- (7) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

The plan shall identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law and be submitted to the governor and the legislature upon completion.

NEW SECTION. Sec. 2. The legislature finds that unwarranted variations in health care, variations not explained by illness, patient preference, or the dictates of evidence-based medicine, are a significant feature of health care in Washington state. There is growing evidence that, for preference-sensitive care involving elective surgery, the quality of patient-practitioner communication about the benefits, harms, and uncertainty of available treatment options can be improved by introducing high-quality decision aids that encourage shared decision making. The international patient decision aid standards collaboration, a network of over one hundred researchers, practitioners, patients, and policy makers from fourteen countries, have developed standards for constructing high-quality decision aids. The legislature declares an intent to focus on improving the quality of patient-practitioner communication and on increasing the extent to which patients make genuinely informed, preference-based treatment decisions. Randomized clinical trial evidence indicates that effective use of well designed decision aids is likely to improve the quality of patient decision making, reduce unwarranted variations in health care, and result in lower health care costs overall. Despite this growing body of evidence, widespread use of decision aids has yet to occur. Barriers include: (1) Lack of awareness of existing, appropriate, high-quality decision aids; (2) poor accessibility to such decision aids; (3) low practitioner acceptance of decision

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aids in terms of compatibility with their practice, ease of use, and expense to incorporate into practice; (4) lack of incentives for use, such as reduced liability and reimbursement for their use; and (5) lack of a process to certify that a decision aid meets the standards required of a high-quality decision aid. The legislature intends to promote new public/private collaborative efforts to broaden the development, use, evaluation, and certification of effective decision aids and intends to support the collaborative through providing new recognition of the shared decision-making process and patient decision aids in the state's laws on informed consent. The legislature also intends to establish a process for certifying that a given decision aid meets the standards required for a high-quality decision aid.

NEW SECTION. Sec. 3. The state health care authority shall work in collaboration with the health professions and quality improvement communities to increase awareness of appropriate, high-quality decision aids, and to train physicians and other practitioners in their use. The effort shall focus on one or more of the preference-sensitive conditions with high rates of unwarranted variation in Washington, and can include strategies such as prominent linkage to such decision aids in state web sites, and training/awareness programs in conjunction with professional and quality improvement groups. The state health care authority shall, in consultation with the national committee for quality assurance, identify a certification process for patient decision aids. The state health care authority may accept donations or grants to support such efforts.

NEW SECTION. Sec. 4. The state health care authority shall work with contracting health carriers and health care providers, and a nonproprietary public interest research group and/or university-based research group, to implement practical and usable models to demonstrate shared decision making in everyday clinical practice. The demonstrations shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstrations must include the following elements: Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology. The evaluation must include the following elements: (1) A comparison between the demonstration sites and, if appropriate, between the demonstration sites and a control group, of the impact of the shared decision-making process employing the decision aids on: The use of preference-sensitive health care services; and associated costs saved and/or expended; and (2) an assessment of patient knowledge of the relevant health care choices, benefits, harms, and uncertainties; concordance between patient values and care received; and satisfaction with the decision-making process and their health outcomes by patients and involved physicians and other health care practitioners. The health care authority may solicit and accept funding to support the demonstration and evaluation.

Sec. 5. RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

((+)) (a) A description, in language the patient could reasonably be expected to understand, of:

((+)) (i) The nature and character of the proposed treatment;

((+)) (ii) The anticipated results of the proposed treatment;

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~~((c))~~ (iii) The recognized possible alternative forms of treatment; and

~~((d))~~ (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

~~((2))~~ (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((1) of this section)~~.

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in subsection (3) of this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) "Shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (1)(a) of this section, with or without the use of a patient decision aid, and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others. The goal of shared decision making is for the patient and physician or other health care practitioner to feel they appropriately understand the nature of the procedure, the risks and benefits, as well as the individual values and preferences that influence the treatment decision, such that both are willing to sign a statement acknowledging that they have engaged in shared decision making and setting forth the agreed treatment to be furnished.

(4) "Patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations approved by the health care authority. In order to be an approved national certifying organization, an organization must use a rigorous evaluation process to assure that decision aids are competently developed, provide a balanced presentation of treatment options, benefits, and harms, and are efficacious at improving decision making.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall

not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

NEW SECTION. Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Contract for a study of chronic care management, to include evaluation of current efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

NEW SECTION. Sec. 7. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid and medicare programs.

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**COST AND QUALITY INFORMATION FOR
CONSUMERS AND PROVIDERS**

NEW SECTION. **Sec. 8.** A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. The forum shall collaborate with the Puget Sound health alliance and other local organizations and shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns identified to purchasers, providers, insurers, and policy makers.

NEW SECTION. **Sec. 9.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(1), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the

board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

Sec. 10. RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~((RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360))~~ subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include the cost to the department of contracting with the University of Washington to allow online access to selected vital clinical resources negotiated and maintained for the exclusive use of the licensed health professionals included in this subsection by the University of Washington health sciences library.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

REDUCING UNNECESSARY EMERGENCY ROOM USE

Sec. 11. RCW 41.05.220 and 1998 c 245 s 38 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative

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funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

(3) In contracting with community health centers to provide primary health and dental services, migrant health services, and maternity health care services under subsection (1) of this section the authority shall give priority to those community health centers working with local hospitals, local community health collaboratives, and/or local health jurisdictions to successfully reduce unnecessary emergency room use.

NEW SECTION. Sec. 12. The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

REDUCE HEALTH CARE ADMINISTRATIVE COSTS

NEW SECTION. Sec. 13. By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

NEW SECTION. Sec. 14. A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue enrollment under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

NEW SECTION. Sec. 15. A new section is added to chapter 48.20 RCW to read as follows:

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Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 16. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 17. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 18. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

WASHINGTON HEALTH INSURANCE CONNECTOR

NEW SECTION. Sec. 19. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority, in collaboration with an advisory board established under subsection (3) of this section, shall design a Washington health insurance connector and submit implementing legislation and supporting information, including funding options, to the governor and the legislature by December 1, 2007. The connector shall be designed to serve as a statewide, public-private partnership, offering maximum value for Washington state residents, through which nonlarge group health insurance may be bought and sold. It is the goal of the connector to:

(a) Ensure that employees of small businesses and other individuals can find affordable health insurance;

(b) Provide a mechanism for small businesses to contribute to their employees' coverage without the administrative burden of directly shopping or contracting for insurance;

(c) Ensure that individuals can access coverage as they change and/or work in multiple jobs;

(d) Coordinate with other state agency health insurance assistance programs, including the department of social and health services medical assistance programs and the authority's basic health program; and

(e) Lead the health insurance marketplace in implementation of evidence-based medicine, data transparency, prevention and wellness incentives, and outcome-based reimbursement.

(2) In designing the connector, the authority shall:

(a) Address all operational and governance issues;

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(b) Consider best practices in the private and public sectors regarding, but not limited to, such issues as risk and/or purchasing pooling, market competition drivers, risk selection, and consumer choice and responsibility incentives; and

(c) Address key functions of the connector, including but not limited to:

(i) Methods for small businesses and their employees to realize tax benefits from their financial contributions;

(ii) Options for offering choice among a broad array of affordable insurance products designed to meet individual needs, including waiving some current regulatory requirements. Options may include a health savings account/high-deductible health plan, a comprehensive health benefit plan, and other benchmark plans;

(iii) Benchmarking health insurance products to a reasonable standard to enable individuals to make an informed choice of the coverage that is right for them;

(iv) Aggregating premium contributions for an individual from multiple sources: Employers, individuals, philanthropies, and government;

(v) Mechanisms to collect and distribute workers' enrollment information and premium payments to the health plan of their choice;

(vi) Mechanisms for spreading health risk widely to support health insurance premiums that are more affordable;

(vii) Opportunities to reward carriers and consumers whose behavior is consistent with quality, efficiency, and evidence-based best practices;

(viii) Coordination of the transmission of premium assistance payments with the department of social and health services for individuals eligible for the department's employer-sponsored insurance program.

(3) The authority shall appoint an advisory board and designate a chair. Members of the advisory board shall receive no compensation, but shall be reimbursed for expenses under RCW 43.03.050 and 43.03.060. Meetings of the board are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(1), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information.

(4) The authority may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out the requirements of this section.

SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

NEW SECTION. Sec. 20. (1) The department of social and health services shall seek necessary federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options, including benefit designs that discourage the use of emergency rooms for nonemergent care, and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) The department of social and health services, in collaboration with the Washington state health care authority,

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shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds. Priority enrollment in the basic health program shall be given to those who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

NEW SECTION. Sec. 21. A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

REINSURANCE

NEW SECTION. Sec. 22. (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit implementing legislation and supporting information, including financing options, to the governor and the legislature by December 1, 2007. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program like the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

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(f) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

THE WASHINGTON STATE HEALTH INSURANCE POOL

NEW SECTION. **Sec. 23.** The legislature finds that the Washington state health insurance pool is a critically important insurance option for people in this state and must reflect health care provisions based on the best available evidence and be financially sustainable over time. The laws governing the Washington state health insurance pool have been read to preclude the program from modifying contracts, and yet coverage needs and options change with time. Everyone in this state benefits when the Washington state health insurance pool is more affordable and higher performing. Changes are needed to the Washington state health insurance pool to increase affordability, offer quality and cost-effective benefits, and enhance the governance and operation of the pool.

Sec. 24. RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least one policy which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians,

psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The pool shall offer at least one policy which closely adheres to benefits available in the private, individual market.

~~((6))~~ (6) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (7) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (8) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (9) of this section.

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~~((7))~~ (9)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (10) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(11) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

Sec. 25. RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) A pool policy offered under this chapter prior to the effective date of this section shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150.

(2) A pool policy offered after the effective date of this section shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the pool;
- (c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;
- (d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the pool;
- (f) Covered persons materially breaching the pool policy; or
- (g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replaced plan. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan:
(i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) The ability of carriers to offer health plans in the individual market;
- (v) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((7))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

Sec. 26. RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one

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percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 27. RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

Sec. 28. RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards is conducted, with emphasis on those populations identified in subsection (2) of this section and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 29. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

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(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ~~((five hundred))~~ dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written

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request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 30. RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

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Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately. The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

Sec. 31. RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial

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incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

STRENGTHEN THE PUBLIC HEALTH SYSTEM

NEW SECTION. Sec. 32. A new section is added to chapter 43.70 RCW to read as follows:

(1) By December 31, 2007, within funds specifically appropriated therefor, the department shall award basic, noncategorical state public health funding to local public health jurisdictions through an annual contract which is based on performance measures for public health improvement, and which requires regular reporting to demonstrate progress toward meeting performance goals. This shall include local capacity development funds and any additional funds approved by the legislature to strengthen the public health system.

The department shall require the local health jurisdiction to regularly document compliance with contract requirements, and shall report to the legislature every two years on progress toward achieving public health improvement goals with funds provided for this purpose.

(2) Each contract with a local public health jurisdiction shall require reports of data on specific local public health indicators published in the most recent public health improvement plan, and a record of efforts to protect and improve the health of people in each local jurisdiction. To establish a basis for judging progress toward health goals:

(a) The local public health jurisdiction shall report data to document trends in protecting and improving public health using the local public health indicators;

(b) The department shall assist in assuring that needed data can be obtained at the county or local jurisdiction level;

(c) Technical assistance and information about evidence-based practice shall be provided to local jurisdictions through the efforts of the department; and

(d) The department shall routinely publish information on successful practices so that all local jurisdictions have information to improve effectiveness.

(3) To qualify for state funding under this section, local health jurisdictions must participate in demonstrating basic capacity to perform expected functions described in *Standards for Public Health* and published in the public health services improvement plan under RCW 43.70.520:

(a) The *Standards for Public Health* shall serve as the basic framework for evaluating each local health jurisdiction's ability

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to meet minimum expectations to perform public health functions;

(b) A measurement of every local jurisdiction shall be conducted no less than every third year;

(c) The department shall participate in the standards measurement process so that state-level support of the public health system is demonstrated; and

(d) Each local jurisdiction shall develop a quality improvement plan to use standards measurement results to improve capacity to meet public health standards prior to the next measurement cycle.

PREVENTION AND HEALTH PROMOTION

NEW SECTION. Sec. 33. The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state health programs by:

(1) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;

(2) Requiring enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(3) Reimbursing for cost-effective prevention activities; and

(4) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

The plan shall identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law, and be submitted to the governor and the legislature upon completion. The agencies shall include health insurance carriers in the development of the plan.

Sec. 34. RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel,))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.~~

~~—(2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment.~~

~~—(2) The state employee health program shall:~~

~~(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~(b) Develop effective communication tools and ongoing training for wellness staff;~~

~~(c) Contract with outside vendors for evaluation of program goals;~~

~~(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:~~

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(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.

(3) The health care authority shall report to the legislature in December 2008, 2009, and 2010 on outcome goals for the employee health program.

NEW SECTION. Sec. 35. A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall create a state employee health demonstration project in four state agencies: The department of health, department of personnel, department of natural resources, and department of labor and industries. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program. Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(2) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008, 2009, and 2010 on the demonstration project.

(3) This section expires June 30, 2011.

NEW SECTION. Sec. 36. The legislature finds that prescription drug abuse has been on the rise and that often dispensers and prescribing providers are unaware of prescriptions provided by others both in and out of state.

It is the intent of the legislature to establish an electronic database available in real time to dispensers and prescribers of controlled substances. And further, that the department in as much as possible should establish a common dataset with other sets of other states.

NEW SECTION. Sec. 37. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a person who delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

NEW SECTION. Sec. 38. (1) The department shall establish and maintain a web-based interactive prescription monitoring program available in real time to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. As much as possible, the department should establish a common database with other states.

(2) Each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be immediately reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall immediately submit the information in accordance with transmission methods established by the department.

(4) The department may issue a waiver to a dispenser that is unable to submit prescription information by electronic means; however, all dispensers shall be required to submit prescription information by electronic means within one year from the effective date of this section. The waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required in subsection (2) of this section is submitted in this alternative format.

(5) The department shall seek federal grants to cover the costs of operating the prescription monitoring program. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

(6) The department shall report to the legislature on the implementation of this chapter by December 1, 2009.

NEW SECTION. Sec. 39. (1) Prescription information submitted to the department shall be confidential, in compliance with the health insurance portability and accountability act, and not subject to disclosure, except as provided in subsections (3), (4), and (5) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3), (4), and (5) of this section.

(3) The department shall review the prescription information. The department shall notify the practitioner and allow explanation or correction of any problem. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide prescription information required for an investigation.

(4) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

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(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) Other entities under grand jury subpoena or court order; and

(g) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(5) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(6) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

NEW SECTION. Sec. 40. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 39 of this act and is subject to the penalties specified in section 42 of this act for unlawful acts.

NEW SECTION. Sec. 41. The department shall adopt rules to implement this chapter.

NEW SECTION. Sec. 42. (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with the health insurance portability and accountability act, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

NEW SECTION. Sec. 43. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 44. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 69.— RCW (sections 36 through 43 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 45. Sections 36 through 43 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 46. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 47. Sections 14 through 18 of this act take effect January 1, 2008.

NEW SECTION. Sec. 48. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

(1) Section 8 of this act (Washington state quality forum);

(2) Section 9 of this act (health records banking pilot project);

(3) Section 19 of this act (health insurance connector); and

(4) Section 35 of this act (state employee health demonstration project).

NEW SECTION. Sec. 49. Sections 23 through 31 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

WITHDRAWAL OF AMENDMENT

On motion of Senator Keiser, the striking amendment by Senator Keiser to Second Substitute Senate Bill No. 5930 was withdrawn.

MOTION

Senator Keiser moved that the following striking amendment by Senator Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY

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NEW SECTION. Sec. 1. The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within state purchased health care programs to:

- (1) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;
- (2) Pay for care that reflects patient preference and is of proven value;
- (3) Require the use of evidence-based standards of care where available;
- (4) Tie provider rate increases to measurable improvements in access to quality care;
- (5) Direct enrollees to quality care systems;
- (6) Better support primary care and provide a medical home to all enrollees; and
- (7) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

The plan shall identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law and be submitted to the governor and the legislature upon completion.

NEW SECTION. Sec. 2. The legislature finds that unwarranted variations in health care, variations not explained by illness, patient preference, or the dictates of evidence-based medicine, are a significant feature of health care in Washington state. There is growing evidence that, for preference-sensitive care involving elective surgery, the quality of patient-practitioner communication about the benefits, harms, and uncertainty of available treatment options can be improved by introducing high-quality decision aids that encourage shared decision making. The international patient decision aid standards collaboration, a network of over one hundred researchers, practitioners, patients, and policy makers from fourteen countries, have developed standards for constructing high-quality decision aids. The legislature declares an intent to focus on improving the quality of patient-practitioner communication and on increasing the extent to which patients make genuinely informed, preference-based treatment decisions. Randomized clinical trial evidence indicates that effective use of well designed decision aids is likely to improve the quality of patient decision making, reduce unwarranted variations in health care, and result in lower health care costs overall. Despite this growing body of evidence, widespread use of decision aids has yet to occur. Barriers include: (1) Lack of awareness of existing, appropriate, high-quality decision aids; (2) poor accessibility to such decision aids; (3) low practitioner acceptance of decision aids in terms of compatibility with their practice, ease of use, and expense to incorporate into practice; (4) lack of incentives for use, such as reduced liability and reimbursement for their use; and (5) lack of a process to certify that a decision aid meets the standards required of a high-quality decision aid. The legislature intends to promote new public/private collaborative efforts to broaden the development, use, evaluation, and certification of effective decision aids and intends to support the collaborative through providing new recognition of the shared decision-making process and patient decision aids in the state's laws on informed consent. The legislature also intends to establish a process for certifying that a given decision aid meets the standards required for a high-quality decision aid.

NEW SECTION. Sec. 3. The state health care authority shall work in collaboration with the health professions and quality improvement communities to increase awareness of appropriate, high-quality decision aids, and to train physicians and other practitioners in their use. The effort shall focus on one or more of the preference-sensitive conditions with high rates of unwarranted variation in Washington, and can include strategies such as prominent linkage to such decision aids in state web sites, and training/awareness programs in conjunction with professional and quality improvement groups. The state health care authority shall, in consultation with the national committee

for quality assurance, identify a certification process for patient decision aids. The state health care authority may accept donations or grants to support such efforts.

NEW SECTION. Sec. 4. The state health care authority shall work with contracting health carriers and health care providers, and a nonproprietary public interest research group and/or university-based research group, to implement practical and usable models to demonstrate shared decision making in everyday clinical practice. The demonstrations shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstrations must include the following elements: Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology. The evaluation must include the following elements: (1) A comparison between the demonstration sites and, if appropriate, between the demonstration sites and a control group, of the impact of the shared decision-making process employing the decision aids on: The use of preference-sensitive health care services; and associated costs saved and/or expended; and (2) an assessment of patient knowledge of the relevant health care choices, benefits, harms, and uncertainties; concordance between patient values and care received; and satisfaction with the decision-making process and their health outcomes by patients and involved physicians and other health care practitioners. The health care authority may solicit and accept funding to support the demonstration and evaluation.

Sec. 5. RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

- ((+)) (a) A description, in language the patient could reasonably be expected to understand, of:
 - ((+)) (i) The nature and character of the proposed treatment;
 - ((+)) (ii) The anticipated results of the proposed treatment;
 - ((+)) (iii) The recognized possible alternative forms of treatment; and
 - ((+)) (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

((+)) (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ((+) of this section)).

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in subsection (3) of this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

- (a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;
- (b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

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(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) "Shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (1)(a) of this section, with or without the use of a patient decision aid, and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others. The goal of shared decision making is for the patient and physician or other health care practitioner to feel they appropriately understand the nature of the procedure, the risks and benefits, as well as the individual values and preferences that influence the treatment decision, such that both are willing to sign a statement acknowledging that they have engaged in shared decision making and setting forth the agreed treatment to be furnished.

(4) "Patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations approved by the health care authority. In order to be an approved national certifying organization, an organization must use a rigorous evaluation process to assure that decision aids are competently developed, provide a balanced presentation of treatment options, benefits, and harms, and are efficacious at improving decision making.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

NEW SECTION. Sec. 6. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients

best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Contract for a study of chronic care management, to include evaluation of current efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

NEW SECTION. Sec. 7. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid and medicare programs.

COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS

NEW SECTION. Sec. 8. A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. The forum shall collaborate with the Puget Sound health alliance and other local organizations and shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns identified to purchasers, providers, insurers, and policy makers.

NEW SECTION. Sec. 9. A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

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(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential unpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in the work of the committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

Sec. 10. RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~((RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360))~~ subsection (3) of this section, fees charged shall be based on, but

shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include the cost to the department of contracting with the University of Washington to allow online access to selected vital clinical resources negotiated and maintained for the exclusive use of the licensed health professionals included in this subsection by the University of Washington health sciences library.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

REDUCING UNNECESSARY EMERGENCY ROOM USE

Sec. 11. RCW 41.05.220 and 1998 c 245 s 38 are each amended to read as follows:

(1) State general funds appropriated to the department of health for the purposes of funding community health centers to provide primary health and dental care services, migrant health services, and maternity health care services shall be transferred to the state health care authority. Any related administrative funds expended by the department of health for this purpose shall also be transferred to the health care authority. The health care authority shall exclusively expend these funds through contracts with community health centers to provide primary health and dental care services, migrant health services, and maternity health care services. The administrator of the health care authority shall establish requirements necessary to assure community health centers provide quality health care services that are appropriate and effective and are delivered in a cost-efficient manner. The administrator shall further assure that community health centers have appropriate referral arrangements for acute care and medical specialty services not provided by the community health centers.

(2) The authority, in consultation with the department of health, shall work with community and migrant health clinics and other providers of care to underserved populations, to ensure that the number of people of color and underserved people receiving access to managed care is expanded in proportion to need, based upon demographic data.

(3) In contracting with community health centers to provide primary health and dental services, migrant health services, and maternity health care services under subsection (1) of this section the authority shall give priority to those community health centers working with local hospitals, local community health collaboratives, and/or local health jurisdictions to successfully reduce unnecessary emergency room use.

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NEW SECTION. Sec. 12. The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

REDUCE HEALTH CARE ADMINISTRATIVE COSTS

NEW SECTION. Sec. 13. By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

NEW SECTION. Sec. 14. A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue enrollment under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

NEW SECTION. Sec. 15. A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 16. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 17. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

NEW SECTION. Sec. 18. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five who is a "qualifying child" or "qualifying relative" as defined in section 152 of the internal revenue code.

WASHINGTON HEALTH INSURANCE CONNECTOR

NEW SECTION. Sec. 19. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority, in collaboration with an advisory board established under subsection (3) of this section, shall design a Washington health insurance connector and submit implementing legislation and supporting information, including funding options, to the governor and the legislature by December 1, 2007. The connector shall be designed to serve as a statewide, public-private partnership, offering maximum value for Washington state residents, through which nonlarge group health insurance may be bought and sold. It is the goal of the connector to:

(a) Ensure that employees of small businesses and other individuals can find affordable health insurance;

(b) Provide a mechanism for small businesses to contribute to their employees' coverage without the administrative burden of directly shopping or contracting for insurance;

(c) Ensure that individuals can access coverage as they change and/or work in multiple jobs;

(d) Coordinate with other state agency health insurance assistance programs, including the department of social and health services medical assistance programs and the authority's basic health program; and

(e) Lead the health insurance marketplace in implementation of evidence-based medicine, data transparency, prevention and wellness incentives, and outcome-based reimbursement.

(2) In designing the connector, the authority shall:

(a) Address all operational and governance issues;

(b) Consider best practices in the private and public sectors regarding, but not limited to, such issues as risk and/or purchasing pooling, market competition drivers, risk selection, and consumer choice and responsibility incentives; and

(c) Address key functions of the connector, including but not limited to:

(i) Methods for small businesses and their employees to realize tax benefits from their financial contributions;

(ii) Options for offering choice among a broad array of affordable insurance products designed to meet individual needs, including waiving some current regulatory requirements. Options may include a health savings account/high-deductible health plan, a comprehensive health benefit plan, and other benchmark plans;

(iii) Benchmarking health insurance products to a reasonable standard to enable individuals to make an informed choice of the coverage that is right for them;

(iv) Aggregating premium contributions for an individual from multiple sources: Employers, individuals, philanthropies, and government;

(v) Mechanisms to collect and distribute workers' enrollment information and premium payments to the health plan of their choice;

(vi) Mechanisms for spreading health risk widely to support health insurance premiums that are more affordable;

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(vii) Opportunities to reward carriers and consumers whose behavior is consistent with quality, efficiency, and evidence-based best practices;

(viii) Coordination of the transmission of premium assistance payments with the department of social and health services for individuals eligible for the department's employer-sponsored insurance program.

(3) The authority shall appoint an advisory board and designate a chair. Members of the advisory board shall receive no compensation, but shall be reimbursed for expenses under RCW 43.03.050 and 43.03.060. Meetings of the board are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(I), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential unpublished information.

(4) The authority may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out the requirements of this section.

SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

NEW SECTION. Sec. 20. (1) The department of social and health services shall seek necessary federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options, including benefit designs that discourage the use of emergency rooms for nonemergent care, and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds. Priority enrollment in the basic health program shall be given to those who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

NEW SECTION. Sec. 21. A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

REINSURANCE

NEW SECTION. Sec. 22. (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and

submit implementing legislation and supporting information, including financing options, to the governor and the legislature by December 1, 2007. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program like the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(f) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

THE WASHINGTON STATE HEALTH INSURANCE POOL

NEW SECTION. Sec. 23. The legislature finds that the Washington state health insurance pool is a critically important insurance option for people in this state and must reflect health care provisions based on the best available evidence and be financially sustainable over time. The laws governing the Washington state health insurance pool have been read to preclude the program from modifying contracts, and yet coverage needs and options change with time. Everyone in this state benefits when the Washington state health insurance pool is more affordable and higher performing. Changes are needed to the Washington state health insurance pool to increase affordability, offer quality and cost-effective benefits, and enhance the governance and operation of the pool.

Sec. 24. RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

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(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features and encourage enrollees to participate in chronic care and disease management and evidence-based protocols into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least one policy which at a minimum includes, but is not limited to, the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, but limited to a total of one hundred eighty inpatient days in a calendar year, and limited to thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) The first twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not more than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery limited to the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The pool shall offer at least one policy which closely adheres to benefits available in the private, individual market.

~~((6))~~ (6) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (7) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however, no limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.))~~

~~((6))~~ (8) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (9) of this section.

~~((7))~~ (9)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (10) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(11) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

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Sec. 25. RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

(1) A pool policy offered under this chapter prior to the effective date of this section shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150.

(2) A pool policy offered after the effective date of this section shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the pool;
- (c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;
- (d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the pool;
- (f) Covered persons materially breaching the pool policy; or
- (g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replaced plan. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) The ability of carriers to offer health plans in the individual market;
- (v) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

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(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((3))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

Sec. 26. RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 27. RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a

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threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

Sec. 28. RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~((one))~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

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(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 29. RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection ~~((2))~~ (2) of this section, a pool policy offered in accordance with RCW 48.41.110(3) shall impose a deductible. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

~~(2) ((Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at the rate of twenty percent of eligible expenses in excess of the mandatory deductible.~~

~~—(3))~~ The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under a pool policy offered in accordance with RCW 48.41.110(3) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

~~((4))~~ (3) Eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(4) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

Sec. 30. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

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(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ~~((five hundred))~~ dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate

medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

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(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 31. RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately. The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

Sec. 32. RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may

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preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

STRENGTHEN THE PUBLIC HEALTH SYSTEM

NEW SECTION. Sec. 33. A new section is added to chapter 43.70 RCW to read as follows:

(1) By December 31, 2007, within funds specifically appropriated therefor, the department shall award basic, noncategorical state public health funding to local public health jurisdictions through an annual contract which is based on performance measures for public health improvement, and which requires regular reporting to demonstrate progress toward meeting performance goals. This shall include local capacity development funds and any additional funds approved by the legislature to strengthen the public health system.

The department shall require the local health jurisdiction to regularly document compliance with contract requirements, and shall report to the legislature every two years on progress toward achieving public health improvement goals with funds provided for this purpose.

(2) Each contract with a local public health jurisdiction shall require reports of data on specific local public health indicators published in the most recent public health improvement plan, and a record of efforts to protect and improve the health of people in each local jurisdiction. To establish a basis for judging progress toward health goals:

(a) The local public health jurisdiction shall report data to document trends in protecting and improving public health using the local public health indicators;

(b) The department shall assist in assuring that needed data can be obtained at the county or local jurisdiction level;

(c) Technical assistance and information about evidence-based practice shall be provided to local jurisdictions through the efforts of the department; and

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(d) The department shall routinely publish information on successful practices so that all local jurisdictions have information to improve effectiveness.

(3) To qualify for state funding under this section, local health jurisdictions must participate in demonstrating basic capacity to perform expected functions described in *Standards for Public Health* and published in the public health services improvement plan under RCW 43.70.520:

(a) The *Standards for Public Health* shall serve as the basic framework for evaluating each local health jurisdiction's ability to meet minimum expectations to perform public health functions;

(b) A measurement of every local jurisdiction shall be conducted no less than every third year;

(c) The department shall participate in the standards measurement process so that state-level support of the public health system is demonstrated; and

(d) Each local jurisdiction shall develop a quality improvement plan to use standards measurement results to improve capacity to meet public health standards prior to the next measurement cycle.

PREVENTION AND HEALTH PROMOTION

NEW SECTION. Sec. 34. The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state health programs by:

(1) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;

(2) Requiring enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(3) Reimbursing for cost-effective prevention activities; and

(4) Developing prevention and health promotion contracting standards for state programs that contract with health carriers. The plan shall identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law, and be submitted to the governor and the legislature upon completion. The agencies shall include health insurance carriers in the development of the plan.

Sec. 35. RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~(the department of personnel,)~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.~~

~~(2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment.~~

~~(2) The state employee health program shall:~~

~~(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~(b) Develop effective communication tools and ongoing training for wellness staff;~~

~~(c) Contract with outside vendors for evaluation of program goals;~~

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(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.

(3) The health care authority shall report to the legislature in December 2008, 2009, and 2010 on outcome goals for the employee health program.

NEW SECTION. Sec. 36. A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall create a state employee health demonstration project in four state agencies: The department of health, department of personnel, department of natural resources, and department of labor and industries. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program. Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(2) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008, 2009, and 2010 on the demonstration project.

(3) This section expires June 30, 2011.

NEW SECTION. Sec. 37. The legislature finds that prescription drug abuse has been on the rise and that often dispensers and prescribing providers are unaware of prescriptions provided by others both in and out of state.

It is the intent of the legislature to establish an electronic database available in real time to dispensers and prescribers of controlled substances. And further, that the department in as much as possible should establish a common dataset with other sets of other states.

NEW SECTION. Sec. 38. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a person who delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

NEW SECTION. Sec. 39. (1) The department shall establish and maintain a web-based interactive prescription monitoring program available in real time to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. As much as possible, the department should establish a common database with other states.

(2) Each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be immediately reported. The information submitted for each prescription shall include, but not be limited to:

(a) Patient identifier;

(b) Drug dispensed;

(c) Date of dispensing;

(d) Quantity dispensed;

(e) Prescriber; and

(f) Dispenser.

(3) Each dispenser shall immediately submit the information in accordance with transmission methods established by the department.

(4) The department may issue a waiver to a dispenser that is unable to submit prescription information by electronic means; however, all dispensers shall be required to submit prescription information by electronic means within one year from the effective date of this section. The waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required in subsection (2) of this section is submitted in this alternative format.

(5) The department shall seek federal grants to cover the costs of operating the prescription monitoring program. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

(6) The department shall report to the legislature on the implementation of this chapter by December 1, 2009.

NEW SECTION. Sec. 40. (1) Prescription information submitted to the department shall be confidential, in compliance with the health insurance portability and accountability act, and not subject to disclosure, except as provided in subsections (3), (4), and (5) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3), (4), and (5) of this section.

(3) The department shall review the prescription information. The department shall notify the practitioner and allow explanation or correction of any problem. If there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide prescription information required for an investigation.

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(4) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) Other entities under grand jury subpoena or court order; and

(g) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(5) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(6) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

NEW SECTION. Sec. 41. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 40 of this act and is subject to the penalties specified in section 43 of this act for unlawful acts.

NEW SECTION. Sec. 42. The department shall adopt rules to implement this chapter.

NEW SECTION. Sec. 43. (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with the health insurance portability and accountability act, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

NEW SECTION. Sec. 44. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 45. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee

under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 69.-- RCW (sections 37 through 44 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 46. Sections 37 through 44 of this act constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 47. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 48. Sections 14 through 18 of this act take effect January 1, 2008.

NEW SECTION. Sec. 49. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

(1) Section 8 of this act (Washington state quality forum);

(2) Section 9 of this act (health records banking pilot project);

(3) Section 19 of this act (health insurance connector); and

(4) Section 36 of this act (state employee health demonstration project).

NEW SECTION. Sec. 50. Sections 23 through 32 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Senator Keiser spoke in favor of adoption of the striking amendment.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 1, line 24, after "completion.", insert "The agencies shall report annually to the legislature beginning September

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2007, and September of each year thereafter, initially on (1) what the targets are, and in the years to follow, (2) the effectiveness and efficiency with which each strategy in the plan has achieved the goals of reducing the cost of health care for individuals, improving people's health, and achieving the goals set for this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 1, line 24 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 8, line 5, after "makers.", insert "The agencies shall report annually to the legislature beginning September 2007, and September of each year thereafter, initially on (1) what the targets are, and in the years to follow, (2) the effectiveness and efficiency with which each strategy in the plan has achieved the goals of reducing the cost of health care for individuals, improving people's health, and achieving the goals set for this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 8, line 5 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 11, after line 32, insert "The agencies shall design a plan to require hospitals serving patients enrolled in their state financed health plans to effectively link or refer non-emergent patients seeking care in hospital emergency rooms to twenty-four hour clinics located in the community. The clinic must be reasonably accessible and available to the patient. The agencies shall design a plan to provide all enrollees, beneficiaries, and participants in their health coverage access to a twenty-four hour, seven day a week, nurse hotline that is accessible via the two-one-one system. The agencies shall develop technical service agreements to secure public service announcements through television, radio and print media to inform the public of access to the nurse hotline."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the

amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 11, after line 32 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 12, line 5, after "parties.", insert "In developing the report, the insurance commissioner shall work with health insurance carriers to develop a plan to implement the recommendations from the 2003-2004 health insurance regulation review and streamlining work group."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 12, line 5 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 16, line 19, after "coverage." insert "(3) In coordination with the health care authority, the departments shall design and implement a medical home for chronically ill state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The agencies shall consider expansion of existing medical home and chronic care management programs. The agencies shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 16, line 19 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

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On page 38, line 27, after "completion.", insert "The agencies shall report annually to the legislature beginning September 2007, and September of each year thereafter, initially on (1) what the targets are, and in the years to follow, (2) the effectiveness and efficiency with which each strategy in the plan has achieved the goals of reducing the cost of health care for individuals, improving people's health, and achieving the goals set for this section."

Re-number the sections consecutively and correct any internal references accordingly.

Senators Pflug and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 38, line 27 to the striking amendment to Engrossed Second Substitute Senate Bill No. 5930.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Haugen to the striking amendment be adopted.

On page 45, after line 33 of the amendment, insert the following:

"**Sec. 46.** RCW 48.43.041 and 2000 c 79 s 26 are each amended to read as follows:

(1) All individual health benefit plans, other than catastrophic health plans (~~offered or renewed on or after October 1, 2000~~) and plans for young adults as described in subsection (3) of this section, shall include benefits described in this section. Nothing in this section shall be construed to require a carrier to offer an individual health benefit plan.

(a) Maternity services that include, with no enrollee cost-sharing requirements beyond those generally applicable cost-sharing requirements: Diagnosis of pregnancy; prenatal care; delivery; care for complications of pregnancy; physician services; hospital services; operating or other special procedure rooms; radiology and laboratory services; appropriate medications; anesthesia; and services required under RCW 48.43.115; and

(b) Prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually.

(2) If a carrier offers a health benefit plan that is not a catastrophic health plan to groups, and it chooses to offer a health benefit plan to individuals, it must offer at least one health benefit plan to individuals that is not a catastrophic health plan.

(3) Carriers may design and offer a separate health plan targeted at young adults between nineteen and thirty-four years of age. The plan may include the benefits required under subsections (1) and (2) of this section but is not required to include these benefits. The health plan designed for young adults may be exempt from the requirements of RCW 48.43.045(1), 48.43.515(5), 48.44.327, 48.20.392, and 48.46.277.

Sec. 47. RCW 48.44.022 and 2006 c 100 s 3 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.44.021, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the

adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.44.021, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 48. RCW 48.46.064 and 2006 c 100 s 5 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.46.063, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.46.063, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 49. RCW 48.20.029 and 2006 c 100 s 2 are each amended to read as follows:

(1) Premiums for health benefit plans for individuals who purchase the plan as a member of a purchasing pool:

- (a) Consisting of five hundred or more individuals affiliated with a particular industry;
- (b) To whom care management services are provided as a benefit of pool membership; and
- (c) Which allows contributions from more than one

employer to be used towards the purchase of an individual's health benefit plan; shall be calculated using the adjusted community rating method that spreads financial risk across the entire purchasing pool of which the individual is a member. All such rates shall conform to the following:

(i) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (A) Geographic area;
- (B) Family size;
- (C) Age;
- (D) Tenure discounts; and
- (E) Wellness activities.

(ii) The adjustment for age in (c)(i)(C) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(iii) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer, and coverage for which medicare is not the primary payer. Both rates are subject to the requirements of this subsection.

(iv) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(v) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(vi) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (A) Changes to the family composition;
- (B) Changes to the health benefit plan requested by the individual; or
- (C) Changes in government requirements affecting the health benefit plan.

(vii) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(viii) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(c)(iv) of this section.

(3) As used in this section, "health benefit plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

NEW SECTION. Sec. 50. A new section is added to chapter 48.43 RCW to read as follows:

The office of the insurance commissioner shall make

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available educational and outreach materials targeted to young adults aged nineteen to thirty-four, as funding becomes available. Education and outreach efforts shall focus on educating young consumers on the importance and value of health insurance, including educational materials, public service messages, and other outreach activities. The commissioner is authorized to fund these activities with grants, donations, in-kind contributions, or other funding that may be available."

On page 46, line 21 of the title amendment, after "41.05.075," strike "and 41.05.540" and insert "41.05.540, 48.43.041, 48.44.022, 48.46.064, and 48.20.029"

On page 46, beginning on line 26 of the title amendment, strike "a new section to chapter 48.43" and insert "new sections to chapter 48.43"

WITHDRAWAL OF AMENDMENT

On motion of Senator Parlette, the amendment by Senators Parlette and Haugen on page 45, line 33 to the striking amendment to Second Substitute Senate Bill No. 5930 was withdrawn.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Haugen to the striking amendment be adopted.

On page 45, after line 33 of the amendment, insert the following:

"NEW SECTION. **Sec. 46.** The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer coverage due to its high cost. It is the intent of the legislature to encourage the availability of less expensive health insurance plans, and expand the flexibility of small employers to purchase less expensive products.

Sec. 47. RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees ~~((ff:))~~ or participating carriers on behalf of employees.

(a) The eligible employee ~~((ts))~~ must be employed by a small employer~~((:))~~.

(b) ~~((The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and))~~ Small employers may offer any available health benefit plan including health savings accounts. Health savings account subsidy payments may be provided to eligible employees if the eligible employee participates in an employer-sponsored high deductible health plan and health savings account that conforms to the requirements of the United States internal revenue service.

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy

schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

Sec. 48. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

~~(1)((ta))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~—(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.240, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

~~—(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts~~

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shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool, ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries~~

~~that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 49. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)~~((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude~~

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a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~—(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.340, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.~~

~~(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.~~

~~((3)) (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:~~

~~(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:~~

- ~~(i) Geographic area;~~
- ~~(ii) Family size;~~
- ~~(iii) Age; and~~
- ~~(iv) Wellness activities.~~

~~(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.~~

~~(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ((3)) (4).~~

~~(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.~~

~~(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.~~

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ((four)) eight percentage points from the overall adjustment of a carrier's entire small group pool((, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.~~

~~((4)) (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.~~

~~((5)) (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.~~

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for

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groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 50. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

~~(1)((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. (Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.290, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All

forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier,~~

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~~certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal)) if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner and must be approved or denied within thirty days of submittal. A variation that is not denied within ((sixty)) thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ((within thirty days)) at the time of the denial.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 51. RCW 48.21.047 and 2005 c 223 s 11 are each amended to read as follows:

(1) An insurer may not offer any health benefit plan to any small employer without complying with RCW 48.21.045(~~((3))~~) (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.21.045(~~((3))~~) (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

Sec. 52. RCW 48.43.028 and 2001 c 196 s 10 are each amended to read as follows:

To the extent required of the federal health insurance portability and accountability act of 1996, the eligibility of an employer or group to purchase a health benefit plan set forth in RCW 48.21.045(1)(~~((b))~~), 48.44.023(1)(~~((b))~~), and 48.46.066(1)(~~((b))~~) must be extended to all small employers and small groups as defined in RCW 48.43.005.

Sec. 53. RCW 48.44.024 and 2003 c 248 s 15 are each amended to read as follows:

(1) A health care service contractor may not offer any health benefit plan to any small employer without complying with RCW 48.44.023(~~((3))~~) (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.44.023(~~((3))~~) (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

Sec. 54. RCW 48.46.068 and 2003 c 248 s 16 are each amended to read as follows:

(1) A health maintenance organization may not offer any health benefit plan to any small employer without complying with RCW 48.46.066(~~((3))~~) (4).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and are not subject to RCW 48.46.066(~~((3))~~) (4).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005."

Renumber the remaining sections consecutively.

Senators Parlette and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Haugen on page 45, after line 33 to the striking amendment to Second Substitute Senate Bill No. 5930.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser as amended to Second Substitute Senate Bill No. 5930.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 3 of the title, after "access;" strike the remainder of the title and insert "amending RCW 7.70.060, 43.70.110, 41.05.220, 48.41.110, 48.41.160, 48.41.200, 48.41.037, 48.41.100, 48.43.005, 48.41.190, 41.05.075, and 41.05.540; reenacting and amending RCW 42.56.360; adding a new section to chapter 74.09 RCW; adding new sections to

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chapter 43.70 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.43 RCW; adding a new chapter to Title 69 RCW; creating new sections; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

On page 46, line 21 of the title amendment, after "41.05.075," strike "and 41.05.540" and insert "41.05.540, 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 48.21.047, 48.43.028, 48.44.024, and 48.46.068"

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5930 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Pflug and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5930.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5930 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5813, by Senators McAuliffe, Hobbs, Weinstein, Kauffman, Eide, Tom, Rasmussen, Kohl-Welles, Murray, Shin, Marr, Oemig, Kilmer and Delvin

Improving mathematics and science education. Revised for 2nd Substitute: Creating educational opportunities.

MOTION

On motion of Senator McAuliffe, Second Substitute Senate Bill No. 5813 was substituted for Senate Bill No. 5813 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Pflug be adopted.

On page 3, after line 24, strike all of section 2.

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Renumber the sections consecutively and correct any internal references accordingly.

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Pflug on page 3, after line 24 to Second Substitute Senate Bill No. 5813.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe be adopted.

On page 6, line 32, after "education," strike all material through "science" and insert "or English as a second language"

On page 7, beginning on line 5, strike all material through "endorsement." on line 18 and insert the following:

"(1) The retooling to teach mathematics and science conditional scholarship program is created. Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for a mathematics or science endorsement, or both, in two years or less.

(2) Entry requirements for candidates include current K-12 teachers pursuing a middle level mathematics or science endorsement, or secondary mathematics or science endorsement."

On page 8, at the beginning of line 27, strike all material through "science" and insert "or English as a second language"

On page 8, beginning on line 35, after "mathematics" strike all material through "language," on line 36

Beginning on page 9, line 4, strike all material through "and" on line 19, and insert the following:

"(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement, but not employed in positions requiring an elementary education certificate, shall pursue an endorsement in middle level mathematics or science, or both; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive a mathematics or science endorsement, or both, which shall include passing a mathematics or science endorsement test, or both tests, plus observation and completing applicable coursework to attain the proper endorsement; and"

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 6, line 32 to Second Substitute Senate Bill No. 5813.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended,

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Engrossed Second Substitute Senate Bill No. 5813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

MOTION

On motion of Senator Zarelli, Senator Pflug was excused.

Senator Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5813.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5813 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Pflug - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:38 p.m., on motion of Senator Eide, the Senate adjourned until 9:45 a.m. Saturday, March 10, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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Referred to Committee on Economic Development, Trade & Management.

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 10, 2007

The Senate was called to order at 9:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Delvin and Hewitt.

The Sergeant at Arms Color Guard consisting of Interns Theresa Hickey and Cody Garner, presented the Colors. Pastor Betty Hatter of the City of Truth Ministries Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1030 by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Takko, Lovick, Simpson, Haler, Blake, Campbell, Ross, Skinner, Newhouse, Conway, Morrell, Chandler, McDonald, Rodne, Kristiansen, Wallace, Moeller, VanDeWege, McCune, Williams, Bailey, Warnick, Upthegrove, Alexander and Pearson)

AN ACT Relating to the penalty for attempting to elude a police vehicle; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 1050 by House Committee on Education (originally sponsored by Representatives Upthegrove, Quall, Kagi, Pedersen, Morrell, Kenney, P. Sullivan, Jarrett, Simpson, Wallace, Cody, McDermott, Linville, Moeller, Morris, Springer, Wood, Santos, Schual-Berke, Williams, Ormsby and Hasegawa)

AN ACT Relating to allowing certain students with disabilities to participate in graduation ceremonies; adding a new section to chapter 28A.155 RCW; and creating new sections.

Referred to Committee on Early Learning & K-12 Education.

SHB 1091 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives VanDeWege, Chase, Upthegrove, Miloscia, B. Sullivan, O'Brien, P. Sullivan, Morrell, Sells, Kenney, Rolfes, Kelley, Moeller, Wallace and Eddy)

AN ACT Relating to innovation partnership zones; amending RCW 39.102.070 and 82.14.370; adding a new section to chapter 43.330 RCW; creating a new section; and providing an expiration date.

2SHB 1096 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos, Simpson, Haigh, Lantz, Kagi and Rolfes)

AN ACT Relating to creating postsecondary opportunity programs; amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

2SHB 1106 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Chase, Hankins, Morrell, Appleton, Hudgins, McDermott and Wallace)

AN ACT Relating to the reporting of infections acquired in health care facilities; reenacting and amending RCW 70.41.200 and 42.56.360; adding new sections to chapter 43.70 RCW; and creating new sections.

Referred to Committee on Health & Long-Term Care.

ESHB 1147 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Wallace, Haigh, Moeller, Haler and Condotta)

AN ACT Relating to damage to livestock caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1148 by House Committee on Housing (originally sponsored by Representatives Simpson, Dunn, Orcutt, McCune, Chase, Wallace, Ormsby and Springer)

AN ACT Relating to the restriction of mobile home or manufactured home locations in mobile home parks or manufactured housing communities; and amending RCW 35.21.684, 35A.21.312, and 36.01.225.

Referred to Committee on Consumer Protection & Housing.

2SHB 1178 by House Committee on Appropriations (originally sponsored by Representatives Rolfes, Linville, Simpson, Wallace, Kenney, Ericks and Green)

AN ACT Relating to contracts with associate development organizations for economic development services; amending RCW 43.330.080; adding new sections to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Economic Development, Trade & Management.

ESHB 1226 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Sells, Barlow, Santos, Appleton, Lovick, Strow, Hasegawa, Quall,

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Dunshee, Hunt, McCoy, Priest, Ormsby, Wood, Wallace, Conway, Kenney, VanDeWege, Dickerson, Haigh and Simpson)

AN ACT Relating to insurance coverage for colorectal cancer early detection; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

AN ACT Relating to establishing the first peoples' language, culture, and history teacher certification program; amending RCW 28A.415.020; adding a new section to chapter 28A.410 RCW; and creating new sections.

HB 1371 by Representative Appleton

Referred to Committee on Early Learning & K-12 Education.

AN ACT Relating to traffic infractions involving rental vehicles; and amending RCW 46.63.073, 46.63.160, and 46.63.170.

Referred to Committee on Transportation.

SHB 1276 by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Linville, McDonald, Dunshee, Chase, Uphegrove, Strow, Dunn, Haler, VanDeWege, McCune, Kenney, Roberts and Morrell)

ESHB 1512 by House Committee on Finance (originally sponsored by Representatives Hasegawa, Haler, Pettigrew, Skinner, Santos, Hankins, Kenney, Walsh, McCoy, Kirby, Schual-Berke, Chase, Williams, Roberts, P. Sullivan, Hudgins, Ericks, Darneille, Kagi and Ormsby)

AN ACT Relating to creating a public-private tourism partnership; amending RCW 67.40.040, 43.330.096, 43.330.090, and 43.330.094; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.330.096; and repealing RCW 43.330.095.

AN ACT Relating to the linked deposit program; amending RCW 43.86A.030 and 43.86A.060; adding a new section to chapter 43.86A RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Economic Development, Trade & Management.

Referred to Committee on Financial Institutions & Insurance.

2SHB 1277 by House Committee on Finance (originally sponsored by Representatives Kelley, Simpson, Wood, P. Sullivan, Conway, Kenney, Ericks, Rolfes and Morrell)

HB 1517 by Representatives Schual-Berke, Priest, McDermott, Anderson, Quall, Kenney, Roberts, Lantz, Kagi, Moeller, Santos, Hunt and Hudgins

AN ACT Relating to expanding competitive local infrastructure financing tools projects; amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.120, 82.14.475, 39.102.140, and 39.102.150; adding a new section to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date.

AN ACT Relating to enhancing world language instruction in public schools; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

Referred to Committee on Early Learning & K-12 Education.

SHB 1298 by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Campbell, Cody, Morrell, Moeller and Conway)

SHB 1538 by House Committee on Health Care & Wellness (originally sponsored by Representatives Bailey, Linville, Hinkle, Alexander, Haler, Strow, Rodne, Warnick, Morrell, Green and Ericksen)

AN ACT Relating to dental hygiene; amending RCW 18.29.056 and 18.29.220; adding a new section to chapter 18.29 RCW; and creating a new section.

AN ACT Relating to an independent study of health benefit requirements; and creating a new section.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Health & Long-Term Care.

HB 1313 by Representatives Eddy, Hankins and Kenney

SHB 1566 by House Committee on Finance (originally sponsored by Representatives VanDeWege, Ericks, McIntire, Ericksen, Ross, Warnick, Condotta, Kessler and McCune)

AN ACT Relating to the intervention authority of the department of transportation on railroad shipping matters; amending RCW 47.76.240; and repealing RCW 81.28.250.

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.020, 82.62.030, 82.62.045, and 82.62.050; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

Referred to Committee on Ways & Means.

SHB 1337 by House Committee on Health Care & Wellness (originally sponsored by Representatives Kenney, Skinner, Hunter, Priest, Darneille, Ericks, Pettigrew, Hankins, Lantz, Fromhold, Walsh, Williams, Kessler, Haler, Morrell, Barlow, McCoy, Appleton, Ormsby, Springer, Campbell, Moeller, Lovick, Rolfes, Hasegawa, Flannigan, Hudgins, Hunt, Green, Chase, Dunshee, Simpson, Roberts, O'Brien, Rodne, Dickerson, Quall, Goodman, Linville, Hurst, Santos and Wallace)

HB 1644 by Representatives Kenney, Sells, Anderson, Appleton, Morrell, Linville, Roberts, Ormsby, McDermott, Conway, Schual-Berke and Haigh

AN ACT Relating to health care eligibility for part-time academic employees of community and technical colleges; amending RCW 41.05.053; and amending 2006 c 308 s 1 (uncodified).

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Referred to Committee on Higher Education.

SHB 1675 by House Committee on Appropriations (originally sponsored by Representatives Santos, Curtis, McDermott, Williams, Upthegrove, Hasegawa, Roberts, Schual-Berke, Simpson and Darneille)

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

2SHB 1677 by House Committee on Appropriations (originally sponsored by Representatives Quall, Rodne, Dunshee, Ormsby, B. Sullivan, Hurst, Chase, Hunt, P. Sullivan, Pettigrew, Lovick, Jarrett, McCoy, Anderson, Upthegrove, Santos, Sells, Conway and Rolfes)

AN ACT Relating to outdoor education and recreation; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

SHB 1694 by House Committee on Transportation (originally sponsored by Representatives Flannigan, Upthegrove and Kenney)

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.015, 47.06B.040, 47.06B.900, 47.80.023, and 47.06B.901; reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; creating a new section; and repealing 1999 c 372 s 13.

Referred to Committee on Transportation.

HB 1887 by Representatives Linville, Armstrong and Grant

AN ACT Relating to allowing identocard renewal by mail or electronic commerce for individuals over the age of seventy; amending RCW 46.20.117; and providing an effective date.

Referred to Committee on Transportation.

HB 1923 by Representatives Hunt and Condotta

AN ACT Relating to requirements for motor vehicle transporter license applications; and amending RCW 46.76.020.

Referred to Committee on Transportation.

SHB 1955 by House Committee on Transportation (originally sponsored by Representatives Wood, B. Sullivan, Kristiansen, Condotta, Crouse and Lovick)

AN ACT Relating to establishing licensing requirements for certain vehicle dealers; amending RCW 46.09.020, 46.70.011, 46.10.010, and 46.10.043; adding a new section to chapter 46.70 RCW; and repealing RCW 46.09.080, 46.09.085, 46.10.050, and 46.10.055.

Referred to Committee on Transportation.

SHB 1965 by House Committee on Local Government (originally sponsored by Representatives Eddy and Curtis)

AN ACT Relating to authorizing major industrial development within industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

EHB 1967 by Representatives Moeller, Skinner, Cody, Williams, Barlow, Rodne, Condotta and Campbell

AN ACT Relating to the reporting of physician convictions for driving while under the influence to an approved substance abuse program; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Judiciary.

SHB 2007 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy and Crouse)

AN ACT Relating to defining allowable fuel blends; and amending RCW 19.112.100.

Referred to Committee on Water, Energy & Telecommunications.

HB 2026 by Representatives Santos, McDermott, Haigh, P. Sullivan, Ericks, Simpson, Ormsby and Hasegawa

AN ACT Relating to recruiters' access to high school students; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Early Learning & K-12 Education.

HB 2032 by Representatives Takko and Hinkle

AN ACT Relating to the application process for the fruit and vegetable processing and storage tax deferral; amending 2005 c 513 s 14 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Rural Economic Development.

HB 2033 by Representatives Ormsby, Campbell, Fromhold, Haigh, Armstrong, P. Sullivan, Conway, Green, Kagi, Hunt, McIntire, McDermott, McCoy, Buri, Williams, Miloscia, Linville, Moeller, DeBolt, McDonald, Priest, Condotta, Roberts and Simpson

AN ACT Relating to payroll deductions for retiree organization dues; and amending RCW 41.04.230.

Referred to Committee on Government Operations & Elections.

2SHB 2055 by House Committee on Appropriations (originally sponsored by Representatives Flannigan, Ahern, McCoy, Ormsby and Santos)

AN ACT Relating to traumatic brain injury; amending RCW 46.20.311 and 46.68.041; reenacting and amending RCW

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43.84.092; adding a new section to chapter 46.20 RCW; and adding a new chapter to Title 74 RCW.

Referred to Committee on Government Operations & Elections.

Referred to Committee on Health & Long-Term Care.

HB 2163 by Representatives Cody, Sommers, Kenney and Moeller

EHB 2070 by Representatives O'Brien, Goodman and Pearson

AN ACT Relating to exceptional sentences; amending RCW 9.94A.537; creating a new section; and declaring an emergency.

AN ACT Relating to the public employees' benefits board medical benefits administration account; and amending RCW 41.05.143.

Referred to Committee on Judiciary.

Referred to Committee on Ways & Means.

ESHB 2073 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood, Kenney, Moeller, Simpson and Ormsby)

AN ACT Relating to a pilot program for vocational rehabilitation services; amending RCW 51.32.095; adding new sections to chapter 51.32 RCW; creating a new section; providing an effective date; and providing an expiration date.

HB 2263 by Representatives Blake, Moeller, Orcutt and Newhouse

AN ACT Relating to the phosphorus content in dishwashing detergent; and amending RCW 70.95L.020.

Referred to Committee on Labor, Commerce, Research & Development.

Referred to Committee on Water, Energy & Telecommunications.

SHB 2103 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Crouse and Wallace)

AN ACT Relating to competitive classification of telecommunications services; amending RCW 80.36.330; and adding a new section to chapter 80.36 RCW.

HJM 4017 by Representatives Kessler and VanDeWege

Naming portions of Highways 112 and 113 the Korean War Veteran's Blue Star Memorial Highway.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Transportation.

SHB 2129 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives VanDeWege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase)

AN ACT Relating to geothermal resources; and amending RCW 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, and 78.60.230.

SHJR 4215 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Sells, Buri, Hunt and Wood)

Eliminating prohibitions on the investment of certain state moneys.

Referred to Committee on Water, Energy & Telecommunications.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HB 2137 by Representatives Wallace, Skinner, Kagi, Hankins, Roberts, Chase, Kenney, Moeller, Simpson and Santos

AN ACT Relating to allowing certificated and classified school employees' children with disabilities to enroll in the district where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

SENATE BILL NO. 6030, by Senators Parlette and Schoesler

Providing health insurance options for young adults.

MOTION

On motion of Senator Eide, Substitute Senate Bill No. 6030 was substituted for Senate Bill No. 6030 and the substitute bill was placed on the second reading and read the second time.

Referred to Committee on Early Learning & K-12 Education.

MOTION

HB 2161 by Representatives Simpson, Curtis, Eddy and Ormsby

AN ACT Relating to providing for consistency between code cities and noncode cities in the apportionment of investment funds; and amending RCW 35A.40.050.

Senator Parlette moved that the following striking amendment by Senator Parlette be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 55. RCW 48.43.041 and 2000 c 79 s 26 are each amended to read as follows:

(1) All individual health benefit plans, other than

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catastrophic health plans(~~(, offered or renewed on or after October 1, 2000)~~) and plans for young adults as described in subsection (3) of this section, shall include benefits described in this section. Nothing in this section shall be construed to require a carrier to offer an individual health benefit plan.

(a) Maternity services that include, with no enrollee cost-sharing requirements beyond those generally applicable cost-sharing requirements: Diagnosis of pregnancy; prenatal care; delivery; care for complications of pregnancy; physician services; hospital services; operating or other special procedure rooms; radiology and laboratory services; appropriate medications; anesthesia; and services required under RCW 48.43.115; and

(b) Prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually.

(2) If a carrier offers a health benefit plan that is not a catastrophic health plan to groups, and it chooses to offer a health benefit plan to individuals, it must offer at least one health benefit plan to individuals that is not a catastrophic health plan.

(3) Carriers may design and offer a separate health plan targeted at young adults between nineteen and thirty-four years of age. The plan may include the benefits required under subsections (1) and (2) of this section but is not required to include these benefits. The health plan designed for young adults may be exempt from the requirements of RCW 48.43.045(1), 48.43.515(5), 48.44.327, 48.20.392, and 48.46.277.

Sec. 56. RCW 48.44.022 and 2006 c 100 s 3 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.44.021, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be

considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.44.021, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 57. RCW 48.46.064 and 2006 c 100 s 5 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.46.063, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

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(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.46.063, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 58. RCW 48.20.029 and 2006 c 100 s 2 are each amended to read as follows:

(1) Premiums for health benefit plans for individuals who purchase the plan as a member of a purchasing pool:

(a) Consisting of five hundred or more individuals affiliated with a particular industry;

(b) To whom care management services are provided as a benefit of pool membership; and

(c) Which allows contributions from more than one employer to be used towards the purchase of an individual's health benefit plan;

shall be calculated using the adjusted community rating method that spreads financial risk across the entire purchasing pool of which the individual is a member. All such rates shall conform to the following:

(i) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (A) Geographic area;
- (B) Family size;
- (C) Age;
- (D) Tenure discounts; and
- (E) Wellness activities.

(ii) The adjustment for age in (c)(i)(C) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(iii) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer, and coverage for which medicare is not the primary payer. Both rates are subject to the requirements of this subsection.

(iv) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(v) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(vi) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (A) Changes to the family composition;
- (B) Changes to the health benefit plan requested by the individual; or
- (C) Changes in government requirements affecting the health benefit plan.

(vii) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be

considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(viii) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(c)(iv) of this section.

(3) As used in this section, "health benefit plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

NEW SECTION. Sec. 59. A new section is added to chapter 48.43 RCW to read as follows:

The office of the insurance commissioner shall make available educational and outreach materials targeted to young adults aged nineteen to thirty-four, as funding becomes available. Education and outreach efforts shall focus on educating young consumers on the importance and value of health insurance, including educational materials, public service messages, and other outreach activities. The commissioner is authorized to fund these activities with grants, donations, in-kind contributions, or other funding that may be available."

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 48.43.041, 48.44.022, 48.46.064, and 48.20.029; and adding a new section to chapter 48.43 RCW."

Senators Parlette, Holmquist, Roach, Stevens and Pflug spoke in favor of adoption of the striking amendment.

Senators Keiser, Franklin and Marr spoke against adoption of the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Brandland, Senators Delvin and Hewitt were excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Parlette to Substitute Senate Bill No. 6030.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Parlette and the amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Excused: Senators Delvin and Hewitt - 2

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MOTION

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 6030 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.
Senator Parlette spoke against passage of the bill.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6030 was deferred and the bill held its place on the third reading calendar.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 10, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 10, 2007.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

SECOND READING

SENATE BILL NO. 5115, by Senators Kilmer, Kastama, Kauffman, Marr, Shin, Eide, Rasmussen and Regala

Expanding competitive local infrastructure financing tools projects.

MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5115 was substituted for Senate Bill No. 5115 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senator Kilmer and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ ten million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2);~~

~~"base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2))) calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.~~

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was ~~((created))~~ approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ~~((created))~~ approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the revenue development area))~~ by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~((by July 1, 2006;))~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~((July 1, 2007))~~ in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, ~~((dedicated))~~ other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public

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improvement costs on a pay-as-you-go basis as provided in section 15 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means ~~((federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing))~~:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements(~~(or both)~~) to property, or both, on the assessment roll(~~(s after the revenue development area is created)~~), where the new construction (~~(or)~~) and improvements (~~(occur entirely after the revenue development area is created)~~) are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation

revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) (~~If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls.~~

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls)) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased (~~(due to new construction or improvements to property occurring after the revenue development area is created)~~) as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation

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revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~(and)~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs ~~(including related)~~; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~(created)~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~(created)~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~(created)~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~(creates)~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 15 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are

credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~(creates)~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~(creation)~~ approval of the revenue development area ~~(within the boundaries of the area that became the revenue development area)~~ by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ~~(creation)~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~(created)~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~(by July 1, 2006;)~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~(July 1, 2007)~~ in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

Sec. 2. RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW ~~(that)~~ and has not issued bonds to finance any public improvement ~~(shall be)~~ may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without ~~(creating)~~ adopting a new ~~(increment)~~ revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of

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years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve ~~((qualified))~~ competitive project~~(s, up to the annual state contribution limit)~~ awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2008, except as provided in RCW 39.102.050(2). For projects not approved in 2008, sponsoring and cosponsoring local governments may apply again to the board for approval of a project.

(c) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2009 for a competitive project award, must submit completed applications to the board no later than July 1, 2009. By September 15, 2009, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2009 deadline.

(d) Except as provided in RCW 39.102.050(2), a total of no more than seven million five hundred thousand dollars in competitive project awards shall be approved for local infrastructure financing. ~~((Except as provided in RCW 39.102.050, approvals shall be based on the following criteria))~~

(e) In evaluating applications for a competitive project award, the board shall develop criteria, and the relative weight to be assigned criteria, in conjunction with the Washington state economic development commission. The criteria developed and applied in the application evaluation and approval process shall include the following and such other criteria as the board and the commission consider appropriate:

~~((a))~~ (i) The ~~((project))~~ project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

~~((b))~~ (ii) The project's ability to encourage mixed use development and the redevelopment of a geographic area;

~~((c))~~ (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((d))~~ (iv) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (v) The estimated state and local net employment change over the life of the project;

~~((f))~~ (vi) The estimated state and local net property tax change over the life of the project; ~~((and))~~

~~((g))~~ (vii) The estimated state and local sales and use tax increase over the life of the project; and

~~((h))~~ (viii) Evidence that the project will not contribute to sprawl and that the project's revenue development area either has or is immediately adjacent to an area that has a rich transportation infrastructure to serve it, including: State highways, arterials, collectors and distributors, and other road capacity sufficient to meet the traffic needs and traffic congestion levels anticipated for the new development; and public transit and park and ride lots sufficient to meet the transport needs of a significant portion of the anticipated workforce in the revenue development area, special needs services, and other transportation services.

(5) ~~((A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.))~~ Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification ~~((shall))~~ must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 3. RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project ~~((before approving any other application))~~. Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

Sec. 4. RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) ~~((The average assessed value per square foot of taxable land within the revenue development area boundaries may not exceed seventy dollars at the time the revenue development area is designated;))~~

~~((3) No more than one revenue development area may be created in a county))~~ No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

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~~((4))~~ (3) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

~~((5))~~ ~~The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;~~

~~((6))~~ (4) The public improvements financed through local infrastructure financing must be located in the revenue development area;

~~((7))~~ (5) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

~~((8))~~ (6) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

~~((9))~~ (7) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

Sec. 5. RCW 39.102.070 and 2006 c 181 s 205 are each amended to read as follows:

The use of local infrastructure financing under this chapter is subject to the following conditions:

(1) No funds may be used to finance, design, acquire, construct, equip, operate, maintain, remodel, repair, or reequip public facilities funded with taxes collected under RCW 82.14.048;

(2)(a) Except as provided in (b) of this subsection no funds may be used for public improvements other than projects identified within the capital facilities, utilities, housing, or transportation element of a comprehensive plan required under chapter 36.70A RCW;

(b) Funds may be used for public improvements that are historical preservation activities as defined in RCW 39.89.020;

(3) The public improvements proposed to be financed in whole or in part using local infrastructure financing are expected to encourage private development within the revenue development area and to increase the fair market value of real property within the revenue development area;

(4) A sponsoring local government, participating local government, or participating taxing district has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the revenue development area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revenue development area;

(5) Private development that is anticipated to occur within the revenue development area, as a result of the public improvements, will be consistent with the county-wide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(6) The governing body of the sponsoring local government, and any cosponsoring local government, must make a finding that local infrastructure financing:

(a) Is not expected to be used for the purpose of relocating a business from outside the revenue development area, but within this state, into the revenue development area; ~~((and))~~

(b) Will improve the viability of existing business entities within the revenue development area; and

(c) Will be used in a manner that will not encourage sprawl and will support development in, or adjacent to, areas with rich transportation infrastructure including: State highways, arterials, collectors and distributors, and other road capacity sufficient to meet the traffic needs and traffic congestion levels anticipated for the new development; and public transit and park and ride lots sufficient to meet the transport needs of a significant portion of the anticipated workforce in the revenue development area, special needs services, and other transportation services;

(7) The governing body of the sponsoring local government, and any cosponsoring local government, finds that the public

improvements proposed to be financed in whole or in part using local infrastructure financing are reasonably likely to:

(a) Increase private residential and commercial investment within the revenue development area;

(b) Increase employment within the revenue development area;

(c) Improve the viability of any existing communities that are based on mixed-use development within the revenue development area; and

(d) Generate, over the period of time that the local option sales and use tax will be imposed under RCW 82.14.475, state excise tax allocation revenues and state property tax allocation revenues derived from the revenue development area that are equal to or greater than the respective state contributions made under this chapter;

(8) The sponsoring local government may only use local infrastructure financing in areas deemed in need of economic development or redevelopment within boundaries of the sponsoring local government.

Sec. 6. RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ~~((create))~~ adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ~~((at least thirty days))~~ before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

Sec. 7. RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area))~~ on the date specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires. Any participating local government is authorized to dedicate local excise tax allocation

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revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

Sec. 8. RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) Commencing in the second calendar year following ~~(the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing)~~ board approval of a revenue development area, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~(necessary or)~~ obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area

for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

Sec. 9. RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under RCW 39.102.040; and

(iii) ~~((Except as provided in (b) of this subsection, unless))~~ Before the sponsoring local government has received ~~((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both))~~ local excise tax allocation revenues ~~((and))~~ local property tax allocation revenues, ~~or both~~, during the preceding calendar year.

(b) ~~((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~((c))~~ The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

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(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

~~(d) (Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section, neither the local excise tax allocation revenues nor the local property tax allocation revenues can be more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c);~~

~~(e))~~ The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

~~((f))~~ (e) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ~~((five))~~ ten million dollars. ~~((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150.))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to section 15 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

Sec. 10. RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475((and revenues from local public sources)) received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

Sec. 11. RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ~~((39.102.090))~~ 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local

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government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 12. RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 (~~shall~~) may be used only for the purpose of (~~principal and interest payments on bonds issued under the authority of RCW 39.102.150~~) paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 15 of this act, or both.

NEW SECTION. Sec. 13. RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

NEW SECTION. Sec. 14. A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

NEW SECTION. Sec. 15. A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues

received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

NEW SECTION. Sec. 16. This act applies retroactively as well as prospectively.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act expires June 30, 2039."

Senator Kilmer spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kilmer and others to Second Substitute Senate Bill No. 5115.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.070, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date."

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5115 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5115.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5115 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Hewitt - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5317, by Senators Kohl-Welles, Brandland, Hargrove, Stevens, Regala and McAuliffe

Creating additional safeguards for child care.

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MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5317 was substituted for Senate Bill No. 5317 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.005 and 2006 c 265 s 101 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance;

(d) To provide tools to promote the hiring of suitable providers of child care by:

(i) Providing parents with access to information regarding child care providers;

(ii) Providing child care providers with known information regarding applicants' sexual misconduct or other abusive conduct;

(iii) Providing parents with child care licensing complaint histories regarding child care providers; and

(iv) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;

(e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

~~((e))~~ (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

~~((f))~~ (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

Sec. 2. RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

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(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Department" means the department of early learning.

~~((4))~~ (5) "Director" means the director of the department.

~~((5))~~ (6) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(7) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((6))~~ (8) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (9) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

Sec. 3. RCW 43.215.200 and 2006 c 265 s 301 are each amended to read as follows:

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter(-

~~The minimum requirements shall be limited to:~~

~~(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;~~

~~(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;~~

~~(c) The number of qualified persons required to render the type of care for which an agency seeks a license;~~

~~(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;~~

~~(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;~~

~~(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and~~

~~(g) The maintenance of records pertaining to the care of children);~~

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

~~((4))~~ (5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

~~((5))~~ (6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

~~((6))~~ (7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

~~((7))~~ (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 4. MINIMUM REQUIREMENTS FOR LICENSING. Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

NEW SECTION. Sec. 5. CHARACTER, SUITABILITY, AND COMPETENCE. (1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider all founded child abuse and neglect history information regarding a prospective child care provider. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

(c) The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

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(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

Sec. 6. RCW 43.215.525 and 2006 c 209 s 11 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ~~((74.15.310))~~ 43.215.520;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose ~~((upon request))~~ the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day-care center or family day-care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 7. RCW 43.215.530 and 2006 c 209 s 12 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers ~~((consistent with chapter 42.56 RCW))~~. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. PARENTAL NOTIFICATION.

The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee. This information shall be provided to all parents on an annual basis.

NEW SECTION. Sec. 9. REPORTING ACTIONS--POSTING ON WEB SITE. For the purposes of reporting actions taken against agency licensees, the following actions shall be posted to the department's web site accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license, and any written reprimand related to abuse and sexual misconduct or abuse.

Sec. 10. RCW 43.215.535 and 2005 c 473 s 7 are each amended to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW 74.15.130 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b)(c) ~~or (d))~~ of this subsection.

(b) Any licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW 74.15.130 if the licensee fails to ~~((notify the department when coverage has been terminated as required under (b)))~~ comply with the requirements of this subsection.

(e) A family day-care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. Sec. 11. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 4, 5, 8, and 9 of this act are each added to chapter 43.215 RCW."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Hargrove and Stevens to Substitute Senate Bill No. 5317.

The motion by Senator Kohl-Welles carried and the striking

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amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "safety;" strike the remainder of the title and insert "amending RCW 43.215.005, 43.215.010, 43.215.200, 43.215.525, 43.215.530, and 43.215.535; adding new sections to chapter 43.215 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 5317 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5317.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5317 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Delvin and Hewitt - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5640, by Senators Kauffman, Fairley, Prentice, Swecker, Rockefeller, Fraser, Kohl-Welles, Shin, Rasmussen and Kline

Authorizing tribal governments to participate in public employees' benefits board programs.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Senate Bill No. 5640 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5640.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5640 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford and McCaslin - 2

Excused: Senators Delvin and Hewitt - 2

SENATE BILL NO. 5640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5711, by Senators Parlette, Delvin and Shin

Expanding the offender score to include offenses concerning the influence of intoxicating liquor or any drug.

The measure was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Senate Bill No. 5711 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5711.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5711 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SENATE BILL NO. 5711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5732, by Senators Fraser, Swecker, Fairley, Haugen and Clements

Revising restrictions on the county treasurer regarding receiving current year taxes.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5732 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

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MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5732.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5732 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Benton and Delvin - 2

SENATE BILL NO. 5732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5895, by Senators Fraser, Swecker, Tom, Shin, Kline, McCaslin, Kilmer, Jacobsen, Delvin and Honeyford

Regarding sellers' disclosures for residential real property sales.

MOTIONS

On motion of Senator Weinstein, Substitute Senate Bill No. 5895 was substituted for Senate Bill No. 5895 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Weinstein, the rules were suspended, Substitute Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Hewitt, Holmquist, Morton, Parlette, Roach, Schoesler, Stevens and Zarelli - 9

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5987, by Senators Clements, Carrell, Marr, Holmquist, Schoesler and Rasmussen

Increasing penalties for gang-related offenses.

MOTIONS

On motion of Senator Clements, Substitute Senate Bill No. 5987 was substituted for Senate Bill No. 5987 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Clements, the rules were suspended, Substitute Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Clements and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5987.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:06 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:43 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5070, by Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer

Changing provisions affecting offenders who are leaving confinement.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5070 was substituted for Senate Bill No. 5070 and the

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second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Carrell and Regala be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The people of the state of Washington expect to live in safe communities in which the threat of crime is minimized. Attempting to keep communities safe by building more prisons and paying the costs of incarceration has proven to be expensive to taxpayers. Incarceration is a necessary consequence for some offenders, however, the vast majority of those offenders will eventually return to their communities. Many of these former offenders will not have had the opportunity to address the deficiencies that may have contributed to their criminal behavior. Persons who do not have basic literacy and job skills, or who are ill-equipped to make the behavioral changes necessary to successfully function in the community, have a high risk of reoffense. Recidivism represents serious costs to victims, both financial and nonmonetary in nature, and also burdens state and local governments with those offenders who recycle through the criminal justice system.

The legislature believes that recidivism can be reduced and a substantial cost savings can be realized by utilizing evidence-based, research-based, and promising programs to address offender deficits, developing and better coordinating the reentry efforts of state and local governments and local communities. Research shows that if quality assurances are adhered to, implementing an optimal portfolio of evidence-based programming options for offenders who are willing to take advantage of such programs can have a notable impact on recidivism.

While the legislature recognizes that recidivism cannot be eliminated and that a significant number of offenders are unwilling or unable to work to develop the tools necessary to successfully reintegrate into society, the interests of the public overall are better served by better preparing offenders while incarcerated, and continuing those efforts for those recently released from prison or jail, for successful, productive, and healthy transitions to their communities. Educational, employment, and treatment opportunities should be designed to address individual deficits and ideally give offenders the ability to function in society. In order to foster reintegration, this act recognizes the importance of a strong partnership between the department of corrections, local governments, law enforcement, social service providers, and interested members of communities across our state.

PART I - COMMUNITY TRANSITION COORDINATION NETWORKS

NEW SECTION. Sec. 101. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A "community transition coordination network" is a system of coordination that facilitates partnerships between supervision and service providers. It is anticipated that an offender who is released to the community will be able to utilize a community transition coordination network to be connected directly to the supervision and/or services needed for successful reentry.

(2) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(3) An "individual reentry plan" means the plan to prepare an offender for release into the community. A reentry plan is developed collaboratively between the supervising authority and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offenders'

risks and needs. An individual reentry plan describes actions that must occur to prepare individual offenders for release from jail and specifies the supervision and/or services he or she will experience in the community, taking into account no contact provisions of the judgment and sentence. An individual reentry plan must be updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

(4) "Local community policing and supervision programs" include probation, work release, jails, and other programs operated by local police, courts, or local correctional agencies.

(5) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(6) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(7) "Supervising authority" means the agency or entity that has the responsibility for supervising an offender.

NEW SECTION. Sec. 102. (1) Each county or group of counties shall conduct an inventory of the services and resources available in the county or group of counties to assist offenders in reentering the community.

(2) In conducting its inventory, the county or group of counties should consult with the following:

(a) The department of corrections, including community corrections officers;

(b) The department of social and health services in applicable program areas;

(c) Representatives from county human services departments and, where applicable, multicounty regional support networks;

(d) Local public health jurisdictions;

(e) City and county law enforcement;

(f) Local probation/supervision programs;

(g) Local community and technical colleges;

(h) The local worksorce center operated under the statewide workforce investment system;

(i) Faith-based and nonprofit organizations providing assistance to offenders;

(j) Housing providers;

(k) Crime victims service providers; and

(l) Other community stakeholders interested in reentry efforts.

(3) The inventory must include, but is not limited to:

(a) A list of programs available through the entities listed in subsection (2) of this section and services currently available in the community for offenders including, but not limited to, housing assistance, employment assistance, education, vocational training, parenting education, financial literacy, treatment for substance abuse, mental health, anger management, life skills training, specialized treatment programs such as batterers treatment and sex offender treatment, and any other service or program that will assist the former offender to successfully transition into the community; and

(b) An indication of the availability of community representatives or volunteers to assist the offender with his or her transition.

(4) No later than January 1, 2008, each county or group of counties shall present its inventory to the policy advisory committee convened in section 103(8) of this act.

NEW SECTION. Sec. 103. (1) The department of community, trade, and economic development shall establish a community transition coordination network pilot program for the purpose of awarding grants to counties or groups of counties for implementing coordinated reentry efforts for offenders returning to the community. Grant awards are subject to the availability of amounts appropriated for this specific purpose.

(2) By September 1, 2007, the Washington state institute for public policy shall, in consultation with the department of community, trade, and economic development, develop criteria for the counties in conducting its evaluation as directed by subsection (6)(c) of this section.

(3) Effective February 1, 2008, any county or group of counties may apply for participation in the community transition

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coordination network pilot program by submitting a proposal for a community transition coordination network.

(4) A proposal for a community transition coordination network initiated under this section must be collaborative in nature and must seek locally appropriate evidence-based or research-based solutions and promising practices utilizing the participation of public and private entities or programs to support successful, community-based offender reentry.

(5) In developing a proposal for a community transition coordination network, counties or groups of counties and the department of corrections shall collaborate in addressing:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships between the department of corrections and local community policing and supervision programs to facilitate supervision of offenders under the respective jurisdictions of each, as well as timely and effective responses to an offender's failure to comply with the terms of supervision.

(6) A proposal for a community transition coordination network must include:

(a) Descriptions of collaboration and coordination between local community policing and supervision programs and those agencies and entities identified in the inventory conducted pursuant to section 102 of this act to address the risks and needs of offenders under a participating county or city misdemeanor probation or other supervision program including:

(i) A proposed method of assessing offenders to identify the offenders' risks and needs. Counties and cities are encouraged, where possible, to make use of assessment tools developed by the department of corrections in this regard;

(ii) A proposal for developing and/or maintaining an individual reentry plan for offenders;

(iii) Connecting offenders to services and resources that meet the offender's needs as identified in his or her individual reentry plan including the identification of community representatives or volunteers that may assist the offender with his or her transition; and

(iv) The communication of assessment information, individual reentry plans, and service information between parties involved with offender's reentry;

(b) Mechanisms to provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release and regardless of whether the offender was released from prison or jail. Mechanisms shall, at a minimum, provide for:

(i) Maintenance of the information gathered in section 102 of this act regarding services currently existing within the community that are available to offenders; and

(ii) Coordination of access to existing services with community providers and provision of information to offenders regarding how to access the various type of services and resources that are available in the community; and

(c) An evaluation of the county's or group of counties' readiness to implement a community transition coordination network including the social service needs of offenders in general, capacity of local facilities and resources to meet offenders' needs, and the cost to implement and maintain a community transition coordination network for the duration of the pilot project.

(7) The department of community, trade, and economic development shall review county applications for funding through the community transition coordination network pilot program and, no later than April 1, 2008, shall select up to four counties or groups of counties. In selecting pilot counties or regions, the department shall consider the extent to which the proposal:

(a) Addresses the requirements set out in subsection (6) of this section;

(b) Proposes effective partnerships and coordination between community policing and supervision programs, social service and treatment providers, and the department of corrections' community justice center, if a center is located in the county or region;

(c) Focuses on measurable outcomes such as increased employment and income, treatment objectives, maintenance of stable housing, and reduced recidivism;

(d) Contributes to the diversity of pilot programs, considering factors such as geographic location, size of county or region, and reentry services currently available. The department shall ensure that a grant is awarded to at least one rural county or group of counties and at least one county or group of counties where a community justice center operated by the department of corrections is located; and

(e) Is feasible, given the evaluation of the social service needs of offenders, the existing capacity of local facilities and resources to meet offenders' needs, and the cost to implement a community transition coordination network in the county or group of counties.

(8) The department of community, trade, and economic development shall convene a policy advisory committee composed of representatives from the senate, the house of representatives, the governor's office of financial management, the department of corrections, to include one representative who is a community corrections officer, the office of crime victims' advocacy, the Washington state association of counties, association of Washington cities, a nonprofit provider of reentry services, and an ex-offender who has discharged the terms of his or her sentence. The advisory committee shall meet no less than annually to receive status reports on the implementation of community transition coordination networks, review annual reports and the pilot project evaluations submitted pursuant to section 105 of this act, and identify evidence-based, research-based, and promising practices for other counties seeking to establish community transition coordination networks.

(9) Pilot networks established under this section shall extend for a period of four fiscal years, beginning July 1, 2008, and ending June 30, 2012.

(10) This section expires June 30, 2013.

NEW SECTION. Sec. 104. Nothing in section 103 of this act is intended to shift the supervising responsibility or sanctioning authority from one government entity to another or give a community transition coordination network oversight responsibility for those activities or allow imposition of civil liability where none existed previously.

NEW SECTION. Sec. 105. (1) It is the intent of the legislature to provide funding for this project.

(2) Counties receiving state funds must:

(a) Demonstrate the funds allocated pursuant to this section will be used only for those purposes in establishing and maintaining a community transition coordination network;

(b) Consult with the Washington state institute for public policy at the inception of the pilot project to refine appropriate outcome measures and data tracking systems;

(c) Submit to the advisory committee established in section 103(8) of this act an annual progress report by June 30th of each year of the pilot project to report on identified outcome measures and identify evidence-based, research-based, or promising practices;

(d) Cooperate with the Washington state institute for public policy at the completion of the pilot project to conduct an evaluation of the project.

(3) The Washington state institute for public policy shall provide direction to counties in refining appropriate outcome measures for the pilot projects and establishing data tracking systems. At the completion of the pilot project, the institute shall conduct an evaluation of the projects including the benefit-cost ratio of service delivery through a community transition coordination network, associated reductions in recidivism, and identification of evidence-based, research-based, or promising practices. The institute shall report to the governor and the legislature with the results of its evaluation no later than December 31, 2012.

(4) This section expires June 30, 2013.

NEW SECTION. Sec. 106. (1) The community transition coordination network account is created in the state treasury. The account may receive legislative appropriations, gifts, and grants. Moneys in the account may be spent only after

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appropriation. Expenditures from the account may be used only for the purposes of section 103 of this act.

(2) This section expires June 30, 2013.

NEW SECTION. Sec. 107. Nothing in this act creates an entitlement for a county or group of counties to receive funding under the program created in section 103 of this act, nor an obligation for a county or group of counties to maintain a community transition coordination network established pursuant to section 103 of this act upon expiration of state funding.

Sec. 108. RCW 72.09.300 and 1996 c 232 s 7 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections and his or her designees. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council ~~((shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize))~~ may address issues related to:

(a) Maximizing local resources including personnel and facilities, ~~((reduce))~~ reducing duplication of services, and ~~((share))~~ sharing resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. ~~((The plan shall also include a section on jail management. This section may include the following elements:~~

~~((a) A description of current jail conditions, including whether the jail is overcrowded;~~

~~((b) A description of potential alternatives to incarceration;~~

~~((c) A description of current jail resources;~~

~~((d) A description of the jail population as it presently exists and how it is projected to change in the future;~~

~~((e) A description of projected future resource requirements;~~

~~((f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;~~

~~((g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;~~

~~((h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;~~

~~((i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.~~

~~((4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.~~

~~((5));~~

~~((b) Jail management;~~

~~((c) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases; and~~

~~((d) Partnerships between the department and local community policing and supervision programs to facilitate supervision of offenders under the respective jurisdictions of each and timely response to an offender's failure to comply with the terms of supervision.~~

~~((4) The county legislative authority may request technical assistance in ((developing or implementing the plan from)) coordinating services with other units or agencies of state or local government, which shall include the department, the office~~

of financial management, and the Washington association of sheriffs and police chiefs.

~~((6))~~ (5) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

~~((7))~~ (6) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. ~~((The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.~~

~~((8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner statewide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.~~

~~((9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:~~

~~((a) Monitoring and reporting to the sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:~~

~~((i) The rehabilitative services offered by county and state institutions to juvenile offenders; and~~

~~((ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;~~

~~((b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;~~

~~((c) By September 1 of each year, beginning with 1995, submit to the sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.))~~

NEW SECTION. Sec. 109. If specific funding for the purposes of sections 101 through 107 of this act, referencing sections 101 through 107 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 101 through 107 of this act are null and void.

NEW SECTION. Sec. 110. Sections 101 through 107 of this act constitute a new chapter in Title 72 RCW.

PART II - LIABILITY

NEW SECTION. Sec. 201. A new section is added to chapter 4.24 RCW to read as follows:

For the purposes of this chapter:

(1) "Limited jurisdiction court" means a district court or a municipal court, and anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, and volunteers.

(2) "Misdemeanant supervision services" means preconviction or postconviction misdemeanor probation or supervision services, or the monitoring of a misdemeanor defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services.

(3) "Supervision or community custody" includes preconviction or postconviction probation or supervision services, or the monitoring of a defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services. Community supervision also includes activities associated with

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partnerships between corrections officers and law enforcement that may exist for this purpose.

(4) "The state" means the state, the department of corrections, and anyone acting under the direction of the state or department, including but not limited to its officers, employees, agents, contractors, and volunteers.

NEW SECTION. Sec. 202. A new section is added to chapter 4.24 RCW to read as follows:

A limited jurisdiction court that provides misdemeanor supervision services is not liable for civil damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision or monitoring constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. Nothing in this section shall be construed to affect judicial immunity.

NEW SECTION. Sec. 203. A new section is added to chapter 4.24 RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the provision of supervision or community custody unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

NEW SECTION. Sec. 204. A new section is added to chapter 4.24 RCW to read as follows:

(1) The state is not liable for civil damages resulting from any act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an individual reentry plan, unless the act or omission constitutes gross negligence.

(2) A limited jurisdiction court is not liable for civil damages resulting from any act or omission in the assessment, screening, or delivery of services to an offender under supervision or community custody for the purpose of creating, amending, maintaining, or implementing an individual reentry plan unless the act or omission constitutes gross negligence.

(3) This section does not create any duty and shall not be construed to create a duty where none exists.

PART III - INDIVIDUAL REENTRY PLAN

Sec. 301. RCW 72.09.015 and 2004 c 167 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(4) "County" means a county or combination of counties.

(5) "Department" means the department of corrections.

(6) "Earned early release" means earned release as authorized by RCW 9.94A.728.

(7) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(8) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

(9) "Good conduct" means compliance with department rules and policies.

(10) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

(11) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

(12) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

(13) "Individual reentry plan" means the plan to prepare an offender for release into the community. It must be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offenders' risks and needs. The individual reentry plan describes actions that must occur to prepare individual offenders for release from prison or jail and specifies the supervision and services they will experience in the community. An individual reentry plan must be updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

(14) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

(15) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

(16) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(17) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(18) "Secretary" means the secretary of corrections or his or her designee.

(19) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

(20) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

(21) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

(22) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

(23) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

(24) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 302. A new section is added to chapter 72.09 RCW to read as follows:

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(1) The department shall develop an individual reentry plan for every offender who is committed to the jurisdiction of the department of corrections except:

(a) Offenders who are sentenced to life without the possibility of release; and

(b) Offenders who are subject to the provisions of 8 U.S.C. 1227.

(2) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, employability, and educational and vocational skill levels for each offender.

(3) Individual reentry plans must address:

(a) The offender's ability to participate in programming or activities due to a mental or physical disability or mental illness;

(b) If appropriate, ways for the offender to maintain contact with his or her children and family and the need for parenting classes or other family oriented services; and

(c) Victim safety concerns and no contact provisions of the judgment and sentence.

(4) The initial assessment shall be conducted, whenever possible, within the first six weeks of being sentenced to the jurisdiction of the department of corrections and shall be periodically reviewed and updated as appropriate.

(5)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to section 402 of this act to facilitate the offender's transition to the community.

(6) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When technologically feasible, this information shall be shared electronically.

(7) Nothing in this section creates a vested right in programming, education, or other services.

PART IV - PARTIAL CONFINEMENT AND SUPERVISION

NEW SECTION. Sec. 401. (1) The legislature intends that Washington's work release centers be transformed into residential reentry centers with the capacity to provide or connect offenders with the full range of reentry services to achieve measurable outcomes. The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of residential reentry centers and work release facilities to identify evidence-based, research-based, and promising practices or programs for the state of Washington and the necessary performance measures that show the greatest quality, effectiveness, and efficiency of the program on key outcomes. The research should include an examination of reentry and work release practices in both urban and rural areas and both inside and outside of the state of Washington. The institute should identify what services or combination of services should be provided to participants of residential reentry centers and the length of time services should be provided to optimize the successful transition of an offender back into society.

(2) By May 1, 2008, the secretary of the department of corrections, or the secretary's designee, shall, within existing resources, convene and chair a work group to review current laws and policy regarding work release.

(3) In addition to the secretary of the department of corrections, the following shall be members of the work group: A representative appointed by the governor, a community

corrections officer, a representative of the Washington association of prosecuting attorneys, a representative of the superior court judges association, a member selected by the Washington association of sheriffs and police chiefs, a representative from the Washington state association of counties, a representative from the association of Washington cities, a representative from contract work release facilities in the state, a representative from state-run work release facilities in the state, a representative from a nonprofit organization that works with former offenders who have completed a work release program, and a representative from the department of community, trade, and economic development. The secretary may designate a person to serve in his or her place. Members of the work group shall serve without compensation.

(4) In conducting its review, the work group must review and make recommendations for changes to corrections law and policies to ensure that:

(a) Work release facilities are transformed into residential reentry centers so that participants are provided with a combination of reentry services that conform to evidence-based, research-based, or promising practices as identified by the institute;

(b) Residential reentry centers lead to meaningful employment for offenders participating in the program;

(c) A plan is identified to ensure that residential reentry centers are distributed throughout the state;

(d) Residential reentry centers are of a size consistent with evidence-based, research-based, or promising practices and appropriate to the community in which they are located;

(e) Communities are given meaningful avenues for ongoing consultation regarding the establishment and operation of residential reentry centers in their area;

(f) Victim and community safety concerns are given priority when determining appropriate placement in residential reentry centers for individual offenders;

(g) Eligibility time to participate in residential reentry centers is sufficient to make it a meaningful experience for offenders; and

(h) Programs have the necessary performance measures needed to effectively monitor the quality, effectiveness, and efficiency of the programs.

(5)(a) The institute shall report its results and recommendations to the governor and the legislature no later than November 15, 2007.

(b) The department of corrections shall report the results and recommendations of the work group to the governor and the legislature no later than November 15, 2008.

NEW SECTION. Sec. 402. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall continue to establish community justice centers throughout the state for the purpose of providing comprehensive services and monitoring for inmates who are reentering the community.

(2) For the purposes of this chapter, "community justice center" is defined as a nonresidential facility staffed primarily by the department in which recently released offenders may access services necessary to improve their successful reentry into the community. Such services may include but are not limited to, those listed in the individual reentry plan, mental health, chemical dependency, sex offender treatment, anger management, parental educational, financial literacy, housing assistance, employment assistance, and community supervision.

(3) At a minimum, the community justice center shall include:

(a) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(b) An employment opportunity program to assist an offender in finding employment; and

(c) Resources for connecting offenders with services such as treatment, transportation, training, family reunification, and community services.

(4) In addition to any other programs or services offered by a community justice center, the department shall designate a transition coordinator to facilitate connections between the

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former offender and the community. The department may designate transition coordination services to be provided by a community transition coordination network pursuant to section 103 of this act if one has been established in the community where the community justice center is located and the department has entered into a memorandum of understanding with the county to share resources.

(5) The transition coordinator shall provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release from the correctional facility. The transition coordinator shall, at a minimum, be responsible for the following:

(a) Gathering and maintaining information regarding services currently existing within the community that are available to offenders including, but not limited to:

(i) Programs offered through the department of social and health services, the department of health, the department of licensing, housing authorities, local community and technical colleges, other state or federal entities which provide public benefits, and nonprofit entities;

(ii) Services such as housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and any other service or program that will assist the former offender to successfully transition into the community;

(b) Coordinating access to the existing services with the community providers and provide offenders with information regarding how to access the various type of services and resources that are available in the community.

(6)(a) A minimum of six community justice centers shall be operational by December 1, 2009. The six community justice centers include those in operation on the effective date of this section.

(b) By December 1, 2011, the department shall establish a minimum of three additional community justice centers within the state.

(7) In locating new centers, the department shall:

(a) Give priority to the counties with the largest population of offenders who were released from department of corrections custody and that do not already have a community justice center;

(b) Ensure that at least two centers are operational in eastern Washington; and

(c) Comply with section 403 of this act and all applicable zoning laws and regulations.

(8) Before beginning the siting or opening of the new community justice center, the department shall:

(a) Notify the city, if applicable, and the county within which the community justice center is proposed. Such notice shall occur at least sixty days prior to selecting a specific location to provide the services listed in this section;

(b) Consult with the community providers listed in subsection (5) of this section to determine if they have the capacity to provide services to offenders through the community justice center; and

(c) Give due consideration to all comments received in response to the notice of the start of site selection and consultation with community providers.

(9) The department shall make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs as defined in section 101 of this act in which the community justice center is located to address:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders, including services provided through a community transition coordination network established pursuant to section 103 of this act if a network has been established in the county;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships between the department of corrections and local police to supervise offenders. The agreement must address:

(i) Shared mechanisms to facilitate supervision of offenders under the respective jurisdictions of each which may include

activities such as joint emphasis patrols to monitor high-risk offenders, service of bench and secretary warrants and detainers, joint field visits, connecting offenders with services, and, where appropriate, directing offenders into sanction alternatives in lieu of incarceration;

(ii) The roles and responsibilities of police officers and corrections staff participating in the partnership; and

(iii) The amount of corrections staff and police officer time that will be dedicated to partnership efforts.

NEW SECTION. Sec. 403. No later than July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2008, the department shall prepare a list of counties and rural multicounty geographic areas in which work release facilities, community justice centers and other community-based facilities are anticipated to be sited during the next three fiscal years and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed.

Sec. 404. RCW 9.94A.728 and 2004 c 176 s 6 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); ~~(and)~~

(C) Has no prior conviction for:

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(I) A sex offense;
 (II) A violent offense;
 (III) A crime against persons as defined in RCW 9.94A.411;
 (IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);
 (VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under section 302 of this act to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after the effective date of this act while under community supervision, community restitution, community placement, or community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or

conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the ((sentence)) offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(e) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 405. (1) The secretary of the department of corrections, or the secretary's designee, shall within existing resources, review current laws and policy regarding the supervision of offenders through the department of corrections.

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(2) In conducting its review, the department must:

(a) Standardize community corrections practices across the state and review field supervision policies to clarify expectations;

(b) Address the training needs of community corrections staff consistent with department practices and policies;

(c) Review the workloads of community corrections officers and other staff associated with supervision activities and explore mechanisms to allow for greater emphasis on field supervision;

(d) Review the supervision violation hearings and sanctions process, including the offender behavior response guide, to:

(i) Address recommendations identified in the assessment conducted by the national institute of corrections;

(ii) Improve the ability to respond appropriately and effectively sanction an offender's behavior; and

(iii) Ensure appropriate standards for the due process rights of offenders and that those standards are consistently upheld;

(e) Increase options and application of evidence-based, research-based, and promising practices for offenders on supervision, including those with chemical dependency issues;

(f) Standardize and implement consistent quality assurance standards for community corrections staff; and

(g) Review mechanisms to provide better access to information by community corrections officers about the offenders they are supervising including statutory changes to confidentiality provisions and utilization of automation and technology.

(3) The department of corrections shall present a progress report of the findings and recommendations to the governor and the appropriate committees of the legislature by November 15, 2007, with a final report due by November 15, 2008.

(4) This section expires December 15, 2008.

Sec. 406. RCW 9.94A.850 and 2005 c 282 s 19 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the

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commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall review state sentencing laws and policy in order to simplify supervision requirements and allow community corrections officers to more easily identify statutory requirements associated with an offender's sentence. Not later than December 31, 2007, the commission shall report to the legislature on any recommendations for changes to existing statutes.

(7) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

PART V - EDUCATION

Sec. 501. RCW 72.09.460 and 2004 c 167 s 5 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted ~~((under subsection (4) of))~~ as specifically provided in this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(2) The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

~~((2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.))~~

(3)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

~~((a))~~ (i) Achievement of basic academic skills through obtaining a high school diploma or its equivalent ~~((and))~~;

(ii) Achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

~~((b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and~~

~~(c) Other work and education programs as appropriate.~~

~~(4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.~~

~~(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:~~

~~(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;~~

~~(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors: (iii) Additional work and education programs necessary for compliance with an offender's individual reentry plan under section 302 of this act with the exception of postsecondary education degree programs as provided in section 502 of this act; and~~

~~(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an offender's individual reentry plan under section 302 of this act with the exception of postsecondary education degree programs as provided in section 502 of this act.~~

~~(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, supplies, and postage costs related to correspondence courses.~~

~~(c) If programming is provided pursuant to (a)(iv) of this subsection, inmates shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an inmate. Such payments shall not be subject to any of the deductions as provided in this chapter.~~

~~(d) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to complete the purposes of this section.~~

~~(e) Any funds collected by the department under (c) and (d) of this subsection and subsections (8) and (9) of this section shall be used solely for the creation, maintenance, or expansion of inmate educational and vocational programs.~~

~~(4) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of~~

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education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(5)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an inmate's individual reentry plan and in placing inmates in education and work programs:

(i) An inmate's release date and custody level. An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

~~((c) Performance and goals.))~~ (b) The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals;

~~(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:~~

~~(A) Second and subsequent vocational programs associated with an inmate's work programs; and~~

~~(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;~~

~~(ii) Inmates shall pay all costs and tuition for participation in:~~

~~(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and~~

~~(B) Second and subsequent vocational programs not associated with an inmate's work program;~~

~~Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and~~

~~(c) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:~~

~~(i) Shall not be required to participate in education programming; and~~

~~(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.~~

~~If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.~~

~~(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.~~

~~(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and~~

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~~satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.~~

~~(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.~~

~~(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release).~~

~~(6) Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.~~

~~(7) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all inmates with temporary disabilities to ensure the earliest possible entry or reentry by inmates into available programming.~~

~~(8) The department shall establish policies requiring an offender to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the offender completed more than two hundred hours in the program and then withdrew from participation without approval from the department. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an inmate under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.~~

~~(9) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release or subject to the provisions of 8 U.S.C. Sec. 1227:~~

~~(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;~~

~~(b) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers;~~

~~(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;~~

~~(d) Shall be subject to the applicable provisions of this chapter relating to inmate financial responsibility for programming except the postsecondary education degree loan program as provided in section 502(3) of this act.~~

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NEW SECTION. Sec. 502. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall, if funds are appropriated for the specific purpose, implement postsecondary education degree programs within state correctional institutions, including the state correctional institution with the largest population of female inmates. The department shall consider for inclusion in any postsecondary education degree program, any postsecondary education degree program from an accredited community college, college, or university that is part of an associate of arts, baccalaureate, masters of arts, or other graduate degree program.

(2) Inmates shall be required to pay the costs for participation in any postsecondary education degree programs established under this subsection, including books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The inmate who is participating in the postsecondary education degree program shall, during confinement, provide the required payment or payments to the department;

(b) A third party shall provide the required payment or payments directly to the department on behalf of an inmate, and such payments shall not be subject to any of the deductions as provided in this chapter; or

(c) The inmate who is participating in the postsecondary education degree program shall provide the required payment or payments to the department using loan funds obtained from the department's postsecondary education degree loan program created pursuant to subsection (3) of this section.

(3) The department shall, if funds are appropriated for the specific purpose, establish by rule a postsecondary education degree loan program for inmates seeking to participate in available postsecondary education degree programs. The department shall establish a process for awarding loans to inmates, including an application process and criteria for awarding loans. The department shall collect repayment as provided in section 504 of this act. A third party may pay directly to the department all or a portion of any loan on behalf of an inmate. Such payments shall not be subject to any of the deductions as provided in this chapter. Inmates under RCW 72.09.460(9) are not eligible to participate in the postsecondary education degree loan program.

(4) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to complete the purposes of this section.

(5) Any funds collected by the department under this section and RCW 72.09.450(4) shall be used solely for the creation, maintenance, or expansion of inmate postsecondary education degree programs.

Sec. 503. RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~(5)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of ((one fee-based)) education or vocational programs ((that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.~~

~~— An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release)) or postsecondary education degree programs as provided in RCW 72.09.460 and section 502 of this act.~~

~~(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.~~

(6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

(8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95

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RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

Sec. 504. RCW 72.09.450 and 1996 c 277 s 1 are each amended to read as follows:

(1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department. The department shall recoup the assessments when the inmate's institutional account exceeds the indigency standard, and may pursue other remedies to recoup the assessments after the period of incarceration.

(3) The department shall record as a debt any costs assessed by a court against an inmate plaintiff where the state is providing defense pursuant to chapter 4.92 RCW. The department shall recoup the debt when the inmate's institutional account exceeds the indigency standard and may pursue other remedies to recoup the debt after the period of incarceration.

(4) The department shall record as a debt any loan recorded against an inmate participating in the postsecondary education degree loan program as provided under section 502 of this act. The department shall attempt to recoup the debt not sooner than two years from an inmate's date of release from total or partial confinement and any loan made under this subsection shall not accrue interest at any time. The department may pursue collection of the debt as provided in subsection (5) of this section.

(5) In order to maximize the cost-efficient collection of unpaid offender debt existing after the period of an offender's incarceration, the department is authorized to use the following nonexclusive options: (a) Use the collection services available through the department of general administration, or (b) notwithstanding any provision of chapter 41.06 RCW, contract with collection agencies for collection of the debts. The costs for general administration or collection agency services shall be paid by the debtor. Any contract with a collection agency shall only be awarded after competitive bidding. Factors the department shall consider in awarding a collection contract include but are not limited to a collection agency's history and reputation in the community; and the agency's access to a local database that may increase the efficiency of its collections. The servicing of an unpaid obligation to the department does not constitute assignment of a debt, and no contract with a collection agency may remove the department's control over unpaid obligations owed to the department.

NEW SECTION. Sec. 505. (1) The department of corrections and the state board for community and technical colleges, in cooperation with the unions representing academic employees in corrections education programs, shall investigate and review methods to optimize educational and vocational programming opportunities to meet the needs of each offender as identified in his or her individual reentry plan while an offender is under the jurisdiction of the department.

(2) In conducting its review, the department and state board shall consider and make recommendations regarding:

(a) Technological advances which could serve to expand educational programs and vocational training including, but not limited to, distance learning, satellite instruction, videotape usage, computer aided instruction, and flexible scheduling and

also considering the infrastructure, resources, and security that would be needed to implement the program or training. These advances shall be assessed for their ability to provide the most cost-efficient and effective programming for offenders;

(b) Methods to ensure that educational programs and vocational training are relevant to enhance the employability of offenders upon release; and

(c) Long-term methods for maintaining channels of communication between the department, state board administration, academic employees, and students.

(3) The department and state board shall report to the governor and the legislature no later than November 15, 2007.

NEW SECTION. Sec. 506. (1) The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of evidence-based, research-based, and promising correctional education programs and the extent to which Washington's programs are in accord with these practices. In gathering data regarding correctional education programs, the institute may consult with academic employees from correctional education programs.

(2) The institute shall report to the governor and the legislature no later than November 15, 2007.

PART VI - EMPLOYMENT BARRIERS

NEW SECTION. Sec. 601. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits in this section, a credit is authorized against the tax otherwise due under this chapter for persons that employ one or more qualifying ex-offenders.

(2) In order to qualify for the tax credit, the person must, within twenty-eight days of the ex-offender's hire date, submit a completed application to the employment security department for certification of the employee as a qualifying ex-offender under this section.

(3) The employment security department shall adopt rules and make forms available to persons employing ex-offenders to apply for certification under this section.

(4) Credit is only earned when:

(a) The person claiming a credit has received certification from the employment security department that the employee is a qualifying ex-offender; and

(b) The qualifying ex-offender has worked at least seven hundred eighty hours in the first twelve months following the date the individual was hired by the person claiming the credit under this section.

(5) The amount of the credit is equal to one thousand dollars per qualifying ex-offender and may be used against any tax due under this chapter. Credit may only be claimed against taxes due for reporting periods ending after the credit is earned. Unused credit earned in one calendar year may be carried over and claimed against taxes due for the subsequent calendar year. No refunds may be granted for credits under this section that are in excess of taxes due and payable for the reporting period.

(6) Submittal of the certification to the department is not required to claim the credit under this section. The person claiming the credit must keep a copy of the certification on file to allow the department to verify eligibility under this section if necessary.

(7) A person claiming credit under this section shall not claim credit under section 602 of this act with respect to the same qualifying ex-offender.

(8) As used in this section, "qualifying ex-offender" means an individual who: (a) Has been convicted of a felony under any statute of the United States or any state; and (b) is hired by the person claiming the credit under this section within one year of being convicted of the felony or, if the individual served a prison sentence for the conviction, of being released from confinement.

NEW SECTION. Sec. 602. A new section is added to chapter 82.16 RCW to read as follows:

(1) A credit is authorized against the tax otherwise due under this chapter for persons that employ one or more qualifying ex-offenders.

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(2) The provisions for the credit authorized in section 601 of this act apply to this section.

(3) A person claiming credit under this section may not claim credit under section 601 of this act with respect to the same qualifying ex-offender.

NEW SECTION. Sec. 603. On or before October 1, 2007, the department of corrections and the department of licensing shall enter into an agreement establishing expedited procedures to assist offenders in obtaining a driver's license or identification card upon their release from a department of corrections' institution.

NEW SECTION. Sec. 604. (1) The director of the department of licensing, or the director's designee, shall, within existing resources, convene and chair a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

(2) In addition to the director of the department of licensing, the following shall be members of the work group: A representative from the employment security department, a representative from the department of corrections, a representative from the Washington state association of prosecuting attorneys, and up to five members appointed by the governor from state agencies that issue occupational licenses. The department shall also invite participation from victim service agencies, the state board for community and technical colleges, association of Washington business, nonprofit organizations providing workforce training to released offenders, and legislative staff who provide support to the human services and human services and corrections committees. Members of the work group shall serve without compensation.

(3) In conducting its review, the work group must:

(a) Review approaches used by other states and jurisdictions for awarding occupational licenses to those with criminal convictions;

(b) Develop a process and standards by which the department of licensing and licensing agencies will determine whether a criminal conviction renders an applicant an unsuitable candidate for a license or whether a conviction warrants revocation or suspension of a license previously granted;

(c) Develop guidelines for potential applicants that reflect the most common or well-known categories of crimes and their relation to specific license types;

(d) Establish mechanisms for making information regarding the process and guidelines easily accessible to potential applicants with criminal histories.

(4) The department of licensing shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, by November 15, 2008.

(5) This section expires December 15, 2008.

PART VII - HOUSING

NEW SECTION. Sec. 701. The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to offenders returning to the community. The legislature intends to increase the housing available to offenders by providing that landlords who rent to offenders shall be immune from civil liability for damages that may result from the criminal conduct of the tenant.

NEW SECTION. Sec. 702. A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must disclose to residents of the property that he or she rents or has a policy of renting to offenders.

NEW SECTION. Sec. 703. A new section is added to chapter 35.82 RCW to read as follows:

The legislature recognizes that stable, habitable, and supportive housing is a critical factor that increases a previously incarcerated individual's access to treatment and services as well as the likelihood of success in the community. Housing

authorities are therefore encouraged to formulate rental policies that are not unduly burdensome to previously incarcerated individuals attempting to reenter the community, particularly when the individual's family may already reside in government subsidized housing.

NEW SECTION. Sec. 704. A new section is added to chapter 43.185C RCW to read as follows:

(1) The offender reentry transitional housing assistance program is created in the department of community, trade, and economic development to assist homeless offenders secure and retain safe, decent, and affordable housing. Within funds appropriated for the purposes of this section, the department shall provide grants to eligible organizations, as described in RCW 43.185.060, to provide assistance to program participants. The eligible organizations must use grant moneys for:

(a) Rental assistance, which includes security or utility deposits, first and last month's rent assistance, and eligible moving expenses to be determined by the department;

(b) Case management services designed to assist program participants to secure and retain immediate housing and to transition into permanent housing and greater levels of self-sufficiency;

(c) Contracts with supportive housing facilities to exclusively provide housing for homeless offenders. Supportive housing is housing that will provide a structured living environment for offenders to assist an offender in developing the interpersonal and social survival skills necessary to be independent and self-reliant in mainstream society; and

(d) Administrative costs of the eligible organization, which must not exceed limits prescribed by the department.

(2) Eligible to receive assistance up to twelve months through the offender reentry transitional housing assistance program are offenders who:

(a) Will be released or were released within the last six months from a correctional facility operated by the department of corrections;

(b) Are homeless or at risk of becoming homeless and have household incomes at or below fifty percent of the median household income for their county;

(c) Have not been found to have violated conditions of his or her supervision on two or more separate occasions.

(3) In providing assistance, priority shall be given to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections.

(4) All housing assistance recipients must be willing to create and actively participate in a housing stability plan for achieving permanent housing and greater levels of self-sufficiency.

(5) Data on all housing assistance recipients must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

(6) The department of corrections shall cooperate with the department in:

(a) Determining an appropriate formula for the distribution of grant funds to counties or regions; and

(b) Developing rules, requirements, procedures, and guidelines as necessary to implement and operate the offender reentry transitional housing assistance program.

(7) The department of corrections shall collaborate with the organization receiving grant funds to:

(a) Help identify appropriate housing solutions in the community for offenders;

(b) Where possible, facilitate an offender's application for housing prior to discharge;

(c) Identify enhancements to training provided to offenders prior to discharge that may assist an offender in effectively transitioning to the community;

(d) Maintain communication between the case manager, housing provider, and corrections staff supervising the offender; and

(e) Assist the offender in accessing resources and services available through the department of corrections and a community justice center, if one is located in the area.

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(8) The department shall produce an annual transitional housing operating and rent program report that must be included in the department's homeless housing strategic plan as described in RCW 43.185C.040. The report must include performance measures to be determined by the department that address, at a minimum, the following issue areas:

(a) The success of the program in helping housing assistance recipients transition into permanent housing and increase their levels of self-sufficiency;

(b) The financial performance of the program related to efficient program administration by the department and program operation by selected eligible organizations, including an analysis of the costs per program participant served;

(c) The quality, completeness, and timeliness of the information on housing assistance recipients provided to the Washington homeless client management information system database; and

(d) The satisfaction of housing assistance recipients in the assistance provided through the program.

(9) The state, department of community, trade, and economic development, department of corrections, local governments, local housing authorities, and its employees are not liable for civil damages arising from the criminal conduct of an offender due to the placement of an offender in housing provided under this section or the provision of housing assistance.

NEW SECTION. Sec. 705. A new section is added to chapter 43.185C RCW to read as follows:

The offender reentry transitional housing assistance account is created in the custody of the state treasurer. All receipts from sources directed to the offender reentry transitional housing assistance program must be deposited into the account. Expenditures from the account may be used solely for the purpose of the offender reentry transitional housing assistance program as described in section 704 of this act. Only the director of the department of community, trade and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 706. RCW 72.09.111 and 2004 c 167 s 7 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3)(a) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the following times:

(i) The time of his or her release from confinement(;
~~unless);~~

(ii) Prior to his or her release from confinement in order to secure approved housing; or

(iii) When the secretary determines that an emergency exists for the inmate(;
~~at which time the funds can be);~~

(b) If funds are made available pursuant to (a)(ii) or (iii) of this subsection, the funds shall be made available to the inmate in an amount determined by the secretary.

(c) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

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(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

PART VIII - RESTORATION OF CIVIL RIGHTS

Sec. 801. RCW 29A.04.079 and 2003 c 111 s 114 are each amended to read as follows:

An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. The definition of "infamous crime" does not include juvenile adjudications pursuant to chapter 13.40 RCW or adult convictions for misdemeanors and gross misdemeanors.

Sec. 802. RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) ~~(Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list.)~~ A person who has been convicted of a felony and who is under the jurisdiction of the department of corrections as a result of that felony conviction is ineligible to vote. Following conviction of a felony, the right to vote is provisionally restored as long as the person is not under the jurisdiction of the department of corrections.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to

ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a ~~((person is found on a felon list and the statewide voter registration list))~~ registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The canceling authority shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ~~((once all terms of sentencing have been completed))~~ and reregistering. If the person does not respond within thirty days, the registration must be canceled. To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

~~((2))~~ (6) The right to vote may be permanently restored by ~~((, for each felony conviction,))~~ one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Sec. 803. RCW 9.92.066 and 2003 c 66 s 2 are each amended to read as follows:

(1) Upon termination of any suspended sentence under RCW 9.92.060 or 9.95.210, such person may apply to the court for restoration of his or her civil rights not already restored by RCW 29A.08.520. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted.

(2)(a) Upon termination of a suspended sentence under RCW 9.92.060 or 9.95.210, the person may apply to the sentencing court for a vacation of the person's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the person has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 804. RCW 9.94A.637 and 2004 c 121 s 2 are each amended to read as follows:

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(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a database containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights (~~lost by operation of law upon conviction~~) not already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the

community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 805. RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as follows:

When a prisoner on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the prisoner. The certificate of discharge shall be issued to the offender in person or by mail to the prisoner's last known address.

The board shall send a copy of every signed certificate of discharge (~~to the auditor for the county in which the offender was sentenced and~~) to the department of corrections. The department shall create and maintain a database containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence. If not earlier granted, the board shall make a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights (~~lost by operation of law upon conviction~~) not already restored by RCW 29A.08.520, and the certification of discharge shall so state. This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

Sec. 806. RCW 10.64.140 and 2005 c 246 s 1 are each amended to read as follows:

When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

(1) The defendant's right to vote has been lost due to the felony conviction;

(2) (~~If the defendant is registered to vote, the voter registration will be canceled~~) The right to vote is provisionally restored as long as the defendant is not under the jurisdiction of the department of corrections;

(3) The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations;

(~~(3)~~) (4) The right to vote may be permanently restored by one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and

(~~(4)~~) (5) Voting before the right is restored is a class C felony under RCW 29A.84.660.

NEW SECTION. Sec. 807. The following acts or parts of acts are each repealed:

(1) RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1; and

(2) RCW 29A.08.660 (Felony offender--Completion of sentence) and 2005 c 246 s 12.

PART IX - OVERSIGHT COMMITTEE

NEW SECTION. Sec. 901. A new section is added to chapter 72.09 RCW to read as follows:

(1) There is created the legislative corrections oversight committee for the purpose of monitoring and ensuring compliance with administrative acts, relevant statutes, rules, and

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policies pertaining to the department of corrections and the treatment and supervision of offenders under the jurisdiction of the department. The committee shall consist of three senators and three representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate. The house members of the committee shall be appointed by the speaker of the house of representatives. Not more than two members from each chamber shall be from the same political party. Members shall be appointed before the close of each regular session of the legislature during an odd-numbered year.

(2) The committee shall have the following powers:

(a) Selection of its officers and adoption of rules for orderly procedure;

(b) Request and receive status reports from the department related to its progress on the recommendations of the joint task force on offenders programs, sentencing and supervision authorized by chapter 267, Laws of 2006, implementation of the provisions of this act, and other topics as appropriate;

(c) Monitor coordination and collaboration between local government and the department and efforts to share resources and reduce the duplication of services;

(d) Request investigations by the corrections ombudsman of administrative acts;

(e) Receive reports of the ombudsman;

(f)(i) Obtain access to all relevant records in the possession of the department or ombudsman, except as prohibited by law; and (ii) make recommendations to all branches of government;

(g) Request legislation;

(h) Conduct hearings into such matters as it deems necessary.

(3) Upon receipt of records from the department or ombudsman, the committee is subject to the same confidentiality restrictions as the department or ombudsman under Senate Bill No. 5295.

(4) The committee will receive the necessary staff support from both the senate and house of representatives staff resources.

(5) The members of the committee shall serve without additional compensation, but will be reimbursed for their travel expenses, in accordance with RCW 44.04.120, incurred while attending sessions of the committee or meetings of a subcommittee of the committee, while engaged on other committee business authorized by the committee, and while going to and coming from committee sessions or committee meetings.

(6) This section expires July 1, 2012.

PART X - MISCELLANEOUS

NEW SECTION. Sec. 1001. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1002. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1003. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Carrell and Regala to the striking amendment be adopted.

On page 27, after line 5 of the amendment, insert the following:

"**Sec. 405.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting

disposition of an alleged violation and subject to the limitations of subsection ~~((2))~~ (3) of this section.

(2) If an offender has not completed his or her maximum term of total confinement and commits a third violation of any condition of community custody, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending. At the completion of any term of total confinement under this subsection, an offender shall be subject to not less than twelve months of community custody if the offender was originally sentenced on or after the effective date of this section.

(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

~~((3))~~ (4) If an offender has been arrested for a new felony offense, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community custody.

(5) Any offender sanctioned to total confinement under this section shall serve the entire term of the sanction in total confinement as defined in RCW 9.94A.030.

(6) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility.

(7) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a

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hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

~~((4))~~ (8) The hearing procedures required under subsection ~~((3))~~ (7) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

~~((5))~~ (9) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

~~((6))~~ (10) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

~~((7))~~ (11) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Carrell and Regala on page 27, after line 5 to the striking amendment to Second Substitute Senate Bill No. 5070.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

Senator Regala spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove,

Carrell and Regala as amended to Second Substitute Senate Bill No. 5070.

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "recidivism;" strike the remainder of the title and insert "amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.850, 72.09.460, 72.09.480, 72.09.450, 72.09.111, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; adding new sections to chapter 4.24 RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing RCW 10.64.021 and 29A.08.660; and providing expiration dates."

On page 62, line 7 of the amendment, after "9.94A.728," insert "9.94A.737,"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5070 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell, Regala, Stevens, Franklin, Hargrove and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5070.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5070 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Marr - 1

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6001, by Senators Pridemore, Poulsen, Rockefeller, Brown, Eide, Oemig, Hargrove, Marr, Fraser, Kohl-Welles, Keiser, Regala, Franklin, Fairley, Jacobsen, Shin, Haugen, Berkey, Spanel, Kline and Weinstein

Mitigating the impacts of climate change.

MOTION

On motion of Senator Pridemore, Substitute Senate Bill No. 6001 was substituted for Senate Bill No. 6001 and the substitute bill was placed on the second reading and read the second time.

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Senator Pridemore moved that the following striking amendment by Senator Pridemore be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Washington is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities. Extreme weather, a warming Pacific Northwest, reduced snow pack, and sea level rise are four major ways that climate change is disrupting Washington's economy, environment, and communities;

(b) Washington's greenhouse gas emissions are continuing to increase, despite international scientific consensus that worldwide emissions must be reduced significantly below current levels to avert catastrophic climate change;

(c) Washington has been a leader in actions to reduce the increase of emissions, including the adoption of clean car standards, stronger appliance energy efficiency standards, increased production and use of renewable liquid fuels, and increased renewable energy sources by electrical utilities;

(d) Washington has participated with other Western states in designing regional approaches to reduce greenhouse gas emissions, and a regional cap and trade mechanism will be more effective than if implemented separately in each state;

(e) While these actions are significant, there is a need to assess the trend of emissions statewide over the next several decades, and to take sufficient actions so that Washington meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;

(f) Actions to reduce greenhouse gas emissions will spur technology development and increase efficiency, thus resulting in benefits to Washington's economy and businesses; and

(g) Numerous states and nations have adopted emission reduction goals to assist emission sources with planning for changes in practices and technologies.

(2) The legislature further finds that companies that generate greenhouse gas emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies in order to provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted lands and waters, provide carbon storage and mitigate greenhouse gas emissions. Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program. The legislature further finds that catastrophic forest fires are a major source of greenhouse gas emissions, and that federal and state forest land management should seek to manage forests to reduce the risk of such fires.

(3) The legislature intends by this act to establish goals for the statewide reduction in greenhouse gas emissions and reduction in petroleum use, and to adopt the governor's mechanism in Executive Order No. 07-02 to design and recommend a comprehensive set of measures to accomplish the goals. The legislature further intends by this act to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gas emissions and to accelerate efficiency in the transportation sector.

NEW SECTION. Sec. 2. The following greenhouse gas emissions reduction and clean energy economy goals are established for Washington state:

(1) By 2020, reduce greenhouse gas emissions in the state to 1990 levels;

(2) By 2035, reduce greenhouse gas emissions in the state to twenty-five percent below 1990 levels;

(3) By 2050, the state will do its part to reach global climate stabilization levels by reducing emissions to fifty percent below 1990 levels or seventy percent below the state's expected emissions that year;

(4) By 2020, increase the number of clean energy sector jobs to twenty-five thousand from the eight thousand four hundred jobs the state had in 2004; and

(5) By 2020, reduce expenditures by twenty percent on fuel imported into the state by developing Washington resources and supporting efficient energy use.

NEW SECTION. Sec. 3. Executive Order No. 07-02 shall provide the mechanisms for identifying the policies and strategies necessary to achieve the economic and emission reduction goals of section 2 of this act.

NEW SECTION. Sec. 4. By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gas emissions for the preceding two years, and totals in each major source sector.

NEW SECTION. Sec. 5. (1) The legislature finds that:

(a) The United Nation's intergovernmental panel on climate change report, released February 2, 2007, states that evidence of the climate's warming "is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global mean sea level";

(b) Global warming will have serious adverse consequences on the economy, health, and environment of Washington;

(c) During the last several years, the state has taken significant strides towards implementing an environmentally and economically sound energy policy through reliance on energy efficiency, conservation, and renewable energy resources in order to promote a sustainable energy future that ensures an adequate and reliable energy supply at reasonable and stable prices;

(d) The governor, in Executive Order No. 07-02, has called for the reduction of Washington's emission of greenhouse gases to 1990 levels by 2020;

(e) To the extent energy efficiency and renewable resources are unable to satisfy increasing energy and capacity needs, the state will rely on clean and efficient fossil fuel fired generation and will encourage the development of cost-effective, highly efficient, and environmentally sound supply resources to provide reliability and consistency with the state's energy priorities;

(f) It is vital to ensure all electric utilities internalize the significant and underrecognized cost of emissions and to reduce Washington's exposure to costs associated with future regulation of these emissions;

(g) A greenhouse gases emissions performance standard for new long-term financial commitments to electric generating resources will reduce potential exposure of Washington's consumers to future reliability problems in electricity supplies;

(h) The state of California recently enacted a law establishing a greenhouse gases emissions performance standard for electric utility procurement of baseload electric generation that is based on the emissions of a combined-cycle thermal electric generation facility fueled by natural gas;

(i) The legislature recognizes that state or federal legislation may be enacted and federal regulation may occur that would provide standards or programs that would preempt, make inconsistent, or render unnecessary emission standards or schedules established in this act; and

(j) The state of Washington has an obligation to provide clear guidance for the procurement of baseload electric generation to alleviate regulatory uncertainty while addressing risks that can affect the ability of electric utilities to make necessary and timely investments to ensure an adequate, reliable, and cost-effective supply of electricity.

(2) The legislature declares that:

(a) A greenhouse gases emissions performance standard for new long-term financial commitments for baseload electric generation should reduce financial risk to electric utilities and their customers from future pollution-control costs, without jeopardizing the state's commitment to lowest reasonable cost resources and the need to maintain a reliable regional electric system.

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(b) A greenhouse gases emissions performance standard will complement the state's carbon dioxide mitigation policy for fossil-fueled thermal electric generation facilities under chapter 80.70 RCW.

(c) The need for long-term financial commitments for new baseload electric generation can be reduced over time through the deployment by electric utilities of technologies that improve the efficiency of electricity production, transmission, distribution, and consumption.

NEW SECTION. Sec. 6. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(4) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(5) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(6) "Commission" means the Washington utilities and transportation commission.

(7) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(8) "Department" means the department of ecology.

(9) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(10) "Electric utility" means an electrical company or a consumer-owned utility.

(11) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(12) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(13) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(14) "Output-based methodology" means a greenhouse gases emissions performance standard that is expressed in pounds of greenhouse gases emitted per net megawatt-hour produced, factoring in the electrical equivalent of useful thermal energy employed for purposes other than the generation of electricity.

(15) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(16) "Power plant" means a facility for the generation of electricity that includes one or more generating units at the same location.

(17) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits but may result in incidental increases in generation capacity.

NEW SECTION. Sec. 7. (1) Beginning July 1, 2008, the greenhouse gases emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of one thousand one hundred pounds of greenhouse gases per megawatt-hour or the rate of emissions of greenhouse gases for a commercially available combined-cycle natural gas thermal electric generation facility that provides baseload electric generation. Even if their actual emissions are higher than the greenhouse gas emissions performance standard, all baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section until the facilities are the subject of long-term financial commitments. All electric generating facilities or power plants powered by renewable resources, as defined in RCW 19.285.030, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section. For the purposes of this subsection, "commercially available" means that at least one hundred plants of substantially the same design, specifications, and performance characteristics have been in commercial operation for at least three years. In determining the rate of emissions of greenhouse gases for baseload electric generation, the net emissions resulting from the production of electricity by the baseload electric generation shall be included.

(2) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse gases emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(3) Carbon dioxide that is injected permanently in geological formations, so as to prevent releases into the atmosphere, in compliance with applicable laws and regulations may not be counted as emissions of the power plant in determining compliance with the greenhouse gases emissions performance standard.

(4) In adopting and implementing the greenhouse gases emissions performance standard, the department, in consultation with the commission, the Bonneville power administration, the western electricity coordination council, electric utilities, public interest representatives, and consumer representatives shall consider the effects of the greenhouse gases emissions performance standard on system reliability and overall costs to electricity customers.

(5) In developing and implementing the greenhouse gases emissions performance standard, the department shall, with assistance of the commission and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

(6) The department shall adopt the greenhouse gases emissions performance standard by rule pursuant to chapter 34.05 RCW, the administrative procedure act. The department shall adopt rules to enforce the requirements of this section, and adopt procedures to verify the emissions of greenhouse gases

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from any baseload electric generation supplied directly or under a contract subject to the greenhouse gases emissions performance standard to ensure compliance with the standard. Enforcement of the greenhouse gases emissions performance standard must begin immediately upon the establishment of the standard.

(7) In adopting the rules for implementing this section, the department shall include criteria to be applied in evaluating the carbon sequestration plan. The rules shall include:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological sequestration to commence within five years of plant operation;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule; and

(e) Provisions for public notice and comment on the carbon sequestration plan.

(8) A project under consideration by the energy facility site evaluation council before the adoption of rules in subsection (7) of this section is required to include all of the requirements of subsection (7) of this section in its carbon sequestration plan submitted to the department as part of the energy facility site evaluation council process. The department shall provide for timely hearings and public comment on the carbon sequestration plan.

(9) The department shall adopt the rules necessary to implement this section by June 30, 2008.

NEW SECTION. Sec. 8. (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric utility, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall make a determination regarding the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity that complies with the greenhouse gases emissions performance standard established under section 7 of this act, as to the need for the resource, and the appropriateness of the specific resource selected. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions. In addition, the commission shall provide for recovery of the prudently incurred capital and operating cost of these resources and may impose such conditions as it finds necessary to ensure that rates are fair, just, reasonable, and sufficient, coincident with the in-service date of the project or the effective date of the power purchase agreement.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and ends on the effective date of the final decision by the commission regarding recovery in rates of these deferred costs. Creation of such a deferral account does not by itself determine whether recovery of any or all of these costs is appropriate.

(7) In establishing rates for each electrical company regulated under chapter 80.28 RCW, the commission shall adopt policies allowing an additional return on investments to encourage meeting energy requirements through distributed generation as defined in RCW 19.285.030, and to accelerate efficiencies in electric transmission and distribution systems that increase reliability and reduce energy losses or otherwise increase the efficiency of energy delivery to end-use consumers. These policies shall include but are not limited to adding an increment of two percent to the rate of return on common equity permitted on an electrical company's other investments for prudently incurred investments in distributed generation, and in measures that improve, as measured in kilowatt-hour savings, the overall efficiency of transmission, distribution, and end-use consumption of electricity through energy efficiency technologies, including any device, instrument, machine, appliance, or process related to the transmission, distribution, and consumption of electricity to increase energy efficiency, including but not limited to smart grid technology, smart meters, and demand response technologies. The rate of return increment must be allowed for a period, at the commission's discretion, of at least seven but not more than thirty years after the investment is first placed in the rate base. Measures or projects encouraged under this section are those for which construction or installation is begun after July 1, 2007, and before January 1, 2017, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use that is less than or equal to the incremental system cost per unit of energy delivered to end use from new baseload or peaking electric generation and that the electrical company could acquire to meet energy demand in the same time period.

(8) The commission shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under section 7 of this act.

(9) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(10) The commission shall adopt the rules necessary to implement this section by June 30, 2008.

NEW SECTION. Sec. 9. (1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(2) The governing board of a consumer-owned utility shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 7 of this act.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and

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any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation pursuant to section 7 of this act, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance.

NEW SECTION. Sec. 10. A new section is added to chapter 43.19 RCW to read as follows:

(1) During the biennium ending June 30, 2009, the department of general administration is authorized to purchase at least one hundred plug-in electric hybrid vehicles for state agency light duty vehicle uses, when commercially available at comparable life costs to other vehicles. The department of general administration shall assign these vehicles to departments and job functions that on average log the most miles driving light duty vehicles. The vehicles must bear a prominent designation as a plug-in electric hybrid vehicle. The department of general administration shall develop a purchasing contract under which state agencies and local governments may purchase plug-in electric hybrid vehicles.

(2) By December 31, 2009, the department of general administration shall provide a report to the transportation and energy committees of the senate and house of representatives on the acquisition of these vehicles and their operational and maintenance performance.

NEW SECTION. Sec. 11. The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that sections 1 and 2 of this act are intended to reverse the result of *Okeson v. City of Seattle*, No. 77888-4 (January 18, 2007), by expressly granting municipal utilities, public utility districts, and counties the statutory authority to engage in mitigation activities to offset their utility's impact on the environment from electric generation.

NEW SECTION. Sec. 12. A new section is added to chapter 35.92 RCW to read as follows:

(1) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may develop and make publicly available a plan to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases resulting from power generation that the utility owns, leases, uses, contracts for, or otherwise controls.

(2) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may, as part of its power generating operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation, including any power purchases. The mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a utility that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 13. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county may develop and make publicly available a plan for the county to reduce its greenhouse gases emissions or achieve no-net emissions from all power generating sources of greenhouse gases it owns, operates, leases, uses, contracts for, or otherwise controls.

(2) Any county may reduce or mitigate the environmental impacts of its power generating operations, such as emissions of greenhouse gases. The mitigation may include, but is not limited to, all greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of carbon offsets or credits. Ratepayer funds, fees, or other revenue dedicated to a power generating function performed by a county may be spent to reduce or mitigate the environmental impact of greenhouse gases emitted as a result of that function. If a state greenhouse gases registry is established, the county that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 14. A new section is added to chapter 54.04 RCW to read as follows:

(1) A public utility district may develop and make publicly available a plan for the district to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases resulting from power generation that the district owns, leases, uses, contracts for, or otherwise controls.

(2) A public utility district may, as part of its utility power generating operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its power generating operation and any power purchases. Mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a public utility district that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 15. For the purposes of sections 5 through 9 of this act, the department and the commission shall review the greenhouse gases emission performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following the effective date of this section, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electrical utilities, and report to the legislature.

NEW SECTION. Sec. 16. (1) The office of Washington state climatologist is created.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in section 17 of this act.

(3) The director of the office of Washington state climatologist must be appointed jointly by the president of Washington State University and the president of the University of Washington. The office of Washington state climatologist is administered as determined jointly by these two presidents.

NEW SECTION. Sec. 17. The office of Washington state climatologist has the following powers and duties:

(1) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(2) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;

(3) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

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(4) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(5) To supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the department of ecology under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

(6) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(7) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes.

NEW SECTION. Sec. 18. Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 19. Sections 5 through 9 and 15 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. Sec. 20. Sections 16 and 17 of this act constitute a new chapter in Title 43 RCW."

Senator Pridemore spoke in favor of adoption of the striking amendment.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, beginning on line 19 of the amendment, strike all of subsection (3)

Beginning on page 2, line 27 of the amendment, strike all of sections 2 and 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 19 to the striking amendment to Substitute Senate Bill No. 6001.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 13, line 9 of the amendment, after "environment" insert "from electric generation"

On page 13, line 18 of the amendment, after "gases" insert "resulting from power generation"

On page 13, line 24 of the amendment, after "its" strike "utility" and insert "power-generating"

On page 13, line 26 of the amendment, after "its" insert "power-generating"

On page 14, line 3 of the amendment, after "all" insert "power-generating"

On page 14, line 6 of the amendment, after "its" insert "power-generating"

On page 14, line 12 of the amendment, after "to a" strike "particular" and insert "power-generating"

On page 14, line 23 of the amendment, after "gases" insert

"resulting from power generation"

On page 14, line 25 of the amendment, after "its utility" insert "power-generating"

On page 14, line 27 of the amendment, after "its" insert "power-generating"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Pridemore spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 13, line 9 to the striking amendment to Substitute Senate Bill No. 6001.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Keiser to the striking amendment be adopted.

On page 3, line 10 of the amendment, after "act." insert "Consistent with the Executive Order's directive to seek a healthier and more prosperous future for Washington state, agency and stakeholder representatives participating in the Washington climate change challenge shall also seek emission reduction policies and strategies that, to the maximum extent possible, minimize economic disruptions and protect jobs for Washington state workers, citizens, and businesses, while avoiding policies and strategies that would result in the transfer or outsourcing of economic advantages or jobs to other states, regions, or nations."

Senators Honeyford and Poulsen spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Keiser on page 3, line 10 to the striking amendment to Substitute Senate Bill No. 6001.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 12, after line 32, insert the following:
 "(2) The use of hybrid vehicles shall include an economic analysis of the total life-cycle cost to the state over the vehicle's estimated useful life, including energy inputs into the production of the vehicle, fuel usage, and all related costs of selection, acquisition, operation, maintenance, and disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of the vehicle's estimated useful life."

Re-number the remaining subsection consecutively and correct any internal references accordingly.

Senators Honeyford and Pridemore spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 12, after line 32 to the striking amendment to Substitute Senate Bill No. 6001.

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The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Pridemore as amended to Substitute Senate Bill No. 6001.

The motion by Senator Pridemore carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "change;" strike the remainder of the title and insert "adding a new section to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 54.04 RCW; adding new chapters to Title 43 RCW; adding a new chapter to Title 80 RCW; and creating a new section."

MOTION

On motion of Senator Pridemore, the rules were suspended, Engrossed Substitute Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore spoke in favor of passage of the bill.

Senators Honeyford, Sheldon, Parlette spoke against passage of the bill.

PARLIAMENTARY INQUIRY

Senator Parlette: "Mr. President, if this amendment has been read by the Secretary, as it says by Senate Rule 64, because it's an important issue, not just on this bill, but on all the bills that we consider that have major policy decision. We had a big hold up yesterday on the Governor's Blue Ribbon Commission bill because the Code Reviser could not keep caught up with the strikers. Those of us who were making amendments couldn't stay caught up so it slowed us down here in this process so, something to discuss in the future about rules of the Senate. Anyway, I just wondered if the Secretary of the Senate had read it? Thank you very much."

REPLY BY THE PRESIDENT

President Owen: "Senator Parlette, in responding to your point of inquiry. The issue of the Secretary reading is relevant to reading in the amendment to you. Any member can ask amendment to be read in full. The customary procedure is for the amendment to be read. When it is long, for the President to go to last line. However, any member can request an amendment to be read in full to the body. It's not whether the Secretary has sat in his office and read the amendment himself."

Senators Brown and Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6001.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 35

Voting nay: Senators Brandland, Clements, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 13

Excused: Senator Delvin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Engrossed Substitute Senate Bill No. 6001 was immediately transmitted to the House of Representatives.

MOTION

At 12:34 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5953, by Senators Eide, Stevens, Delvin, Regala, Sheldon, Benton, Marr, Shin, Rasmussen and Holmquist

Increasing penalties for acts of domestic violence involving strangulation.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Eide and Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Rockefeller was excused.

MOTION

On motion of Senator Brandland, Senators Benton, Clements, McCaslin, Parlette, Pflug and Roach were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell,

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Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Haugen - 1

Excused: Senators Benton, Delvin, McCaslin and Rockefeller - 4

SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5123, by Senators Hobbs, Kilmer, Roach, Jacobsen, Shin, Fairley, Marr, Prentice, Carrell, Murray, Rasmussen, Keiser, Berkey, Haugen, Franklin, Hatfield, Eide, Kauffman, Fraser and McAuliffe

Protecting persons with veteran or military status from discrimination.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of Senate Bill No. 5123 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5383, by Senators Hargrove, Poulsen, Hatfield, Rockefeller, Rasmussen and Kohl-Welles

Modifying provisions of the energy freedom program.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5383 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5383.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5383 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SENATE BILL NO. 5383, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5421, by Senators Fraser, Morton, Poulsen, Swecker, Marr, Regala, Rockefeller, Pridemore, Oemig, Honeyford, Rasmussen, Shin, Kohl-Welles and Kline

Concerning environmental covenants.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5421 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5421.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5421 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Holmquist - 1

Excused: Senators Delvin and McCaslin - 2

SENATE BILL NO. 5421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5881, by Senators Poulsen, Delvin, Regala and Fraser

Modifying water power license fees.

MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 5881 was substituted for Senate Bill No. 5881 and the substitute bill was placed on the second reading and read the second time.

Senator Poulsen spoke in favor of the substitute bill.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 5881 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5881.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Brandland, Carrell, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler and Stevens - 9

Excused: Senator Delvin - 1

SUBSTITUTE SENATE BILL NO. 5881, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Senate Bill No. 5123 which had been deferred earlier in the day.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5123 was not substituted for Senate Bill No. 5123 and the substitute bill was not adopted.

Senator Hobbs spoke in favor of the motion.

MOTION

On motion of Senator Hobbs, the rules were suspended, Senate Bill No. 5123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs, Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Delvin - 1

SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1103,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1374,
SECOND SUBSTITUTE HOUSE BILL NO. 1422,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,
ENGROSSED HOUSE BILL NO. 1743,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2053,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,
HOUSE BILL NO. 1285,
SUBSTITUTE HOUSE BILL NO. 1322,
HOUSE BILL NO. 1349,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461,
SUBSTITUTE HOUSE BILL NO. 1590,
SECOND SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1669,
SUBSTITUTE HOUSE BILL NO. 1837,
SECOND SUBSTITUTE HOUSE BILL NO. 1992,
SUBSTITUTE HOUSE BILL NO. 2010,
HOUSE BILL NO. 2134,
HOUSE BILL NO. 2146,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2268,
SUBSTITUTE HOUSE BILL NO. 2325,
SUBSTITUTE HOUSE BILL NO. 2361,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED HOUSE BILL NO. 1413,
ENGROSSED HOUSE BILL NO. 1956,
HOUSE BILL NO. 2079,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 2:11 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:59 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

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SECOND READING

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SENATE BILL NO. 6044, by Senators Rockefeller and Swecker

Regarding the removal of derelict vessels.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 6044 was substituted for Senate Bill No. 6044 and the second substitute bill was placed on the second reading and read the second time.

POINT OF ORDER

Senator Zarelli: "I had an amendment on the bar originally to this bill and all of a sudden we have a striker. I'm wondering how that follows?"

REPLY BY THE PRESIDENT

President Owen: "Me too. Pilot error, co-pilot error. Thank you Senator Zarelli, they're being passed out now."

POINT OF ORDER

Senator Zarelli: "Thank you Mr. President. I think that amendment is written to the original bill so I don't know if it follows this striker and so I'm not sure how to proceed at this point."

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, we'll check it up against the striker."

MOTION

On motion of Senator Brandland, Senator Roach was excused.

MOTION

On motion of Senator Regala, Senator Oemig was excused.

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 6044 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6117, by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline

Regarding reclaimed water.

MOTION

On motion of Senator Fraser, Second Substitute Senate Bill No. 6117 was substituted for Senate Bill No. 6117 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Since the 1992 enactment of the reclaimed water act, the value of reclaimed water as a new source of supply has received increasing recognition across the state and across the nation. New information on the matters in this section has increased awareness of the need to better manage, protect, and conserve water resources and to use reclaimed water in that process. The legislature now finds the following:

(a) Global warming and climate change. Global warming has reduced the volume of glaciers in the North Cascade mountains to between eighteen to thirty-two percent since 1983, and up to seventy-five percent of the glaciers are at risk of disappearing under projected temperatures for this century. Mountain snow pack has declined at virtually every measurement location in the Pacific Northwest, reducing the proportion of annual river flow to Puget Sound during summer months by eighteen percent since 1948. Global warming has also shifted peak stream flows earlier in the year in watersheds covering much of Washington state, including the Columbia river basin, jeopardizing the state's salmon fisheries. The state's recent report on the economic impacts of climate change indicate that water resources will be one of the areas most affected, and that many utilities may need to invest major resources in new supply and conservation measures. Developing and implementing adaptation strategies, such as water conservation that includes the use of reclaimed water, can extend existing water supply systems to help address the global warming impacts. In particular, because reclaimed water uses existing sources of supply and fairly constant base flows of wastewater, it has year-round dependability, without regard to any given year's climate variability. This is particularly important during summer months, when outdoor demands peak and stream flows are critical for fish.

(b) Puget Sound. The governor has initiated a Puget Sound partnership, with a request for an initial strategy to address high priority problems. In December, the partnership delivered a strategy that includes expanded use of reclaimed water both in order to improve the Puget Sound's water quality by reducing wastewater discharges and by replacing current sources of supply for nonpotable uses that detrimentally affect stream flows and habitat.

(c) Salmon recovery. The federal fisheries services recently approved a salmon recovery plan for the Puget Sound, which was developed across multiple watersheds by numerous local governments, tribal governments, and other parties to achieve sustainable populations of salmon and other species. That plan includes an adaptive management component where continued efforts will be made to address issues, including problems with instream flows, identified as a limiting factor in virtually all the watersheds, through strategies that will be developed by regional and watershed implementation groups. A potentially significant strategy may be the substitution of reclaimed water for nonpotable uses where it will benefit streams and habitat.

(d) Water quality. Increasingly stringent federal standards for water quality are forcing a number of communities to develop strategies for wastewater treatment that, in addition to providing higher treatment levels, will reduce the quantity of discharges. For many of those communities, facilities to produce reclaimed water will be a necessary approach to achieve both water quality and water supply objectives.

(e) Watershed plans. Under the watershed planning act of 1997, approximately two-thirds of the watersheds in the state have used a bottoms-up approach to developing collaborative plans for meeting future water supply needs. Many of those plans include the use of reclaimed water for meeting those needs.

(f) Columbia river water management. Pursuant to legislation and funding provided in 2006, federal, state, and local governments and agencies, along with tribal governments, user groups, environmental organizations, and others are developing a comprehensive strategy for the mainstem Columbia that will ensure supplies for future growth while protecting stream flows and fish habitat. The strategy will

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include multiple tools that may include the potential development of new storage, conservation measures, and water use efficiency. One pathway toward conservation and efficiency is likely to be identification and implementation of reclaimed water opportunities.

(g) Development schedule. The time frame required to plan, design, construct, and begin use of reclaimed water can be extensive due to the public information and acceptance efforts required in addition to planning, design, and environmental assessment required for infrastructure projects. This extended time frame necessitates the initiation of reclaimed water projects as soon as possible.

(2) It is therefore the intent of the legislature to:

(a) Effectuate and reinvigorate the original intent behind the reclaimed water act to expand the use of reclaimed water for nonpotable uses throughout the state;

(b) Restate and emphasize the use of reclaimed water as a matter of water resource management policy;

(c) Address current barriers to the use of reclaimed water, where changes in state law will resolve such issues;

(d) Develop information from the state agencies responsible for promoting the use of reclaimed water and address regulatory, financial, planning, and other barriers to the expanded use of reclaimed water, relying on state agency expertise and experience with reclaimed water;

(e) Facilitate achieving state, regional, and local objectives through use of reclaimed water for water supply purposes in high priority areas of the state, and in regional and local watershed and water planning;

(f) Provide planning tools to local governments to incorporate reclaimed water and related water conservation into land use plans, consistent with water planning;

(g) Expand the scope of work of the advisory committee established under chapter 279, Laws of 2006 to identify other reclaimed water issues that should be addressed; and

(h) Provide initial funding, and evaluate options for providing additional direct state funding, for reclaimed water projects.

Sec. 2. RCW 90.46.005 and 2001 c 69 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the immediate use of reclaimed water (~~as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects~~) for uses approved by the departments of ecology and health, the state shall expand both direct financial support and financial incentives for capital investments in water reuse and reclaimed water to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes, contribute to the restoration and protection of instream flows that are crucial to preservation of the state's salmonid fishery resources, contribute to the restoration of Puget Sound by reducing wastewater discharge, provide a drought resistant source of water supply for nonpotable needs, and be a source of

supply integrated into state, regional, and local strategies to respond to population growth and global warming. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations and local and regional water management planning should consider coordination of infrastructure, development, storage, water reclamation and reuse, and source exchange as strategies to meet water demands associated with population growth and impacts of global warming.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW. The legislature finds that funding demonstration projects will ensure the future use of reclaimed water. The demonstration projects in RCW 90.46.110 are varied in nature and will provide the experience necessary to test different facets of the standards and refine a variety of technologies so that water purveyors can begin to use reclaimed water technology in a more cost-effective manner. This is especially critical in smaller cities and communities where the feasibility for such projects is great, but there are scarce resources to develop the necessary facilities.

The legislature further finds that the agricultural processing industry can play a critical and beneficial role in promoting the efficient use of water by having the opportunity to develop and reuse agricultural industrial process water from food processing.

Sec. 3. RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use ~~(and)~~ distribution ~~(of the)~~ and the recovery from aquifer storage of reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of ~~(the)~~ any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed under chapters 43.20 ~~(or)~~, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system

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plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

Sec. 4. RCW 90.46.130 and 2002 c 329 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless there is compensation or mitigation for such impairment (~~(is agreed to by the holder of the affected water right)~~). For purposes of this section, there is no impairment in the following circumstances: (i) There is recovery and use of reclaimed water in lieu of discharge of wastewater, which leads to return flows to the water body in substantially the same quantity and location as a wastewater discharge previously authorized by a national pollutant discharge elimination system wastewater discharge permit or state permit; (ii) there is discharge of reclaimed water or recovery and use of reclaimed water in lieu of the discharge of wastewater into marine water; and (iii) proposals to replace failing or inadequate septic facilities with a reclaimed water facility or project that is part of a new or expanded wastewater treatment and reclaimed water facility. This presumption only applies if there is no claim of impairment by an existing downstream water right after compliance with the requirements in subsection (3) of this section.

(b) Nothing in this section may be construed as affecting or diminishing the right to use reclaimed water or the exemption from water right permit requirements provided to the owner of the wastewater treatment facility in RCW 90.46.120. Further, nothing in this section may be construed as affecting or diminishing the ability of the owner of a wastewater treatment facility to modify its facilities or discharges in order to comply with state or federal water quality standards or permit requirements under chapter 90.48 RCW.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002.

(3) For purposes of determining a claim of impairment under subsection (1)(a) and (b) of this section, of a downstream water right existing August 18, 1997, the applicant for a reclaimed water permit shall publish notice of an application for a permit for a reclaimed water facility in the same manner as provided for in RCW 90.48.170. If the department receives a claim of impairment within thirty days of the last publication of notice, the department shall investigate the claim of impairment and issue a written decision. The decision shall include any conditions the department finds necessary to mitigate any impairment. The decision shall be issued within one hundred eighty days and shall be appealable by any party pursuant to RCW 43.21B.310 upon the issuance of the decision or as part of the overall reclaimed water permit upon the issuance of a reclaimed water permit. This section shall not be construed as exempting a reclaimed water project from the provisions of chapter 43.21C RCW.

(4) This section shall not be construed as establishing any right for a downstream water right holder to the continued discharge from an upstream wastewater treatment plant or reclaimed water facility.

Sec. 5. 2006 c 279 s 3 (uncodified) is amended to read as follows:

(1) In order to identify and pursue other measures to facilitate achieving the objectives in RCW 90.46.005 for expanded, appropriate, and safe use of reclaimed water, the department of ecology and the department of health shall provide the legislature with relevant information through periodic progress reports, as provided in this section.

(2) The department of ecology (~~(must present)~~) shall provide interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the

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steps taken to that date towards the final rule making required by ~~(section 1 of this act)~~ RCW 90.46.015. The reports (~~(must)~~) shall include, at a minimum, a summary of participation in the rule advisory (~~(group and)~~) committee, the topics considered by the department, and issues identified by the rule advisory committee as barriers to expanded use of reclaimed water that may not be addressed within the rules to be adopted by the department.

(3) In addition to subsection (2) of this section, the department shall form a subtask force consisting of not more than ten members chosen from the existing rule advisory committee to further identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. At a minimum, the subtask force shall consider (a) issues assigned by the rule advisory committee; (b) staffing levels, resources, and roles within both state agencies; (c) optimizing organizational structure; and (d) unresolved legal issues specific to reclaimed water use. Information regarding these topics shall be appended to the required interim reports as the topics are considered by the advisory group.

Sec. 6. RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended to read as follows:

(1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

(2) Each implementation plan must contain strategies to provide sufficient water for: (a) Production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.

(3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative approvals and permits that must be secured; and specific funding mechanisms.

(4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.

(5)(a) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

(b) Beginning with the December 1, 2007, report, and then every two years thereafter, the director shall include in each report the extent to which reclaimed water has been identified in the watershed plans as potential sources or strategies to meet future water needs, and provisions in any watershed implementation plans that discuss barriers to implementation of the water reuse elements of those plans. The department's report shall include an estimate of the potential cost of reclaimed water facilities and identification of potential sources of funding for them.

NEW SECTION. Sec. 7. (1) By January 1, 2008, the department of health shall file a brief report with the appropriate committees of the legislature on the general status of:

(a) Development of permit fees for industrial and commercial uses of reclaimed water as required by RCW 90.46.030;

(b) Development of standards and guidelines for greywater use as required by RCW 90.46.140; and

(c) Permitting of greywater use by local health officers and plumbing officials in accordance with standards and guidelines developed pursuant to RCW 90.46.140.

(2) The report shall also identify:

(a) A general description of the number, type, and location of reclaimed water opportunities included in water supply and coordinated water system plans since 2003, as required by RCW 90.46.140;

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(b) The best information currently available regarding potential public health risks associated with reclaimed water, if any, any known occurrences of any public health incidents associated with reclaimed water use, the approaches to reclaimed water-related public health issues taken in other states, and resource needs of the department to evaluate any known public health risks; and

(c) A description of a basic public information and public acceptance program necessary to generate public support for the beneficial use of reclaimed water.

(3) In order to ensure brevity of the report, the department should include references to existing documents, reports, internet sites, and other sources of detailed information on the foregoing issues.

Sec. 8. RCW 90.54.020 and 1997 c 442 s 201 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency ~~(and)~~, conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water should be employed through state and local planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

(8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 9. RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency and reclaimed water should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters. Where reclaimed water is a feasible replacement source of water, it shall be used by state agencies and state facilities for nonpotable water uses in lieu of the use of potable water. For purposes of this requirement, feasible replacement source means (a) the reclaimed water is of adequate quality and quantity for the proposed use; (b) the proposed use is approved by the departments of ecology and health; (c) the reclaimed water can be reliably supplied by a local public agency or public water system; and (d) the cost of the reclaimed water is reasonable relative to the costs of conservation or other potentially available supplies of potable water, after taking into account all costs and benefits, including environmental costs and benefits.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new

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sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; regional areas that the governor has identified as high priority for investments in improved water quality and quantity, including the Spokane river, the Columbia river basin, and the Puget Sound; areas most likely to be affected by global warming; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public ((education)) information programs on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

NEW SECTION. Sec. 10. A new section is added to chapter 58.17 RCW to read as follows:

In determining whether a proposed short plat, short subdivision, or subdivision meets the requirements for potable water supplies as required under RCW 58.17.060 or 58.17.110, and otherwise serves the public use and interest, the city, town, or county may require:

(1) Conformance to any water conservation ordinances or plans adopted by the city, town, or county;

(2) Use of water conservation measures consistent with any regional watershed plan adopted under chapter 90.82 RCW, or any regional water supply plan as described in RCW 90.46.120 if the city or county determines that the measures contained within such a regional supply plan conform to its respective conservation ordinances and water, sewer, and comprehensive land use plan; and

(3) Use of reclaimed water where potable water is not required, if it is consistent with any applicable local ordinance adopted for water reuse or use of reclaimed water.

NEW SECTION. Sec. 11. A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall establish a subtask force from the existing rule advisory committee by July 31, 2007, composed of no more than ten members including a representative from the department of ecology, who shall serve as chair, a representative from the department of health, and representatives from city, county, and water-sewer district utilities, and the environmental and business communities. By January 1, 2008, the subtask force shall submit to the appropriate legislative committees a recommendation for a long-term dedicated funding program to construct reclaimed water facilities. To minimize the administrative burden, the subtask force shall work toward a coordinated effort with the current clean water state revolving fund and centennial clean water fund integrated program under which reclaimed water projects with a water quality benefit are currently eligible and shall review the "2006 Inventory of State Infrastructure Programs" produced by the joint legislative audit and review committee. The subtask force shall also review current existing conservation and water reuse plans or programs for cities, counties, and districts and provide a report to the appropriate legislative committees regarding the number, general nature, and extent that conservation and reclaimed water use is identified or incorporated into such plans. The subtask force also shall consider, and recommend, provisions on the inclusion of reclaimed water use criteria or requirements as an element of water use efficiency requirements required under RCW 70.119A.180 and for water system, public water system, and/or regional water plans as required under chapters 43.20 and 70.119 RCW.

(2) The recommendation shall provide a comprehensive funding, loan, and grant program that includes the following:

(a) Eligibility requirements: Eligible components should include the additional water reclamation components to treat

wastewater effluent to reclaimed water standards, distribution pump stations, storage, trunk lines, and distribution lines, and multiple-purpose projects in proportion to the costs allocated to reclaimed water;

(b) Competitive process for funding: The funding should be competitive and establish a maximum percentage or maximum funding amount available to any applicant;

(c) Priorities for funding that target reclaimed water projects ready to proceed, local support for the project, projects in areas that have adopted mandatory use ordinances or letters of intent to execute user contracts, projects providing broader public benefits to environmental water quality or water resource needs such as Puget Sound restoration, Columbia river water management strategies, water quality improvements, wetlands habitat, and instream flows, projects with benefits that clearly extend to citizens other than the utility ratepayers; and

(d) A proposed grant program for projects in identified high priority areas.

NEW SECTION. Sec. 12. A new section is added to chapter 90.46 RCW to read as follows:

(1) The legislature finds that the state should take a lead in increasing the visibility of the use of reclaimed water.

(2) The department of general administration shall develop a proposal to provide a comprehensive campus-wide plan for the use of nonpotable water in lieu of the use of potable water for irrigation and related outdoor uses, to serve as a demonstration project for the use of reclaimed water. The department of general administration shall work with the city of Olympia to provide a report to the legislature by December 1, 2007, of the needed infrastructure, cost, and potential funding sources for the project."

Senator Fraser spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 6117 was deferred and the bill held its place on the second reading calendar.

PERSONAL PRIVILEGE

Senator Stevens: "I just would like to pass the word on to the members. Senator Roach, I know, would appreciate your prayers. She is on her way to her father. He is dying so I just thought it would be nice if all you would remember her in your prayers over the weekend. They don't know the time of course but it is imminent. Thank you."

SECOND READING

SENATE BILL NO. 5372, by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray

Creating the Puget Sound partnership.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5372 was substituted for Senate Bill No. 5372 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1

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PUGET SOUND PARTNERSHIP**NEW SECTION. Sec. 101. FINDINGS AND INTENT.**

(1) The legislature finds that Puget Sound and related inland marine waterways, such as the Strait of Juan de Fuca and Hood Canal, and the lakes, rivers, and streams that flow to them represent a unique and unparalleled resource to the state of Washington with a rich and varied range of freshwater and marine organisms, comprising an interdependent, sensitive communal ecosystem. Residents of this region enjoy a way of life centered around these waters, featuring accessible recreational opportunities, world-class port facilities and water transportation systems, harvest of marine food resources, shoreline-oriented life styles, water-dependent industries, tourism, irreplaceable aesthetics, water for domestic, agricultural, and industrial uses, and other activities, all of which depend upon clean and healthy marine and freshwater resources.

(2) The legislature finds that Puget Sound is in serious decline. Symptoms include the decline of some of our most revered species, such as salmon and orcas; increase in aquatic nuisance species; and the conversion of forest lands to cityscapes, which has negatively impacted many birds and mammals, along with altering the flow of rivers and streams. These flow changes begin from land and run to sea, carrying polluted runoff from human development. Closures of beaches to shellfish harvest due to the risk of disease have become more frequent and widespread. In places such as Hood Canal, the Sound's circulatory system is failing, and its inability to maintain sufficient oxygen levels has led to devastating fish kills and the death of other marine life. If left unchecked, these conditions will increase in frequency and will spread to other areas of Puget Sound.

(3) The legislature finds that the current system of governance for protection and restoration of Puget Sound is highly fragmented. Twelve counties, more than one hundred cities, seventeen tribes, numerous state and federal agencies, as well as hundreds of special purpose governmental units have responsibilities for managing land use and other actions that benefit or diminish the quality of the environment. Private organizations, business, and citizens are also taking actions that both benefit and harm the rich natural resources of the region. The legislature recognizes that all levels of government need to work together in partnership with the public, tribes, nongovernmental organizations, and the private sector to ensure that Puget Sound will be a thriving natural system, with clean marine and freshwaters; clean sediments; healthy and abundant native species; natural shorelines and places for public enjoyment; and a vibrant economy that prospers in productive harmony with a healthy Puget Sound.

(4) The legislature intends for the Puget Sound partnership to define a strategic, basin-wide plan that prioritizes necessary actions, and create an approach that addresses all of the complex connections among the land, water, web of species, and human needs.

(5) The legislature finds that immediate and concerted action is needed to save the national treasure that is Puget Sound, and that we must fundamentally change our approach toward restoring the health of Puget Sound. To this end, the Puget Sound partnership is tasked with using, supporting, building upon, and unifying the existing efforts from organizations and from all levels of government.

(6) The legislature finds that leadership, accountability, government transparency, thoughtful and responsible spending of public funds, and public involvement are integral to success. To achieve this success, the legislature intends to task the Puget Sound partnership with coordinating and leading the Puget Sound restoration effort, determining accountability for performance, overseeing the efficiency and effectiveness of money spent, educating and engaging the public, and tracking and reporting results to the legislature, the governor, and the public.

(7) The legislature intends that the Puget Sound partnership not have regulatory authority, nor authority to transfer the responsibility for, or implementation of, any state regulatory

program, unless otherwise specifically authorized by the legislature. The legislature further recognizes that adequate funding is necessary to ensure Puget Sound restoration and protection. The Puget Sound partnership is tasked with supporting local governments and organizations by aiding, funding, and improving upon their existing efforts, by respecting local governments' authorities, and by identifying, funding, and closing the gaps in the collective efforts.

(8) The legislature intends the Puget Sound partnership to create an action agenda based on science that includes clear, measurable goals for the recovery of Puget Sound by 2020. The action agenda will prioritize necessary actions, both across the Sound and within specific geographical areas, such as Hood Canal.

(9) To this end, it is the goal of the state of Washington that the health of Puget Sound be restored by 2020.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "2020 plan" means the Puget Sound management plan as it exists on the effective date of this section and as it is modified in the future.

(2) "Action agenda" means the biennial work plan to implement the 2020 plan as required in section 112 of this act.

(3) "Action area" means the geographic areas delineated as provided in section 109 of this act.

(4) "Action area coordinator" means an entity recognized by the council under section 110 of this act.

(5) "Benchmarks" means scientific standards that can be measured.

(6) "Council" means the leadership council.

(7) "Ecosystem work group" means the interagency body created in section 111 of this act.

(8) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(9) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photic zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries

(10) "Panel" means the Puget Sound science panel.

(11) "Partnership" means the Puget Sound partnership.

(12) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas I through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(13) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, regional fishery enhancement groups, marine resource committees, and watershed lead entities.

(14) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

NEW SECTION. Sec. 103. PUGET SOUND PARTNERSHIP--LEADERSHIP COUNCIL. (1) An independent agency of state government to be known as the Puget Sound partnership is created.

(2) The partnership shall be led by a leadership council consisting of seven citizen members appointed by the governor with the advice and consent of the senate and one ex officio member. The regional administrator of the United States environmental protection agency shall be invited to serve as an ex officio voting member. The ex officio member may designate a person to act in his or her stead when unable to attend a meeting. The governor shall appoint members who are publicly respected and influential, and who have a significant history of

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success on major public policy and management issues, as well as a keen interest in the environmental and economic prosperity of Puget Sound. A member may not have a direct financial interest in any contract, grant, or other funding provided for the implementation of the 2020 plan or action agenda. The governor shall designate one member to serve as chair. Three of the appointed initial members shall be appointed for a term of two years, two for a term of three years, and two for a term of four years. Their successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds. Councilmembers are eligible for reappointment. Any member of the council may be removed by the governor for cause.

(3) The leadership council shall be responsible to the governor, the legislature, and the public for leading the recovery of Puget Sound and achieving results.

(4) The leadership council shall have the power and duty to:

(a) Provide overall leadership and have overall responsibility for the functions of the partnership and make final decisions for the partnership;

(b) Develop, approve, revise, and oversee implementation and adaptive management of the Puget Sound 2020 plan and the biennial action agenda;

(c) Submit to the governor and the appropriate fiscal and policy committees of the senate and house of representatives a biennial action agenda with an accompanying biennial budget request;

(d) Allocate funds appropriated to the partnership;

(e) Review the existing responsibilities of state and local governmental agencies, review the compliance with existing regulatory requirements by state and local government, review and report progress in implementing the 2020 plan and action agenda, including actions inconsistent with plan obligations, as provided in sections 113 through 117 of this act, and make recommendations to improve the effectiveness of the programs as they relate to the 2020 plan and action agenda;

(f) Review current available funding, identify if adequate funding exists for fulfilling existing regulatory requirements, and develop a strategy to secure adequate funding;

(g) Adopt procedural rules, in accordance with chapter 34.05 RCW, necessary or appropriate to implement this chapter;

(h) Delineate action areas and recognize area coordinating entities, as provided in sections 109 and 110 of this act;

(i) Incorporate approved elements of action area plans into the 2020 plan and biennial action agenda, and assist and track implementation of these plans;

(j) Appoint members of the panel, as provided in section 105 of this act;

(k) Create work groups, subcommittees, advisory committees, and nonprofit corporations, as appropriate to assist the council;

(l) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(m) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(n) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter. The partnership may expend the same or any income therefrom according to the terms of the gifts, grants, and endowments;

(o) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery and participate in a private-public partnership focused on public education and engagement to effectuate the goals in this chapter;

(p) Receive and expend funding from other public agencies;

(q) Develop and implement a formal process to review and address citizen concerns regarding developing and implementing the 2020 plan and action agenda, and accountability for funding and actions that are consistent or inconsistent with the requirements of the action agenda;

(r) Schedule council meetings periodically in the various areas of Puget Sound at locations convenient for public participation. Each meeting shall include receipt of public

comment on council activities. The council shall also work to include in each meeting a discussion of actions implementing the 2020 plan and actions or lack of action that impede plan implementation; and

(s) Serve as the regional recovery organization for purposes of chapter 77.85 RCW for Puget Sound salmon recovery as provided in RCW 77.85.090.

(5) The council may delegate functions to the chair and to the executive director. The council may not delegate its decisional authority regarding developing or amending the action agenda, and issuing progress reports required under subsection (4) of this section.

(6) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results, and that adequate funding is provided to state agencies and local governments to develop, coordinate, and implement the action agenda. The council shall work through recognized area coordinating entities as the principal liaison with existing organizations within an action area.

(7) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(8) The partnership is designated as the lead state agency for the allocation of federal funds provided to the state for the restoration of Puget Sound. Such funds shall be allocated in conformance with the 2020 plan and action agenda, subject to any condition or limitation provided upon the receipt or expenditure of federal funds.

(9) Members of the council shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 104. PARTNERSHIP-- EXECUTIVE DIRECTOR--POWERS AND DUTIES. (1) The partnership shall be administered by an executive director who serves as a critical communication link between all levels of government, tribes, the private sector, nongovernmental organizations, the council, the area coordinating entities, the ecosystem work group, and the panel. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The council shall recommend a list of not less than three candidates for appointment as executive director by the governor. The governor shall appoint an executive director from the list of candidates. The council and governor shall jointly conduct an annual performance evaluation of the executive director. The executive director serves at the pleasure of the governor, and may be dismissed by the governor upon consultation with the council. The salary of the executive director shall be set by the governor.

(3) The executive director has the following powers and duties:

(a) To supervise the administration of the Puget Sound partnership and its staff;

(b) To administer the partnership programs and budget;

(c) To assist the council to prepare and update the Puget Sound 2020 plan, in consultation with the panel;

(d) To assist the action area coordinators, the panel, and the ecosystem work group to develop their components of the biennial action agenda;

(e) To produce and distribute a strategic science program as described in section 105 of this act, in consultation with the panel and with the approval of the council;

(f) To produce and distribute a biennial science work plan as described in section 105 of this act, in consultation with the panel and with the approval of the council;

(g) To produce and distribute a biennial state of the Sound report, with the assistance of the panel and the approval of the council, that incorporates a scientific assessment of the health of Puget Sound and the state of its marine life, habitats, water quality, and climate. Until the panel develops new indicators,

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those indicators used in the 2007 state of the Sound report shall be used;

(h) To identify successful science-based projects that improve Puget Sound that have been undertaken by local governments, disseminate them to other local governments, and encourage their replication;

(i) To represent and promote the interests of the state on Puget Sound recovery issues and further the mission of the partnership;

(j) Upon approval of the council, to enter into contracts and agreements with private nonprofit corporations to further preserving, conserving, and enhancing the health of Puget Sound for its ecological value and public benefit and use;

(k) To appoint such technical and other committees as may be necessary to carry out the purposes of this chapter;

(l) To create and maintain a repository for data, studies, research, and other information relating to Puget Sound health in the state, and to encourage the interchange of such information; and

(m) To encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public and private entities involved in the recovery and preservation of Puget Sound.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW. The executive director shall prescribe the duties of the staff as may be necessary to implement the purposes of this chapter.

NEW SECTION. Sec. 105. PUGET SOUND SCIENCE PANEL. (1) The Puget Sound science panel is created. The panel consists of the scientists selected as provided in subsection (2) of this section. The principal purpose of the panel is to provide independent, nonrepresentational scientific expertise in developing environmental indicators and benchmarks for incorporation into the 2020 plan.

(2) By November 1, 2007, the council shall solicit nominations of candidate scientists with recognized expertise in the fields essential to Puget Sound recovery, including water quality, wetlands, species recovery, environmental toxicology, geology, ecology, biology, limnology, wildlife management, environmental engineering, civil engineering, hydrology, oceanography, environmental economics, and social sciences. The solicitation should be to all sectors, and candidates may be from all public and private sectors. Candidates must disclose any financial relationship with any leadership council member, and disclose sources of current financial support and contracts relating to Puget Sound recovery.

(3) The council shall submit the nominations to the Washington state academy of sciences created in chapter 70.220 RCW for screening. The academy shall review the nominations and report its findings and recommendations to the council.

(4) Thereafter, the council shall select not more than fifteen candidates to serve on the panel. The council shall complete the selection of the panel members by January 1, 2008.

(5) The panel shall select a chair and a vice-chair. Panel members shall serve four-year terms, except that the panel shall determine initial terms of two, three, four, and five years to provide for staggered terms. The panel shall determine reappointments and select replacements or additional members of the panel. No panel member may serve longer than twelve years.

(6) The executive director of the partnership shall provide staff to the panel at least until July 1, 2009. It is the intent of the legislature to ensure ongoing funding for staffing of the panel as an independent entity. The panel shall provide to the council a proposal for the structure and funding of the staffing and administration of the panel independent from that of the partnership, by October 1, 2008. The council shall forward to the governor for inclusion in the 2009-2011 biennial budget a proposal for staffing and administration of the panel that is independent of the partnership.

(7) The executive director of the partnership and the science panel shall explore a shared state and federal responsibility for the staffing and administration of the panel. In the event that a federally sponsored office of Puget Sound recovery is created,

the council may propose that such office provide for staffing and administration of the panel.

(8) The panel to the maximum extent possible should seek to integrate the state-sponsored Puget Sound science program with the Puget Sound science activities of federal agencies, including working toward an integrated research agenda and Puget Sound science work plan.

(9) By July 31, 2008, the panel shall identify environmental indicators of the health of Puget Sound, and shall establish environmental benchmarks that need to be achieved to meet the goals of a healthy Puget Sound by 2020. The council shall confer with the panel on incorporating the benchmarks into the 2020 plan.

(10) The panel shall assist the council in developing and revising the action agenda, including making recommendations to the council for updates or revisions.

(11) The panel shall develop an ecosystem level strategic science program for incorporation by the council into the 2020 plan and biennial action agenda. The program should include:

(a) Continuation of the Puget Sound assessment and monitoring program established in the Puget Sound management plan, as provided in RCW 90.71.060, and cooperation with other entities in other regional monitoring programs;

(b) Additional provisions of the research and modeling program to be included as an element of the action agenda;

(c) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures.

(12) The panel shall assist the executive director in preparing a biennial science work plan for inclusion in the action agenda. The plan shall include but not be limited to:

(a) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(b) A description of the Puget Sound-related activities being conducted in the region;

(c) Identification of specific biennial science work to be done over the course of the work plan; and

(d) Recommendations for improvements to the ongoing science work in Puget Sound.

(13) The panel shall prepare a Puget Sound science update. The update shall describe the current scientific understanding of the physical attributes of Puget Sound. The update shall serve as the scientific basis for the refinement of environmental indicators of the health of Puget Sound and the status and trends of those indicators within an ecosystem framework.

(14) Members of the panel shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the panel for compensation for their services under chapter 39.29 RCW. If appointees to the committee are employed by the federal, state, tribal, or local governments, the council may enter into interagency personnel agreements.

Sec. 106. RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team))~~ executive director, under guidance from the panel, shall ensure implementation and coordination of the Puget Sound ambient monitoring program established in the Puget Sound management plan. The program shall include, at a minimum:

(1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;

(2) A monitoring program, including baselines, protocols, guidelines, and ~~((quantifiable performance measures. In consultation with state agencies, local and tribal governments, and other public and private interests, the action team shall develop and track quantifiable performance measures))~~ environmental indicators. The environmental indicators and benchmarks established by the council and the panel shall be monitored and evaluated in a manner that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources.

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~~((The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area.))~~

NEW SECTION. Sec. 107. 2020 PLAN AND ACTION AGENDA--GOALS AND OBJECTIVES. (1) The Puget Sound 2020 plan and action agenda that are to be implemented under this chapter shall be organized to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments that meet state standards and that are of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native or established marine mammals, fish, birds, shellfish, and other biota of the region.

(2) The following are the essential objectives to be addressed in the 2020 plan and action agenda for achieving the goals in subsection (1) of this section:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

(3) The plan and action agenda shall recognize that both population growth in many communities on and near Puget Sound, as well as climate change, will present significant challenges to the recovery of Puget Sound, and the probability of impacts from both should be considered and addressed in the development and implementation of the 2020 plan and action agenda.

NEW SECTION. Sec. 108. 2020 PLAN AND ACTION AGENDA--DEVELOPMENT. In developing the 2020 plan and action agenda, the council shall consider and use appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section. Until the 2020 plan and action agenda are adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section 320 of the federal clean water act, until replaced by the 2020 plan and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

NEW SECTION. Sec. 109. INCORPORATING PLANS AND PROJECTS. (1) The council shall develop the action agenda in part upon the foundation of existing watershed programs and regional plans that contribute to the health of Puget Sound. To ensure a full consideration of these watershed activities in a timely manner to meet the required date for adoption of the agenda provided in section 112 of this act, the council shall rely largely upon local watershed entities, tribes,

cities, counties, special purpose districts, and the private sector, engaged in developing and implementing these programs.

(2) The council shall organize the work of incorporating watershed programs into the action agenda by delineating geographic subregions of Puget Sound. One of the subregions shall be the Hood Canal aquatic rehabilitation zone as established in RCW 90.88.010. The subregions collectively shall cover all of Puget Sound and each subregion shall be denominated a Puget Sound action area. The council shall make geographic delineations based upon the characteristics of Puget Sound considering the water flows and the physical structure of the bottom of Puget Sound, as well as the commonality of interests and restoration challenges presented in the various regions of the Sound.

(3) The executive director shall designate a member of the staff to serve as the liaison to each action area. The area liaisons shall work with the sponsors of relevant programs at the watershed and regional level to identify and compile all of the relevant actions from these programs into area action plans for consideration by the council. If recognized by the council under section 110 of this act, the liaison shall work with the area coordinating entity to carry out this compilation. If no entity is recognized, the liaison shall form an inclusive work group to carry out this compilation, and shall request the participation at a minimum of each county, tribe, and each city with a population exceeding fifty thousand people, and any cities discharging storm water or treated municipal waste water to Puget Sound or discharging to a tributary within ten river miles of the Sound.

(4) The compilation shall be assembled to identify the applicable plan elements, projects, and programs, together with estimated budgets, timelines, and proposed funding sources. The compilation may include a prioritization among the plan elements, projects, and programs. In order to provide the council an adequate opportunity to consider the compilation for incorporation into the 2009-11 action agenda, the first compilation should be transmitted to the council by July 1, 2008. These plans shall subsequently be updated and submitted to the council by July 1st of every even-numbered year through 2018.

NEW SECTION. Sec. 110. AREA COORDINATING ENTITIES. (1) The council may recognize an existing entity or an entity formed for the express purpose of collaborating with the Puget Sound partnership and the council in developing and implementing the action agenda. A recognized entity serves as the area coordinating entity within an action area delineated by the council. The Hood Canal coordinating council under chapter 90.88 RCW is recognized as the area coordinating entity for the Hood Canal action area. The council shall work toward recognizing an entity in each action area by December 31, 2009.

(2) The council shall determine whether to recognize an entity based upon:

(a) The evidence of area-wide support for an entity proposed for recognition, such as resolutions or letters of support from the governing bodies of counties, cities, special purpose districts, tribes, nongovernmental organizations, and the private sector, implementing or participating in watershed programs in the area; and

(b) The demonstration of the entity's capacity to assist the council in coordinating and integrating watershed programs in the development and implementation of the action agenda.

(3) The council may provide financial and technical assistance to a recognized entity or to watershed interests working to form an entity proposed to be recognized as an area coordinating entity. The assistance shall be provided through a memorandum of agreement setting forth the activities of the entity in assisting the council in the development and implementation of the action agenda. The council shall include in its biennial budget request the needed funding to support the work of area coordinating entities.

(4) Following compilation of existing watershed plans under section 109 of this act, an area coordinating entity serves to promote coordination and integration of watershed plans that address the same geographic areas and the same watershed health, water quality, species recovery, and environmental

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restoration needs. The coordinator also serves to advise the council on agenda implementation and revisions, and to coordinate the recommendations of area jurisdictions and interests regarding agenda implementation.

NEW SECTION. Sec. 111. COORDINATING EXISTING PROGRAMS REGARDING PUGET SOUND ECOSYSTEM-LEVEL ACTIONS. (1) The council shall convene a Puget Sound ecosystem work group not later than October 1, 2007. The work group chair shall rotate annually in the following order:

- (a) The commissioner of public lands, or the commissioner's designee;
- (b) The director of the department of ecology, or the director's designee;
- (c) The director of the department of fish and wildlife, or the director's designee; and
- (d) The chair of the salmon recovery funding board, or the chair's designee.

(2) The chair shall invite the following to participate on the work group:

(a) The departments of ecology, natural resources, fish and wildlife, health, and community, trade, and economic development, the conservation commission, and the salmon recovery funding board;

(b) Three representatives of tribal governments located in the Puget Sound basin;

(c) The United States environmental protection agency, the United States army corps of engineers, the national oceanic and atmospheric administration, the United States forest service, and the United States fish and wildlife service; and

(d) Up to three nongovernmental organizations implementing or participating in ecosystem-level actions.

(3) The chair of the work group may also invite the participation of counties, cities, port districts, or other jurisdictions with significant shoreline and near-shore restoration and protection programs.

(4) The primary purpose of the work group is to advise the council by compiling and assembling a 2009-11 action agenda for ecosystem scale restoration and protection plans relating to the Puget Sound basin for the purpose of consideration by the council for incorporation into the Puget Sound action agenda. The work group should work from plans such as the Puget Sound near-shore estuary project, cleanup plans for contaminated aquatic lands and shorelands, aquatic land management plans by the department of natural resources, and other restoration and protection plans. The work group should integrate ecosystem-scale actions from the recovery plans and habitat conservation plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act. The work group shall integrate as a model the federal assurances and agreements that implement the forests and fish report adopted by chapter 4, Laws of 1999 sp. sess. The work group should coordinate its compilation of ecosystem actions with that of the compilation under section 109 of this act of watershed programs.

(5) The work group shall hold one or more public meetings in which public comment and additional information may be submitted for inclusion within the compilation.

(6) The work group shall submit the compilation to the council not later than June 1, 2008.

(7) The work group shall serve as an ongoing advisory body to the council regarding state and federal programs relating to Puget Sound ecosystem-scale actions. The work group, upon request of the council, shall provide advice on integrating existing plans into the Puget Sound action agenda and implementing the agenda.

(8) This section, the work group, and its powers and duties expire June 30, 2011.

NEW SECTION. Sec. 112. 2020 PLAN AND ACTION AGENDA--REQUIREMENTS. (1) The 2020 plan and action agenda shall be science-based and lead to the recovery of Puget Sound by 2020. The plan shall:

(a) Describe the problems affecting Puget Sound's health using supporting scientific data;

(b) Set overall goals, measurable outcomes for each goal specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured, and time-bound benchmarks that will specify the milestones of that progress needed to reach a healthy Puget Sound by 2020. The council shall consult with the panel in developing these elements of the plan;

(c) Identify and prioritize the strategies necessary to restore and protect the Puget Sound and to achieve the goals described in section 107 of this act; and

(d) Identify barriers to implementation and actions needed to overcome the barriers to implementation.

(2) On a biennial basis, the action agenda shall:

(a) Identify and prioritize the actions necessary to implement the 2020 plan and achieve the goals, outcomes, and benchmarks of progress identified in the 2020 plan;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish near-term and long-term benchmarks that demonstrate continuous progress toward achieving 2020 goals and describe how progress is to be tracked through clear and quantifiable measures.

(3) The 2020 plan and action agenda shall also:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound, and specific action agenda sections may address specific geographic areas of Puget Sound;

(b) Evaluate the effectiveness and efficiency of the overall management system for the improvement and maintenance of the health of the Puget Sound ecosystem;

(c) Review, revise as needed, and incorporate as they are developed, the panel's ecosystem goals and quantifiable measures;

(d) Integrate, where appropriate, provisions of water quality, sediment quality, water quantity, watershed, marine resource, and other watershed plans, relying primarily upon the integration achieved in area action plans;

(e) Incorporate existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies, that clearly contribute to the protection and restoration of Puget Sound, including agreements to implement the forests and fish report adopted by chapter 4, Laws of 1999 sp. sess.;

(f) Incorporate the Puget Sound nearshore ecosystem restoration project authorized by congress under Public Law 8-874, section 209 and Public Law 106-60, with associated plans developed through the Puget Sound nearshore partnership; and

(g) Incorporate the science work plan and actions necessary to carry it out.

(4) By March 1, 2008, the council shall produce a draft 2020 plan and adopt a final plan by September 1, 2008. The council shall provide opportunity for public review and comment on the proposed 2020 plan and subsequent revisions.

(5) By September 1, 2008, based on the work of the action area coordinators and watershed and local interests, the ecosystem work group, and the panel, the council shall adopt the 2009-11 action agenda. After the adoption of the initial action agenda, the council shall revise the action agenda on a biennial basis using an adaptive management process informed by tracking actions and monitoring results in the Puget Sound.

(6) The 2020 plan and action agenda shall be organized and maintained in an accessible electronic format and facilitate public accessibility to the plan.

NEW SECTION. Sec. 113. ACTION AGENDA--IMPLEMENTATION--BUDGET REQUESTS. (1) State agencies implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the level of effort needed for the forthcoming biennium to meet the overall goals, outcomes, targets, and benchmarks in the action agenda; and

(b) Work with the partnership in the development of its biennial action agenda budget and seek consistency between the partnership's budget and the agency budget to be submitted to the governor for consideration in the governor's biennial budget

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request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount inconsistent with the partnership as part of the agency's biennial budget request, the partnership and state agency shall jointly identify the differences, the reasons for these differences, and present this information to the office of financial management by October 1st of each even-numbered year.

(3) A state agency seeking federal funding for activities implementing or affecting a provision of the plan shall seek and obtain the comments of the partnership's executive director before submitting the request or application to the federal government. The executive director shall consult with the council chair and provide the comments without delay. This subsection does not apply to continued federal funding of programs in existence before the effective date of this section.

NEW SECTION. Sec. 114. IMPLEMENTATION--ACCOUNTABILITY. (1) The legislature intends for all local, state, and federal governmental entities to act in conformance with applicable parts of the 2020 plan and action agenda as adopted by the council, beginning with the adoption of the 2020 plan and the 2009-11 action agenda, and anticipates that state and local entities will accept their appropriate responsibility to recover the Sound to health by 2020.

(2) The council shall be accountable for achieving the action agenda. The council shall be accountable for all funds allocated to the partnership, and shall report the expenditure of the funds and results achieved in the progress reports required under section 117 of this act.

(3) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. The council may establish performance measures for the expenditures of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. State agencies may incorporate applicable provisions of the performance measures as conditions in their grant and loan awards to nonstate agencies or organizations. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided Puget Sound funds, and scheduling periodic management conferences with state agencies implementing Puget Sound programs.

(4) Any entity that receives state funds to implement specific elements of the 2020 plan and action agenda shall report annually to the council on progress in completing its responsibilities and whether expected results have been achieved within the timeframes specified in the 2020 plan and action agenda. Where the council determines that an entity has taken actions inconsistent with the 2020 plan and action agenda or has failed to take actions required, the council may request the office of financial management to withhold or rescind the subject funds or other funds.

(5) The council shall review the actions of nonstate entities undertaking implementation of specific elements of the action agenda. If the council determines that an entity's actions are inconsistent with the plan, the council shall offer technical assistance to the entity for the purpose of bringing the entity into conformance with the plan. The council shall include in the progress report required under section 117 of this act the nonperformance of any entity and those entities that refuse technical assistance under this section. The report shall include a description of how the entity is not in conformance and the basis for the nonconformance, including but not limited to a lack of funding, a lack of legal authority, or conflicting legal authority. The report shall also describe actions the council took to try to bring the entity into conformance.

(6) The council shall conduct periodic management conferences with state agencies regarding compliance with and enforcement of existing laws. The results of the conferences shall be included in the progress report required under section 117 of this act. The management conference should include assessment of performance by the administering agencies in

seeking compliance with and enforcement of the following existing laws:

- (a) Water pollution control act, chapter 90.48 RCW;
- (b) Shoreline management act, chapter 90.58 RCW;
- (c) Growth management act, chapter 36.70A RCW;
- (d) Oil and hazardous substance spill prevention and response act, chapter 90.56 RCW;
- (e) Model toxics control act, chapter 70.105D RCW;
- (f) Hazardous waste management act, chapter 70.105 RCW;
- (g) Hydraulic project approval act, chapter 77.55 RCW;
- (h) Aquatic lands management, chapters 79.100, 79.105, 79.110, 79.115, 79.120, 79.125, 79.130, 79.135, and 79.140 RCW;
- (i) Forest practices act, chapter 76.09 RCW; and
- (j) The federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

NEW SECTION. Sec. 115. ACCOUNTABILITY--ROLE OF COUNCIL. (1) The council shall use accountability measures with respect to all governmental levels or other entities with responsibilities under the action agenda, to determine progress under the action agenda.

(2) The council shall develop accountability measures for any entity with responsibilities under the action agenda, to determine compliance with the action agenda and achievements of the results expected. The council shall also work with the entities themselves to identify additional accountability measures, including positive incentives and consequences for inaction.

(3) The council shall develop and submit to the legislature recommendations to enhance and phase-in local government accountability measures by September 20, 2008.

NEW SECTION. Sec. 116. CONFLICT RESOLUTION. (1) The council shall provide a forum for addressing and resolving conflicts that it has identified in the implementation of the plan and action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as but not limited to technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of an element of the 2020 plan or action agenda, the council shall provide its analysis of the conflict and recommendations for resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(2) When the council identifies or has been informed of a conflict among statutes or policies arising under this chapter and other statutes, rules, ordinances, regulations, or policies that are relied upon in implementing the 2020 plan, and the council determines that the conflict prevents or hinders local government or state agency actions needed to conform with the 2020 plan, the council shall make recommendations to the agency, the governor, the legislature, the local government, or other appropriate entity for addressing and resolving the conflict.

NEW SECTION. Sec. 117. REPORTS. (1) By September 1, 2008, the council shall provide to the governor and the appropriate fiscal and policy committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda through 2020, in order to achieve the 2020 goals of this chapter. The recommendations shall:

- (a) Identify funding needs by plan element and identify the time periods in which specific funding is needed;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding;
- (c) Identify methods to secure stable and sufficient funding throughout the time periods for plan implementation, including proposals for new sources of funding to be dedicated to Puget Sound protection and recovery; and
- (d) Address funding needs to support the work of the 2020 plan and action agenda development and coordination, including the action area coordinators, the ecosystem work group, and the panel.

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(2) Beginning November 1, 2009, the council shall report every two years by November 1st to the governor, the legislature, and the public on progress under the action agenda. The report shall include but is not limited to:

(a) The comments by the panel, area coordinating entities, the ecosystem work group, and citizens' concerns reviewed by the council as provided in section 103 of this act;

(b) An assessment of whether entities that have received state funds for specific actions under the action agenda have accomplished expected results. If expected results are not achieved by an entity receiving state funds, the council shall include recommendations to the governor and the legislature other options to achieve plan-related results with the same funds;

(c) A case study of at least one of the existing programs that assesses that program's efficacy and expenditures devoted to Puget Sound protection and recovery for consistency with the action agenda;

(d) Recommendations for funding necessary to maintain the timelines in the 2020 plan, that supplement or update the recommendations made in the 2008 report under subsection (1) of this section; and

(e) The council's recognition of individuals, businesses, and governmental entities that have achieved exemplary success in implementing elements of the 2020 plan. The council shall incorporate descriptions of these successful actions into the partnership's public outreach and involvement program materials.

(3) Where the council identifies deficiencies in existing statutory authority to accomplish an element of the 2020 plan or action agenda, the council shall provide its recommendations in the form of proposed legislation to the governor and appropriate committees of the legislature. Where the deficient authority is in federal law, the council shall forward its recommendation to the governor and to the appropriate committees of the legislature for consideration in memorializing the congress to remedy the deficiency.

NEW SECTION. Sec. 118. TRIENNIAL PERFORMANCE AUDITS. (1) The joint legislative audit and review committee shall conduct triennial performance audits of the partnership, with the first audit to be completed October 1, 2011.

(2) The audit shall include but not be limited to:

(a) A determination of the extent to which funds expended by the partnership or provided in biennial budget acts expressly for implementing the 2020 plan have contributed toward meeting the scientific benchmarks and the recovery goals of the 2020 plan;

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation, based upon the achievement of the objectives as measured by the established environmental indicators and benchmarks; and

(c) Any recommendations for improvements in the partnership's performance and structure, and to provide accountability for agenda results by action entities.

(3) The partnership may use the audits as the basis for developing changes to the 2020 plan and action agenda, and may submit any recommendations requiring legislative policy or budgetary action to the governor and to the appropriate committees of the senate and house of representatives.

NEW SECTION. Sec. 119. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor

vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

NEW SECTION. Sec. 120. PUGET SOUND RECOVERY ACCOUNT. The Puget Sound recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. There shall also be deposited to the account federal funds provided to the state for the protection and recovery of Puget Sound except where such deposit would conflict with federal law or a condition upon the state's receipt of such funds. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the protection and recovery of Puget Sound.

NEW SECTION. Sec. 121. Each state agency responsible for implementing provisions of the Puget Sound action agenda developed under section 108 of this act shall use its existing legal authorities to the fullest extent possible to conform to the applicable requirements and timelines of the agenda.

NEW SECTION. Sec. 122. PART HEADINGS AND CAPTIONS NOT LAW. Part headings and captions used in this act are not any part of the law.

Sec. 123. RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1) The (~~action team~~) department of health shall establish a shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The (~~action team~~) department of health shall provide funds to local health jurisdictions to be used as grants to individuals for improving their on-site sewage systems. The grants may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas. A recipient of a grant shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction. The (~~action team~~) department of health shall work closely with local health jurisdictions and shall endeavor to attain geographic equity between Willapa Bay and the Puget Sound when making funds available under this program. For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants at a level that

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matches the funds generated from the oyster reserve lands in that area.

(2) In the Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; or

(b) Included within a shellfish protection district under chapter 90.72 RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

~~((6) For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present.))~~

NEW SECTION. Sec. 124. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, one confidential secretary, and all professional staff.

Sec. 125. RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 126. RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 127. RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board,))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

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NEW SECTION. Sec. 128. A new section is added to chapter 36.01 RCW to read as follows:

Each county responsible for implementing provisions of the Puget Sound action agenda developed under section 108 of this act shall use its existing legal authorities to the best of its ability when implementing the applicable requirements and timelines of the Puget Sound action agenda adopted under section 112 of this act.

NEW SECTION. Sec. 129. A new section is added to chapter 35.21 RCW to read as follows:

Each city responsible for implementing provisions of the Puget Sound action agenda developed under section 108 of this act shall use its existing legal authorities to the best of its ability when implementing the applicable requirements and timelines of the Puget Sound action agenda adopted under section 112 of this act.

NEW SECTION. Sec. 130. A new section is added to chapter 53.08 RCW to read as follows:

Each port district responsible for implementing provisions of the Puget Sound action agenda developed under section 108 of this act shall use its existing legal authorities to the best of its ability when implementing the applicable requirements and timelines of the Puget Sound action agenda adopted under section 112 of this act.

Sec. 131. RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species. The Hood Canal coordinating council under chapter 90.88 RCW serves as the regional salmon recovery organization for the Hood Canal summer chum.

PART 2 INFRASTRUCTURE FUNDING FOR THE PUGET SOUND PARTNERSHIP

NEW SECTION. Sec. 201. The legislature finds that it is in the public interest that state-assisted infrastructure projects in the Puget Sound basin that relate to or affect Puget Sound's protection and restoration be financed with a comprehensive understanding of Sound-wide priorities and needs consistent with the goals and objectives of the Puget Sound action agenda. The legislature further finds that this may best be accomplished by integrating the Puget Sound 2020 plan's goals and objectives into existing financial assistance programs, processes, and project ranking criteria. Therefore the legislature intends to provide initial steps for such integration in three major public works grant and loan programs, and to direct a comprehensive assessment of methods to achieve such integration in these programs and other state infrastructure programs that affect Puget Sound's protection and restoration.

Sec. 202. RCW 43.155.020 and 2001 c 131 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the

growth management act, a plan required by the public works board.

(3) "Council" means the Puget Sound partnership's leadership council created in section 103 of this act.

(4) "Department" means the department of community, trade, and economic development.

~~((4))~~ (5) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

~~((5))~~ (6) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

~~((6))~~ (7) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

~~((7))~~ (8) "Puget Sound applications" means those applications for funding of public works projects located within water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(9) "Puget Sound 2020 plan" means the plan for the protection and restoration of Puget Sound required by section 112 of this act.

(10) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

~~((8))~~ (11) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

Sec. 203. RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

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(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) The evaluation of Puget Sound applications under section 204 of this act, and the recommendations of the council regarding Puget Sound applications;

(c) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((f))~~ (d) The cost of the project compared to the size of the local government and amount of loan money available;

~~((g))~~ (e) The number of communities served by or funding the project;

~~((h))~~ (f) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((i))~~ (g) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((j))~~ (h) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((k))~~ (i) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 43.155 RCW to read as follows:

(1) The board shall include at least one evaluator from the council staff to participate in the board's evaluation team for the evaluation of Puget Sound sanitary and storm sewer project applications and the development of a prioritized list of projects to recommend for funding from the account.

(2) The board shall provide the evaluation team's evaluations and award proposals to the council for review. If the council determines that the award proposals are inconsistent with the priorities and provisions of the Puget Sound 2020 plan, the council shall provide its recommendations to the board for its consideration before adopting a funding list for recommendation to the legislature. If the board determines to fund a proposal that the council has found inconsistent with the priorities of the action agenda, the board shall provide the council its reasons.

(3) The board and council shall collaborate in reviewing the board's eligibility and evaluation criteria to ensure consistency with the goals and objectives of the Puget Sound 2020 plan.

Sec. 205. RCW 70.146.020 and 1995 2nd sp.s. c 18 s 920 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the water quality account in the state treasury.

(2) "Council" means the Puget Sound partnership's leadership council created in section 103 of this act.

(3) "Department" means the department of ecology.

~~((3))~~ (4) "Eligible cost" means the cost of that portion of a water pollution control facility that can be financed under this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter.

~~((4))~~ (5) "Puget Sound 2020 plan" means the plan for the protection and restoration of Puget Sound required by section 112 of this act.

(6) "Puget Sound applications" means those applications for funding of water pollution control facilities and activities located within water resource inventory areas I through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(7) "Water pollution control facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers. "Water pollution control facilities" also includes facilities or systems that treat storm water discharges or delay peak storm water runoff, such as low-impact development projects.

~~((5))~~ (8) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To prevent or mitigate pollution of underground water; (b) to control nonpoint sources of water pollution; (c) to restore the water quality of fresh water lakes; and (d) to maintain or improve water quality through the use of water pollution control

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facilities or other means. (~~During the 1995-1997 fiscal biennium, "water pollution control activities" includes activities by state agencies to protect public drinking water supplies and sources.~~

~~(6))~~ (9) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

~~(7))~~ (10) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

~~(8))~~ (11) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

~~(9))~~ (12) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the environmental protection agency pursuant to Public Law 93-523, Sec. 1424(b).

Sec. 206. RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

- (a) The protection of water quality and public health;
- (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound (~~action team~~) partnership provided under section 207 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the

county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

NEW SECTION. Sec. 207. A new section is added to chapter 70.146 RCW to read as follows:

(1) The department shall include at least one evaluator from the council staff to participate in the department's evaluator work group for the evaluation of Puget Sound applications and the award of grants and loans to such applicants.

(2) The department shall provide the evaluator work group evaluations and award proposals to the council for review. If the council determines that the award proposals are inconsistent with the priorities and provisions of the action agenda, the council shall provide its recommendations to the department for its consideration before making final award decisions. If the board determines to fund a proposal that the council has found inconsistent with the priorities of the action agenda, the board shall provide the council its reasons.

(3) The department and council shall collaborate in reviewing the department's eligibility and rating criteria to ensure consistency with the goals and objectives of the Puget Sound action agenda.

Sec. 208. RCW 90.50A.010 and 1988 c 284 s 2 are each amended to read as follows:

~~(Unless the context clearly requires otherwise;)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the Puget Sound partnership's leadership council created in section 103 of this act.

~~(2)~~ "Department" means the department of ecology.

~~(2))~~ (3) "Eligible cost" means the cost of that portion of a water pollution control facility or activity that can be financed under this chapter.

~~(3))~~ (4) "Fund" means the water pollution control revolving fund in the custody of the state treasurer.

~~(4))~~ (5) "Puget Sound 2020 plan" means the plan for the protection and restoration of Puget Sound required by section 112 of this act.

(6) "Puget Sound applications" means those applications for funding of water pollution control facilities and activities located within water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

~~(7)~~ "Water pollution control facility" or "water pollution control facilities" means any facilities or systems owned or operated by a public body for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, combined sewer overflows, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers. "Water pollution control facilities" also includes facilities or systems that treat storm water discharges or delay peak storm water runoff, such as low-impact development projects.

~~(5))~~ (8) "Water pollution control activities" means actions taken by a public body for the following purposes: (a) To control nonpoint sources of water pollution; (b) to develop and implement a comprehensive management plan for estuaries; and (c) to maintain or improve water quality through the use of water pollution control facilities or other means.

~~(6))~~ (9) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

~~(7))~~ (10) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in

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temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

~~((8))~~ (11) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

~~((9))~~ (12) "Federal capitalization grants" means grants from the federal government provided by the water quality act of 1987 (P.L. 100-4).

NEW SECTION. Sec. 209. A new section is added to chapter 90.50A RCW to read as follows:

(1) The department shall include at least one evaluator from the council staff to participate in the department's evaluator work group for the evaluation of Puget Sound applications and the award of loans to such applicants.

(2) The department and council shall collaborate in reviewing the department's eligibility and rating criteria to ensure consistency with the goals and objectives of the Puget Sound action agenda.

(3) The department shall provide the evaluator work group evaluations and award proposals to the council for review. If the council determines that the award proposals are inconsistent with the priorities and provisions of the action agenda, the council shall provide its recommendations to the department for its consideration before making final award decisions. If the board determines to fund a proposal that the council has found inconsistent with the priorities of the action agenda, the board shall provide the council its reasons.

PART 3 MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 301. (1) The Puget Sound partnership's leadership council, created in section 103 of this act, shall review the following state funding programs that provide state funding for facilities and activities that may contribute to the implementation of the Puget Sound agenda:

(a) The water quality account, chapter 70.146 RCW;

(b) The water pollution control revolving fund, chapter 90.50A RCW;

(c) The public works assistance account, chapter 43.155 RCW;

(d) The aquatic lands enhancement account, RCW 79.105.150;

(e) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;

(f) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;

(g) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;

(h) The community economic revitalization board, chapter 43.160 RCW;

(i) Other state financial assistance to water quality-related projects and activities; and

(j) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(2) The review shall be conducted in collaboration with the state agencies that administer these programs.

(3) The council's review shall include but not be limited to:

(a) Conducting an overview of the program governing laws and policies, the timelines of application processes and projects, existing performance measures used, and the programming limitations and restrictions;

(b) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the Puget Sound agenda;

(c) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the Puget Sound agenda;

(d) Assessing methods for ensuring that the goals and priorities of the Puget Sound agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(e) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(f) Assessing ways to incorporate a strategic funding approach for the Puget Sound agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs;

(g) Assessing ways through the funding allocations for Puget Sound to reflect the geographic areas of Puget Sound for cleanup emphasis identified in the Puget Sound agenda;

(h) Evaluating the form of the assistance provided, such as low-interest and no-interest loans, grants, and technical assistance, and which forms of assistance are more appropriate in accomplishing different types of projects and activities needed for implementing the Puget Sound agenda;

(i) Whether entities that are private or quasi-public in nature and not now eligible to receive funding from the programs should be made eligible to seek funding, and what conditions upon funding would ensure that the public's interest in fiscal accountability and transparency in the use of public funds is protected;

(j) Whether additional types of projects or activities should be made eligible for funding where the projects or activities are consistent with the primary purposes of the program and will also contribute to implementation of the Puget Sound agenda;

(k) Whether state policies for the disposal, acquisition, or development of state lands are compatible or contrary to the goals and priorities of the Puget Sound agenda;

(l) The rigor of evaluation of project application in each program regarding assumptions and estimations of project benefits, including contributions toward implementation of the Puget Sound agenda; and

(m) Recommendations for improving the programs to further the Puget Sound action agenda and to integrate the Puget Sound partnership in project awards relating to or contributing to Puget Sound restoration and protection.

(4) In addition to the review required in subsection (2) of this section, the salmon recovery funding board and the council shall review the roles of the board and the council in funding salmon recovery projects and activities in Puget Sound. The board and council shall include recommendations for integrating these activities to reduce administrative costs of grant monitoring and to ensure that the priorities for salmon recovery projects funded by the board and the priorities of the 2020 plan and action agenda are aligned.

(5) The state agencies and boards administering the programs specified in subsection (1) of this section shall cooperate in providing to the council information as required for the council's review. The council shall provide its recommendations in draft form to each of the administering agencies and consider their comments prior to finalizing the council's review and recommendations.

(6) By November 1, 2008, the council shall provide a preliminary summary of its review and recommendations to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2009, the council shall provide final summary and recommendations, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

NEW SECTION. Sec. 302. RCW 90.71.005, 90.71.902, and 90.71.903 are each decodified.

NEW SECTION. Sec. 303. RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

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NEW SECTION. Sec. 304. The following acts or parts of acts are each repealed:

- (1) RCW 90.71.010 (Definitions) and 1996 c 138 s 2;
- (2) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;
- (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;
- (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;
- (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;
- (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;
- (7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
- (8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;
- (9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and
- (10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

NEW SECTION. Sec. 305. Sections 101 through 105 and 107 through 122 of this act are each added to chapter 90.71 RCW.

NEW SECTION. Sec. 306. Sections 201 through 209 of this act take effect July 1, 2008.

NEW SECTION. Sec. 307. Sections 101 through 131 and 301 through 304 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Morton to the striking amendment be adopted.

On page 6, line 31 of the amendment, after "implementation;" strike "and"

On page 6, line 34 of the amendment, after "77.85.090" insert "; and"

(t) To the greatest extent possible, adopt the prioritized ranking recommendations of action agenda items by the science advisors in accordance with section 106(2)(a) of this act"

Beginning on page 9, line 9 of the amendment, strike all of section 105 and insert the following:

"NEW SECTION. Sec. 105. PUGET SOUND SCIENCE ADVISORS--STRUCTURE--PROCEDURES. (1) By January 31, 2008, the council shall appoint a maximum of three science advisors whose duties are described in section 106 of this act.

(2) The council shall solicit nominations from at a minimum:

- (a) Federal and state agencies;
- (b) The business community;
- (c) The environmental community; and
- (d) The academic community.

(3) The council shall submit the nominations to the Washington academy of sciences for recommendation as to scientific qualifications. The recommendations shall be based on expertise in the technical experience and scientific disciplines needed to protect and recover the Puget Sound ecosystem.

(4) All nominees must fully disclose all existing conflicts of interest before their appointment.

(5)(a) The science advisors serve at the pleasure of the council.

(b) A science advisor shall be appointed or removed on a vote of two-thirds of the full council.

(c) The science advisors report directly to the chair or vice-chair of the council. Science advisors shall receive administrative support from the executive director as requested by the council.

(d) The science advisors shall be contract employees to the council and shall receive fair and adequate compensation.

NEW SECTION. Sec. 106. PUGET SOUND SCIENCE ADVISORY COMMITTEE--FUNCTIONS AND DUTIES. (1) The science advisors shall advise the council and executive director on matters of science that affect the obligations of the partnership to recover and protect Puget Sound.

(2) The science advisors are responsible for:

(a) Coordinating with other state government agency scientific personnel;

(b) Collaborating with tribal and federal agency scientific organizations;

(c) Collaborating with local governments' scientific staff;

(d) Collaborating with nonprofit, nongovernmental organizations on scientific issues;

(e) Recommending research projects that will meet partnership goals;

(f) Reviewing and advising the council on performance of council-approved and funded projects;

(g) Working with the executive director to develop a strategic science program as provided in section 104 of this act;

(h) Consulting with and supporting the executive director in updating the strategic science program;

(i) Providing advice, review, and assistance to the executive director in the development of the action agenda, as described in section 112 of this act;

(j) Assisting the council and the executive director in developing and regularly updating or revising the action agenda. In particular, the science advisors shall provide a prioritized ranking of action agenda actions based on a scientific assessment of which actions will yield the greatest restoration and/or protection return on investment. The science advisors may also recommend updates to the action agenda as it deems appropriate based on new scientific information;

(k) Consolidating and interpreting information in support of council actions;

(l) Providing legislative briefing on request of the council or governor; and

(m) Promoting science in K-12 education in support of partnership goals.

(3) The council may, on the recommendations of the science advisors, contract for scientific support when necessary to fill information gaps or provide services necessary to partnership goals. All contracts shall be for fixed term and shall contain specific performance criteria. The council chair or vice-chair shall appoint a science advisor to monitor the progress on each contract and report periodically to the council.

(4) By July 31, 2008, the science advisors shall identify environmental indicators of the health of Puget Sound and establish environmental benchmarks that need to be achieved to meet the goals of a healthy Puget Sound by 2020.

(5) One science advisor shall participate, as provided by the Washington academy of sciences charter, to ensure coordination of scientific activities.

(6) The science advisors shall monitor and comment on the development of the action agenda. The science advisors shall submit an analysis of the action agenda to the legislature, which may include both majority and minority reports, on the effectiveness of the proposed actions from a scientific perspective.

(7) The council science advisors may provide technical assistance to entities identified by the council as supporting the 2020 plan goals."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the

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amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Morton on page 6, line 32 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 10, after line 29 of the amendment, insert the following:

"(11) The Puget Sound science panel shall not provide any policy recommendations to the council or the executive director."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 10, after line 29 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the striking amendment be adopted.

On page 22, after line 32 of the amendment, insert the following:

"**NEW SECTION. Sec. 117. COMPENSATION TO PROPERTY OWNERS.** If any action taken by the Puget Sound partnership reduces the fair market value of private property, the partnership shall provide just compensation to the property owner.

Just compensation shall be equal to the reduction in the fair market value of the affected property interest that results from the action taken by the owner. The owner must make a written demand for compensation under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Carrell spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 22, after line 32 to the striking amendment to Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Carrell and the amendment to the striking amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

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Voting yea: Senators Benton, Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Excused: Senators Delvin and Roach - 2

MOTION

Senator Stevens moved that the following amendment by Senators Stevens and Morton to the striking amendment be adopted.

On page 26, line 11, strike all of section 121.

Renumber the sections consecutively and correct any internal references accordingly.

On page 30, at the beginning of line 29, strike all material through "act." on page 31, line 14.

Renumber the sections consecutively and correct any internal references accordingly.

On page 46, line 16 of the title amendment, after "41.06 RCW;", strike all material through "53.08 RCW;" on line 18.

Senators Stevens and Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Stevens and Morton on page 26, line 11 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller to the striking amendment be adopted.

On page 30, line 29 delete "36.01" and insert "90.71"

On page 31, line 1 delete "35.21" and insert "90.71"

On page 31, line 8 delete "53.08" and insert "90.71"

Senators Rockefeller and Brandland spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 30, line 29 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Rockefeller carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Roach to the striking amendment be adopted.

On page 46, after line 5 of the amendment, insert the following:

"**NEW SECTION. Sec. 306.** Except for sections 111 and 302 through 304 of this act, this act expires December 31, 2020."

Renumber the remaining sections consecutively and correct any internal references accordingly.

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On page 46, line 25 of the title amendment, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Schoesler and Benton spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Roach on page 46, after line 5 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 5, beginning on line 33 of the amendment, after "(g)" strike all material through "chapter;" on line 34, and insert "Consistent with the limitations in subsection (9) of this section, adopt procedural rules consistent with chapter 34.05 RCW necessary to implement this chapter;"

On page 7, line 20, after "(9)" insert "The agency shall not have rule-making authority under chapter 34.05 RCW except for procedural rules to address public document, meeting, personnel, and related matters.

(10)"

On page 19, after line 13, insert the following:

"(7) The 2020 plan and action agenda and associated recommendations may not:

(a) Create mandatory duties or considerations concerning the review or approval of permits or adoption of plans and regulations, or create governmental actions requiring rule making governing agency actions for the purposes of RCW 34.05.010(3) or chapter 43.21C RCW;

(b) Authorize any rule making as defined in RCW 34.05.010 (16) and (18) or 34.05.328, except as may pertain to statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public; or

(c) Be subject to review under the provisions of chapter 43.21C RCW."

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Rockefeller spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 5, line 33 to the striking amendment to Substitute Senate Bill No. 5372.

The motion by Senator Holmquist failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment as amended by Senator Rockefeller to Substitute Senate Bill No. 5372.

The motion by Senator Rockefeller carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "partnership;" strike the remainder of the title and insert "amending RCW 90.71.060, 90.71.100, 43.17.010, 43.17.020, 42.17.2401, 77.85.090,

43.155.020, 43.155.070, 70.146.020, 70.146.070, and 90.50A.010; adding new sections to chapter 90.71 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.50A RCW; adding a new section to chapter 70.118 RCW; creating new sections; recodifying RCW 90.71.100; decodifying RCW 90.71.005, 90.71.902, and 90.71.903; repealing RCW 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing effective dates; providing an expiration date; and declaring an emergency."

On page 46, beginning on line 17 of the title, delete everything beginning with "adding" through "53.08 RCW;"

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5372 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Hargrove, Swecker, Morton, Sheldon, Clements, Haugen spoke in favor of passage of the bill.

Senators Stevens and Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5372.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 41

Voting nay: Senators Holmquist, Honeyford, McCaslin, Schoesler and Stevens - 5

Excused: Senators Delvin, Roach and Zarelli - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to make a very important announcement today. Today is I won't say which but she just informed us that she's been around for over fifty years. I don't know where she just went but it happens to be the birthday of Senator Rasmussen. Senator Rasmussen, happy birthday."

SECOND READING

SENATE BILL NO. 5926, by Senators Kohl-Welles, Clements, Kastama, Weinstein, Fairley, Keiser, Marr, Tom, Murray, Oemig, Sheldon and Kline

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Creating a joint legislative task force to review the underground economy in the construction industry.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5926.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5926 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Delvin, Kline, Roach and Zarelli - 4

SENATE BILL NO. 5926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5721, by Senator Kohl-Welles

Concerning financial arrangements involving sports/entertainment facility license holders.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5721 was substituted for Senate Bill No. 5721 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5721.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5721 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Delvin, Roach and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5898, by Senators Kohl-Welles, Clements, Keiser, Murray, McAuliffe and Honeyford

Authorizing the use of a common carrier for the shipment of wine.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5898 was substituted for Senate Bill No. 5898 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5898.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Voting nay: Senator Hargrove - 1

Excused: Senators Delvin, Roach and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5902, by Senators Prentice, Kohl-Welles, Delvin and Kline

Requiring additional state liquor stores to engage in Sunday sales.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5902 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senators Prentice and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5902.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5902 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Fraser, Hatfield, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Carrell, Clements, Franklin, Hargrove, Haugen, Holmquist, Honeyford, McCaslin, Morton, Parlette, Stevens and Swecker - 12

Excused: Senators Delvin, Roach and Zarelli - 3

SENATE BILL NO. 5902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5915, by Senators Honeyford, Clements, Kohl-Welles and Roach

Providing unemployment and industrial insurance notices to employers.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5915 was substituted for Senate Bill No. 5915 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Clements moved that the following striking amendment by Senators Clements, Honeyford and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.12 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay unemployment insurance taxes, the department shall send to the employer any printed material the department requires the employer to post under this title. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer.

NEW SECTION. Sec. 2. A new section is added to chapter 51.04 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay industrial insurance taxes, the department shall send to the employer any printed material the department requires the employer to post under this title. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer.

Sec. 3. RCW 51.28.020 and 2005 c 108 s 3 are each amended to read as follows:

(1)(a) Where a worker is entitled to compensation under this title he or she shall file with the department or his or her self-insured employer, as the case may be, his or her application for such, together with the certificate of the physician who attended

him or her. An application form developed by the department shall include a notice specifying the worker's right to receive health services from a physician of the worker's choice under RCW 51.36.010, including chiropractic services under RCW 51.36.015, and listing the types of providers authorized to provide these services.

(b) The physician who attended the injured worker shall inform the injured worker of his or her rights under this title and lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide physicians with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims.

(2) If the application required by this section is:

(a) Filed on behalf of the worker by the physician who attended the worker, the physician may transmit the application to the department electronically using facsimile mail;

(b) Made to the department and the employer has not received a copy of the application, the department shall immediately send a copy of the application to the employer; or

(c) Made to a self-insured employer, the employer shall forthwith send a copy of the application to the department.

(3) When the application required by this section is filed on behalf of the worker by the health services provider who attended the worker, the worker shall provide written notice of the claim to his or her employer within ten days after the date the worker received medical treatment. The department shall develop forms to assist the worker in expeditiously notifying his or her employer of a claim."

Senators Clements and Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Clements, Honeyford and Kohl-Welles to Substitute Senate Bill No. 5915.

The motion by Senator Clements carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employers;" strike the remainder of the title and insert "amending RCW 51.28.020; adding a new section to chapter 50.12 RCW; and adding a new section to chapter 51.04 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5915.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5915 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen,

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Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Delvin, Roach and Zarelli - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5443, by Senators Kohl-Welles and Keiser

Suppressing workers' compensation claims.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5443 was substituted for Senate Bill No. 5443 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5443.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5443 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Tom and Weinstein - 34

Voting nay: Senators Holmquist, Honeyford, Marr, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Shin, Stevens and Swecker - 12

Excused: Senators Delvin, Roach and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5676, by Senators Keiser, Kohl-Welles, Murray, Prentice, Hatfield and Kline

Revising provision for receipt of temporary total disability.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5676 was substituted for Senate Bill No. 5676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, Marr, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens and Swecker - 15

Excused: Senators Delvin, Roach and Zarelli - 3

SUBSTITUTE SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5675, by Senators Franklin, Kohl-Welles, Keiser, Murray and Kline

Increasing minimum industrial insurance benefits.

The measure was read the second time.

MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.32.050 and 1995 c 199 s 6 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker (~~(but not less than one hundred eighty-five dollars)~~);

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker (~~(but not less than two hundred twenty-two dollars)~~);

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker (~~(but not less than two hundred fifty-three dollars)~~);

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker (~~(but not less than two hundred seventy-six dollars)~~);

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker (~~(but not less than two hundred ninety-nine dollars)~~); or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker (~~(but not less than three hundred twenty-two dollars)~~).

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(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section;

(i) Exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(ii) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month for a surviving spouse and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (2)(d)(ii) is greater than one hundred percent of the wages of the deceased worker as determined under RCW 51.08.178, the monthly payment due to the surviving spouse shall be equal to the greater of the monthly wages of the deceased worker or the minimum benefit set forth in this section on June 30, 2008.

(e) In addition to the monthly payments provided for in subsection (2)(a) through (c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid a sum equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible

surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

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AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 2. RCW 51.32.060 and 1993 c 521 s 2 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages (~~but not less than two hundred fifteen dollars per month~~).

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages (~~but not less than two hundred fifty-two dollars per month~~).

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages (~~but not less than two hundred eighty-three dollars~~).

(d) If married with three children at the time of injury, seventy-one percent of his or her wages (~~but not less than three hundred six dollars per month~~).

(e) If married with four children at the time of injury, seventy-three percent of his or her wages (~~but not less than three hundred twenty-nine dollars per month~~).

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages (~~but not less than three hundred fifty-two dollars per month~~).

(g) If unmarried at the time of the injury, sixty percent of his or her wages (~~but not less than one hundred eighty-five dollars per month~~).

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages (~~but not less than two hundred twenty-two dollars per month~~).

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages (~~but not less than two hundred fifty-three dollars per month~~).

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages (~~but not less than two hundred seventy-six dollars per month~~).

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages (~~but not less than two hundred ninety-nine dollars per month~~).

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages (~~but not less than three hundred twenty-two dollars per month~~).

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled

workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section:

(a) ~~Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:~~

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if a worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (5)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 3. RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993 c 271 s 1 are each reenacted and amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before May 7, 1993, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after May 7, 1993, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average

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monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.

(4)(a) Whenever the employer of injury requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the work available with the employer of injury in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. The worker's temporary total disability payments shall continue until the worker is released by his or her physician for the work, and begins the work with the employer of injury. If the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work offered by the employer of injury, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

(b) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

(c) If the worker returns to work under this subsection (4), any employee health and welfare benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury. Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force.

(d) In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section;

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if the worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (7)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. 4. This act takes effect July 1, 2008.

Senator Franklin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin and Kohl-Welles to Senate Bill No. 5675.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 51.32.050 and 51.32.060; reenacting and amending RCW 51.32.090; and providing an effective date."

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Senate Bill No. 5675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5675.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5675 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 8; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 37

Voting nay: Senators Haugen, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug and Schoesler - 8

Absent: Senator Stevens - 1

Excused: Senators Delvin, Roach and Zarelli - 3

ENGROSSED SENATE BILL NO. 5675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Stevens was excused.

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SECOND READING

SENATE BILL NO. 5859, by Senators Kohl-Welles, Prentice, Clements and Murray

Creating a spirits, beer, and wine nightlife liquor license and removing spirits, beer, and wine restaurant license limit. Revised for 2nd Substitute: Changing the formula for determining how many spirits, beer, and wine restaurant liquor licenses can be issued in the state.

MOTION

On motion of Senator Kohl-Welles, Second Substitute Senate Bill No. 5859 was substituted for Senate Bill No. 5859 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles and Clements be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.375 and 1997 c 321 s 61 are each amended to read as follows:

"Society or organization" as used in RCW 66.24.380 means a not-for-profit group organized and operated (1) solely for charitable, religious, social, political, educational, civic, fraternal, athletic, or benevolent purposes, or (2) as a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section. No portion of the profits from events sponsored by a not-for-profit group may be paid directly or indirectly to members, officers, directors, or trustees except for services performed for the organization. Any compensation paid to its officers and executives must be only for actual services and at levels comparable to the compensation for like positions within the state. A society or organization which is registered with the secretary of state or the federal internal revenue service as a nonprofit organization ((may)) shall submit such registration, upon request, as proof that it is a not-for-profit group.

Sec. 2. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment

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activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and at one additional off-site retail only location and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW. This section does not prohibit a brewery or microbrewery holding a spirits, beer, and wine restaurant license or a beer and/or wine license under chapter 66.24 RCW operated on the premises of the brewery or microbrewery from holding a second retail only license at a location separate from the premises of the brewery or microbrewery.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered ((as a)) under section

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501(c)(3) (~~under~~) of the internal revenue code, or a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section, and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

Sec. 3. RCW 66.08.150 and 2003 c 320 s 1 are each amended to read as follows:

The action, order, or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a

prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and it incorporates a finding to that effect in its order (~~and~~). Proceedings for revocation or other action must be promptly instituted and determined. An administrative law judge may extend the summary suspension period for up to one calendar year in the event the proceedings for revocation or other action cannot be completed during the initial one hundred eighty day period due to actions by the licensee or permittee. The board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

Sec. 4. RCW 66.24.244 and 2006 c 302 s 3 and 2006 c 44 s 2 are each reenacted and amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Any microbrewery licensed under this section may act as a distributor for beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

~~((3))~~ (a) The board may issue an endorsement to this license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

~~((4))~~ (b) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated (~~either~~) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

~~((5))~~ (3) A microbrewery may hold a retail license under this chapter. This retail license is separate from the brewery license. The licensee may exercise any of the privileges and endorsements granted under the retail license. If the licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine license operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant license or a beer and/or wine license at a location separate from the licensed brewery premises.

(4)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

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(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (3) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (3) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (3)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (3):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 5. RCW 66.24.244 and 2006 c 44 s 2 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its

restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

~~((3))~~ (a) The board may issue an endorsement to this license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

~~((4))~~ (b) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated (~~either~~) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

~~((5))~~ (3) A microbrewery may hold a retail license under this chapter. This retail license is separate from the brewery license. The licensee may exercise any of the privileges and endorsements granted under the retail license. If the licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine license operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant license or a beer and/or wine license at a location separate from the licensed brewery premises.

~~((4))~~(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (3) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (3) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (3)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (3):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

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(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 6. RCW 66.24.240 and 2006 c 302 s 2 and 2006 c 44 s 1 are each reenacted and amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a retailer for beer of its own production. Any domestic brewery licensed under this section may act as a distributor for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. The licensee may exercise any of the privileges and endorsements granted under the retail license. If the licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license at a location separate from the brewery premises.

(4) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((+))~~ (5)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((+))~~ (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 7. RCW 66.24.240 and 2006 c 44 s 1 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. The licensee may exercise any of the privileges and endorsements granted under the retail license. If the licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer,

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and wine restaurant license or a beer and/or wine restaurant license at a location separate from the brewery premises.

(4) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((+))~~ (5)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((+))~~ (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she

owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 8. RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An

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additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand ~~(four)~~ three hundred ~~(fifty)~~ of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in ~~((subsection (7) of))~~ this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the ~~((alcohol))~~ alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Sec. 9. RCW 66.24.320 and 2006 c 362 s 1 and 2006 c 101 s 2 are each reenacted and amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine that was purchased for consumption with a meal.

(1) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in ~~((subsection (7) of))~~ this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the ~~((alcohol))~~ alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

Sec. 10. RCW 66.04.010 and 2006 c 225 s 1 and 2006 c 101 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

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(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced anywhere outside Washington by a brewery or winery which does not hold a certificate of approval issued by the board; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its exclusive authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(10) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(11) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(12) "Distiller" means a person engaged in the business of distilling spirits.

(13) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(14) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(15) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(16) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(17) "Employee" means any person employed by the board.

(18) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(19) "Fund" means 'liquor revolving fund.'

(20) "Hotel" means ~~((every building or other structure)) buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests ((and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms)). The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.~~

(21) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(22) "Imprisonment" means confinement in the county jail.

(23) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(24) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(25) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(26) "Package" means any container or receptacle used for holding liquor.

(27) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(28) "Permit" means a permit for the purchase of liquor under this title.

(29) "Person" means an individual, copartnership, association, or corporation.

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(30) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(31) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(32) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(33) "Regulations" means regulations made by the board under the powers conferred by this title.

(34) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(35) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(36) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(37) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(38) "Store" means a state liquor store established under this title.

(39) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(40) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(41)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii)

wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(42) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(43) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

NEW SECTION. Sec. 11. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a retailer's license to be designated as a hotel license. No license may be issued to a hotel offering rooms to its guests on an hourly basis. Food service provided for room service, banquets or conferences, or restaurant operation under this license shall meet the requirements of rules adopted by the board.

(2) The hotel license authorizes the licensee to:

(a) Sell spiritous liquor, beer, and wine, by the individual glass, at retail, for consumption on the premises, including mixed drinks and cocktails compounded and mixed on the premises, at dining places in the hotel.

(b) Sell, at retail, from locked honor bars, in individual units, spirits not to exceed fifty milliliters, beer in individual units not to exceed twelve ounces, and wine in individual bottles not to exceed three hundred eighty-five milliliters, to registered guests of the hotel for consumption in guest rooms. The licensee shall require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest shall also execute an affidavit verifying that no one under twenty-one years of age shall have access to the spirits, beer, and wine in the honor bar;

(c) Provide without additional charge, to overnight guests, spirits, beer, and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited;

(d) Sell beer, including strong beer, wine, or spirits, in the manufacturer's sealed container or by the individual drink to guests through room service, or through service to occupants of private residential units;

(e) Sell beer, including strong beer, or wine, in the manufacturer's sealed container at retail sales locations within the hotel premises;

(f) Sell for on or off-premises consumption, including through room service and service to occupants of private residential units managed by the hotel, wine carrying a label exclusive to the hotel license holder;

(g) Place in guest rooms at check-in, a complimentary bottle of beer, including strong beer, or wine in a manufacturer-sealed container, and make a reference to this service in promotional material.

(3) If all or any facilities for alcoholic beverage service and the preparation, cooking, and serving of food are operated under contract or joint venture agreement, the operator may hold a license separate from the license held by the operator of the hotel. Food and beverage inventory used in separate licensed operations at the hotel may not be shared and shall be separately owned and stored by the separate licensees.

(4) All spirits to be sold under this license must be purchased from the board.

(5) All on-premise alcoholic beverage service must be done by an alcohol server as defined in RCW 66.20.300 and must comply with RCW 66.20.310.

(6)(a) The hotel license allows the licensee to remove from the liquor stocks at the licensed premises, liquor for sale and service at event locations at a specified date and place not

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currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived.

(b) The holder of this license shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) Licensees may cater events on a domestic winery premises.

(7) The holder of this license or its manager may furnish spirits, beer, or wine to the licensee's employees who are twenty-one years of age or older free of charge as may be required for use in connection with instruction on spirits, beer, and wine. The instruction may include the history, nature, values, and characteristics of spirits, beer, or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling spirits, beer, or wine. The licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the licensee.

(8) Minors may be allowed in all areas of the hotel where alcohol may be consumed; however, the consumption must be incidental to the primary use of the area. These areas include, but are not limited to, tennis courts, hotel lobbies, and swimming pool areas. If an area is not a mixed use area, and is primarily used for alcohol service, the area must be designated and restricted to access by minors.

(9) The annual fee for this license is two thousand dollars.

(10) As used in this section, "hotel," "spirits," "beer," and "wine" have the meanings defined in RCW 66.24.410 and 66.04.010.

Sec. 12. RCW 66.44.310 and 1998 c 126 s 14 are each amended to read as follows:

(1) Except as otherwise provided by RCW 66.44.316 (~~and~~), 66.44.350, and section 11 of this act, it shall be a misdemeanor:

(a) To serve or allow to remain in any area classified by the board as off-limits to any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a spirits, beer, and wine private club license;

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify licensed premises or portions of licensed premises as off-limits to persons under the age of twenty-one years of age.

Sec. 13. RCW 66.24.400 and 2005 c 152 s 2 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only (~~PROVIDED, That a hotel, or~~). A club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the (~~hotel or~~) club for consumption in guest rooms, hospitality rooms, or at banquets in the (~~hotel or~~) club (~~PROVIDED FURTHER, That~~). A patron of a bona fide (~~hotel~~) restaurant (~~or~~) or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have

purchased liquor from the (~~hotel or~~) club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants (~~or hotels~~) and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(3) The holder of a spirits, beer, and wine license or its manager may furnish beer, wine, or spirituous liquor to the licensee's employees free of charge as may be required for use in connection with instruction on beer, wine, or spirituous liquor. The instruction may include the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, and spirituous liquor. The spirits, beer, and wine restaurant licensee must use the beer, wine, or spirituous liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the spirits, beer, and wine restaurant licensee.

Sec. 14. RCW 66.08.180 and 2000 c 192 s 1 are each amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under chapter 13, Laws of 1935 from spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licenses or spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the death investigations account for the state toxicology program pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape

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research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

Sec. 15. RCW 66.08.220 and 1999 c 281 s 2 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of liquor to spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licensees collected from these licensees pursuant to the provisions of RCW 82.08.150, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210(~~(- PROVIDED, HOWEVER, That)~~). No election unit in which the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

Sec. 16. RCW 66.20.010 and 1998 c 126 s 1 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(8) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any

such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board and any such beer or wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a (~~hotel or similar~~) facility offering from one to eight lodging units and breakfast to travelers and guests.

Sec. 17. RCW 66.20.310 and 1997 c 321 s 45 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every person employed, under contract or otherwise, by an annual retail liquor licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, section 11 of this act, or 66.24.570, who as part of his or her employment participates in any manner in the sale or service of alcoholic beverages shall have issued to them a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) No licensee described in (a) of this subsection, except as provided in (d) of this subsection, may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

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(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350.

Sec. 18. RCW 66.24.410 and 1983 c 3 s 164 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010, except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW(~~PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public: PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition).~~)

Sec. 19. RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and

sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

~~((e) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An additional license fee of twenty dollars shall be required for such duplicate licenses.))~~

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand four hundred fifty of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant

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license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcohol beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Sec. 20. RCW 66.24.440 and 1998 c 126 s 8 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, and sports entertainment facility licensee shall be entitled to purchase any spirituous liquor items salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

NEW SECTION. Sec. 21. Sections 4 and 6 of this act expire June 30, 2008.

NEW SECTION. Sec. 22. Sections 5 and 7 of this act take effect June 30, 2008.

NEW SECTION. Sec. 23. Sections 10 through 20 of this act take effect July 1, 2008."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Benton: "Would the senator yield to a question? We received on our desk some information about allowing a dog into a bar and this bill number was written on it. Does this striking amendment include that provision as well to allow a dog into a bar."

Senator Kohl-Welles: "No."

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 42, after line 16 of the amendment, insert the following:

"NEW SECTION. Sec. 24. The state board of health shall establish a pilot project by which local government can apply for an exemption from certain food and drug administration food code sections to allow dogs within certain designated outdoor portions of premises holding a spirits, beer, and wine restaurant

license or a beer and/or wine restaurant license or certain designated outdoor portions of premises whose main business purpose is selling coffee.

NEW SECTION. Sec. 25. (1) The governing body of a local government participating in the pilot project is authorized to establish, by ordinance, a local exemption procedure to section 6-501.115, 2001 food and drug administration food code.

(2) The adoption of the local government exemption procedure shall be at the sole discretion of the governing body of the participating local government.

NEW SECTION. Sec. 26. (1) Any local exemption procedure adopted under this act shall only provide a variance to section 6-501.115, 2001 food and drug administration food code, to allow patrons' dogs within certain designated outdoor portions of the establishments designated in section 24 of this act.

(2) In order to protect the health, safety, and general welfare of the public, the local exemption procedure shall require participating establishments to apply for and receive a permit from the local public health department before allowing patrons' dogs on their premises. The local public health department shall require such information from the applicant as the department determines reasonably necessary to enforce the provisions of this act but shall require, at a minimum, the following information:

(a) Name, location, and mailing address of the establishment;

(b) Name, mailing address, and telephone contact information of the permit applicant;

(c) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor areas; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the local department of health; and

(d) A description of the days of the week and hours of operation that patrons' dogs will be allowed in the designated outdoor area.

(3) In order to protect the health, safety, and general welfare of the public, the local exemption ordinance shall include such regulations and limitations as deemed necessary by the participating local government and shall include at least the following requirements:

(a) All employees of the establishments participating in the pilot shall wash their hands immediately after touching, petting, or otherwise handling dogs. Employees are prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the establishment;

(b) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area;

(c) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations;

(d) Patrons shall ensure their dogs are licensed by the appropriate authority, keep their dogs on a leash at all times, and keep their dogs under reasonable control;

(e) Dogs shall not be allowed on chairs, tables, or other furnishings;

(f) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled

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food and drink shall be removed from the floor or ground between seating of patrons;

(g) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;

(h) A sign or signs reminding employees of the applicable rules shall be posted on the premises in a manner and place as determined by the local department of health; and

(i) A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

NEW SECTION. Sec. 27. The participating local public health departments shall have such powers as are reasonably necessary to regulate and enforce this act.

NEW SECTION. Sec. 28. The state board of health shall develop rules to implement this act.

NEW SECTION. Sec. 29. Sections 24 through 28 of this act expire June 30, 2010."

Senator Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Brown: "I request a ruling on whether amendment 208 is within the scope and object of the bill."

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5859 was deferred and the bill held its place on the second reading calendar.

The Senate resumed consideration of Second Substitute Senate Bill No. 6117 which had been deferred earlier in the day.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 6, line 27 to Second Substitute Senate Bill No. 6117 was withdrawn.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Poulsen to the striking amendment be adopted.

Beginning on page 6, line 27 of the amendment, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 90.46.130 and 2002 c 329 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless there is compensation or mitigation for such impairment (~~(is agreed to by the holder of the affected water right)~~).

(b) Any reclaimed water project that reduces the quantity of sewage treatment plant effluent discharged directly into marine waters is deemed to not impair any existing water rights.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural

processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002.

(3) The department of ecology shall convene and staff a task force to review potential barriers or issues related to development of reclaimed water projects pursuant to the evaluation of water rights impairment under this section and related impairment issues and shall report the findings and any recommendations of this review to the appropriate standing committees of the legislature no later than December 31, 2007. The task force shall be cochaired by a representative from the water quality and the water resources programs at the department, and shall consist of representatives of interested groups, including the attorney general, the department of health, local governments, tribal governments, water utilities, reclaimed water utilities, wastewater utilities, environmental organizations, agricultural organizations, and businesses. The task force shall report its findings to the appropriate legislative committees on or before December 1, 2007. The task force and report shall address the following topics at a minimum: (a) Internal processing of reclaimed water permits by the department, including the ability to deliver timely decisions on potential impairment of water rights; (b) compliance with state and federal water quality standards on existing and future discharges, including potential requirements on wastewater utilities to reduce discharges to water and increase upland discharges; (c) nature of water that is imported into a watershed or potentially exported from the watershed in the form of effluent or reclaimed water; (d) inequities or different treatment of processing of reclaimed water permits and wastewater permits for similar treatment and facilities; (e) ability of existing provisions of state law, such as chapter 90.48 RCW, to address possible impacts to, and mitigation for, stream flows and fish habitat; (f) technical ability to determine impacts to water sources from reclaimed water facilities; (g) approaches to these issues in other western states with significant use of reclaimed water."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Poulsen on page 6, line 27 to the striking amendment to Second Substitute Senate Bill No. 6117.

The motion by Senator Honeyford carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 14, line 27 of the amendment, after "county" insert "and approved by the qualified municipal water supplier, as defined in RCW 90.03.015, with approval to serve that area"

On page 14, line 33 of the amendment, after "plan" insert ", as long as the water conservation measures have been approved by the qualified municipal water supplier, as defined in RCW 90.03.015, with approval to serve that area"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Fraser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page

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14, line 27 to the striking amendment to Second Substitute Senate Bill No. 6117.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 16, after line 23 of the amendment, insert the following:

"**Sec. 13.** RCW 90.14.140 and 2001 c 240 s 1, 2001 c 237 s 27, and 2001 c 69 s 5 are each reenacted and amended to read as follows:

(1) For the purposes of RCW 90.14.130 through 90.14.180, "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

- (a) Drought, or other unavailability of water;
- (b) Active service in the armed forces of the United States during military crisis;
- (c) Nonvoluntary service in the armed forces of the United States;
- (d) The operation of legal proceedings;
- (e) Federal or state agency leases of or options to purchase lands or water rights which preclude or reduce the use of the right by the owner of the water right;
- (f) Federal laws imposing land or water use restrictions either directly or through the voluntary enrollment of a landowner in a federal program implementing those laws, or acreage limitations, or production quotas;
- (g) Temporarily reduced water need for irrigation use where such reduction is due to varying weather conditions, including but not limited to precipitation and temperature, that warranted the reduction in water use, so long as the water user's diversion and delivery facilities are maintained in good operating condition consistent with beneficial use of the full amount of the water right;
- (h) Temporarily reduced diversions or withdrawals of irrigation water directly resulting from the provisions of a contract or similar agreement in which a supplier of electricity buys back electricity from the water right holder and the electricity is needed for the diversion or withdrawal or for the use of the water diverted or withdrawn for irrigation purposes;
- (i) Water conservation measures implemented under the Yakima river basin water enhancement project, so long as the conserved water is reallocated in accordance with the provisions of P.L. 103-434;

(j) Reliance by an irrigation water user on the transitory presence of return flows in lieu of diversion or withdrawal of water from the primary source of supply, if such return flows are measured or reliably estimated using a scientific methodology generally accepted as reliable within the scientific community; or

(k) The reduced use of irrigation water resulting from crop rotation. For purposes of this subsection, crop rotation means the temporary change in the type of crops grown resulting from the exercise of generally recognized sound farming practices. Unused water resulting from crop rotation will not be relinquished if the remaining portion of the water continues to be beneficially used.

(2) Notwithstanding any other provisions of RCW 90.14.130 through 90.14.180, there shall be no relinquishment of any water right:

(a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW;

(b) If such right is used for a standby or reserve water supply

to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply;

(c) If such right is claimed for a determined future development to take place either within fifteen years of July 1, 1967, or the most recent beneficial use of the water right, whichever date is later;

(d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW;

(e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030;

(f) If such right or portion of the right is leased to another person for use on land other than the land to which the right is appurtenant as long as the lessee makes beneficial use of the right in accordance with this chapter and a transfer or change of the right has been approved by the department in accordance with RCW 90.03.380, 90.03.383, 90.03.390, or 90.44.100;

(g) If such a right or portion of the right is authorized for a purpose that is satisfied by the use of agricultural industrial process water as authorized under RCW 90.46.150; ~~((or))~~

(h) If such right is a trust water right under chapter 90.38 or 90.42 RCW; or

(i) If such a right or portion of the right is authorized for a purpose that is satisfied by the use of reclaimed water as authorized under the provisions of RCW 90.46.150.

(3) In adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised."

On page 16, line 27 of the title amendment, after "(uncodified);" insert "reenacting and amending RCW 90.14.140;"

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Fraser spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 16, after line 23 to the striking amendment to Second Substitute Senate Bill No. 6117.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

Senator Fraser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Poulsen as amended to Second Substitute Senate Bill No. 6117.

The motion by Senator Fraser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "water;" strike the remainder of the title and insert "amending RCW 90.46.005, 90.46.120, 90.46.130, 90.82.043, 90.54.020, and 90.54.180; amending 2006 c 279 s 3 (uncodified); adding a new section to chapter 58.17 RCW; adding new sections to chapter 90.46 RCW; and creating new sections."

MOTION

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On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Senators Honeyford and Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6117.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6117 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Carrell, Clements, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon and Swecker - 14

Excused: Senators Delvin, Roach, Stevens and Zarelli - 4

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:39 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Monday, March 12, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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SIXTY-FOURTH DAY

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 MESSAGE FROM THE HOUSE

MORNING SESSION

March 10, 2007

Senate Chamber, Olympia, Monday, March 12, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug, Rasmussen, Roach and Shin.

The Sergeant at Arms Color Guard consisting of Pages Jose Carmona and Serena Eschels, presented the Colors. Reverend Lonnie Mitchell, Sr. of the Bethel African Methodist Episcopal Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1035,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,
 SECOND SUBSTITUTE HOUSE BILL NO. 1401,
 HOUSE BILL NO. 1418,
 SUBSTITUTE HOUSE BILL NO. 1492,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569,
 SUBSTITUTE HOUSE BILL NO. 1588,
 SECOND SUBSTITUTE HOUSE BILL NO. 1656,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
 SUBSTITUTE HOUSE BILL NO. 1805,
 SECOND SUBSTITUTE HOUSE BILL NO. 1811,
 SUBSTITUTE HOUSE BILL NO. 1826,
 ENGROSSED HOUSE BILL NO. 1902,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
 SUBSTITUTE HOUSE BILL NO. 2115,
 SUBSTITUTE HOUSE BILL NO. 2335,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1508,
 SUBSTITUTE HOUSE BILL NO. 2031,
 SUBSTITUTE HOUSE BILL NO. 2209,
 SECOND SUBSTITUTE HOUSE BILL NO. 2220,
 HOUSE BILL NO. 2236,
 SUBSTITUTE HOUSE BILL NO. 2275,
 HOUSE JOINT MEMORIAL NO. 4001,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1975,
 HOUSE BILL NO. 1994,
 HOUSE BILL NO. 2004,
 HOUSE BILL NO. 2009,
 HOUSE BILL NO. 2017,
 HOUSE BILL NO. 2048,
 HOUSE BILL NO. 2135,
 SUBSTITUTE HOUSE BILL NO. 2304,
 SUBSTITUTE HOUSE BILL NO. 2317,
 HOUSE CONCURRENT RESOLUTION NO. 4404,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 10, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1993,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2292,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,
 ENGROSSED HOUSE BILL NO. 2373,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1055 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hudgins, B. Sullivan, Morris, Dunshee and Chase)

AN ACT Relating to defining alternative motor fuels; amending RCW 19.112.010, 19.112.120, 82.04.4334, 82.08.955, and 82.12.955; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 1103 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Green, Kenney, Hudgins, Appleton, Schual-Berke and Cody)

AN ACT Relating to health professions; amending RCW 18.130.050, 18.130.060, 18.130.080, 18.130.090, 18.130.170, 18.130.172, 18.130.310, 70.41.210, 43.70.320, 18.71.017, 18.57.005, and 18.22.015; reenacting and amending RCW 18.130.160; adding new sections to chapter 18.130 RCW; adding a new section to chapter 42.52 RCW; creating new sections; prescribing penalties; providing an effective date; and declaring an emergency.

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Referred to Committee on Health & Long-Term Care.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1251 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Morrell, Haler, O'Brien, Skinner, Lantz, Hinkle, Upthegrove, Takko, Moeller, Wallace, Crouse, Campbell, Kristiansen, Wood, Pearson, Ross, Fromhold, McCoy, Williams, Kretz, Hurst, Green, Kenney, VanDeWege, Haigh, McCune, Grant, Darneille, Simpson, Dunn and Rolfes)

AN ACT Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties; reenacting and amending RCW 9.94A.533; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 1260 by House Committee on Transportation (originally sponsored by Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller)

AN ACT Relating to contribution rates in the Washington state patrol retirement system; amending RCW 41.45.0631; and creating a new section.

Referred to Committee on Transportation.

HB 1285 by Representatives Anderson, Fromhold, Priest, Quall and Haler

AN ACT Relating to recodifying the basic education program; amending RCW 28A.150.200, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.290, 28A.150.360, and 28A.150.410; adding a new section to chapter 28A.160 RCW; adding a new chapter to Title 28A RCW; recodifying RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.290, 28A.150.410, 28A.150.275, 28A.150.280, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.420, and 28A.150.280; and repealing RCW 28A.150.100.

Referred to Committee on Early Learning & K-12 Education.

SHB 1322 by House Committee on Judiciary (originally sponsored by Representatives McCoy, Grant, Sells, Cody, Conway, Schual-Berke, Roberts, Pettigrew, Lantz, Kagi, Moeller, Chase, Green, Kenney, Simpson, Darneille, Dickerson, Hankins, Santos, Ormsby and Flannigan)

AN ACT Relating to the definition of disability in the Washington law against discrimination; amending RCW 49.60.040; and creating a new section.

Referred to Committee on Judiciary.

HB 1349 by Representatives Condotta and Wood

AN ACT Relating to sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200; and amending RCW 66.24.400, 66.28.200, and 66.28.220.

E2SHB 1374 by House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer)

AN ACT Relating to the Puget Sound partnership; amending RCW 90.71.010, 90.71.060, 90.71.100, 43.17.010, 43.17.020, 42.17.2401, 77.85.090, 70.220.040, 43.155.070, 70.146.070, 89.08.520, 70.105D.070, 79A.15.040, 90.88.005, 90.88.020, 90.88.030, 90.88.901, 90.88.902, 90.48.260, 79A.60.520, 79A.60.510, 79.105.500, 77.60.130, 70.146.070, 70.118.090, 43.21J.030, 43.21J.040, and 28B.30.632; reenacting and amending RCW 79.105.150 and 77.85.130; adding new sections to chapter 90.71 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 70.105D RCW; adding a new section to chapter 79.105 RCW; adding a new section to chapter 79A.15 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 70.118 RCW; recodifying RCW 90.71.100; decodifying RCW 90.71.902 and 90.71.903; and repealing RCW 90.71.005, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.070, 90.71.080, 90.71.900, and 90.71.901.

Referred to Committee on Water, Energy & Telecommunications.

EHB 1413 by Representatives Eddy, Simpson and Curtis

AN ACT Relating to changing the definition of floodway in the shoreline management act; and amending RCW 90.58.030.

Referred to Committee on Water, Energy & Telecommunications.

2SHB 1422 by House Committee on Human Services (originally sponsored by Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos)

AN ACT Relating to children and families of incarcerated parents; adding a new section to chapter 72.09 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.63A RCW; and creating new sections.

Referred to Committee on Appropriations.

E2SHB 1461 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz)

AN ACT Relating to manufactured/mobile home community registrations and dispute resolution; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

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SHB 1590 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibbom, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney)

AN ACT Relating to administration of the courts of limited jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.805, and 39.34.180; adding a new section to chapter 3.50 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

2SHB 1636 by House Committee on Appropriations (originally sponsored by Representatives Simpson, B. Sullivan, Dunshee, Upthegrove, McCoy, Dickerson, P. Sullivan, Morrell, Sells and Rolfes)

AN ACT Relating to the creation of a regional transfer of development rights program; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1669 by House Committee on Judiciary (originally sponsored by Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz)

AN ACT Relating to district and municipal court preconviction and postconviction probation and supervision services for persons charged with or convicted of misdemeanor crimes; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Judiciary.

E2SHB 1705 by House Committee on Finance (originally sponsored by Representatives Barlow, Ormsby, Kenney and Wood)

AN ACT Relating to the creation of health sciences and services authorities; reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Ways & Means.

EHB 1743 by Representatives Kretz, B. Sullivan, Sump, Upthegrove and Linville

AN ACT Relating to noxious weed control boards; amending RCW 17.10.010, 17.10.020, 17.10.030, 17.10.050, 17.10.060, 17.10.074, 17.10.080, 17.10.190, 17.10.205, 17.10.240, 17.10.250, and 17.10.280; and repealing RCW 17.10.040 and 17.10.890.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1837 by House Committee on Health Care & Wellness (originally sponsored by Representatives Newhouse, Cody and Schual-Berke)

AN ACT Relating to directing the department of health to develop guidelines for the safety of individuals who rely

upon stretchers and personal mobility devices; amending RCW 18.73.180; and creating a new section.

Referred to Committee on Health & Long-Term Care.

EHB 1956 by Representatives Pettigrew, Miloscia, Santos, Sells, Ormsby and Hasegawa

AN ACT Relating to discrimination based on lawful source of income; reenacting and amending RCW 49.60.250; adding a new section to chapter 49.60 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

2SHB 1992 by House Committee on Finance (originally sponsored by Representatives Santos, Kenney and Hasegawa)

AN ACT Relating to community preservation and development authorities; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Economic Development, Trade & Management.

SHB 2010 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haigh, Hunt, Ericks, Conway, Haler, Green, Hasegawa, Appleton, Campbell, Sells, Kenney, VanDeWege, Cody, Hurst, McDermott, Simpson and Ormsby)

AN ACT Relating to bidder responsibility; amending RCW 39.04.010 and 39.04.155; adding a new section to chapter 39.04 RCW; and adding a new section to chapter 39.06 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 2053 by House Committee on Finance (originally sponsored by Representatives Goodman, Springer, O'Brien, Dunshee, Eddy, Blake, Lovick, Upthegrove, Green, Simpson and Hurst)

AN ACT Relating to improving the availability of motor vehicle fuel in the event of an electric power outage or interruption in electric service; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 2079 by Representatives McDermott, Ormsby, Williams, Simpson and Hunt

AN ACT Relating to use of agency shop fees; amending RCW 42.17.760; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

HB 2134 by Representatives VanDeWege, Linville, Grant, Walsh, Kenney, Curtis, Moeller, Conway, Fromhold, Seaquist, P. Sullivan, Hinkle, Ericks, Upthegrove, Schual-Berke, Hurst, Sells, Lovick, Williams, Campbell, Chase, Quall, Simpson, Hasegawa, Santos, Goodman, Haler, Ormsby and Kelley

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AN ACT Relating to port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2; amending RCW 41.26.030 and 41.26.030; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2146 by Representatives Seaquist, Rolfes, Lantz, Appleton, Simpson and Kelley

AN ACT Relating to sales and use taxes on toll projects; amending RCW 47.46.060; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

ESHB 2268 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Lovick, Strow, Kagi, Eddy, Ericks, Green, B. Sullivan, McCoy, Moeller, Schual-Berke, Kenney, Hunt, Kelley and Ormsby)

AN ACT Relating to the possession of dangerous weapons on school facilities; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

SHB 2325 by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Pettigrew, Flannigan, Haler, Hankins, Skinner, Kirby, Blake, Ericks, Wood, Upthegrove, Ormsby, P. Sullivan, Barlow, Chase, Quall, Hasegawa, Conway, McIntire, Grant, Morris, McDermott, Sells, Kessler and Santos)

AN ACT Relating to creating the community development fund; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

SHB 2361 by House Committee on Commerce & Labor (originally sponsored by Representative Conway)

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1705 and House Bill No. 2146 which were referred to the Committee on Ways & Means.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8650

By Senators Spanel, Haugen and Stevens

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number 1 producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 24th annual festival will run from April 1st through April 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 750 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, William Hovenden and Bethany Sybrandy, will ably and personally perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Kiwanis Club's 19th Annual Salmon Barbeque, the 27th Annual Tulip Pedal bike ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, the 2nd Annual Hospice Tour De Fleur, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the Senate commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Skagit Valley Tulip Festival Executive Director Cindy Verge and the Tulip Festival Ambassadors.

Senators Spanel, Haugen and Stevens spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8650.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced William Hovenden and Bethany Sybrandy, 2007 Tulip Ambassadors, who were seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Tulip Ambassador families who were present in the gallery.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

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Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 12, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 12, 2007.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5720, by Senator Marr

Conforming legal notice broadcast requirements to current practice.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5720 was substituted for Senate Bill No. 5720 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Holmquist, Pflug and Roach were excused.

MOTION

On motion of Senator Regala, Senators Rasmussen and Shin were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Morton - 1

Excused: Senators Pflug, Rasmussen, Roach and Shin - 4

SUBSTITUTE SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

SECOND READING

SENATE BILL NO. 5011, by Senators Kohl-Welles, Parlette, Keiser and Rasmussen

Removing the expiration date on the 2006 beer and wine distribution bill.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Rasmussen, Roach and Shin - 3

SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5053, by Senators Keiser, Kohl-Welles and Kline

Creating the office of the ombudsman for workers of industrial insurance self-insured employers.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5053 was substituted for Senate Bill No. 5053 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Substitute Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Kohl-Welles spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Rockefeller, Spanel, Tom and Weinstein - 31

Voting nay: Senators Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Regala, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Excused: Senators Roach and Shin - 2

SUBSTITUTE SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5607, by Senator Pridemore

Modifying provisions regarding the leasehold excise taxation of historical property owned by the United States government.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5607 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5607.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5607 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Roach - 1

SENATE BILL NO. 5607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5533, by Senators Pflug, Hargrove, Kline, Swecker, Delvin, Stevens, Holmquist, Parlette and Hewitt

Revising procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5533 was substituted for Senate Bill No. 5533 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5533 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5533.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5533, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5122, by Senators Rockefeller and Swecker

Preserving regulatory assistance provisions.

MOTIONS

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Rockefeller, the rules were suspended, Second Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5572, by Senators Murray and Weinstein

Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5572 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5572.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5572 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5733, by Senators Stevens and Jacobsen

Regarding hydraulic project permit approval for projects intended to reduce or eliminate damage from floods.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5733.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Fraser - 1

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5738, by Senators Oemig and Swecker

Modifying absentee ballot and related election provisions.

The measure was read the second time.

MOTION

Senator Oemig moved that the following striking amendment by Senator Oemig and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 14.** RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until ((after 8:00 p.m. of)) the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. For any absentee ballot, a variation between the signature of the voter on

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the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot.

Sec. 15. RCW 29A.44.090 and 2003 c 111 s 1109 are each amended to read as follows:

~~(A registered voter shall not be allowed to vote in the precinct in which he or she is registered at any election or primary for which that voter has cast an absentee ballot. A registered voter who has requested an absentee ballot for a primary or special or general election but chooses to vote at the voter's precinct polling place in that primary or election shall cast a provisional ballot. The canvassing board shall not count the ballot if it finds that the voter has also voted by absentee ballot in that primary or election.)~~ If a registered voter who was issued an absentee or mail ballot requests to vote at a polling place, the precinct election officer shall attempt to confirm whether the voter has already returned an absentee or mail ballot. Confirmation may be achieved by accessing the county voter registration system by electronic, telephonic, or other means.

(1) If the precinct election officer is able to confirm that the voter has not already returned an absentee or mail ballot, the voter may be issued a regular ballot. In order to prevent multiple voting, the voter must be immediately credited or flagged in the voter registration system as having voted. If an absentee or mail ballot is subsequently returned, the canvassing board may not count the absentee or mail ballot.

(2) If the precinct election officer is unable to confirm whether the voter has already returned a ballot, the voter must be issued a provisional ballot. If the voter has already returned an absentee or mail ballot, the canvassing board may not count the provisional ballot. If the canvassing board counts the provisional ballot and an absentee or mail ballot is subsequently returned, the canvassing board may not count the absentee or mail ballot.

Sec. 16. RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are each reenacted and amended to read as follows:

(1) If the voter neglects to sign the ~~(outside envelope of)~~ oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration record, the auditor shall notify the voter by first class mail ~~(and advise the voter)~~ of the correct procedures for ~~(completing the unsigned affidavit)~~ curing the signature. If ~~(the)~~ such an absentee ballot is not received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by at least three business days before the final meeting of the canvassing board, ~~(then)~~ the auditor shall attempt to notify the voter by telephone, using information in the voter registration record ~~(information)~~.

~~(In order for the ballot to be counted)~~ (2) If the voter neglects to sign the oath on an absentee or provisional ballot envelope, or signs the oath with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the envelope no later than the day before ~~(the)~~ certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before ~~(the)~~ certification of the primary or election.

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~~((2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first class mail, enclosing a copy of the envelope affidavit, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted)~~ (3) If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must ~~((either))~~:

~~((i))~~(a) Appear in person and sign a new registration form no later than the day before ~~(the)~~ certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; ~~(or~~ ~~((ii))~~ (b) Sign a copy of the affidavit provided by the auditor and ~~(return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit)~~ provide a photocopy of a valid government or tribal issued identification document that includes the voter's current signature. ~~((f))~~ The signatures on ~~(the copy of)~~ the affidavit ~~(does not match the signature on file or the signature on the copy of)~~, the identification ~~(document, the voter must appear in person and sign a new registration form)~~, and the ballot envelope must all match. The voter must return the signed affidavit and the identification to the auditor no later than the day before ~~(the)~~ certification of the primary or election ~~(in order for the ballot to be counted)~~. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who are registered voters and who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.

~~((b))~~ (4) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration ~~(file)~~ record because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form. ~~((c))~~ If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration ~~(file)~~ record because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

~~((c))~~ (5) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

~~((d))~~ (6) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request."

Senators Oemig and Benton spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Oemig and others to Senate Bill No. 5738.

The motion by Senator Oemig carried and the striking

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amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "mail;" strike the remainder of the title and insert "amending RCW 29A.44.090; and reenacting and amending RCW 29A.40.110 and 29A.60.165."

MOTION

On motion of Senator Oemig, the rules were suspended, Engrossed Senate Bill No. 5738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5738.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5738 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5839, by Senators Benton, Stevens and Hargrove

Revising provisions relating to nonmandatory reporting of child abuse or neglect. Revised for 1st Substitute: Revising provisions relating to false reporting of child abuse or neglect.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5839 was substituted for Senate Bill No. 5839 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5839 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5839.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the Senate

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by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fifth order of business.

MOTION

Senator Eide moved that the motion to refer Second Substitute House Bill No. 1636 to the Committee on Government Operations and Elections be reconsidered.

The President declared the question before the Senate to be the motion by Senator Eide to reconsider the motion to refer Second Substitute House Bill No. 1636 to the Committee on Government Operations and Elections.

The motion by Senator Eide carried by voice vote.

MOTION

Senator Eide moved that Second Substitute House Bill No. 1636 be referred to the Committee on Natural Resources, Ocean & Recreation.

The President declared the question before the Senate to be the motion by Senator Eide to refer Second Substitute House Bill No. 1636 to the Committee on Natural Resources, Ocean & Recreation.

The motion by Senator Eide carried by voice vote.

MOTION

At 10:58 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:08 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2007

SCR 8407 Prime Sponsor, Kohl-Welles: Addressing liquor laws. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That Substitute Senate Bill No. 8407 be substituted therefor, and the substitute bill do

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pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

HOLLY MICHAELS, appointed February 16, 2007, for the term ending December 5, 2010, as Member of the Eastern State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5788, by Senators Spanel, Brandland and Kohl-Welles

Requiring the licensing of home inspectors.

MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 5788 was substituted for Senate Bill No. 5788 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senator Spanel and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the home inspector licensing board.

(2) "Classroom education" means training in observing and identifying defects in structural components, foundations, roof coverings, insulation and ventilation, exterior and interior components; wood destroying organism inspections; and plumbing, heating, cooling, and electrical systems. It does not include online or video training.

(3) "Component" means a readily accessible and observable aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many pieces make up a system.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Home inspection" means a visual analysis for the purposes of providing a professional opinion of the condition of a building and its attached carports and attached garages, any reasonably accessible installed components and the operation of the building systems, including the controls normally operated by the owner, for the following components of a residential building of four units or less: Heating system, electrical system, cooling system, plumbing system, structural components, foundation, roof covering, exterior and interior components, and site aspects as they affect the building. "Home inspection" also means an inspection for wood destroying organisms.

(7) "Home inspection report" or "inspection report" means a written report prepared and issued after a home inspection. The inspector shall include the following in the report:

(a) On those systems and components inspected which, in the professional opinion of the inspector, are significantly deficient or near the end of its service life;

(b) A reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life;

(c) The home inspector's recommendations to correct or monitor the reported deficiency;

(d) Whether or not there is damage from wood destroying organisms; and

(e) Any systems and components designated for inspection in the standards developed by the board under section 5 of this act.

(8) "Home inspector" means any person licensed under this chapter as a home inspector and who engages in the business of performing home inspections and writing home inspection reports.

(9) "Readily accessible" means areas typically and routinely visible by normal access.

(10) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. "Wood destroying organism" includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot.

(11) "Wood destroying organism inspection" means the inspection of a building for the presence of wood destroying organisms, their damage, or conducive conditions leading to the development or establishment of the organism.

NEW SECTION. Sec. 2. LICENSURE REQUIRED. (1) Beginning September 1, 2008, a person shall not engage in or conduct, or advertise or hold himself or herself out as engaging in or conducting the business of or acting in the capacity of a home inspector within this state without first obtaining a license as provided in this chapter.

(2) On July 1, 2008, any person who has been actively engaged in the business of conducting complete home inspections and has been licensed as a structural pest inspector by the state department of agriculture for at least two years and who has conducted at least one hundred complete home inspections may apply to the board for initial licensure without meeting the examination or instruction requirements of this chapter.

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(3) This chapter does not affect the practice of architecture or engineering or prevent an architect or an engineer from offering to provide or providing home inspection services.

NEW SECTION. Sec. 3. HOME INSPECTOR LICENSING BOARD. (1) The state home inspector licensing board is created. The board consists of eight members appointed by the director, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, five shall be actively engaged as home inspectors immediately prior to their appointment to the board, one shall be a licensed real estate broker, one shall be currently teaching in a home inspector certificate program, and one shall be a member of the general public with no family or business connection with the home inspector business or practice. Insofar as possible, the composition of the appointed home inspector members of the board shall be generally representative of the occupational distribution of home inspectors licensed under this chapter.

(2) A home inspector must have the following qualifications to be appointed to the board:

(a) Actively engaged as a home inspector in the state of Washington for five years;

(b) Licensed as a home inspector under this chapter; and

(c) Performed three hundred fifty home inspections in the state of Washington.

(3) Members of the board are appointed for three-year terms. Terms must be staggered so that not more than two appointments are scheduled to be made in any calendar year. Members hold office until the expiration of the terms for which they were appointed. The director may remove a board member for just cause. The director may appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. All board members are limited to two consecutive terms.

(4) Each board member is entitled to compensation for each day spent conducting official business and to reimbursement for travel expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

NEW SECTION. Sec. 4. DIRECTOR'S AUTHORITY. The director has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules approved by the board as deemed necessary to carry out this chapter;

(2) To adopt fees as provided in RCW 43.24.086;

(3) To administer licensing examinations approved by the board and to adopt or recognize examinations prepared by other organizations as approved by the board; and

(4) To adopt standards of professional conduct, practice, and ethics as approved by the board.

NEW SECTION. Sec. 5. BOARD'S AUTHORITY. The board has the following authority in administering this chapter:

(1) To establish rules, including board organization and assignment of terms, and meeting frequency and timing, for adoption by the director;

(2) To establish the minimum qualifications for licensing applicants as provided in this chapter;

(3) To approve the method of administration of examinations required by this chapter or by rule as established by the director;

(4) To approve the content of or recognition of examinations prepared by other organizations for adoption by the director;

(5) To set the time and place of examinations with the approval of the director; and

(6) To establish and review standards of professional conduct, practice, and ethics for adoption by the director.

NEW SECTION. Sec. 6. QUALIFICATIONS FOR LICENSURE. In order to become licensed as a home inspector, an applicant must submit the following to the department:

(1) An application on a form developed by the department;

(2) The fee in an amount set by the department and approved by the board;

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(3) Proof of a minimum of one hundred twenty hours of classroom instruction approved by the board;

(4) Evidence of successful passage of the written exam as required in section 8 of this act;

(5) Proof of current state licensure as a structural pest inspector under chapter 15.58 RCW.

NEW SECTION. Sec. 7. APPLICATION FOR LICENSING. An application for licensing must be filed with the director and must contain statements made under oath demonstrating the applicant's qualifications. The director with the board's approval may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensing. The application fee for initial licensing shall be determined by the director as provided in RCW 43.24.086. The application, together with the fee, must be submitted to the department prior to the application deadline established by the director. Fees for initial licensing must include the examination and issuance of a certificate. If the director finds the applicant ineligible for licensing, the director shall retain the application fee.

NEW SECTION. Sec. 8. WRITTEN EXAMS. (1) The exam shall be designed to test applicants on conducting home inspections specific to Washington state.

(2) The exam shall be divided into five sections with forty questions in each section. Each applicant must pass each section of the exam with a score of seventy-five percent or better. The sections in the exam shall be divided as follows: (a) Ethics and standards of practice; (b) structure, roofing, site, exterior, interior; (c) heating, ventilation, and air conditioning; (d) plumbing; and (e) electrical.

(3) To qualify to take the exam, an applicant must provide the board and the department with acceptable documentation that the applicant has passed a state accredited home inspection course of at least one hundred twenty hours of classroom education. Persons who are performing home inspections as of the effective date of this section may receive up to twenty-five hours of credit towards the one hundred twenty hours of classroom education by proof of experience as determined by the board. In making this determination, the board shall consider the length of time a person has held a structural pest inspection license from the department of agriculture under chapter 15.58 RCW.

(4) Examinations of applicants for licensing must be held at times and places as determined by the board with the director's approval. A candidate failing an examination may apply for reexamination. Subsequent examinations must be granted upon payment of a fee.

NEW SECTION. Sec. 9. LICENSE LENGTH AND RENEWAL. (1) Licenses are issued for a term of two years and expire on the last day of the month the license was issued. Licenses must be in a form prescribed by the board and approved by the director. Licenses that are not renewed are considered to be expired and any home inspection activity which would require a license to perform which occurs after the expiration of the license is a violation of this chapter.

(2) Any person who receives an initial license under section 2(2) of this act must, upon renewal of his or her license, pass the examination required in section 6(4) of this act.

(3) Any licensee who fails to timely renew his or her license may renew his or her license only upon payment of renewal and late fees as set by the director. A licensee who fails to renew his or her license within six months from the date it expires is considered to have forfeited his or her rights to renew the license and can only be licensed by filing an application as an initial applicant and meeting all the requirements of an initial applicant.

NEW SECTION. Sec. 10. ADVERTISING. The term "licensed home inspector" along with the license number of the inspector must appear on all advertising, correspondence, and documents incidental to a home inspection.

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NEW SECTION. Sec. 11. CONTINUING EDUCATION REQUIREMENTS. (1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the board of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least thirty hours of instruction in courses approved by the board every two years.

NEW SECTION. Sec. 12. INSURANCE. All active practicing licensed home inspectors shall carry errors and omissions insurance at a minimum of one hundred thousand dollars or post a bond at the same level to cover all activities contemplated under this chapter, including inspection for wood destroying organisms.

NEW SECTION. Sec. 13. HOME INSPECTORS AS CORPORATIONS PROHIBITED. A license as a home inspector may not be issued to a corporation, limited liability company, partnership, firm, or group. However, this section does not prevent a licensed home inspector from rendering home inspections for or on behalf of a corporation, limited liability company, partnership, firm, or group, when the home inspection report is performed, prepared, and signed by a licensed home inspector.

NEW SECTION. Sec. 14. WRITTEN REPORTS. (1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within seven calendar days from the date of the inspections.

(2) A licensed home inspector shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection.

NEW SECTION. Sec. 15. HOME INSPECTOR'S ACCOUNT. The home inspector's account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter must be deposited into the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter. Only the director may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not necessary.

NEW SECTION. Sec. 16. SUSPENSION OF LICENSE. The director shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

NEW SECTION. Sec. 17. CIVIL INFRACTIONS. The department has the authority to issue civil infractions under chapter 7.80 RCW in the following instances:

- (1) Conducting or offering to conduct a home inspection without being licensed in accordance with this chapter;
- (2) Presenting or attempting to use as his or her own the home inspector license of another;
- (3) Giving any false or forged evidence of any kind to the director or his or her authorized representative in obtaining a license;
- (4) Falsely impersonating any other licensee; or
- (5) Attempting to use an expired or revoked license.

All fees, fines, and penalties collected or assessed by a court because of a violation of this section must be remitted to the

department to be deposited into the home inspector's account created in section 15 of this act.

NEW SECTION. Sec. 18. RELIEF BY INJUNCTION. The director is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act that is prohibited under section 17 of this act. In such proceedings, it is not necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from continued violation. The director, individuals acting on the director's behalf, and members of the board are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

NEW SECTION. Sec. 19. GENERAL EXCLUSIONS. (1) The home inspector is not required to determine the following:

- (a) The condition of systems or components that are not readily accessible;
- (b) The remaining life of any system or component;
- (c) The strength, adequacy, effectiveness, or efficiency of any system or component;
- (d) The cause of any condition or deficiency;
- (e) The methods, materials, or costs of corrections;
- (f) Future conditions including but not limited to failure of systems and components;
- (g) The suitability of the property for any specialized use;
- (h) Compliance with regulatory requirements;
- (i) The market value of the property or its marketability; and
- (j) The presence of environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.

(2) Home inspectors are not required to enter the following:

- (a) Any area that will likely be dangerous to the inspector or other persons or damage the property or its systems or components; or
- (b) The underfloor crawl spaces or attics that are not readily accessible; however, substructure crawl spaces must be inspected when accessible. Inaccessibility of substructure crawl space areas due to inadequate clearance, the presence of ducting or piping, foundation walls, partitions, or other such conditions that block access must be explained in the inspection report. The report must state that inaccessible substructure crawl space areas may be vulnerable to infestation by wood-destroying organisms and should be made accessible for inspection.

NEW SECTION. Sec. 20. EXEMPTION FROM LICENSING. Any person licensed by the department of agriculture as a pesticide applicator or operator under chapter 17.21 RCW, or as a structural pest inspector under chapter 15.58 RCW who performs only wood destroying organism inspections, is exempt from the licensing provisions of this chapter.

NEW SECTION. Sec. 21. Sections 1 through 20 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 22. Captions used in this act are not any part of the law."

Senators Spanel and Holmquist spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel and others to Substitute Senate Bill No. 5788.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "inspectors;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties."

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MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 5788 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Delvin, Senators Benton, Carrell, McCaslin and Stevens were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5788.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5788 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford and Stevens - 2

Excused: Senators Brown and Carrell - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5803, by Senators Murray, Haugen, Swecker, Kastama and Kohl-Welles

Creating regional transportation commissions.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 5803 was substituted for Senate Bill No. 5803 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senator Murray and others be adopted:

Strike everything after the enacting clause and insert the following:

**"PART I
DECLARATION OF POLICY AND PURPOSE**

NEW SECTION. **Sec. 101.** FINDINGS AND DECLARATION OF POLICY. The legislature finds that:

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(1) The absence of unified regional transportation governance, planning, funding, and prioritization has resulted in a road and transit system that is inadequate for the current and future needs of the state, particularly in dense urban regions. There is a severe strain on regional transportation systems that is clearly noticeable through several important indicators, including congestion. Continued population and transportation demand growth has created a looming regional transportation crisis caused in part by a history of under funding transportation.

(2) The existing approach to transportation governance has left the state with a struggle to maintain deteriorating transportation infrastructure, insufficient road and transit capacity, an inconsistent system for planning and funding transportation, insufficient cooperation among transportation jurisdictions, and reduced public confidence in governmental ability to solve transportation problems.

(3) An overly localized and insufficient focus on regional needs, particularly on large and multijurisdictional projects, have caused costly delays in constructing new transit and highway systems. Regional transportation projects must be effectively prioritized on a unified basis, but this has not occurred because there is no regional governmental entity responsible for prioritizing regional projects across geographic lines and modes.

(4) There is an inadequate connection between transportation demand, land use planning, and transportation planning, which also causes costly delays in meeting transportation demand. No governmental entity views the systemic needs of the entire region, and prioritization of those needs, as its primary responsibility.

(5) The lack of transportation demand/capacity management, pricing coordination, mass transit, and coordinated transportation governance is limiting the mobility of both people and goods in the state.

(6) Most transit systems were initially developed to provide local service, but are now forced to play a large role in regional transportation networks. Effective transportation planning in urbanized regions requires stronger and clearer lines of responsibility and accountability. Integrated, multimodal transportation planning and prioritization will help reduce transportation congestion and improve security and safety, and that streamlined decision making will help reduce political congestion.

(7) The coordinated planning of, investment in, and operation of transportation systems will have significant benefit to the citizens of Washington, and it is the will of the people to fund regional transportation solutions, including improving transit service in urbanized areas and among multiple transit agencies. Equity considerations must be respected, but transportation problems are broader and deeper than the sum of geographic subareas.

(8) Our current system of transportation governance delivers inadequate results, and requires fundamental systemic change to meet our state's transportation needs.

(9) Accordingly, the policy of the state of Washington is to allow the formation of regional transportation commissions as regional transportation governing entities more directly accountable to the public, to coordinate and prioritize regional transportation planning, to fund regional mobility projects, and to develop and facilitate the implementation of integrated regional transportation demand, capacity, pricing, and operating solutions.

**PART II
DEFINITIONS**

NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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(1) "Regional transportation commission" or "commission" means a municipal corporation created under this chapter or the governing body of commissioners of the municipal corporation.

(2) "Component county" means a county included in the jurisdiction of a regional transportation commission.

(3) "Department" means the department of transportation.

(4) "Local elected official" means an individual who has been elected to serve as a mayor, executive, councilmember, or commissioner for a county, city, town, or port within a regional transportation commission's geographic area.

(5) "Mobility project" means:

(a) The design, financing, construction, operation, and maintenance of a road, street, highway, high-occupancy vehicle lane, ramp, parking facility, vehicle pullout, signal, meter, or other transportation system management improvement or public transportation facility, including equipment; or

(b) Public transportation, including the transport of passengers, their incidental baggage, and packages, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from these people-moving systems. Public transportation includes, without limitation, buses, vans, trolleys, and rail-based transit. Public transportation does not include personal vehicles, chartered buses, sightseeing buses, taxicabs regulated under chapter 81.72 RCW, or similar means of conveyance, or Washington state ferries.

(6) "Mobility project of regional significance" means a mobility project that connects or serves two or more counties or that a commission otherwise designates as having major significance to regional transportation. "Mobility project of regional significance" includes all public transportation of a regional transit authority that includes more than one county.

(7) "Transportation policy board" means a body convened by the commission under section 304 of this act.

(8) "Public transportation agency" means any municipal corporation, state department or agency, or other entity, instrumentality, or division, or affiliate that owns or operates public transportation. "Public transportation agency" includes, without limitation, regional transit authorities and the department.

(9) "Regional mobility investment plan" or "plan" means a regional mobility investment plan prepared in accordance with section 305 of this act.

**PART III
REGIONAL TRANSPORTATION COMMISSION**

NEW SECTION. Sec. 301. FORMATION AND EXPANSION. (1) A regional transportation commission must be created in an area within the complete boundaries of a county with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than two hundred thirty thousand persons.

(2) A regional transportation commission must be created by ordinance of the legislative authorities of the contiguous counties referenced in subsection (1) of this section such that the governing body is fully constituted, and the commission is authorized to exercise the powers granted in section 303 of this act, by January 1, 2009. However, a commission may not be created before January 1, 2008.

(3) A regional transportation commission is a municipal corporation and possesses all the usual corporate powers as well as all other powers conferred by statute.

(4) A regional transportation commission is an independent taxing authority within the meaning of Article VII, section 1 of the state Constitution, and a taxing district within the meaning of Article VII, section 2 of the state Constitution. However, solely for the purposes of establishing the regional transportation commission's independent taxing authority and the taxing district boundaries, the taxing district shall not include the following geographic area, and the commission shall

not impose or authorize any taxes, fees, tolls, or charges within the geographic area:

(a) Any portion of a county that is located on a peninsula if it is connected to the other portion of the county by a bridge improved under chapter 47.46 RCW; and

(b) The complete boundaries of a county with a population greater than two hundred thirty thousand, but fewer than five hundred thousand.

(5) The state and federal regional planning functions prescribed under this act must apply throughout the complete boundaries of all the counties described in subsection (1) of this section.

(6) A regional transportation commission may be expanded to include the complete boundaries of additional contiguous counties, regardless of population, if the commission and the legislative authority of every county in the proposed expanded commission adopts a resolution authorizing the expanded commission. At least sixty days before adopting a resolution approving expansion, the commission shall adopt policies governing the expansion process and integration of new counties into the existing commission. However, only one regional transportation commission may exist in any county or counties.

NEW SECTION. Sec. 302. GOVERNANCE. (1) The governing body of a regional transportation commission consists of twelve nonpartisan commissioners.

(2) Commissioners are apportioned and elected as follows:

(a) One commissioner appointed by each county executive of the component counties, or by the chair of the component county's legislative authority if the position of county executive is not applicable, and confirmed by the legislative authority of the respective component county. The appointments should include individuals who have experience in regional transportation issues and are experienced in the design, construction, operation, maintenance, or financing of public transportation and mobility projects;

(b) Eight commissioners apportioned to eight geographical districts and elected on a nonpartisan basis. Each commissioner representing a district must be a registered voter residing within that district. Initial apportionment and establishment of district lines must be determined by the component counties within thirty days of the formation of a regional transportation commission according to the requirements in (c) of this subsection. Subsequent reapportionment and drawing of district lines must be conducted by the Washington state redistricting commission during its decennial redistricting operations under Article II, section 43 of the state Constitution;

(c) Each district must contain a population, excluding nonresident military personnel, as equal as practicable to the population of any other district. To a reasonable extent, each district must contain contiguous territory, be compact and convenient, and be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. However, commissioners may not be apportioned, and districts may not be established, for the geographic area described in section 301(4) (a) and (b) of this act.

(3) Commissioners shall serve six-year terms of office, except that three of the initially elected commissioners representing a district shall serve a two-year term of office and three of the initially elected commissioners representing a district shall serve four-year terms. The component counties shall designate which districts have commissioners that serve two-year, four-year, and six-year terms. The first election for commissioners must be held at the general election following the formation of a commission, consistent with Title 29A RCW.

(4) The commissioners shall appoint a chair every three years from among the commission membership.

(5) Vacancies in appointed positions must be filled by appointment of the county executive representing the county that the vacating appointee represented, and the appointee filling the vacancy shall serve for the remainder of the unexpired term of the respective office. Vacancies in elected positions must be

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filled by a person approved by a majority of the remaining commissioners, who shall serve on an interim basis until the vacancy is filled at the next general election held more than one hundred eighty days after the date the vacancy is filled, or for the remainder of the unexpired term of the respective office, whichever comes sooner. A person elected to fill a vacancy shall serve for the remainder of the unexpired term of the respective office.

(6) Commissioners may only be removed for malfeasance or misfeasance in office.

NEW SECTION. Sec. 303. POWERS AND PURPOSES.

A regional transportation commission shall:

(1) Prepare, adopt, and implement a comprehensive and integrated corridor-based multimodal regional mobility investment plan described under section 305 of this act that plans, prioritizes, and finances improvements to highways, streets, roads, and public transportation that will serve the residents of the region, and amend the plan to meet changed conditions and requirements. In implementing the plan, or exercising its authority under this section, the commission may: Levy, impose, collect, and spend taxes, user fees, tolls, and charges; receive and spend state, federal, and private funds; and lend and grant funds to public transportation agencies, cities, counties, other local governments, and the department for the purposes of planning, designing, constructing, operating, or maintaining mobility projects, including, without limitation, public transportation;

(2) Consistent with its functions as a regional transportation planning organization under subsection (7) of this section: Conduct comprehensive and integrated corridor-based multimodal transportation planning and prioritization activities that will improve the mobility of people and goods in the region; reduce transportation congestion, improve security and safety; coordinate and integrate transportation and land use planning, including multimodal transportation improvements and strategies that comply with the transportation concurrency requirements under RCW 36.70A.070(6) and 36.70A.108; improve modal connectivity; and generally assist in providing an efficient regional transportation system. The transportation planning and prioritization activities must provide for, wherever feasible, transportation demand/capacity management, pricing coordination, mass transit, and coordinated transportation governance. Corridor planning should include the full range of strategies available that most efficiently move people and goods consistent with the region's land use goals including, without limitation: Demand management tools, such as congestion pricing, parking pricing, and trip reduction incentives; high capacity transit expansion; increased local transit; investments in regionally significant bicycle paths and pedestrian connections; and expanded roadway capacity;

(3) Establish routes and classes of service, fix rates, tolls, fares, and charges for public transportation services or routes that constitute public transportation of regional significance;

(4) In consultation with local public transportation agencies operating within the region, establish a program for interconnecting fares, schedules, and transfers on trips using public transportation agencies for public transportation or public transportation routes that constitute public transportation of regional significance, and require the participation of public transportation agencies in that program. In developing the program under this subsection (4), the commission shall develop standards for the coordination of capital investment, service standards, and service coordination of public transportation agencies in the region. The goal of these standards is to maximize coordination within and among systems, use resources more effectively, and enhance services to the public. The standards must also address vanpool coordination, fare policies, and transportation demand management programs;

(5) Establish a procedure requiring that bond issues, taxes, user fees, tolls, or charges that (a) require voter approval, for mobility projects located within the commission's geographic

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boundaries and (b) constitute mobility projects of regional significance, be approved by the commission before placing those bond or revenue measures on a ballot for voter approval. Bond issues, property taxes, and excise taxes for mobility projects that do not constitute mobility projects of regional significance shall not require a commission's approval before being placed on the ballot;

(6) Negotiate with the state and appropriate local jurisdictions to prioritize all state transportation projects within the commission's borders and the order in which state transportation funds for mobility projects within the commission's borders are expended;

(7) Serve as the regional transportation planning organization under chapter 47.80 RCW for the area within the commission's borders and, if designated or redesignated under federal law, serve as the metropolitan planning organization for the commission's geographic area. A commission has all the powers and responsibilities of a regional transportation planning organization described under chapter 47.80 RCW. The commission is the lead planning agency for planning under chapter 47.80 RCW unless the commission designates another lead agency for a specified project. If a commission is fully constituted and authorized to exercise its powers as prescribed in section 301(2) of this act within a geographic area that includes an existing regional transportation planning organization and metropolitan planning organization, the planning organizations dissolve upon the exercise of the commission's powers, and all the obligations of the planning organizations must be transferred to the commission as successor to the planning organizations. However, the existing metropolitan planning organization dissolves, and its obligations transfer to the commission as the successor entity, only if the commission is designated or redesignated under federal law to serve as the metropolitan planning organization. The regional transportation planning organization's powers and responsibilities may be exercised whether the commission has been designated or redesignated under federal law to serve as the metropolitan planning organization;

(8) Employ or contract with engineering, legal, financial, or other employees, specialized personnel, or consultants as necessary to accomplish the purposes of the commission;

(9) Exercise all other powers necessary and appropriate to carry out its responsibilities including, without limitation, the power to sue and be sued, to enter into contracts, and to acquire, own, and transfer real and personal property and property rights by lease, sublease, purchase, or sale. A commission may establish an expert review panel, composed of members with areas of expertise that benefit the commission, to review, analyze, and make recommendations on any aspect of a proposed mobility project of regional significance. A commission may also sell, lease, convey, or otherwise dispose of any real or personal property or property rights no longer necessary or desirable for the conduct of the affairs of the commission. However, unless negotiated and agreed upon by applicable parties, a regional transportation commission may not own, operate, construct, or maintain mobility projects or public transportation assets, but shall contract or otherwise provide for such ownership, operation, construction, or maintenance to be carried out by other public or private entities;

(10) In accordance with section 306 of this act, determine and establish the tolls and charges for mobility projects of regional significance within the commission's geographic area. Any determination and establishment of tolls and charges for bridges, highways, lanes, roads, and other facilities must be consistent with tolling policies adopted by the transportation commission;

(11) If approved by the governor and necessary local parties under 23 U.S.C. Sec. 134, be the metropolitan planning organization for the region to promote consistency between transportation improvements and state and local planned growth and economic development patterns;

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(12) Establish an incentives-based process of negotiating cooperative relationships with affected local jurisdictions within the region in order to promote an efficient, comprehensive, and integrated corridor-based multimodal regional transportation system;

(13) Enter into interlocal agreements or agreements with local governments, the state, or the federal government regarding the establishment, composition, and responsibilities of a transportation policy board under section 304 of this act; and

(14) Adopt policies and procedures regarding the reimbursement for expenses incurred by commissioners for activities related to their work as commissioners.

NEW SECTION. Sec. 304. TRANSPORTATION POLICY BOARD. (1) Each commission shall create a transportation policy board to provide a forum for state, regional, and local officials, transportation providers, and private citizens to deliberate issues that affect transportation planning, prioritization, and funding within the commission's boundaries. The commission shall develop procedures governing the transportation policy board's duties, procedures, and formal review of plans and programs.

(2) The commission, along with local governments, the state, and the federal government as required under section 303(13) of this act, shall jointly determine the composition and responsibilities of the transportation policy board, including any functions necessary to comply with federal law as directed by a federal agency. Members should include local elected officials, representatives of public transportation agencies, the secretary of transportation or his or her designee, representatives of private sector transportation and shipping industries, private citizens, and representatives of major employers within the region. Members of a commission may also be appointed as transportation policy board members, and elected commissioners who serve on a transportation policy board are deemed local elected officials for the purposes of this section.

(3) The transportation policy board shall formally review and comment on the regional mobility investment plan, the transportation improvement program prepared to comply with applicable federal law, and other transportation planning documents relevant to the region before adoption and implementation by the commission. The transportation policy board shall hold at least one public hearing in each component county before issuing formal comments on a transportation improvement program.

(4) If required by a federal agency, the commission may provide that a transportation improvement program for federal purposes be approved by the transportation policy board and that the transportation policy board serve as the policy board of a metropolitan planning organization under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450. However, any transportation improvement program shall not be considered adopted unless it receives final approval from the commission.

NEW SECTION. Sec. 305. REGIONAL MOBILITY INVESTMENT PLAN. (1)(a) The commission shall prepare a comprehensive and integrated corridor-based multimodal regional mobility investment plan for highways and transit improvements that creates a prioritized list of mobility projects of regional significance, or local mobility projects if applicable under subsection (3) of this section, that will be funded in whole or in part by or through the regional transportation commission, the state, the federal government, or private sources. The plan must also identify which funding sources, as authorized by this chapter, will be levied, imposed, or otherwise authorized to carry out the projects identified in the regional mobility investment plan.

(b) Projects in the plan must be evaluated against the following criteria:

(i) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(ii) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(iii) Mobility: To improve the predictable movement of goods and people throughout the region;

(iv) Environment: To enhance the region's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(v) Stewardship: To be effective managers of the regional transportation system.

(2) An initial plan must be placed on a general election ballot for elector approval. However, before being submitted for elector approval, the plan must receive unanimous approval of the commission. If a majority of the electors voting on the plan vote in favor of it, the commission may implement measures contained in the plan. The ballot title must reference the regional mobility investment plan. However, if a regional transportation commission is fully constituted and authorized to exercise its powers as prescribed in section 301(2) of this act, after voter approval of a ballot measure under RCW 36.120.070, the commission, without the need for additional voter approval, shall adopt the regional transportation investment district voter-approved plan as part of the commission's regional mobility investment plan. Subject to unanimous approval of the commission, the commission may submit subsequent plans for voter approval at general or special elections that the commission determines as appropriate.

(3) Municipal corporations within a commission's borders, including regional transit authorities, may request that the commission incorporate, in the regional mobility investment plan, any local plans or proposed mobility projects, or both, together with taxes, user fees, tolls, and charges to finance those projects. Voter approval of a regional mobility investment plan that includes local plans or proposed mobility projects, or both, constitutes the necessary voter approval for (a) the local plans and projects and (b) the levy, imposition, or authorization of the local taxes, tolls, charges, and user fees by the municipal corporations. The commission shall establish procedures for the inclusion of local plans, proposed projects, taxes, and user fees in the regional mobility investment plan. The commission may decline to include any local plans, projects, taxes, tolls, charges, or user fees in the regional mobility investment plan.

(4) After a regional mobility investment plan has received voter approval, a two-thirds majority of the commission may amend any aspect of the plan including, without limitation, the regional project list and prioritization of projects included in the plan, and may redirect the expenditure of taxes, user fees, tolls, and charges. The plan may also be amended in any respect by a majority vote of the electors of the commission, if the amendments are proposed to the electors by a majority of the commission. A local jurisdiction or transit agency shall not redirect taxes or fees approved by voters as part of a regional mobility investment plan without the approval of a two-thirds majority of the commission.

(5) Before adoption, approval, or amendment of a regional mobility investment plan, the commission shall review any recommendations of the transportation policy board and hold at least one public hearing in each component county to allow citizens, public agencies, freight shippers, providers of freight and public transportation services, representatives of pedestrian walkway and bicycle facility users, representatives for individuals with disabilities, and agencies for safety/security operations a reasonable opportunity to be involved in the transportation planning process.

NEW SECTION. Sec. 306. TAXES, USER FEES, AND TOLLS. (1) A regional transportation commission may, as part of a regional mobility investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation commission may levy, impose, or authorize if contained in a regional

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mobility investment plan approved by the electors under section 305 of this act:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to one percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation commission's boundaries;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the commission's boundaries. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060;

(e) A local option fuel tax under RCW 82.80.120;

(f) An employer excise tax under RCW 81.100.030; and

(g) Vehicle tolls, including corridor tolling, and demand management charges on mobility projects of regional significance including, without limitation, state or federal highways within the boundaries of the commission, if the following conditions are met:

(i) The regional mobility investment plan must identify the facilities that may be tolled;

(ii) The tolls must be consistent with tolling policies adopted by the transportation commission; and

(iii) Unless otherwise specified by law or by contract between a commission and the department, the department shall administer the collection of vehicle rates, tolls, and charges on designated facilities, which must, if required by the department, be compatible with statewide standards and protocols for intermodal and interfacility charges. For purposes of this section, "vehicle tolls" includes vehicle user fees imposed for capacity/demand management including, but not limited to, high-occupancy lane charges, value pricing, and congestion pricing.

(2) Taxes and vehicle license fees described in this section may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the regional transportation commission voting on a ballot proposition either as part of the voter approval of a regional mobility investment plan under section 305 of this act or as a separate ballot measure. Vehicle tolls may be imposed or authorized on any project approved by the commission. Revenues from taxes, fees, and tolls may be used only to implement a regional mobility investment plan as set forth in this chapter and to provide for the commission's costs incurred in carrying out its responsibilities under this chapter. A commission may contract with the state department of revenue or other appropriate entities for the administration and collection of any of the taxes, fees, charges, or tolls authorized in this section.

(3) A commission may impose taxes or fees that are substantially similar to those previously imposed or levied by a regional transit authority within the commission's geographic area under chapter 81.104 RCW, only to the extent that the tax or fee does not exceed the statutory limits prescribed under this section.

(4) A commission shall not, unless otherwise negotiated and agreed upon by applicable parties, directly spend, or otherwise control, a local jurisdiction's or transit agency's locally imposed funds.

(5) The taxes, fees, charges, and tolls collected by a commission are not subject to utility, business and occupation, or other excise taxes imposed by municipal corporations located within the commission's boundaries.

NEW SECTION. Sec. 307. TREASURER. (1) A regional transportation commission, by resolution, shall designate a person with experience in financial or fiscal matters as treasurer of the commission. The commission may designate the treasurer of any county within which the commission is located to act as

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its treasurer. The designated treasurer has all of the powers, responsibilities, and duties the county treasurer has related to investing surplus funds. The commission shall require a bond with a surety company authorized to do business in this state in an amount and under the terms and conditions the commission, by resolution, from time to time finds will protect the commission against loss. The commission shall pay the premium on the bond.

(2) If the treasurer of the commission is also the treasurer of a county, all commission funds must be deposited with a county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the commission is not the treasurer of a county, all funds must be deposited in a bank or banks that are public depositories as defined in RCW 39.58.010 and are qualified for insured deposits under any federal deposit insurance act as the commission, by resolution, designates, or funds shall be invested in legal investments for counties.

(3) The commission may provide and require a reasonable bond of any other person handling money or securities of the commission, but the commission shall pay the premium on the bond.

NEW SECTION. Sec. 308. PER DIEM COMPENSATION. Each commissioner may receive compensation equal to the salary applicable to a member of the legislative authority of the most populous county within the commission's geographic area. A commissioner may waive all or a portion of his or her compensation under this section during his or her term of office, by a written waiver filed with the regional transportation commission. The compensation provided in this section is in addition to reimbursement for expenses paid to commissioners by the regional transportation commission.

NEW SECTION. Sec. 309. EMPLOYEES, SALARIES, AND BENEFITS. A regional transportation commission may create and fill positions, fix reasonable wages and salaries, pay costs involved in hiring employees, and establish reasonable benefits for employees, including holiday pay, vacations or vacation pay, retirement benefits, and medical, life, accident, or health disability insurance, as approved by the commission.

NEW SECTION. Sec. 310. EXISTING REGIONAL PLANNING STAFFS. (1) If a commission is fully constituted and authorized to exercise its powers as prescribed in section 301(2) of this act in an area with an existing regional transportation planning organization and metropolitan planning organization, the commission shall, as a successor employer, initially hire all employees of the regional transportation planning organization, and the metropolitan planning organization if the commission has been designated or redesignated to serve as the metropolitan planning organization, to continue employment in substantively similar positions and on terms similar to their prior employment.

(2) If a commission is formed in an area with an existing regional transit agency, the commission shall, as a successor employer, initially hire all employees of the regional transit agency engaged in long-range planning, including system plans, to continue employment in substantively similar positions and on terms similar to their prior employment.

(3) This section does not prevent the dismissal of employees that is necessary to meet budget constraints or for other reasons in the ordinary course of business.

(4) The combined staff indicated under this section shall work cooperatively, and in a coordinated fashion, with the administrative region within the department of transportation established under section 316 of this act. The commission shall establish a negotiated process with the department, and other applicable local planning offices, that ensures the respective agencies are planning for a comprehensive and integrated corridor-based multimodal regional transportation system.

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NEW SECTION. Sec. 311. TRANSIT STUDIES. (1) The commission shall submit to the legislature a report and recommendations regarding whether integrating or combining public transit agencies in the central Puget Sound region would facilitate the implementation of a comprehensive and integrated corridor-based multimodal regional transportation system. The report and recommendations must be submitted no later than eighteen months after formation of the commission.

(2) The commission shall submit to the legislature a report and recommendations regarding the application of regional transportation governance to waterways and passenger-only ferries in the central Puget Sound region no later than eighteen months after formation of the commission.

Sec. 312. RCW 47.80.020 and 1990 1st ex.s. c 17 s 54 are each amended to read as follows:

The legislature hereby authorizes creation of regional transportation planning organizations within the state. Each regional transportation planning organization shall be formed through the voluntary association of local governments within a county, or within geographically contiguous counties. Each organization shall:

- (1) Encompass at least one complete county;
- (2) Have a population of at least one hundred thousand, or contain a minimum of three counties; and
- (3) Have as members all counties within the region, and at least sixty percent of the cities and towns within the region representing a minimum of seventy-five percent of the cities' and towns' population.

The state department of transportation must verify that each regional transportation planning organization conforms with the requirements of this section. If a regional transportation commission serves as the regional transportation planning organization under section 303 of this act, it shall be deemed in conformance with the requirements of this section.

In urbanized areas, the regional transportation planning organization is the same as the metropolitan planning organization designated for federal transportation planning purposes. If a regional transportation commission serves as the regional transportation planning organization under section 303 of this act and if required by a federal agency, the transportation policy board of the regional transportation commission may, subject to section 304(4) of this act, take approval actions required of metropolitan planning organizations under 23 U.S.C. Sec. 134 and 23 C.F.R. Part 450.

Sec. 313. RCW 47.80.060 and 2005 c 334 s 1 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, and the four largest public port districts within the region as determined by gross operating revenues. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority. This section does not apply to a regional transportation commission that serves as a regional transportation planning organization under section 303 of this act.

Sec. 314. RCW 81.112.080 and 1992 c 101 s 8 are each amended to read as follows:

An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100. If an authority is located in the geographic area of a regional transportation commission created under section 301 of this act, the regional transportation commission shall carry out the planning process set forth in RCW 81.104.100;

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain,

operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such equipment. The right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority(:

~~— The facilities and properties of an authority whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by RCW 35.58.273 for mass transit facilities operating on a separate right of way);~~

(3) To dispose of any real or personal property acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency;

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service, subject to approval by and coordination with a regional transportation commission under section 303 of this act. Fares or charges may be adjusted or eliminated for any distinguishable class of users.

Sec. 315. RCW 47.56.030 and 2002 c 114 s 19 are each amended to read as follows:

(1) Except as permitted under chapter 47.46 RCW or sections 301 through 305 of this act:

(a) The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law.

(c) The department shall have full charge of design of all toll facilities.

(d) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to

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completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (d)(i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) Except as provided in (d) of this subsection, when the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose

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proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.

NEW SECTION. Sec. 316. A new section is added to chapter 47.01 RCW to read as follows:

(1) The secretary shall reorganize the department's existing administrative regions such that one administrative region is dedicated solely to supporting King, Pierce, and Snohomish counties.

(2) If a regional transportation commission is formed under section 301 of this act, and in accordance with section 310 of this act, the department's administrative region established under this section shall work cooperatively, and in a coordinated fashion, with the planning staff employed by the regional transportation commission. Additionally, the department shall participate in the negotiated planning process provided under section 310 of this act.

Sec. 317. RCW 47.80.040 and 2003 c 351 s 1 are each amended to read as follows:

Each regional transportation planning organization shall create a transportation policy board. Transportation policy boards shall provide policy advice to the regional transportation planning organization and shall allow representatives of major employers within the region, the department of transportation, transit districts, port districts, and member cities, towns, and counties within the region to participate in policy making. Any members of the house of representatives or the state senate whose districts are wholly or partly within the boundaries of the regional transportation planning organization are considered ex officio, nonvoting policy board members of the regional transportation planning organization. This does not preclude legislators from becoming full-time, voting board members. This section does not apply to a regional transportation commission that serves as a regional transportation planning organization under section 303 of this act.

PART IV

ADDITIONAL TAXING AND TOLLING AUTHORITY

Sec. 401. RCW 82.14.430 and 2006 c 311 s 17 are each amended to read as follows:

(1) If approved by the majority of the voters within its boundaries voting on the ballot proposition for a regional mobility investment plan or regional transportation investment district, a regional transportation commission or regional transportation investment district may impose a sales and use tax of up to one percent of the selling price or value of the article used in the case of a use tax, if imposed by a regional transportation commission, and up to 0.1 percent of the selling price or value of the article used in the case of a use tax, if imposed by a regional transportation investment district. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation commission or regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation commission or regional transportation investment district. The tax applies to those persons who reside within the regional transportation commission or regional transportation investment district. The rate of the tax may not

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exceed one percent of the value of the motor vehicle, in the case of a regional transportation commission, or 0.1 percent of the value of the motor vehicle, in the case of a regional transportation investment district. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. ~~((All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050.))~~ The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

(3) In addition to fulfilling the notice requirements under RCW 82.14.055(1), and unless waived by the department, a regional transportation commission or regional transportation investment district shall provide the department of revenue with digital mapping and legal descriptions of areas in which the tax will be collected.

(4) All revenue received under this section must be deposited in the local sales and use tax account and distributed to the regional transportation commission or regional transportation investment district according to RCW 82.14.050.

Sec. 402. RCW 82.80.010 and 2003 c 350 s 1 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030.

(2) Subject to the conditions of this section, any county may levy, by approval of its legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election, additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition shall state the tax rate that is proposed. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section shall be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of a county to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a county shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the levying county and cities contained therein the proceeds of the additional excise taxes collected under this section, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b) and under the conditions and limitations provided in RCW 82.80.080.

(8) The proceeds of the additional excise taxes levied under this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

(9) A county may not levy the tax under this section if they are levying the tax in RCW 82.80.110 or if they are a member of a regional transportation investment district or regional transportation commission levying the tax in RCW 82.80.120.

Sec. 403. RCW 82.80.030 and 2005 c 336 s 24 are each amended to read as follows:

(1) Subject to the conditions of this section, the legislative authority of a county, city, regional transportation commission created under section 301 of this act, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city or district includes only the area within its boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city, a county in its unincorporated area, a regional transportation commission, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city, county, regional transportation commission, or district may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;

(c) The tax is collected by the operator of the facility and remitted to the city, county, regional transportation commission, or district;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and

(f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial

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parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county, city, regional transportation commission, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used for transportation purposes in accordance with RCW 82.80.070 or for transportation improvements in accordance with chapter 36.73 RCW. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.120 RCW. The proceeds of the parking tax imposed by a regional transportation commission must be used to implement a regional mobility investment plan described under section 305 of this act.

Sec. 404. RCW 82.80.100 and 2002 c 56 s 408 are each amended to read as follows:

(1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition for a regional mobility investment plan or regional transportation investment district, a regional transportation commission or regional transportation investment district may set and impose an annual local option vehicle license fee, or a schedule of fees based upon the age of the vehicle, of up to one hundred dollars per motor vehicle registered within the boundaries of the (~~region~~) commission or district on every motor vehicle. As used in this section "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010. Vehicles registered under chapter 46.87 RCW and the international registration plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation commissions or regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(2) The local option vehicle license fee applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(3) A regional transportation commission or regional transportation investment district imposing the local option vehicle license fee or initiating an exemption process shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the fee.

(4) A regional transportation commission or regional transportation investment district imposing the local option fee shall delay the effective date of the local option vehicle license fee imposed by this section at least six months from the date of the final certification of the approval election to allow the department of licensing to implement the administration and collection of or exemption from the fee.

Sec. 405. RCW 82.80.110 and 2003 c 350 s 2 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and

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special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030.

(2) For purposes of dedication to a regional transportation investment district plan under chapter 36.120 RCW, subject to the conditions of this section, a county may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the county. The additional excise tax is subject to the approval of the county's legislative body and a majority of the registered voters of the county voting on the proposition at a general or special election. An election held under this section must be held not more than twelve months before the date on which the proposed tax is to be levied. The ballot setting forth the proposition must state that the revenues from the tax will be used for a regional transportation investment district plan. The county's authority to levy additional excise taxes under this section includes the incorporated and unincorporated areas of the county. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the county fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified by the county election officer. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of a county to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a county shall contract with the department of revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the county levying the tax as part of a regional transportation investment plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a county in this section, to be used as a part of a regional transportation investment plan, must be used in accordance with chapter 36.120 RCW, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A county may not levy the tax under this section if they are a member of a regional transportation investment district or regional transportation commission that is levying the tax in RCW 82.80.120 or the county is levying the tax in RCW 82.80.010.

Sec. 406. RCW 82.80.120 and 2006 c 311 s 18 are each amended to read as follows:

(1) For purposes of this section:

(a) "Distributor" means every person who imports, refines, manufactures, produces, or compounds motor vehicle fuel and

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special fuel as defined in RCW 82.36.010 and 82.38.020, respectively, and sells or distributes the fuel into a county;

(b) "Person" has the same meaning as in RCW 82.04.030;

(c) "District" means a regional transportation investment district under chapter 36.120 RCW;

(d) "Commission" means a regional transportation commission as defined in section 201 of this act.

(2) A commission under chapter 36.-- RCW (as created in section 805 of this act) or regional transportation investment district under chapter 36.120 RCW, subject to the conditions of this section, may levy additional excise taxes equal to ten percent of the statewide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of motor vehicle fuel as defined in RCW 82.36.010 and on each gallon of special fuel as defined in RCW 82.38.020 sold within the boundaries of the commission or district. The additional excise tax is subject to the approval of a majority of the voters within the commission or district boundaries. Vehicles paying an annual license fee under RCW 82.38.075 are exempt from the commission or district's fuel excise tax. The additional excise taxes are subject to the same exceptions and rights of refund as applicable to other motor vehicle fuel and special fuel excise taxes levied under chapters 82.36 and 82.38 RCW. The proposed tax may not be levied less than one month from the date the election results are certified. The commencement date for the levy of any tax under this section will be the first day of January, April, July, or October.

(3) The local option motor vehicle fuel tax on each gallon of motor vehicle fuel and on each gallon of special fuel is imposed upon the distributor of the fuel.

(4) A taxable event for the purposes of this section occurs upon the first distribution of the fuel within the boundaries of the commission or district to a retail outlet, bulk fuel user, or ultimate user of the fuel.

(5) All administrative provisions in chapters 82.01, 82.03, and 82.32 RCW, insofar as they are applicable, apply to local option fuel taxes imposed under this section.

(6) Before the effective date of the imposition of the fuel taxes under this section, a commission or district shall contract with the department of ~~((licensing))~~ revenue for the administration and collection of the taxes. The contract must provide that a percentage amount, not to exceed one percent of the taxes imposed under this section, will be deposited into the local tax administration account created in the custody of the state treasurer. The department of ~~((licensing))~~ revenue may spend money from this account, upon appropriation, for the administration of the local taxes imposed under this section.

(7) The state treasurer shall distribute monthly to the commission or district levying the tax as part of the regional mobility investment plan or regional transportation investment district plan, after the deductions for payments and expenditures as provided in RCW 46.68.090(1) (a) and (b).

(8) The proceeds of the additional taxes levied by a commission or district in this section, to be used as a part of a regional mobility investment plan or regional transportation investment district plan, must be used in accordance with chapter 36.-- RCW (as created in section 805 of this act), or chapter 36.120 RCW, respectively, but only for those areas that are considered "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(9) A district or commission may only levy the tax under this section if the district or commission is comprised of boundaries identical to the boundaries of a county or counties. A district or commission may not levy the tax in this section if a member county is levying the tax in RCW 82.80.010 or 82.80.110.

Sec. 407. RCW 81.100.030 and 2002 c 56 s 410 are each amended to read as follows:

(1) A county with a population of one million or more, or a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, and having within its

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boundaries existing or planned high-occupancy vehicle lanes on the state highway system, a regional transportation commission, or a regional transportation investment district for capital improvements, ~~((but only to the extent that the tax has not already been imposed by the county;))~~ may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The county, regional transportation commission, or investment district imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties, regional transportation commissions, or investment districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county, regional transportation commission, or investment district shall adopt rules that exempt from all or a portion of the tax any employer that has entered into an agreement with the county, regional transportation commission, or investment district that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county, regional transportation commission, or investment district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

~~((If the tax authorized in RCW 81.100.060 is also imposed, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.))~~

Sec. 408. RCW 81.100.060 and 2006 c 318 s 2 and 2006 c 311 s 15 are each reenacted and amended to read as follows:

(1) A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, a regional transportation commission, or a regional transportation investment district, ~~((but only to the extent that the surcharge has not already been imposed by the county;))~~ may, with voter approval, impose a local surcharge of not more than three-tenths of one percent in the case of a county, or eight-tenths of one percent in the case of a regional transportation commission or regional transportation investment district, of the value on vehicles registered to a person residing within the county, regional transportation commission, or investment district and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county, regional transportation commission, or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the regional transportation commission or investment district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six

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thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

(2) Counties, regional transportation commissions, or investment districts imposing a surcharge under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes, for administration and collection expenses incurred by the department.

(3) All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

(4) If a surcharge, authorized under this section, is first imposed before June 7, 2006, all administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to motor vehicle excise taxes, be applicable to such surcharges ((imposed under this section)). ((All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section. A surcharge imposed under this section, or a change to the))

(5) If a surcharge, authorized under this section, is first imposed on or after June 7, 2006:

(a) Motor vehicles subject to such surcharge shall be administered in accordance with chapter 318, Laws of 2006; and

(b) The surcharge or a change to the surcharge shall take effect no sooner than seventy-five days after the department of licensing or the department of revenue receives notice of the surcharge or change to the surcharge, and shall take effect only on the first day of January, April, July, or October. Unless waived by the department of licensing or the department of revenue, notice includes providing the appropriate department with digital mapping and legal descriptions of areas in which the ((tax)) surcharge will be collected.

((If the tax authorized in RCW 81.100.030 is also imposed, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.))

Sec. 409. RCW 47.56.075 and 2002 c 56 s 404 are each amended to read as follows:

The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, regional transportation commission, city, town, or county.

Sec. 410. RCW 82.32.470 and 2002 c 56 s 407 are each amended to read as follows:

(1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a transportation project to be constructed under chapter 36.120 RCW, or for a mobility project of regional significance to be constructed under chapter 36.-- RCW (as created in section 805 of this act), must be transferred to the transportation project or the mobility project of regional significance to defray costs or pay debt service on that ((transportation)) project. In the case of a toll project, this transfer or credit must be used to lower the overall cost of the project and thereby the corresponding tolls.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing transportation projects under chapter 36.120 RCW, or mobility projects of regional significance under chapter 36.-- RCW (as created in section 805 of this act), shall report to the department the amount of state sales or use tax covered under this section.

Sec. 411. RCW 82.14.050 and 2005 c 336 s 20 are each amended to read as follows:

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The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, regional transportation commissions, regional transportation investment districts, and transportation benefit districts under chapter 36.73 RCW shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation commissions, regional transportation investment districts, and transportation benefit districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Counties, cities, transportation authorities, public facilities districts, regional transportation commissions, and regional transportation investment districts may not conduct independent sales or use tax audits of sellers registered under the streamlined sales tax agreement. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, regional transportation commissions, regional transportation investment districts, and transportation benefit districts monthly.

Sec. 412. RCW 82.80.080 and 2002 c 56 s 414 are each amended to read as follows:

(1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 ((and 82.80.020)), levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

(2) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 ((and 82.80.020)) levied by qualifying cities and towns to the levying cities and towns.

(3) The state treasurer shall distribute to the district or regional transportation commission, as appropriate, revenues, less authorized deductions, generated by the local option taxes under RCW 82.80.010 or fees under RCW 82.80.100 levied by a district or regional transportation commission.

PART V AUTHORITY TO ISSUE BONDS

NEW SECTION. Sec. 501. COMMISSION TO ISSUE GENERAL OBLIGATION BONDS. In addition to any other authority provided by law, and subject to applicable constitutional limitations, a regional transportation commission may issue general obligation bonds or other evidences of indebtedness for public transportation and mobility project capital purposes. However, the general indebtedness incurred under this section when considered together with all the other

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outstanding general indebtedness of the regional transportation commission shall not exceed one and one-half percent of taxable property within its boundaries without the approval of three-fifths of the voters therein voting at an election held for that purpose, and in cases requiring such approval, not exceeding a total of five percent of taxable property within its boundaries. The bonds shall be issued and sold in accordance with chapter 39.46 RCW, and may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

Any regional transportation commission may pledge any portion of any taxes and any tolls, charges, or user taxes authorized to be levied or imposed by the commission for the payment or security of the principal of and interest on any bonds issued for authorized public transportation purposes.

NEW SECTION. Sec. 502. (1) The commission may at any time borrow money for public transportation and mobility project capital purposes and may issue revenue bonds or other evidences of indebtedness, secured by the pledge of one or more of the taxes, tolls, charges, or user fees authorized to be imposed by the commission. These obligations shall be issued and sold in accordance with chapter 39.46 RCW.

(2) The commission may enter into agreements with public transportation agencies, counties, cities, or the state of Washington, when authorized by the plan, to pledge taxes or other revenues of the commission for the purpose of paying in part or whole principal and interest on bonds issued by any public transportation agency, county, city, or by the state of Washington. The agreements pledging revenues and taxes shall be binding for their terms, but not to exceed forty years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge made in any agreement.

**PART VI
RTC AND RTID MUTUALLY EXCLUSIVE**

NEW SECTION. Sec. 601. If a regional transportation commission, created under section 301 of this act, is fully constituted and authorized to exercise its powers as prescribed in section 301(2) of this act within a geographic area that includes an existing regional transportation investment district, that district dissolves upon the exercise of the commission's powers, and all the obligations of the district and governing board must be transferred to the regional transportation commission as successor to the district. Additionally, the commission, without the need for additional voter approval, shall adopt the regional transportation investment district voter-approved plan as part of the commission's regional mobility investment plan.

**PART VII
2007 RTA BALLOT MEASURES**

Sec. 701. RCW 81.112.030 and 2006 c 311 s 12 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the

plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.

(4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the appointments. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

(5) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

(6) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

(7) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

(8) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

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A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

(9) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

(10) In conjunction with RCW 36.120.070, at the 2007 general election the authority shall submit a proposition to support additional implementation phases of the authority's system and financing plan on the same ballot along with a regional transportation investment plan developed under chapter 36.120 RCW. The proposition shall not be considered approved unless voters also approve the regional transportation investment plan.

(11) A regional transit authority shall submit additional phases of plan implementation ((may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b) identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996)) to the regional transportation commission, if fully constituted and authorized to exercise its powers as prescribed in section 301(2) of this act within the authority's geographic area, for inclusion in the regional mobility investment plan for voter approval under section 305(2) of this act.

(12) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

PART VIII MISCELLANEOUS

NEW SECTION. Sec. 801. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2008, only if a regional transportation investment district has not been formed under chapter 36.120 RCW by January 1, 2008, or effective January 1, 2009, if a regional transportation investment district has been formed by January 1, 2008:

- (1) RCW 36.120.010 (Findings) and 2002 c 56 s 101;
- (2) RCW 36.120.020 (Definitions) and 2006 c 334 s 13, 2006 c 311 s 4, & 2002 c 56 s 102;
- (3) RCW 36.120.030 (Planning committee--Formation) and 2006 c 311 s 5 & 2002 c 56 s 103;
- (4) RCW 36.120.040 (Planning committee--Duties) and 2006 c 311 s 6, 2003 c 194 s 1, & 2002 c 56 s 104;
- (5) RCW 36.120.045 (Planning committee--State route No. 520 improvements) and 2006 c 311 s 7;

- (6) RCW 36.120.050 (Planning committee--Taxes, fees, and tolls) and 2006 c 311 s 13, 2003 c 350 s 4, & 2002 c 56 s 105;
- (7) RCW 36.120.060 (Project selection--Performance criteria) and 2002 c 56 s 106;
- (8) RCW 36.120.070 (Submission of ballot measures to the voters) and 2006 c 311 s 8 & 2002 c 56 s 107;
- (9) RCW 36.120.080 (Formation--Certification) and 2006 c 311 s 10 & 2002 c 56 s 108;
- (10) RCW 36.120.090 (Governing board--Composition) and 2002 c 56 s 109;
- (11) RCW 36.120.100 (Governing board--Organization) and 2002 c 56 s 110;
- (12) RCW 36.120.110 (Governing board--Powers and duties--Intent) and 2006 c 311 s 11 & 2002 c 56 s 111;
- (13) RCW 36.120.120 (Treasurer) and 2002 c 56 s 112;
- (14) RCW 36.120.130 (Indebtedness--Bonds--Limitation) and 2003 c 372 s 1 & 2002 c 56 s 113;
- (15) RCW 36.120.140 (Transportation project or plan modification--Accountability) and 2003 c 194 s 2 & 2002 c 56 s 114;
- (16) RCW 36.120.150 (Department of transportation--Role) and 2002 c 56 s 115;
- (17) RCW 36.120.160 (Ownership of improvements) and 2002 c 56 s 116;
- (18) RCW 36.120.170 (Dissolution of district) and 2002 c 56 s 117;
- (19) RCW 36.120.180 (Findings--Regional models--Grants) and 2002 c 56 s 118;
- (20) RCW 36.120.190 (Joint ballot measure) and 2002 c 56 s 201;
- (21) RCW 36.120.200 (Regional transportation investment district account) and 2002 c 56 s 401;
- (22) RCW 36.120.210 (Advisory ballot for Alaskan Way viaduct improvements--Preferred alternative for Alaskan Way viaduct and Seattle Seawall improvements) and 2006 c 311 s 29;
- (23) RCW 36.120.900 (Captions and subheadings not law--2002 c 56) and 2002 c 56 s 501; and
- (24) RCW 36.120.901 (Severability--2002 c 56) and 2002 c 56 s 503.

NEW SECTION. Sec. 802. RCW 82.44.135 (Local government must contract with department of licensing) and 2006 c 318 s 9 are each repealed.

NEW SECTION. Sec. 803. APPLICABILITY OF PUBLIC LAWS. A regional transportation commission, its officers, and the governing body of commissioners, created under this act, are subject to the general laws regulating local governments and local governmental officials including, but not limited to, applicable requirements under chapters 42.17, 42.23, 42.30, 42.41, and 43.09 RCW.

NEW SECTION. Sec. 804. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 805. Sections 101, 201, 301 through 310, 501, 502, and 601 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 806. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 807. This act shall be liberally construed to effect the policies and purposes of this act."

PARLIAMENTARY INQUIRY

Senator Benton: "I'm looking at list number two. We didn't finish list number two before we went to caucus and I think a couple of members of our caucus had some amendments to this bill and so I think we're a little surprised that it came up this soon after lunch. If it's alright, we'd like to have some time to put some amendments on this bill."

MOTION

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On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5803 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6129, by Senators Murray and Haugen

Providing additional funding for the state patrol highway account.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 6129 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6129.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6129 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Honeyford - 1

SENATE BILL NO. 6129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5937, by Senators Haugen, Swecker, Murray and Kauffman

Providing for additional patrols along high-accident corridors.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5937 was substituted for Senate Bill No. 5937 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Swecker: "Would the good Senator who's just spoke yield to a question? Is that \$10.00 or \$15.00?"

Senator Murray: "I stand corrected, it is from \$5.00 to \$10.00."

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fraser was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Benton and Holmquist - 2

Excused: Senator Fraser - 1

SUBSTITUTE SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1417, by House Committee on Appropriations (originally sponsored by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, VanDeWege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos)

Providing reimbursement for certain Washington state patrol survivor benefits.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.285 and 1996 c 226 s 2 are each amended to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2)(a) The benefit under this section shall be paid only where death occurs as a result of injuries sustained in the course of employment. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department

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of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(b) The retirement allowance paid to the spouse and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(14), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

Sec. 2. RCW 41.05.011 and 2005 c 143 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred

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retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and fire fighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and fire fighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Employer" means the state of Washington.

(16) "Employing agency" means a division, department, or separate agency of state government and a county, municipality, school district, educational service district, or other political subdivision, covered by this chapter.

Sec. 3. 2006 c 345 s 2 (unmodified) is amended to read as follows:

This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and except for section 2 of this act takes effect immediately [May 7, 2001]. This act applies to all surviving spouses and dependent children of (1) emergency service personnel ~~((and))~~, (2) members of the law enforcement officers' and fire fighters' retirement system plan 2, and (3) members of the Washington state patrol retirement fund, killed in the line of duty.

NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

The legislature reserves the right to amend or repeal the reimbursement provisions of this act in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time.

NEW SECTION. Sec. 5. This act shall be known as "The Steve Frink's and Jim Saunder's Law" in honor of Steve Frink and Jim Saunders, Washington state patrol officers who were killed in the line of duty."

Senator Eide spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1417 as amended by the Senate.

The motion by Senator Eide carried and the committee striking amendment was adopted by voice vote.

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 43.43.285 and 41.05.011; amending 2006 c 345 s 2 (uncodified); adding a new section to chapter 43.43 RCW; and creating a new section."

MOTION

On motion of Senator Eide, the rules were suspended, Substitute House Bill No. 1417 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1417 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1417 as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1417 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5313, by Senators Haugen, Schoesler, Kilmer, Hatfield, Shin and Rasmussen

Establishing the retirement age for members of the Washington state patrol retirement system.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5313 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5313.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5313 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6127, by Senators Spanel, Swecker, Kilmer, Haugen, Marr and Kohl-Welles

Regarding state ferries.

MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 6127 was substituted for Senate Bill No. 6127 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senator Spanel and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

(1) The legislature declares the following transportation facilities and services to be of statewide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal plan are essential state public facilities under RCW 36.70A.200.

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this

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section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Capital plan" means the state ferry system plan as described in RCW 47.06.050(2) and adopted by the commission.

(2) "Capital project" has the same meaning as used in capital budget instructions developed by the office of financial management.

(3) "Commission" means the transportation commission created in RCW 47.01.051.

(4) "Improvement project" has the same meaning as in the capital budget instructions developed by the office of financial management. If the capital budget instructions do not define improvement project, then it has the same meaning as "program project" in the capital budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(5) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation cost needs.

(6) "Maintenance cost" has the same meaning as used in capital budget instructions developed by the office of financial management.

(7) "Preservation project" has the same meaning as used in capital budget instructions developed by the office of financial management.

(8) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(9) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(10) "Travel shed" means one or more ferry routes with distinct characteristics as determined by the department.

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall, with the involvement of the department, conduct a market survey to gather data on ferry users to help inform level of service, operational, pricing, planning, and investment decisions. The survey must include, but is not limited to:

- (a) Recreational use;
- (b) Vehicle customer use;
- (c) Freight and goods movement demand; and
- (d) Reactions to potential operational and pricing strategies described under section 4 of this act and RCW 47.60.290.

(2) The survey must be developed with input from ferry advisory committees.

(3) The market survey must be updated at least every two years.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop, and the commission shall review, operational strategies to ensure existing assets are fully utilized and to guide future investment decisions. These operational strategies must, at a minimum:

(a) Recognize that each travel shed is unique and should be evaluated separately;

(b) Use data from the current market survey conducted under section 3 of this act;

(c) Be consistent with vehicle level of service standards;

(d) Use a life-cycle cost analysis that considers capital and operating costs and the most efficient balance between these costs; and

(e) Use methods of collecting fares that maximize efficiency and achieve revenue management control.

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(2) In developing operational strategies, the following, at a minimum, must be considered:

(a) The feasibility of using reservation systems;

(b) Methods of shifting vehicular traffic to other modes of transportation;

(c) Methods of improving on-dock operations to maximize efficiency and minimize operating and capital costs;

(d) A cost-benefit analysis of remote holding versus over-water holding;

(e) Methods of reorganizing holding areas and minimizing on-dock employee parking to maximize dock size available for customer vehicles;

(f) Schedule modifications;

(g) Efficiencies in exit queuing and metering; and

(h) Interoperability with other transportation services.

(3) Operational strategies must be reevaluated periodically, at a minimum, before developing a new capital plan.

Sec. 5. RCW 47.60.290 and 1983 c 3 s 136 are each amended to read as follows:

~~((Subject to the provisions of RCW 47.60.326;))~~ (1) The department ~~(is hereby authorized and directed to)~~ shall annually review ((tariffs and charges as)) fares and pricing strategies applicable to the operation of the Washington state ferries ((for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries)).

(2) Beginning in 2008, the fares and pricing strategies developed by the department must:

(a) Recognize that each travel shed is unique and should be evaluated separately;

(b) Use data from the current market survey conducted under section 3 of this act;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the market survey conducted in section 3 of this act;

(d) Generate the amount of revenue required by the biennial transportation budget; and

(e) Keep fare schedules as simple as possible.

(3) The fares and pricing strategies developed by the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

(4) Fares and pricing strategies must be adopted by rule, under chapter 34.05 RCW, by the commission, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing strategies, with recommendations for the revision of fares for the ensuing year;

(b) In October of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year. The schedule may initially be adopted as an emergency rule if necessary to take effect in, or as near as possible to, the month of October.

(5) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (4) of this section.

(6) The commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(7) Using sound business judgment, the chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

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(8) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

Sec. 6. RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial change to the service levels provided to ferry users, the department shall consult with affected ferry users by public hearing and by review with the affected ferry advisory committees.

(2) Before ((a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges)) adding or eliminating a ferry route, the department ((of transportation)) shall consult with affected ferry users and receive legislative approval. ((The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).

~~—Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.~~

~~(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.~~

~~(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.)~~

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan developed by the department. Systemwide and administrative capital program costs shall be identifiable.

NEW SECTION. Sec. 8. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, or department-adopted standard life cycles are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made; and

(c) It does not include utilities or other systems that are not replaced on a standard life cycle.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used in estimating future system preservation costs.

(4) Preservation funding requests shall only be for items in the life-cycle cost model.

(5) Preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study that includes all elements required in the office of financial management's predesign manual.

(6) Appropriations made for preservation projects shall be spent only on preservation projects when warranted by the asset condition.

NEW SECTION. Sec. 9. A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop terminal design standards that adhere to the following:

(1) Vehicle level of service standards as described in RCW 47.06.140;

(2) Operational strategies as described in section 4 of this act;

(3) Pricing strategies as described in RCW 47.60.290;

(4) Life-cycle costs and the most efficient balance between capital and operating investments are chosen; and

(5) A recognition that each travel shed is unique and should be evaluated separately.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

The capital plan must adhere to the following:

(1) A current ridership demand forecast;

(2) Vehicle level of service standards as described in RCW 47.06.140;

(3) Operational strategies as described in section 4 of this act;

(4) Pricing strategies as described in RCW 47.60.290; and

(5) Terminal design standards as described in section 9 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 47.60 RCW to read as follows:

(1) Terminal improvement project funding requests for design and construction work must adhere to the capital plan.

(2) Terminal improvement funding requests for design and construction work must be submitted with a predesign study that includes all elements required in the office of financial management's predesign manual.

(3) The predesign study must also:

(a) Separately identify basic terminal elements essential for operation and their costs;

(b) Separately identify additional elements to provide ancillary revenue and customer comfort and their costs;

(c) Include construction phasing options that fit with forecasted ridership increases;

(d) Identify additional elements requested by local governments and the cost and proposed funding source of those elements;

(e) Identify multimodal elements and the cost and proposed funding source of those elements; and

(f) Identify all contingency amounts.

NEW SECTION. Sec. 12. A new section is added to chapter 47.60 RCW to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under chapter . . . (House Bill No. 1094), Laws of 2007, as it exists on the effective date of this section, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

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(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

NEW SECTION. Sec. 13. (1) The joint transportation committee shall participate in and provide an independent review of (a) through (f) of this subsection. In addition to committee members, or their designees, the governor shall appoint a representative for this review. The committee may also appoint other persons to assist in this review.

(a) Development and interpretation of the market survey of ferry customers described in section 3 of this act;

(b) Analysis and reestablishment of vehicle level of service standards as described in RCW 47.06.140. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure;

(c) Development of operational strategies as described in section 4 of this act;

(d) Development of pricing strategies as described in RCW 47.60.290. In developing these strategies, the one-way fare policy in effect on some routes shall be evaluated;

(e) Development of terminal design standards as described in section 9 of this act; and

(f) Development of a long-range capital plan as described in section 10 of this act.

(2) This section expires June 30, 2009.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 47.60.150 (Fixing of charges--Deposit of revenues) and 2003 c 374 s 3, 1999 c 94 s 26, & 1990 c 42 s 405; and

(2) RCW 47.60.326 (Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission) and 2005 c 270 s 1, 2003 c 374 s 4, 2001 1st sp.s. c 1 s 1, 1999 c 94 s 27, 1990 c 42 s 406, 1983 c 15 s 25, & 1981 c 344 s 5."

Senator Spanel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Spanel and others to Substitute Senate Bill No. 6127.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing expiration dates."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Swecker spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6127.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6127 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Honeyford, McCaslin, Schoesler and Stevens - 5

ENGROSSED SUBSTITUTE SENATE BILL NO. 6127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5412, by Senators Murray, Swecker, Marr, Clements and Haugen

Realigning goals and objectives of certain transportation agencies. Revised for 1st Substitute: Clarifying goals, objectives, and responsibilities of certain transportation agencies.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5412 was substituted for Senate Bill No. 5412 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5085, by Senators Haugen, Swecker and Murray

of the dogs came back would they be eligible for a special consideration from the Department of Transportation?"

Providing that transportation accounts receive one hundred percent of their proportionate share of earnings.

Senator Hobbs: "We could certainly work on that in future date. Maybe they can enter in bars or something like that."

MOTIONS

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5242.

On motion of Senator Murray, Substitute Senate Bill No. 5085 was substituted for Senate Bill No. 5085 and the substitute bill was placed on the second reading and read the second time.

ROLL CALL

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5085 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Senator Murray spoke in favor of passage of the bill.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

SUBSTITUTE SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

The Senate resumed consideration of Substitute Senate Bill No. 5803 which had been deferred earlier in the day.

Absent: Senator Fraser - 1

MOTION

SUBSTITUTE SENATE BILL NO. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

SECOND READING

SENATE BILL NO. 5242, by Senators Hobbs, Hewitt, Haugen, Kastama, Fairley, Shin, Kline, Clements, Kohl-Welles, Keiser, Tom, Brandland, Murray, Roach, Spanel, Kauffman, Rockefeller, Regala, Jacobsen, McAuliffe, Berkey, Carrell, Sheldon, Kilmer, Rasmussen, Holmquist and Honeyford

On page 4, line 18, after "2009." insert the following: "Election of the commissioners must occur no later than November 30, 2008."

Establishing an internship program for wounded combat veterans.

Remember the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Hobbs, Substitute Senate Bill No. 5242 was substituted for Senate Bill No. 5242 and the substitute bill was placed on the second reading and read the second time.

Senator Benton spoke in favor of adoption of the amendment to the striking amendment.

On motion of Senator Hobbs, the rules were suspended, Substitute Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke against adoption of the amendment to the striking amendment.

Senators Hobbs and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 4, line 18 to the striking amendment to Substitute Senate Bill No. 5803.

MOTION

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by a rising voice vote.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Hobbs yield to a question? I understand this deals with personnel that's been in combat. I understand we have a canine corps in Iraq and if some

Senator Kilmer moved that the following amendment by Senator Kilmer to the striking amendment be adopted.

On page 4, line 34, after "47.46 RCW", insert ", and any marine island in that county adjacent to that peninsula"

Senators Kilmer and Murray spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kilmer on page 4,

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line 34 to the striking amendment to Substitute Senate Bill No. 5803.

The motion by Senator Kilmer carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the striking amendment be adopted.

On page 11, line 34, after "receive", strike "unanimous approval" and insert "approval by two-thirds"

On page 12, line 7, after "to", strike "unanimous approval" and insert "approval by two-thirds"

Re-number the sections consecutively and correct any internal references accordingly.

Senators Benton and Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

Senators Murray and Kastama spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 11, line 34 to the striking amendment to Substitute Senate Bill No. 5803.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements to the striking amendment be adopted.

On page 13, after line 5, insert the following: "(6) Under no circumstances will cost overruns be the obligation of the state."

On page 38, line 6, after "RCW 39.46.030." insert the following: "Under not circumstances will bonds issued under authority of this act be the obligation of the state."

On page 38, after line 26, insert the following: "(3) Under no circumstances shall any agreement or contract entered into by the commission be the obligation of the state."

Senators Clements and Murray spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 13, after line 5 to the striking amendment to Substitute Senate Bill No. 5803.

The motion by Senator Clements carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell to the striking amendment be adopted.

On page 14, line 7, after "pricing.", insert "This authority shall not include a fee or tax on vehicle miles traveled."

Senators Carrell and Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senators Murray and Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 14,

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line 7 to the striking amendment to Substitute Senate Bill No. 5803.

The motion by Senator Carrell failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the striking amendment be adopted.

On page 18, after line 7, insert the following: (iv) The toll is placed on lanes, roads, or highways that did not previously exist without a toll.

Senator Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 18, after line 7 to the striking amendment to Substitute Senate Bill No. 5803.

The motion by Senator Stevens failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Murray and others as amended to Substitute Senate Bill No. 5803.

The motion by Senator Murray carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 47.80.020, 47.80.060, 81.112.080, 47.56.030, 47.80.040, 82.14.430, 82.80.010, 82.80.030, 82.80.100, 82.80.110, 82.80.120, 81.100.030, 47.56.075, 82.32.470, 82.14.050, 82.80.080, and 81.112.030; reenacting and amending RCW 81.100.060; adding a new section to chapter 47.01 RCW; adding a new chapter to Title 36 RCW; creating new sections; repealing RCW 36.120.010, 36.120.020, 36.120.030, 36.120.040, 36.120.045, 36.120.050, 36.120.060, 36.120.070, 36.120.080, 36.120.090, 36.120.100, 36.120.110, 36.120.120, 36.120.130, 36.120.140, 36.120.150, 36.120.160, 36.120.170, 36.120.180, 36.120.190, 36.120.200, 36.120.210, 36.120.900, 36.120.901, and 82.44.135; and providing an effective date."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Delvin: "Would the member from District Number 43 yield to a question? Thank you. My question is, what happens if the counties refuse to create a commission?"

Senator Murray: "Well, under our constitution, there's little that we can do. I mean, we could consider punitive action but I

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hardly think that's a way to move forward. Under our constitution it really is up to the counties to create this."

Senator Jacobsen spoke against passage of the bill.

Senators Kastama, Morton and Pflug spoke in favor of passage of the bill.

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5803.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 14; Absent, 2; Excused, 0.

Voting yea: Senators Berkey, Brandland, Clements, Delvin, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Kastama, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Rockefeller, Schoesler, Sheldon, Spanel, Swecker, Tom, Weinstein and Zarelli - 33

Voting nay: Senators Benton, Carrell, Eide, Holmquist, Jacobsen, Kauffman, Keiser, Kilmer, McCaslin, Poulsen, Regala, Roach, Shin and Stevens - 14

Absent: Senators Brown and Hargrove - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5250, by Senators Swecker, Haugen, Kilmer, Kline, Rockefeller and Shin

Creating an alternative method to transfer motor vehicle ownership. Revised for 1st Substitute: Regarding the transfer of motor vehicle ownership.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5250 was substituted for Senate Bill No. 5250 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5250 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5250.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5250 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE SENATE BILL NO. 5250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5134, by Senators Haugen, Swecker, Rasmussen and Delvin

Authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

Senators Honeyford and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 32

Voting nay: Senators Benton, Carrell, Clements, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Oemig, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 16

Excused: Senator Kline - 1

SENATE BILL NO. 5134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

SENATE BILL NO. 5188, by Senators Haugen, Jacobsen, Prentice, Fairley, Kline, Marr, Kohl-Welles, Tom, Murray, Keiser and Rasmussen

Establishing a wildlife rehabilitation program.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5188 was substituted for Senate Bill No. 5188 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 5188 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Haugen and Morton spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

POINT OF ORDER

Senator Benton: "Thank you Mr. President. In the actual language of the bill it says on page 2, line 5, that, an additional fee of \$12.00 shall be charged. \$10.00 from the additional fee shall be deposited into the state wildlife account and \$2.00 of the fee shall be deposited in the wildlife rehabilitation account. My parliamentary inquiry is as follows: You made a ruling just a few days ago pertaining to the restrictions and the difference between fees and taxes. Since this fee will be assessed on the people of this state that purchase personalize license plates not restricted, by the way, to wildlife license plates but personalized license plates. The way the bill reads then that fee will then be used as a general tax, would be used to fund a new wildlife rehabilitation account which is established or created under section 3 of this act. So, my question to you, Mr. President, is this: It is in fact a fee or is it a tax? I believe that it is a tax because the fee is imposed on personalized license plates purchasers yet it is used for a wider, more general purpose that is not connected and there is no nexus, Mr. President, between a license plate fee and the people that have those license plates and how the fee would actually be used. So, does this require a two-thirds vote for passage or simple majority?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you asked two questions; Whether this was a tax and then, the other part of it, which I think is the bottom line of what your point of order is that whether or not this takes two-thirds or majority vote. So that is way I believe the President will present it. That the point of order raised by Senator Benton is to the number of votes necessary to pass this piece of legislation."

Senator Haugen spoke against the motion.

MOTION

On motion of Senator Eide, further consideration of Second Substitute Senate Bill No. 5188 was deferred and the bill held its place on the third reading calendar.

SECOND READING

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SENATE BILL NO. 5208, by Senators Swecker, Marr and Haugen

Regarding bond amounts for certain department of transportation highway construction contracts.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5208.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5208 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6099, by Senator Murray

Hiring a mediator to help the department of transportation develop a state route number 520 expansion impact plan.

MOTION

On motion of Senator Murray, Substitute Senate Bill No. 6099 was substituted for Senate Bill No. 6099 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senator Murray be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 47.01 RCW to read as follows:

(1) As soon as practicable after the effective date of this act, and after consulting with the city of Seattle, the department shall hire a mediator, and appropriate planning staff, including urban, transportation, and neighborhood planners, to assist the department in developing a state route number 520 expansion impact plan for addressing the impacts of the state route number 520 bridge replacement and HOV project on Seattle neighborhoods, parks, and institutions of higher education, and the city of Seattle. The mediator must have significant

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professional experience in working with impacted communities that surround major transportation construction projects, mitigating the construction impacts on those communities. In evaluating the project impacts, the mediator shall consider the concerns of neighborhoods and institutions of higher education directly impacted by the proposed designs, and shall work with the appropriate planning staff. The mediator shall work to ensure that the plan provides a comprehensive approach to mitigating the impacts of the project. The department shall hire the mediator and the planning staff within existing appropriations allocated for the state route number 520 bridge replacement and HOV project. The position of mediator under this section is not considered a certified or legally binding position.

(2) The state route number 520 expansion impact plan must be submitted to the commission, which shall oversee the development of the plan. The commission shall approve the plan sixty days before the propositions required under RCW 36.120.070(2) and 81.112.030(10) are submitted to regional voters at the 2007 general election, or before the beginning of the 2008 regular legislative session.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Murray spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Murray to Substitute Senate Bill No. 6099.

The motion by Senator Murray carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, strike all material through line 3 of the title and insert the following:

"AN ACT Relating to the state route number 520 bridge replacement and HOV project; adding a new section to chapter 47.01 RCW; and declaring an emergency."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute Senate Bill No. 6099 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6099.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6099 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

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Voting nay: Senators Carrell, McCaslin, Morton and Zarelli - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8405, by Senators Haugen, Swecker, Murray and Rasmussen

Establishing a joint interim work group concerning the Columbia River Crossing Project. Revised for 1st Substitute: Providing for the study of legislative and financial issues regarding the Columbia River Crossing Project.

MOTIONS

On motion of Senator Murray, Substitute Senate Concurrent Resolution No. 8405 was substituted for Senate Concurrent Resolution No. 8405 and the substitute concurrent resolution was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Concurrent Resolution No. 8405 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Senator Murray spoke in favor of passage of the resolution.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Concurrent Resolution No. 8405.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8405 and the concurrent resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8405, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5206, by Senators Haugen and Swecker

Addressing the use of tires with retractable studs. Revised for 1st Substitute: Modifying the regulation of studded tire use.

The measure was read the second time.

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MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5206 was not substituted for Senate Bill No. 5206 and the substitute bill was not adopted.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, line 14 to Senate Bill No. 5206 was withdrawn.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 5206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5206.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5206 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Benton, the point of order by Senator Benton relative to Substitute Senate Bill No. 5188 was withdrawn.

The Senate resumed consideration of Second Substitute Senate Bill No. 5188 which had been deferred earlier in the day.

PERSONAL PRIVILEGE

Senator Honeyford: "I just wanted to let the body know that I was mistaken. This is for the not the specialized plates but the personalized plates only."

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5188.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5188 and the bill passed the Senate

by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Benton, Carrell, Holmquist, Honeyford, Roach and Stevens - 6

SECOND SUBSTITUTE SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6014, by Senators Swecker, Haugen, Keiser, Hatfield, Zarelli, Benton, Hewitt, Stevens, Shin, Marr, Rasmussen, Oemig and Sheldon

Authorizing industrial development on reclaimed surface coal mine sites.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 6014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6014 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Second Substitute Senate Bill No. 6044 which had been deferred on March 10, 2007.

PARLIAMENTARY INQUIRY

Senator Rockefeller: "I don't recall making the second reading motion but you've indicated that is in order?"

REPLY BY THE PRESIDENT

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President Owen: "According to our records on Saturday, it was substituted before it was put down."

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.100.010 and 2006 c 153 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~"Abandoned vessel" means ((the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period)) a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel.~~ For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: the department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) ~~"Vessel" ((has the same meaning as defined in RCW 53.08.310)) means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.~~

Sec. 2. RCW 79.100.040 and 2006 c 153 s 3 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels(ç); or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

NEW SECTION. Sec. 3. A new section is added to chapter 79.100 RCW to read as follows:

A marina owner may contract with a local government for the purpose of participating in the derelict vessel removal program. The local government shall serve as the authorized public entity for the removal of the derelict vessel from the marina owner's property. The contract must provide for the marina owner to be financially responsible for the removal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict vessel. Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

Sec. 4. RCW 79.100.100 and 2006 c 153 s 6 are each amended to read as follows:

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(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive fund transfers from the general fund or the state oil spill prevention account created in RCW 90.56.510, deposits from the watercraft excise tax under RCW 82.49.030, deposits from the derelict vessel removal surcharge under section 9 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement shall not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund, the state oil spill prevention account, or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 shall be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any fund transfers from the general fund or the state oil spill prevention account or any funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking

certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

NEW SECTION. Sec. 5. A new section is added to chapter 88.02 RCW to read as follows:

(1) A marina that leases permanent moorage to vessels must require the following information from the lessee as a condition of leasing moorage space: (a) The name of the legal owner of the vessel; (b) a local contact person, if different than the owner; (c) the owner's address and telephone number; (d) the vessel's hull identification number; (e) the vessel's coast guard registration, if applicable; (f) the vessel's home port; (g) the date on which the moorage lease began; and (h) the vessel's country or state of registration and registration number. A marina shall maintain records of this information for at least two years. The marina shall permit any authorized agent of the department of natural resources to inspect these records upon request.

(2) A marina that leases permanent moorage to vessels must require proof of vessel registration or a written statement of intent to register a vessel as a condition of leasing moorage space. If the applicant's vessel is not registered in this state, the marina must inform the moorage applicant of the state law requiring vessel registration and direct the moorage applicant to the appropriate vessel registration forms. Thereafter, it is the moorage applicant's responsibility to register the vessel.

Sec. 6. RCW 82.49.030 and 2000 c 103 s 18 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) ~~((The))~~ In calendar year 2007, one million dollars of the watercraft excise tax collected under this chapter shall be deposited into the derelict vessel removal account under RCW 79.100.100. Beginning January 1, 2008, through December 31, 2012, the first one million dollars of watercraft excise tax collected under this chapter shall be deposited in the derelict vessel removal account under RCW 79.100.100. Once one million dollars has been deposited into the derelict vessel removal account the excise tax collected under this chapter shall be deposited into the general fund.

(3) Beginning January 1, 2013, the excise tax collected under this chapter shall be deposited in the general fund.

Sec. 7. RCW 88.02.050 and 2005 c 464 s 2 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer of funds into the account or funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, reaches one million dollars as of March 1st of any year, the

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collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

Sec. 8. RCW 88.02.050 and 2002 c 286 s 13 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer of funds into the account or funds deposited into the account collected under RCW 82.49.030 and section 9 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the

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following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two-dollar derelict vessel fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 9. A new section is added to chapter 88.02 RCW to read as follows:

(1) In order to address the significant backlog of derelict vessels that have accumulated in our state's waters that pose a threat to the health and safety of the people and to our environment, the legislature intends to collect a derelict vessel removal surcharge.

(2) In addition to the fees collected under RCW 88.02.050, the department shall collect an annual derelict vessel removal surcharge of one dollar effective with vessel registrations that are due or will become due on or after January 1, 2008. The revenue generated from the derelict vessel surcharge must be deposited into the derelict vessel removal account established under RCW 79.100.100, and is to be used only for the removal of vessels that are less than seventy-five feet in length.

(3) This section expires January 1, 2014.

NEW SECTION. Sec. 10. (1) The department of natural resources, in consultation with the department of revenue, the department of licensing, and other appropriate stakeholder groups, shall examine:

(a) The costs and benefits of extending a derelict vessel removal fee or surcharges to vessels that are not subject to RCW 88.02.050; and

(b) The use of alternative revenue sources, such as the watercraft excise tax, in order to more equitably distribute the financial responsibility of supporting the cost of the derelict vessel program. The departments shall submit a report of the

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findings to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(2) The department of natural resources, the department of ecology, representatives from the ship demolition industry, and representatives from the environmental community shall convene a work group to discuss operations and permitting requirements surrounding the demolition and disposal of large abandoned and derelict vessels. The department of natural resources shall consider the findings of the work group when updating the guidelines for the derelict vessel program.

NEW SECTION. Sec. 11. Section 7 of this act expires June 30, 2012.

NEW SECTION. Sec. 12. Section 8 of this act takes effect June 30, 2012."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the striking amendment be adopted.

On page 4, line 25, after "general fund", strike all material through "RCW 90.56.510" on line 26.

On page 5, line 9, after "general fund" strike "the state oil spill prevention account."

On page 5, line 22, after "fund", strike "or the oil spill prevention account."

Senators Zarelli, Prentice and Rockefeller spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 4, line 25 to the striking amendment to Second Substitute Senate Bill No. 6044.

The motion by Senator Zarelli carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller as amended to Second Substitute Senate Bill No. 6044.

The motion by Senator Rockefeller carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 79.100.010, 79.100.040, 79.100.100, 82.49.030, 88.02.050, and 88.02.050; adding a new section to chapter 79.100 RCW; adding new sections to chapter 88.02 RCW; creating a new section; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6044.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6044 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8212, by Senators Hargrove, Carrell, Regala and Stevens

Revising limitations on use of inmate labor.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Joint Resolution No. 8212 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the resolution.

The President declared the question before the Senate to be the final passage of Senate Joint Resolution No. 8212.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8212 and the resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE JOINT RESOLUTION NO. 8212, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5770, by Senators Shin, Schoesler and Kilmer

Changing public works provisions for institutions of higher education.

MOTION

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On motion of Senator Shin, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Shin moved that the following striking amendment by Senator Shin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.350 and 2001 c 38 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College, any regional university, or state university, of any building, construction, renovation, remodeling, or demolition other than maintenance or repairs will equal or exceed the sum of ~~((thirty-five))~~ fifty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of twenty-five thousand dollars, such project shall be deemed a public works and "the prevailing rate of wage," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ~~((fifteen))~~ thirty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.155 or under any other procedure authorized for an institution of higher education.

(2) The Evergreen State College, any regional university, or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section.

(3) Where the estimated cost to The Evergreen State College, any regional university, or state university, of any building, construction, renovation, remodeling, or demolition is less than twenty-five thousand dollars or the contract is awarded by the small works roster procedure authorized in RCW 39.04.155, the publication requirements of RCW 39.04.020 shall be inapplicable.

(4) In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 2. RCW 28B.50.330 and 1993 c 379 s 108 are each amended to read as follows:

The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW

28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ~~((twenty-five))~~ fifty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ~~((ten))~~ thirty-five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works procedure as authorized ~~((in RCW 39.04.150))~~ by state law: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than twenty-five thousand dollars, the publication requirements of RCW 39.04.020 shall be inapplicable."

Senator Shin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Shin to Substitute Senate Bill No. 5770.

The motion by Senator Shin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and amending RCW 28B.10.350 and 28B.50.330."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5770.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

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Voting nay: Senator Carrell - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5979, by Senators Murray, Swecker, Haugen, Pflug, Marr and Kohl-Welles

Modifying transportation innovative partnerships provisions.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5979 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5979.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5979 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Carrell - 1

SENATE BILL NO. 5979, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5084, by Senators Murray, Swecker, Haugen and Delvin

Updating rail transit safety plan provisions to comply with federal regulation.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5084.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5084 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Stevens - 1

SENATE BILL NO. 5084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5207, by Senators Haugen, Murray and Spanel

Creating and funding the freight congestion relief account for the purpose of improving freight rail systems and state highways used as freight corridors through imposing a fee on the processing of shipping containers. Revised for 1st Substitute: Concerning a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors; creating the freight congestion relief account.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5207 was substituted for Senate Bill No. 5207 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would the previous speaker yield to a question? Does this bill now in its present form contain any new or additional tax or fee requirements?"

Senator Murray: "No, this bill is a study bill."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5207.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Swecker, Tom and Weinstein - 41

Voting nay: Senators Benton, Carrell, Holmquist,

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McCaslin, Roach, Sheldon, Stevens and Zarelli - 8

SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5078.

SECOND READING

SENATE BILL NO. 5798, by Senators Swecker and Haugen

Preserving the use of design-build construction on certain transportation projects.

The measure was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5798 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5798.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5798 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5078, by Senators Honeyford and Kline

Implementing rules for drivers when approaching stationary emergency vehicles and police vehicles on highways having less than four lanes. Revised for 1st Substitute: Implementing rules for drivers when approaching stationary emergency, roadside assistance, and police vehicles on highways having less than four lanes.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5078 was substituted for Senate Bill No. 5078 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5078 was advanced to third reading,

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5078 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5078, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6120, by Senators Marr, Swecker, Oemig, Haugen, Rockefeller, Kauffman, Berkey, Murray, Spanel, Eide, Kilmer, Poulsen, Delvin, Regala, Jacobsen, Fraser, Kohl-Welles and Rasmussen

Addressing rail and freight infrastructure.

MOTION

On motion of Senator Marr, Substitute Senate Bill No. 6120 was substituted for Senate Bill No. 6120 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Marr moved that the following amendment by Senator Marr and others be adopted.

On page 2, line 12, after "Sec. 2." strike "(1)"

On page 2, beginning on line 29, strike all material through line 31

Beginning on page 4, line 7, strike all of section 5 and insert the following:

"Sec. 5. RCW 47.06A.020 and 2005 c 319 s 125 are each amended to read as follows:

(1) The board shall:

(a) Adopt rules and procedures necessary to implement the freight mobility strategic investment program;

(b) Solicit from public entities proposed projects that meet eligibility criteria established in accordance with subsection (4) of this section; and

(c) Review and evaluate project applications based on criteria established under this section, and prioritize and select projects comprising a portfolio to be funded in part with grants from state funds appropriated for the freight mobility strategic investment program. In determining the appropriate level of state funding for a project, the board shall ensure that state funds are allocated to leverage the greatest amount of partnership funding possible. After selecting projects comprising the portfolio, the board shall submit them as part of its budget

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request to the office of financial management and the legislature, and by August 1st each year, the board shall provide a copy of its portfolio of selected projects to the department and the commission. The board shall ensure that projects submitted as part of the portfolio are not more appropriately funded with other federal, state, or local government funding mechanisms or programs. The board shall reject those projects that appear to improve overall general mobility with limited enhancement for freight mobility.

The department shall consider the portfolio furnished by the board in developing and updating the state's plan for participation in rail infrastructure improvements, and the commission shall consider the portfolio furnished by the board when reviewing the department's plan and making recommendations to the legislature under section 4 of this act. The board shall provide periodic progress reports on its activities to the office of financial management and the senate and house transportation committees.

(2) The board may:

(a) Accept from any state or federal agency, loans or grants for the financing of any transportation project and enter into agreements with any such agency concerning the loans or grants;

(b) Provide technical assistance to project applicants;

(c) Accept any gifts, grants, or loans of funds, property, or financial, or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(3) The board shall designate strategic freight corridors within the state. The board shall update the list of designated strategic corridors not less than every two years, and shall establish a method of collecting and verifying data, including information on city and county-owned roadways.

(4) The board shall utilize threshold project eligibility criteria that, at a minimum, includes the following:

(a) The project must be on a strategic freight corridor;

(b) The project must meet one of the following conditions:

(i) It is primarily aimed at reducing identified barriers to freight movement with only incidental benefits to general or personal mobility; or

(ii) It is primarily aimed at increasing capacity for the movement of freight with only incidental benefits to general or personal mobility; or

(iii) It is primarily aimed at mitigating the impact on communities of increasing freight movement, including roadway/railway conflicts; ~~(and)~~

(c) The project must have a total public benefit/total public cost ratio of equal to or greater than one; and

(d) To the greatest extent possible, the project must be consistent with the benefit/impact analysis developed by the department and freight stakeholders under section 3 of this act, and address the legislative priorities identified in section 1 of this act.

(5) From June 11, 1998, through the biennium ending June 30, 2001, the board shall use the multicriteria analysis and scoring framework for evaluating and ranking eligible freight mobility and freight mitigation projects developed by the freight mobility project prioritization committee and contained in the January 16, 1998, report entitled "Project Eligibility, Priority and Selection Process for a Strategic Freight Investment Program." The prioritization process shall measure the degree to which projects address important program objectives and shall generate a project score that reflects a project's priority

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compared to other projects. The board shall assign scoring points to each criterion that indicate the relative importance of the criterion in the overall determination of project priority. After June 30, 2001, the board may supplement and refine the initial project priority criteria and scoring framework developed by the freight mobility project prioritization committee as expertise and experience is gained in administering the freight mobility program.

(6) It is the intent of the legislature that each freight mobility project contained in the project portfolio submitted by the board utilize the greatest amount of nonstate funding possible. The board shall adopt rules that give preference to projects that contain the greatest levels of financial participation from nonprogram fund sources. The board shall consider twenty percent as the minimum partnership contribution, but shall also ensure that there are provisions allowing exceptions for projects that are located in areas where minimal local funding capacity exists or where the magnitude of the project makes the adopted partnership contribution financially unfeasible.

(7) The board shall develop and recommend policies that address operational improvements that primarily benefit and enhance freight movement, including, but not limited to, policies that reduce congestion in truck lanes at border crossings and weigh stations and provide for access to ports during nonpeak hours."

On page 6, beginning on line 34, strike all of section 6 and insert the following:

"**Sec. 6.** RCW 47.76.240 and 1995 c 380 s 5 are each amended to read as follows:

The state, counties, local communities, ports, railroads, labor, and shippers all benefit from continuation of rail service and should participate in its preservation. Lines that provide benefits to the state and local jurisdictions, such as avoided roadway costs, reduced traffic congestion, economic development potential, environmental protection, and safety, should be assisted through the joint efforts of the state, local jurisdictions, and the private sector.

State funding for rail service, rail preservation, and corridor preservation projects must benefit the state's interests. The state's ~~((interest is served by reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, preserving jobs, and enhancing safety. State funding for projects is contingent upon appropriate local jurisdiction and private sector participation and cooperation. Before spending state moneys on projects the department shall seek federal, local, and private funding and participation to the greatest extent possible))~~ participation in rail infrastructure improvements is governed by chapter 47.-- RCW (created in section 7 of this act).

(1) The department of transportation shall continue to monitor the status of the state's mainline and branchline common carrier railroads and preserved rail corridors through the state rail plan and various analyses, and shall seek alternatives to abandonment prior to interstate commerce commission proceedings, where feasible.

(2) The utilities and transportation commission shall intervene in interstate commerce commission proceedings on abandonments, when necessary, to protect the state's interest.

(3) The department of transportation, in consultation with the Washington state freight rail policy advisory committee, shall establish criteria for evaluating rail projects and corridors of significance to the state.

(4) Local jurisdictions may implement rail service preservation projects in the absence of state participation.

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(5) The department of transportation shall continue to monitor projects for which it provides assistance."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, line 2, after "Title" strike "81" and insert "47"
On page 7, beginning on line 3, strike all of section 8

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Marr and others on page 2, line 23 to Substitute Senate Bill No. 6120.

The motion by Senator Marr carried and the amendment was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 12 to Substitute Senate Bill No. 6120 was withdrawn.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 47.06A.020; and adding a new chapter to Title 47 RCW."

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 6120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6120.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6120 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 6120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5731, by Senators Shin, Delvin, Berkey, Sheldon, Tom, Oemig, Rasmussen, Pridemore, Roach, Jacobsen and Kohl-Welles

Creating a committee on the education of students in high demand fields.

MOTIONS

On motion of Senator Shin, Substitute Senate Bill No. 5731 was substituted for Senate Bill No. 5731 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Senate Bill No. 5731 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5731.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5731 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 5731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Morton, Senator McCaslin was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the third order of business.

MOTION

Senator Eide moved that the motion to refer gubernatorial appointment No. 9265 to the Committee on Health & Long Term Care be reconsidered.

The President declared the question before the Senate to be the motion by Senator Eide to reconsider the motion to refer gubernatorial appointment No. 9265 to the Committee on Health & Long Term Care.

The motion by Senator Eide carried by voice vote.

MOTION

On motion of Senator Eide, gubernatorial appointment No. 9265 was referred to the Committee on Human Services & Corrections.

The President declared the question before the Senate to be the motion by Senator Eide to refer gubernatorial appointment No. 9265 to the Committee on Human Services & Corrections.

The motion by Senator Eide carried by voice vote.

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MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5797, by Senators Clements, Haugen, Holmquist, Murray, Delvin, Sheldon, Shin, Benton and Tom

Requiring motorcycle endorsement verification before registration renewal.

MOTION

On motion of Senator Clements, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Clements moved that the following amendment by Senator Clements and other be adopted.

On page 2, line 2, after "under RCW 46.20.500", insert "or RCW 46.20.510"

On page 2, line 4, after "under RCW 46.20.500", insert "or RCW 46.20.510"

Senator Clements spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements and others on page 2, line 2 to Substitute Senate Bill No. 5797.

The motion by Senator Clements carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, Clements and Haugen be adopted.

On page 5, line 28, after "(2)" strike "Every" and insert "From March 1, 2008, until March 1, 2010, every"

On page 6, beginning on line 1, strike all of sections 4 and 5 Correct the title.

Senator Holmquist spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, Clements and Haugen on page 5, line 28 to Substitute Senate Bill No. 5797.

The motion by Senator Holmquist carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Clements, the rules were suspended, Engrossed Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Clements spoke in favor of passage of the bill.

POINT OF ORDER

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Senator Oemig: "Mr. President, I would like to know if this bill requires a simple majority for passage or a two-thirds? This bill is going to raise the fee for motorcycle endorsement and as the good senator's amendment will sunset that fee, what I wonder is, with this new fee going into multiple accounts for different purposes some of which is unspecified, if this fee can actually still be characterized as a fee? So, my first question is whether it remains a fee upon final passage and, second, if the President can determine whether this surcharge increases state revenues under Initiative 601 and requires a two-thirds vote?"

Senator Benton spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5797 was deferred and the bill held its place on the third reading calendar.

MOTION

At 5:06 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 7:09 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2007

MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1394,
SECOND SUBSTITUTE HOUSE BILL NO. 1573,
HOUSE BILL NO. 1670,
HOUSE BILL NO. 2136,
SUBSTITUTE HOUSE BILL NO. 2230,
SUBSTITUTE HOUSE BILL NO. 2300,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5373, by Senators Kohl-Welles, Prentice, Keiser, Franklin and Kline

Regarding reporting, penalty, and corporate officer provisions of the unemployment insurance system.

MOTION

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On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5373 was substituted for Senate Bill No. 5373 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and Clements be adopted.

On page 8, line 23 after "corporation" insert ", other than those covered by chapters 50.44 and 50.50 RCW,"

On page 8, line 24, after "exempt" insert "from coverage under this title as provided in subsection (2) of this section"

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles and Clements on page 8, line 23 to Substitute Senate Bill No. 5373.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Jacobsen, the amendment by Senator Jacobsen and others on page 13, line 10 to Substitute Senate Bill No. 5373 was withdrawn.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles and Clements be adopted.

On page 15, beginning on line 31, strike all of subsection (6) and insert the following:

"(6) The professional employer organization must file quarterly wage and contribution reports with the department. The professional employer organization may file either a single electronic report containing separate and distinct information for each client employer and using the employer account number and tax rate assigned to each client employer by the department, or separate paper reports for each client employer."

Senator Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Clements on page 15, line 31 to Substitute Senate Bill No. 5373.

The motion by Senator Kohl-Welles carried and the amendment was adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 16, after line 18, insert the following:

"(3) To collect any contributions, penalties or interest due to the department from the professional employer organization, the department must follow the procedures contained in chapter 50.24 RCW. If the amount of contributions, interest or penalties assessed by the commissioner pursuant to chapter 50.24 RCW is not paid by the professional employer organization within 10 days, then the commissioner may follow the collection procedures in chapter 50.24 RCW. After the 10 day period, if

the professional employer organization has not paid the total amount owing, the commissioner may also pursue the client employer to collect what is owed using the procedures contained in chapter 50.24 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Clements and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 16, after line 18 to Substitute Senate Bill No. 5373.

The motion by Senator Clements carried and the amendment was adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 16, after line 25, insert the following:

"NEW SECTION. **Sec. 13.** The department shall report on the implementation of sections 8 through 12 of this act and its impacts on professional employer organizations, small businesses and the integrity and operations of the unemployment insurance system operated under title 50 RCW. The department shall report to the unemployment insurance advisory committee and to the appropriate committees of the legislature no later than December 1, 2010."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Clements and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 16, after line 25 to Substitute Senate Bill No. 5373.

The motion by Senator Clements carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

Senator Delvin spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5373.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5373 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 36

Voting nay: Senators Brandland, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Sheldon and Stevens - 11

Excused: Senators Hargrove and Zarelli - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5503, by Senators Marr, Keiser, Brown, Brandland, Fairley, Schoesler, Berkey, Shin, Delvin, Kohl-Welles and McAuliffe

Licensing persons who offer athletic training services.

MOTIONS

On motion of Senator Marr, Substitute Senate Bill No. 5503 was substituted for Senate Bill No. 5503 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Marr, the rules were suspended, Substitute Senate Bill No. 5503 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Kohl-Welles spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5503.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 39

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hewitt, Holmquist, Morton and Stevens - 8

Excused: Senators Hargrove and Zarelli - 2

SUBSTITUTE SENATE BILL NO. 5503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5827, by Senators Hobbs, Weinstein, Oemig, Fairley, Pridemore, Keiser, Regala, Kohl-Welles, Prentice, Kline and Rasmussen

Regarding consumer privacy.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5827 was substituted for Senate Bill No. 5827 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hobbs moved that the following striking amendment by Senator Hobbs be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.182.020 and 1993 c 476 s 4 are each amended to read as follows:

(1) A consumer reporting agency may furnish a consumer report only under the following circumstances:

(a) In response to the order of a court having jurisdiction to issue the order;

(b) In accordance with the written instructions of the consumer to whom it relates; or

(c) To a person that the agency has reason to believe:

(i) Intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer;

(ii) Intends to use the information for employment purposes;

(iii) Intends to use the information in connection with the underwriting of insurance involving the consumer;

(iv) Intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(v) Otherwise has a legitimate business need for the information in connection with a business transaction involving the consumer.

(2)(a) Subject to (c) of this subsection, a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any consumer who is not an employee at the time the report is procured or caused to be procured unless:

(i) A clear and conspicuous disclosure has been made in writing to the consumer before the report is procured or caused to be procured that a consumer report may be obtained for purposes of considering the consumer for employment. The disclosure may be contained in a written statement contained in employment application materials; or

(ii) The consumer authorizes the procurement of the report.

(b) A person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any employee unless the employee has received, at any time after the person became an employee, written notice that consumer reports may be used for employment purposes. A written statement that consumer reports may be used for employment purposes that is contained in employee guidelines or manuals available to employees or included in written materials provided to employees constitutes written notice for purposes of this subsection. This subsection does not apply with respect to a consumer report of an employee who the employer has reasonable cause to believe has engaged in specific activity that constitutes a violation of law.

(c) As applied to (a) and (b) of this subsection, a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes where any information

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contained in the report bears on the consumer's credit worthiness, credit standing, or credit capacity, unless the information is either:

(i) Substantially job related and the employer's reasons for the use of such information are disclosed to the consumer in writing; or

(ii) Required by law.

(d) In using a consumer report for employment purposes, before taking any adverse action based in whole or part on the report, a person shall provide to the consumer to whom the report relates: (i) The name, address, and telephone number of the consumer reporting agency providing the report; (ii) a description of the consumer's rights under this chapter pertaining to consumer reports obtained for employment purposes; and (iii) a reasonable opportunity to respond to any information in the report that is disputed by the consumer. This subsection applies to job applicants and current employees."

Senator Hobbs spoke in favor of adoption of the striking amendment.

MOTION

Senator Hobbs moved that the following amendment by Senator Hobbs and others to the striking amendment be adopted.

On page 2, after "procure a consumer report" on line 18, strike ", or cause a consumer report to be procured".

Senator Hobbs spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hobbs and others on page 2, line 18 to the striking amendment to Substitute Senate Bill No. 5827.

The motion by Senator Hobbs carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hobbs and others as amended to Substitute Senate Bill No. 5827.

The motion by Senator Hobbs carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "privacy;" strike the remainder of the title and insert "and amending RCW 19.182.020."

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5827 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5827.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5827 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 43

Voting nay: Senators Hewitt, Parlette and Stevens - 3

Excused: Senators Brown, Hargrove and Zarelli - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5883, by Senators Fraser, Swecker, Hargrove, Stevens, Morton, Jacobsen, Rockefeller, Rasmussen and Franklin

Concerning conversion of forest land to nonforestry uses.

MOTIONS

On motion of Senator Fraser, Second Substitute Senate Bill No. 5883 was substituted for Senate Bill No. 5883 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Second Substitute Senate Bill No. 5883 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser, Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5883.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5883 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Brown, Hargrove and Zarelli - 3

SECOND SUBSTITUTE SENATE BILL NO. 5883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 6023, by Senators McAuliffe and Rasmussen

Regarding alternative assessments. Revised for 1st Substitute: Concerning the Washington assessment of student learning.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 6023 was substituted for Senate Bill No. 6023 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senators Tom, Holmquist and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 6 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area (~~if the student has retaken the Washington assessment of student learning at least once~~) as provided in this section. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ~~(2010)~~ 2011, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for

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students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process that is separate from the appeals process through the educational service districts established in section 2 of this act, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments not provided in (b) of this subsection through the omnibus appropriations act or by statute or concurrent resolution.

(b) This subsection (10)(b) provides the only legislatively approved objective alternative assessments for which the state must provide funding.

(i) A student's score on the mathematics, reading or English, or writing portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ((mathematics)) state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ((mathematics)) relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ((for mathematics)) in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first reading, English, and writing scores by December 1, ((2006)) 2007, and thereafter may increase but not decrease the scores required for students to meet or exceed the state ((standard for mathematics)) standards.

(ii) A student who scores at least a three on the grading scale of one to five for selected advance placement examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A

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score of three on the advance placement examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(iii) The state board of education shall approve three tenth grade-level standardized norm-referenced student achievement tests in each content area to serve as objective alternative assessments under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. Upon the request of a student who is seeking to use one of the designated tests as an objective alternative, a school district shall obtain and administer the test to the student. By September 1, 2007, the state board of education shall determine the score that a student must obtain on each designated test for the test for the student to obtain a certificate of academic achievement.

(iv) The end-of-course assessments as provided in section 7 of this act may be used as objective alternative assessments.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12):~~

~~(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. This requirement shall be phased in as follows:~~

~~(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

~~(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the~~

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student was unsuccessful, and provide strategies to help them improve their student's skills.

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)~~

Sec. 2. RCW 28A.655.065 and 2006 c 115 s 1 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading(;) and writing(~~(- mathematics, and science)~~) is through the Washington assessment of student learning. Once the end-of-course examinations are developed for mathematics and science, as provided in section 7 of this act, then these end-of-course examinations shall be the primary way that students demonstrate they meet the standards in mathematics and science. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through (~~retaking the Washington assessment of student learning;~~) regular and consistent attendance at school(;) and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and

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technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

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(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9)(a) Each educational service district shall establish an appeals panel comprised of educators of the relevant content areas on the Washington assessment of student learning to review and decide appeals submitted by students who did not meet the state standard on the tenth grade Washington assessment of student learning or an objective alternative assessment. The appeal shall not be an appeal established in subsection (8) of this section, but an appeal by a student to demonstrate that he or she has a level of understanding of a content area assessed on the Washington assessment of student learning to meet the state standard, but due to certain circumstances was unable to demonstrate this level of understanding on the assessment.

(b) The state board of education shall establish criteria for the panels to use to make the determinations.

(c) A student is eligible to access the appeal process if the student has retaken the Washington assessment of student learning or has taken an alternative assessment in the content area in which the student is appealing.

(d) The educational service districts jointly shall annually submit a report to the legislature on the number and types of appeals that are received and the number and type of appeals that are approved.

(10)(a) Except for rules implementing subsection (9) of this section, the superintendent of public instruction ((may)) shall adopt rules to implement this section.

(b) The state board of education shall adopt rules to implement subsection (9) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

English language learners who score at the intermediate level two or below on the Washington language proficiency test or the equivalent level of the evaluation used by the

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superintendent of public instruction to assess the English and academic proficiency of English language learners under RCW 28A.180.090, shall not be required to take the Washington assessment of student learning, except as required by federal law. However, these students are still subject to the graduation requirements established in RCW 28A.655.061.

Sec. 4. RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 6 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare student success plans for all eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall be a comprehensive intervention plan to assist the student in continued academic progress and shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation.

(b) The plan shall require the school district to offer and the student to take a required class or sequence of classes in the content area in which the student did not meet state standards on the Washington assessment of student learning until the student does meet the state standard or graduates or reaches the age of twenty-one. The plan may require the following:

(i) The school district to offer and the student to take before-or-after school sessions, Saturday school, and/or summer school; and

(ii) A test preparation class to assist the student in preparation for the assessment the student will be taking to earn the certificate of achievement.

(c) The parent or guardian of each student with a student success plan shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the

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student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(d) The student success plan shall include semiannual academic growth benchmarks for the student to meet. Progress made on the plan and any adjustments to be made to maintain or increase the student's academic growth shall be reported to the student's parents or guardian and the superintendent of public instruction at least semiannually.

(e) The school shall develop a more intensive plan for any student who does not meet the semiannual benchmarks in consecutive periods. The student, the student's parent or guardian, the student's classroom teacher or teachers, the counselor, and the principal shall meet to develop the plan.

(f) If at least ten percent of the students with a student success plan within a school district do not meet the semiannual benchmarks established in the plan as required by this section, then the state board of education shall develop a tiered intervention plan for the school district that provides a graduated series of increasingly intensive intervention strategies for the district and the schools in which the benchmarks are not being met.

(2)(a) All fifth and sixth grade students who were not successful in one or more of the content areas of the Washington assessment of student learning shall have a student success plan.

(b) The parent or guardian of a student described in this subsection (2) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(c) Progress made on the student plan shall be reported to the student's parents or guardian at least semiannually and adjustments to the plan made as necessary.

(3) All students who are English language learners who score at the intermediate level two or below on the Washington language proficiency test or equivalent level of the evaluation used by the superintendent of public instruction to assess English and academic proficiency shall have a student success plan. The student success plan shall be a comprehensive intervention plan and shall include the courses, competencies, and other steps needed to be taken by the student, school, and school district to assist the student in continued progress towards English and academic proficiency, including obtaining a certificate of academic achievement up to the time the student is age twenty-one. The plan may include before-or-after school sessions, Saturday school, and/or summer school.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.655 RCW to read as follows:

(1) For the graduating classes of 2008 and 2009, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment in mathematics, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(2) In addition to the requirements under subsection (1) of this section, for the graduating classes of 2008 and 2009, students must:

(a) Continue to annually take high school mathematics courses or career and technical courses designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning. The student

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and his or her parents or guardians shall meet with one of the student's classroom instructors for the content area in which the student failed to successfully meet the standard and the student's guidance counselor, advisor, or mentor to determine the appropriate coursework and include the information in the student success plan required under RCW 28A.655.061;

(b) Obtain at least the equivalent of a C grade in each of the mathematics courses taken; and

(c) Continue to take the Washington assessment of student learning or appropriate objective alternative mathematics assessment until graduation.

(3) This section expires July 1, 2010.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) The state board of education, in consultation with the superintendent of public instruction, shall select statewide end-of-course assessments for high school mathematics and high school science that measure student achievement of the state mathematics and science standards. Except as provided in (b) of this subsection, the assessments shall be scored outside of the school district at the state level or by a third party chosen by the state board of education.

(b) To facilitate ease of scoring and timely return of results, the assessments may rely on multiple choice questions. The assessments that are multiple choice questions may be administered online and may be scored at the district level.

(c) When making the selection, the state board shall consider that the results and scores should be returned in time for the information to be used when developing the student plans under RCW 28A.655.061.

(d) School districts shall administer the assessments according to a uniform assessment schedule and guidelines adopted by the superintendent to ensure appropriate security of the assessment.

(e) Neither the state board of education nor the office of the superintendent of public instruction shall develop any end-of-course examinations for the purposes of this section.

(2) The legislature's intent is that students receive instruction through credited high school courses in the content areas to be assessed and have their knowledge and skills assessed after they complete the courses. However, school districts shall be responsible for designing and implementing the courses. School districts may provide instruction in the content areas through integrated courses.

(3) The end-of-course assessments in high school mathematics shall cover algebra I and geometry. The superintendent shall make the end-of-course assessments in algebra I available to school districts as an objective alternative assessment to the Washington assessment of student learning in the 2008-09 school year. The superintendent shall make the end-of-course assessments in geometry available to school districts as an objective alternative assessment to the Washington assessment of student learning in the 2009-10 school year. The end-of-course assessment in algebra I implemented under this section shall be the Washington assessment of student learning in mathematics for purposes of the certificate of academic achievement under RCW 28A.655.061, beginning with the graduating class of 2013. The end-of-course assessment in geometry implemented under this section shall be the Washington assessment of student learning in mathematics for purposes of the certificate of academic achievement under RCW 28A.655.061, beginning with the graduating class of 2014.

(4) The end-of-course assessment in high school science shall cover biology. The superintendent shall make the science assessment available to school districts as an objective alternative assessment to the Washington assessment of student learning in the 2009-10 school year. The end-of-course assessment in biology implemented under this section shall be the Washington assessment of student learning in science for

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purposes of the certificate of academic achievement under RCW 28A.655.061, beginning with the graduating class of 2013.

NEW SECTION. Sec. 8. (1) Beginning in 2007, the state board of education and the superintendent of public instruction shall report annually by December 1st to the education committees of the legislature on the status and progress of implementation of their responsibilities under this act.

(2)(a) By January 5, 2009, the state board of education shall submit a finding to the governor and the legislature regarding whether the implementation timelines established under section 7 of this act can be feasibly met. The board shall consider the following factors in making such a finding:

(i) The expected validity, reliability, and rigor of the end-of-course assessments for use in making individual student high school graduation determinations, based on information from independent national assessment experts;

(ii) Adequate notice to the graduating class of students who will be required to meet state standards on the end-of-course assessments for purposes of the certificate of academic achievement; and

(iii) Other possible factors that are supported by clear and convincing evidence.

(b) If the state board of education finds that one or more of the timelines cannot be met, the board shall:

(i) State the reasons for the finding, along with the supporting evidence;

(ii) Recommend a revised timeline or timelines, with specific dates; and

(iii) Recommend specific actions that must be taken by the board, the superintendent of public instruction, school districts, the legislature, or other entities to ensure that a revised timeline can be met.

(3) This section expires June 30, 2010.

NEW SECTION. Sec. 9. If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 2 of this act is null and void.

NEW SECTION. Sec. 10. If specific funding for the purposes of section 5 of this act, referencing section 5 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 5 of this act is null and void.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Tom spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Clements, the amendment by Senator Clements on page 3, line 27 to the striking amendment to Substitute Senate Bill No. 6023 was withdrawn.

MOTION

Senator Clements moved that the following amendment by Senator Clements to the striking amendment be adopted.

On page 16, after line 1, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 28A.655 RCW to read as follows:

Notwithstanding RCW 28A.655.061 and 28A.655.065, the Washington assessment of student learning shall not be a graduation requirement until the legislature takes affirmative action to make it a graduation requirement. The legislature shall not take such action until the system is prepared to support the

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requirement. Such determination shall be made for each separate content area of reading, writing, mathematics, and science."

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

Senator Clements spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 16, after line 1 to the striking amendment to Substitute Senate Bill No. 6023.

The motion by Senator Clements failed and the amendment to the striking amendment was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator McAuliffe, the amendment by Senators McAuliffe and Tom on page 17, line 5 to the striking amendment to Substitute Senate Bill No. 6023 was withdrawn.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tom, Holmquist and McAuliffe to Substitute Senate Bill No. 6023.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 28A.655.061, 28A.655.065, and 28A.155.045; adding new sections to chapter 28A.655 RCW; creating new sections; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 6023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Holmquist, McAuliffe, Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

Senators Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6023.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe,

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McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 43

Voting nay: Senators Delvin, Hewitt, Honeyford and Schoesler - 4

Excused: Senators Hargrove and Zarelli - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5528, by Senators Pflug, Holmquist, Zarelli, Swecker, Clements, Stevens, Roach, Hewitt, Delvin and Parlette

Requiring a review of the essential academic learning requirements in mathematics.

MOTION

On motion of Senator Pflug, Second Substitute Senate Bill No. 5528 was substituted for Senate Bill No. 5528 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Pflug moved that the following striking amendment by Senators Pflug and McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.305 RCW to read as follows:

MATHEMATICS STANDARDS AND CURRICULUM.

(1) The activities in this section are to evaluate the state learning standards, known as the essential academic learning requirements, that implement the goals of RCW 28A.150.210, and improve alignment of school district curriculum to the standards.

(2)(a) By September 2007, the state board of education shall recommend to the office of the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. These recommendations shall be based on:

(i) Considerations of clarity, rigor, content, depth, coherence from grade-to-grade, specificity, accessibility, and measurability;

(ii) A study of: (A) Standards used by countries that score well on trends in international mathematics and science study (TIMSS) and/or the program for international student assessment (PISA); (B) college readiness standards; (C) the national council of teachers of mathematics focal points and national assessment of educational progress content frameworks; and (D) standards used by three to five other states; and

(iii) Consideration of information presented during public comment periods.

(b) The state board of education shall be aided in its work by an expert national consultant who is retained by the state board of education and a mathematics advisory panel as described in section 2 of this act.

(3) By January 2008, the superintendent of public instruction shall revise the essential academic learning requirements and grade level expectations for mathematics in accordance with the recommendations developed under subsection (2) of this section and present them to the state board of education and the education committees of the house of

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representatives and senate as required by RCW 28A.655.070(4). The superintendent of public instruction shall adopt the revised essential academic learning requirements unless otherwise advised by the legislature during the 2008 legislative session.

(4)(a) By May 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans. The recommended curricula shall align with the revised essential academic learning requirements and grade level expectations.

(b) In selecting the recommended curricula, the office of the superintendent of public instruction shall provide information to the mathematics panel and seek its advice regarding curricula for inclusion in the recommendations.

(c) The state-identified curricula shall align as closely as possible with the revised essential academic learning requirements and grade level expectations. In addition to the identification of the basic curricula, appropriate diagnostic and supplemental materials shall be identified, as necessary, to support each basic curricula. Subject to appropriation and availability, at least one of the curricula in each grade span must be available to schools and parents online at no cost to the school or parent.

(5) By June 2008, the state board of education shall provide official comments to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any appropriate changes to recommendations and adopt the state-identified curricula.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

MATHEMATICS ADVISORY PANEL. (1) The Legislature shall appoint a mathematics advisory panel, with a minimum of thirteen members, as specified in this section to: (a) Advise the state board of education regarding essential academic learning requirements, learning standards, state-identified curricula in mathematics, and (b) monitor implementation of these activities. In conducting its work, the panel shall provide objective reviews of expert consultant material and provide a public and transparent forum for consideration of mathematics learning standards and curricula.

(2) Each of the two major caucuses of the senate and of the house of representatives shall submit, as appropriate, to the speaker of the house and the president of the senate the names of persons to serve on the panel. Each list of names shall include at least two different persons representing each of the groups identified in subsection 3 of this section.

(3) The speaker of the house and the president of the senate shall each appoint from each of the lists submitted by the caucuses a panel that includes:

(a) at least one person from each caucus list representing individuals from academia in mathematics or science-related fields;

(b) at least one person from each caucus list representing business and industry in mathematics or science-related fields;

(c) at least one person from each caucus list representing mathematics or science educators;

(d) at least one parent from each caucus list; and

(e) at most two persons as could contribute to the work due to their specialized experiences.

(4) Each member of the panel shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. School districts shall be reimbursed for the cost of substitutes for the mathematics educators on the panel as required under RCW 28A.300.035. Members of the panel who are employed by a public institution of higher education shall be provided sufficient time away from their regular duties, without loss of benefits or privileges, to fulfill the responsibilities of being a panel member.

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(5) Panel members shall not have conflicts of interest with regard to association with any publisher, distributor, or provider of curriculum, assessment, or test materials and services purchased by or contracted through the office of the superintendent of public instruction, educational service districts, or school districts.

(6) This section expires July 1, 2010.

NEW SECTION. Sec. 3. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Pflug moved that the following amendment by Senators Pflug and McAuliffe to the striking amendment be adopted.

On page 1, line 22, after "states" insert "and including California green dot standards"

Senators Pflug and McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Pflug and McAuliffe on page 1, line 22 to the striking amendment to Second Substitute Senate Bill No. 5528.

The motion by Senator Pflug carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Pflug to the striking amendment be adopted.

On page 2, line 30, after "(1)" strike "The" and insert "By May 23, 2007, the"

Senator McAuliffe spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Pflug on page 2, line 10 to the striking amendment to Second Substitute Senate Bill No. 5528.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Pflug and McAuliffe as amended to Second Substitute Senate Bill No. 5528.

The motion by Senator Pflug carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28A.305 RCW; creating a new section; providing an expiration date; and declaring an emergency."

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MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5528.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5528 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5026, by Senators Murray and Sheldon

Providing a sales and use tax exemption for recovered wood waste boiler equipment.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Senate Bill No. 5026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5026.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5026 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Prentice, Rasmussen, Roach, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 37

Voting nay: Senators Brandland, Delvin, Fairley, Franklin, Oemig, Poulsen, Pridemore, Regala, Rockefeller, Schoesler and Weinstein - 11

Excused: Senator Hargrove - 1

SENATE BILL NO. 5026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5685, by Senators Tom, Schoesler, Zarelli, Oemig, Regala, Kilmer, Kohl-Welles, Rasmussen and Roach

Restoring the business and occupation tax credit for high technology research and development spending.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Senate Bill No. 5685 was advanced to third reading, the second reading considered the third and the was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5685.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5685 and the passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Fairley, Pridemore and Spanel - 3

Excused: Senator Hargrove - 1

SENATE BILL NO. 5685, having received the constitutional majority, was declared passed. There being no objection, the title of the was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5862, by Senators Kilmer, Rockefeller, Poulsen, Kohl-Welles and Kline

Addressing passenger-only ferry service funding. Revised for 2nd Substitute: Regarding passenger-only ferry service.

MOTION

On motion of Senator Kilmer, Second Substitute Senate Bill No. 5862 was substituted for Senate Bill No. 5862 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Haugen be adopted.

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On page 5, after line 23, insert the following:

"**Sec. 8.** RCW 82.08.0255 and 2005 c 443 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

(d) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

Sec. 9. RCW 82.12.0256 and 2005 c 443 s 6 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

(d) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection (2)(~~(c)~~) (d), and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue."

Renumber the remaining section consecutively.

Senator Kilmer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer and Haugen on page 5, after line 23 to Second Substitute Senate Bill No. 5862.

The motion by Senator Kilmer carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

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On page 1, line 2 of the title, after "36.54.110," strike "and" and after "47.60.658" insert ", 82.08.0255, and 82.12.0256"

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5862 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5862.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5862 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Honeyford and Stevens - 3

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Brown that Amendment 208 is outside the scope and object of the underlying bill, the President finds and rules as follows.

The underlying bill establishes a spirits, beer and wine nightlife liquor license. The amendment at issue would allow certain dogs in certain liquor-serving establishments. Beyond a common reference to liquor, the amendment and bill share nothing in common, as the sections of code, departments charged with implementation, and subject matter differ greatly.

For these reasons, Amendment 208 is beyond the scope and object of the underlying bill and Senator Brown's point is well-taken.

The Senate resumed consideration of Second Substitute Senate Bill No. 5859 which had been deferred on March 10, 2007.

MOTION

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles to Second Substitute Senate Bill No. 5859.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 42, line 22 of the title amendment, after "66.24 RCW;" insert "creating new sections;"

On page 42, line 23 of the title amendment, strike "an expiration date" and insert "expiration dates"

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5859.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5859 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford, Prentice and Stevens - 3

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:03 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, March 13, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 13, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Holmquist, McCaslin, Rasmussen and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Mitchell Hatfield and Nicole Young, presented the Colors. Chief Roy Wilson of Chimacum, spiritual leader of the Cowlitz Indian Tribe, offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,
 ENGROSSED HOUSE BILL NO. 1898,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
 SECOND SUBSTITUTE HOUSE BILL NO. 2327,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE HOUSE BILL NO. 1002,
 SECOND SUBSTITUTE HOUSE BILL NO. 1009,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,
 SUBSTITUTE HOUSE BILL NO. 1407,
 SECOND SUBSTITUTE HOUSE BILL NO. 1506,
 SUBSTITUTE HOUSE BILL NO. 1513,
 HOUSE BILL NO. 1549,
 SUBSTITUTE HOUSE BILL NO. 1583,
 SUBSTITUTE HOUSE BILL NO. 1654,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779,
 SUBSTITUTE HOUSE BILL NO. 1843,
 SUBSTITUTE HOUSE BILL NO. 1892,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2082,
 HOUSE BILL NO. 2152,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
 ENGROSSED HOUSE BILL NO. 1525,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1651,
 HOUSE BILL NO. 1746,
 SUBSTITUTE HOUSE BILL NO. 1761,
 SUBSTITUTE HOUSE BILL NO. 1802,
 SUBSTITUTE HOUSE BILL NO. 1876,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2176,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
 SECOND SUBSTITUTE HOUSE BILL NO. 2256,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1035 by House Committee on Appropriations (originally sponsored by Representatives Morris, Hudgins, Eickmeyer, Linville and B. Sullivan)

AN ACT Relating to anaerobic digestion power; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.105 RCW; adding a new chapter to Title 43 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 1211 by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Upthegrove, Wallace, Kagi, McCune, Moeller, Dunn, Linville and Morrell)

AN ACT Relating to providing tax exemptions for solar hot water components; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Water, Energy & Telecommunications.

2SHB 1280 by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Jarrett, Quall, O'Brien, Strow, Morrell, Roach, Hunt, McDonald, Chase, Simpson, Haler, Moeller, McCune, Schual-Berke, Miloscia and Springer)

AN ACT Relating to the use of the school district capital projects funds for technology; amending RCW 28A.320.330 and 84.52.053; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

E2SHB 1303 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, B. Sullivan, Jarrett, Linville, Priest, Appleton, Pedersen, Kenney, Sells, Morrell, Lantz, O'Brien, Chase, Eickmeyer, McCoy, Haigh,

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adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Consumer Protection & Housing.

AN ACT Relating to providing for the means to encourage the use of cleaner energy thereby providing for healthier communities by reducing emissions; amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 43.135 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; and providing expiration dates.

SHB 1492 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Simpson, Campbell, Kirby, VanDeWege, Williams, Chase, Wood and Santos)

AN ACT Relating to arbitration under certain insurance policies; amending RCW 48.22.085; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

Referred to Committee on Water, Energy & Telecommunications.

SHB 1508 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Orcutt, Hunter, Blake, Takko, Condotta and Dunn)

AN ACT Relating to an exemption from the business and occupation tax for the resale of natural or manufactured gas by consumers; and amending RCW 82.04.310.

Referred to Committee on Ways & Means.

E2SHB 1359 by House Committee on Appropriations (originally sponsored by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos)

E2SHB 1569 by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Linville, Moeller, Green, Seaquist, Conway, Dickerson, Appleton, McIntire, McCoy, Kagi, Pedersen, Kenney, Lantz, Santos, Wood and Ormsby)

AN ACT Relating to providing affordable housing for all; amending RCW 43.185B.040, 36.22.178, 43.63A.650, 43.185C.005, 43.185C.040, 43.185C.050, 43.185C.080, 43.185C.160, 36.22.179, and 43.185C.150; reenacting and amending RCW 36.18.010 and 36.18.010; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 36.22.179, 43.20A.790, 43.63A.650, 36.22.178, 43.185B.020, and 43.185B.040; and providing an expiration date.

AN ACT Relating to reforming the health care system in Washington state; amending RCW 48.43.005, 48.43.015, 48.43.025, 48.43.035, 48.21.047, 48.44.024, 48.46.068, and 48.43.028; adding new sections to chapter 48.43 RCW; adding a new chapter to Title 41 RCW; adding a new chapter to Title 49 RCW; creating new sections; repealing RCW 48.21.045, 48.44.023, 48.46.066, 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 70.47A.050, 70.47A.060, 70.47A.070, 70.47A.080, 70.47A.090, and 70.47A.900; and providing effective dates.

Referred to Committee on Consumer Protection & Housing.

Referred to Committee on Health & Long-Term Care.

SHB 1394 by House Committee on Higher Education (originally sponsored by Representatives Williams, Roach, O'Brien, Hurst, Ormsby, Chase and Simpson)

AN ACT Relating to training medical students to work with patients with developmental disabilities; and creating new sections.

2SHB 1573 by House Committee on Appropriations (originally sponsored by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby)

AN ACT Relating to dropout prevention, intervention, and retrieval; adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

Referred to Committee on Early Learning & K-12 Education.

2SHB 1401 by House Committee on Capital Budget (originally sponsored by Representatives Pettigrew, Springer, Dunn, McCune, Miloscia, Chase and Santos)

AN ACT Relating to land acquisition for affordable housing development; adding a new section to chapter 43.185A RCW; and creating new sections.

SHB 1588 by House Committee on Transportation (originally sponsored by Representatives Upthegrove, Wood, Hudgins, Takko, Moeller and Simpson)

AN ACT Relating to providing mobility education to students in driver training programs; amending RCW 46.82.420; adding new sections to chapter 28A.220 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Consumer Protection & Housing.

HB 1418 by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

AN ACT Relating to the keeping of dangerous wild animals;

Referred to Committee on Transportation.

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2SHB 1656 by House Committee on Appropriations (originally sponsored by Representatives Rolfes, Upthegrove, B. Sullivan, Appleton, Chase, Santos, Dickerson and Sells)

AN ACT Relating to establishing a Puget Sound scientific research account; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Water, Energy & Telecommunications.

HB 1670 by Representatives Quall and Santos

AN ACT Relating to the role of school counselors in public schools; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1727 by House Committee on Local Government (originally sponsored by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seaquist, Kenney and P. Sullivan)

AN ACT Relating to growth management planning to ensure sufficient land and densities available to accommodate growth; amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Government Operations & Elections.

SHB 1805 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Lantz, Linville, Wallace, Rodne, Conway, Kessler, Hudgins, Hunt, Chase, Hasegawa, VanDeWege, Campbell, Ericks, Green, Simpson and Schual-Berke)

AN ACT Relating to increasing the homestead exemption amount; and amending RCW 6.13.030.

Referred to Committee on Judiciary.

2SHB 1811 by House Committee on Finance (originally sponsored by Representatives Pedersen, Simpson, Wood, Moeller and Quall)

AN ACT Relating to the installation of automatic sprinkler systems in nightclubs; amending RCW 19.27.500, 19.27.510, and 84.36.660; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1826 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Hinkle, Morrell, Moeller and Ormsby)

AN ACT Relating to medical benefits; amending RCW 74.09A.005, 74.09A.010, and 74.09A.020; adding a new

section to chapter 74.09A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

EHB 1902 by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, P. Sullivan, Kristiansen, Dunn and Hinkle

AN ACT Relating to the sales and use taxation of repairs to farm machinery and equipment; and amending RCW 82.08.855 and 82.12.855.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 1975 by House Committee on Commerce & Labor (originally sponsored by Representatives Springer, Condotta and Wood)

AN ACT Relating to spirits, beer, and wine restaurant licenses; and reenacting and amending RCW 66.24.420 and 66.24.320.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 1993 by House Committee on Appropriations (originally sponsored by Representatives Barlow, Curtis, Schual-Berke, Kagi, Cody, Hinkle, Green, B. Sullivan, Eddy, Pettigrew, P. Sullivan, Bailey, Schindler, Dickerson, Morrell, Kenney, Simpson and Ormsby)

AN ACT Relating to credentialing standards for counselors; amending RCW 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.090, 18.19.100, 18.225.010, 18.225.020, 18.225.070, 18.225.090, 18.225.150, 18.205.020, 18.205.030, and 18.205.040; adding new sections to chapter 18.19 RCW; adding a new section to chapter 18.225 RCW; adding a new section to chapter 18.205 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

HB 1994 by Representatives Curtis, Ericks, Roberts and Quall

AN ACT Relating to overpayments received by courts; and amending RCW 63.29.130.

Referred to Committee on Judiciary.

HB 2004 by Representatives Rolfes, Armstrong, Eddy, Appleton, Clibborn and Jarrett

AN ACT Relating to providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations; and amending RCW 47.80.060.

Referred to Committee on Transportation.

HB 2009 by Representatives Haigh, Hunt, Ericks, Conway, Hasegawa and Ormsby

AN ACT Relating to trench excavations on public works projects; and amending RCW 39.04.180.

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Referred to Committee on Labor, Commerce, Research & Development.

of-state consumers; and amending RCW 19.118.021 and 19.118.110.

ESHB 2016 by House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan, Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

Referred to Committee on Consumer Protection & Housing.

AN ACT Relating to eminent domain; amending RCW 8.25.010, 8.25.020, 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040, 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; adding a new section to chapter 35.81 RCW; and creating a new section.

HB 2136 by Representatives Fromhold, Sommers, Kenney, Moeller and Ormsby

AN ACT Relating to the improving core subject instruction for all students pilot program; adding a new section to chapter 28A.630 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

Referred to Committee on Early Learning & K-12 Education.

HB 2017 by Representatives Ericks, Lovick, O'Brien and Dunshee

SHB 2209 by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Morrell, Curtis, Green, Moeller and Ormsby)

AN ACT Relating to allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports and records; and amending RCW 68.50.105.

AN ACT Relating to designating state route number 527 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Health & Long-Term Care.

Referred to Committee on Transportation.

2SHB 2220 by House Committee on Appropriations (originally sponsored by Representative Lantz)

AN ACT Relating to shellfish; amending RCW 79.135.100; adding new sections to chapter 28B.20 RCW; and creating new sections.

SHB 2031 by Representatives Eddy and Simpson

AN ACT Relating to the timing of accrual of property tax revenues; and amending RCW 35.13.270, 35A.14.801, and 84.09.030.

Referred to Committee on Natural Resources, Ocean & Recreation.

Referred to Committee on Government Operations & Elections.

SHB 2230 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Ericks, Bailey, Schual-Berke, Williams, Kagi, Moeller, Lantz, Hasegawa, Green, Morrell, Linville, Blake, Upthegrove, Hunt, O'Brien, Roach, Goodman, Simpson, Ormsby and Santos)

AN ACT Relating to early intervention services for children who are three years old; and creating a new section.

HB 2048 by Representatives O'Brien, Chandler, Wood, Williams, Moeller, Conway and Condotta

AN ACT Relating to vehicle dealer transfer of title requirements; and amending RCW 46.70.122.

Referred to Committee on Early Learning & K-12 Education.

Referred to Committee on Transportation.

HB 2236 by Representatives Goodman and Lantz

AN ACT Relating to the disposition of certain assets; amending RCW 11.02.005, 11.07.010, 11.12.260, 11.24.010, and 11.96A.150; adding a new chapter to Title 11 RCW; and repealing RCW 11.05.010, 11.05.020, 11.05.030, 11.05.040, 11.05.050, 11.05.900, and 11.05.910.

SHB 2115 by House Committee on Capital Budget (originally sponsored by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, VanDeWege, Wamick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby)

AN ACT Relating to establishing the Washington state heritage barn preservation program; amending RCW 27.34.020; adding new sections to chapter 27.34 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 2275 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt)

AN ACT Relating to raising funds for state parks; amending RCW 79A.05.215; and adding a new section to chapter 46.16 RCW.

HB 2135 by Representatives Wood, Condotta and Ormsby

AN ACT Relating to expanding lemon law coverage to out-

Referred to Committee on Natural Resources, Ocean & Recreation.

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ESHB 2292 by House Committee on Local Government (originally sponsored by Representatives Simpson and Ormsby)

AN ACT Relating to private residential fire sprinklers; and creating a new section.

Referred to Committee on Government Operations & Elections.

SHB 2300 by House Committee on Higher Education (originally sponsored by Representatives Hasegawa, Jarrett, Wallace, B. Sullivan, Kenney, Hunter, Goodman, Dunshee, Chase, Ormsby, Kelley, Simpson and Blake)

AN ACT Relating to college textbooks; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

SHB 2304 by House Committee on Appropriations (originally sponsored by Representatives Morrell, Quall, McDonald, Bailey, Grant, Walsh, Haler, McCune, Seaquist, McDermott, Kenney, Cody, Darneille, Dunn, Schual-Berke, Kessler, Conway, Springer, Hudgins, Green, Blake, Rodne, Goodman, Campbell, VanDeWege, Williams, Hunter, Takko and Moeller)

AN ACT Relating to criteria for the issuance of a certificate of need for certain cardiac care services; adding a new section to chapter 70.38 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2317 by House Committee on Higher Education (originally sponsored by Representatives Wallace, Anderson, Sells and Kenney)

AN ACT Relating to defining high demand; and creating a new section.

Referred to Committee on Higher Education.

SHB 2335 by House Committee on Finance (originally sponsored by Representatives Priest and Miloscia)

AN ACT Relating to exempting certain amateur radio repeaters from leasehold excise taxes; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Ways & Means.

ESHB 2358 by House Committee on Transportation (originally sponsored by Representatives Rolfes, Strow, Appleton, Seaquist, VanDeWege, Lantz, Flannigan, Roberts, Cody, Green, Eickmeyer, Jarrett and Kessler)

AN ACT Relating to state ferries; amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating new sections; repealing RCW 47.60.150 and 47.60.326; and providing expiration dates.

Referred to Committee on Transportation.

EHB 2373 by Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney

AN ACT Relating to enhancing school bus driver safety; amending RCW 46.52.130; and declaring an emergency.

Referred to Committee on Transportation.

HJM 4001 by Representatives Pearson, Lovick, Kristiansen, Jarrett and Ericks

Naming the 172nd Street overpass of Interstate 5 the "Oliver "Punks" Smith Interchange."

Referred to Committee on Transportation.

HCR 4404 by Representatives Kenney, Anderson, Wallace, Sells, Jarrett, Ormsby, Linville and Conway

Approving the 2006 update to the state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1211 which was referred to the Committee on Water, Energy & Telecommunications.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5320, by Senators Franklin, McCaslin, Kline, Stevens, Prentice, Parlette, Regala, Hargrove, Rasmussen, Murray, Jacobsen, Hewitt, Keiser and Roach

Creating an office of public guardianship as an independent agency of the judiciary.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5320 was substituted for Senate Bill No. 5320 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5320 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, McCaslin, Pflug and Swecker were excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5320.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5320 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Berkeley, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen,

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Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Absent: Senator Rasmussen - 1

Excused: Senators Benton, Holmquist, McCaslin and Swecker - 4

SUBSTITUTE SENATE BILL NO. 5320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5688, by Senators Kohl-Welles, Keiser and Kline

Modifying who may receive industrial insurance claimants' notices, orders, or warrants.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Swecker - 2

SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5806, by Senators Schoesler, Shin, Berkey, Delvin, Murray and Kohl-Welles

Implementing Washington leans higher education recommendations. Revised for 2nd Substitute: Regarding tuition limits and billing disclosures.

MOTIONS

On motion of Senator Schoesler, Second Substitute Senate Bill No. 5806 was substituted for Senate Bill No. 5806 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Second Substitute Senate Bill No. 5806 was advanced to third

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reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5806.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5806 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SECOND SUBSTITUTE SENATE BILL NO. 5806, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5511, by Senators Sheldon, Kastama, Clements, Rasmussen and Shin

Requiring state agencies to allow volunteer fire fighters to respond when called to duty. Revised for 1st Substitute: Requiring state agencies to allow volunteer firefighters to respond when called to duty.

MOTIONS

On motion of Senator Sheldon, Substitute Senate Bill No. 5511 was substituted for Senate Bill No. 5511 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Sheldon, the rules were suspended, Substitute Senate Bill No. 5511 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5511.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5511 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Morton - 1

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 6128, by Senators Keiser and Kohl-Welles

Requiring the naming of the person or persons authorized to make expenditures on behalf of a candidate or committee.

The measure was read the second time.

MOTION

Senator Fairley moved that the following amendment by Senators Fairley and Keiser be adopted.

On page 12, beginning on line 33, after "and" strike "relationship to the candidate or committee" and insert "title"

On page 13, after line 13, insert the following:

"NEW SECTION. Sec. 4. This act takes effect January 1, 2008."

Senator Fairley spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley and Keiser on page 12, line 33 to Senate Bill No. 6128.

The motion by Senator Fairley carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "committee;" strike "and" and on line 3, after "42.17.070" insert "; and providing an effective date"

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Senate Bill No. 6128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

Senator Roach spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6128 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Honeyford, Schoesler and Swecker - 4

Excused: Senator McCaslin - 1

ENGROSSED SENATE BILL NO. 6128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 13, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 13, 2007.

SECOND READING

SENATE BILL NO. 5227, by Senators Tom, Kline, Carrell, Rasmussen, Stevens, Shin, Roach, McAuliffe, Weinstein, Jacobsen, Kohl-Welles and Kilmer

Increasing the penalty for animal abandonment.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5227 was substituted for Senate Bill No. 5227 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5227 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5227.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Swecker - 1

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5403, by Senators Rasmussen, Brandland and Jacobsen

Certifying animal massage practitioners.

MOTION

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On motion of Senator Rasmussen, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen, Brandland and Jacobsen be adopted.

On page 2, at the beginning of line 5, strike "Diagnosis, prescription, or prognosis of conditions;" and insert "Diagnosis, prognosis, or all treatment of diseases, deformities, defects, wounds, or injuries of animals;"

On page 2, line 9, after "medicine." insert "Animal massage may be performed solely for purposes of patient well-being."

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Brandland and Jacobsen on page 2, line 5 to Substitute Senate Bill No. 5403.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

Senator Rasmussen moved that the following amendment by Senators Rasmussen and Brandland be adopted.

On page 7, beginning on line 22, strike all of section 12

Re-number the remaining section consecutively and correct any internal references accordingly.

Senator Rasmussen spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Brandland on page 7, line 22 to Substitute Senate Bill No. 5403.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5447, by Senators Hatfield, Jacobsen, Honeyford, Hargrove, Poulsen, Benton and Rasmussen

Instituting a Dungeness crab-coastal fishery buyback program. Revised for 1st Substitute: Regarding the coastal Dungeness crab fishery.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5447 was substituted for Senate Bill No. 5447 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5447.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5447 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brandland - 1

Excused: Senator McCaslin - 1

SUBSTITUTE SENATE BILL NO. 5447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5526, by Senators Hargrove, Regala, Prentice and Shin

Modifying the definition of criminal act.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5526 was advanced to third reading, the second reading considered the third and the was placed on final passage.

Senators Hargrove and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5526.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5526 and the passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

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Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SENATE BILL NO. 5526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6090, by Senators Delvin, Zarelli and McCaslin

Regarding persons who perform crowd management or guest services.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6090.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6090 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SENATE BILL NO. 6090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:40 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:48 a.m. by President Owen.

PERSONAL PRIVILEGE

Senator Rasmussen: "Today I have a very good friend of mine that came down to visit the legislature and I would like to have the rest of my colleagues have a chance to meet and visit with him, but he's a person that has saved so many lives, has made such a difference for every one in this whole world. I'm just very, very honored that he is here with his wife and I think,

with that I'm going to let you, Mr. President introduce our, my guest if that is okay."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Senator. The President has a great, great privilege of being able to introduce this gentleman whom he has known of for many years. Mr. Lou Whittaker actually climbed all the major peaks of Washington State by the time he was eighteen and began guiding climbs on the fourteen thousand four-hundred and ten foot Mt. Rainier at the age of nineteen. Today his name is a legend. He's conducted thousands of or, directed, thousands of people to the summit of that great mountain, in every type of weather condition you can think of. He's climbed mountains all over the world. He is the premier mountain climber and we are very, very proud to have him as a Washington State resident to have him with us today. So please help me give a warm welcome to Lou Whittaker and his wife, Ingrid."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Parlette moved adoption of the following resolution:

SENATE RESOLUTION 8657

By Senators Parlette, Berkey, Swecker, Clements, Morton, Delvin, Shin, Rasmussen, Brown, Kastama, Keiser, Honeyford, McCaslin, Carrell, Pflug, Regala, Hatfield, Fraser and Spanel

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the State and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 88th annual Washington State Apple Blossom Festival to take place from April 26 through May 6, 2007; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Courtney Roberts has been selected to represent her community as a 2007 Apple Blossom Princess, in part for her fun, outgoing nature, positive attitude and strong faith, as well as her involvement in extracurricular activities including varsity cheerleading, Vice-President of Key Club, member of National Honor Society, natural helpers, and jazz choir; and

WHEREAS, Mikel Stanaway has been selected to represent her community as a 2007 Apple Blossom Princess, in part for her participation in numerous extracurricular activities including ASB secretary, school senator, student ambassador to Japan, and participation in the running start program; through which her calm demeanor and ability to serve humbly make her an asset to any team; and

WHEREAS, Laura DeCamp has been selected to represent her community as the 2007 Apple Blossom Queen, in part for

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her participation in extracurricular activities including being captain of the varsity cheer squad, leader of a mini cheer camp, member of spirit club, and teens against tobacco use, and member of varsity soccer and tennis teams, and her participation in school activities as an academic challenge participant; in addition to her strong sense of self, positive attitude, and passion for helping and encouraging others; and

WHEREAS, These three young women all desire to utilize their unique leadership capabilities to humbly serve their communities and be a blessing to those they meet;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Secretary of the Senate to Queen Laura DeCamp, Princess Mikel Stanaway, Princess Courtney Roberts, and the Board of Directors and Chairpeople of the Washington State Apple Blossom Festival.

Senator Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8657.

The motion by Senator Parlette carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Apple Blossom Festival Court, Queen Laura DeCamp; Princess Mikel Stanaway and Princess Courtney Roberts who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Apple Blossom Queen Laura DeCamp to address the Senate.

REMARKS BY MISS LAURA DECAMP

Queen Laura DeCamp: "Well, good afternoon everybody. Gee, it kind of chilly in here. Hey, everyone up there. Hey. Well, good afternoon, my name is Laura DeCamp and I'm the Washington State Apple Blossom Queen. This is Princess Courtney Roberts and this is Princess Mikel Stanaway and we are so honored to be here today amongst you elected officials and actually we had the opportunity to meet some of you during the Lincoln Day Dinner held in Wenatchee a few weeks ago. Now, I'm not sure if you know this but to be a Apple Blossom Royalty member you to be a senior and it just so turns out that each of us girls are eighteen and with that comes the opportunity to vote. Now, I must be honest, I didn't know very much about politics when I first started high school so my senior year I signed up for a class called Citizen Washington. What that does is it introduces you to the basic foundation of politics and it also explains the duties that the majority of you in here take on and I must say, the things that you guys have to do are incredibly hard and I applaud you for your strength and representing your communities. Like I said, we're here to represent Wenatchee and the wonderful Apple Blossom Festival and so I extend a warm invitation to all of you and your families to enjoy this great festival. I must say, once you start coming you won't be able to stop because it's a festival unlike any other. Filled with a contagious amount of lasting smiles and, plus, you'll get to see us again and wouldn't that be great? The festival this year will be held from April 26 to May 6 and I hope to see all of you there. Some activities to look forward to are, for all you car buffs out there, on Friday night there's a classy chasse parade and when can all oooo and ahhhh at all the old fashion cars that we wish we could own. Then on Saturday is the grand parade and we can see floats and teams and organizations from all over the state participate. We can also have lunch down at the food fair and a lot of the food down there is made by citizens of Wenatchee. That's really cool. We're proud of that. Then you can end the night by going down, with your children or by yourselves, to the carnival. It's one of my favorites. Wenatchee

is a wonderful place to visit and the Apple Blossom Festival is even more incentive to come and I give you my word that if you come to Wenatchee your stay will be forever remembered. Thank you and have a great day."

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5726, by Senators Weinstein, Kline and Franklin

Creating the insurance fair conduct act.

MOTION

On motion of Senator Weinstein, Substitute Senate Bill No. 5726 was substituted for Senate Bill No. 5726 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Weinstein moved that the following striking amendment by Senator Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the insurance fair conduct act.

Sec. 2. RCW 48.30.010 and 1997 c 409 s 107 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period.

(3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule.

(b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6).

(c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record.

(4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she

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may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

(7) An insurer engaged in the business of insurance may not unreasonably deny or delay a claim for coverage or payment of benefits to any first party claimant. "First party claimant" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 48.30 RCW to read as follows:

(1) Any first party claimant to a policy of insurance who is unreasonably denied or delayed a claim for coverage or payment of benefits by an insurer may bring an action in the superior court of this state to recover the actual damages sustained, together with the costs of the action, including reasonable attorneys' fees and litigation costs, as set forth in subsection (3) of this section.

(2) The superior court may, after finding that an insurer has acted unreasonably in denying or delaying a claim for coverage or payment of benefits or has violated rules under the Washington Administrative Code adopted by the commissioner under RCW 48.30.010(2), increase the total award of damages to an amount not to exceed three times the actual damages.

(3) The superior court shall, after a finding of unreasonable denial or delay of a claim for coverage or payment of benefits, or after a finding of a violation of rules under the Washington Administrative Code adopted by the commissioner under RCW 48.30.010(2), award reasonable attorneys' fees and actual and statutory litigation costs, including expert witness fees, to the first party claimant of an insurance contract who is the prevailing party in such an action.

(4) The remedies set forth in this chapter are separate from the remedies prescribed by RCW 19.86.090 of the consumer protection act.

(5) "First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such a policy or contract."

Senator Weinstein spoke in favor of adoption of the striking amendment.

MOTION

Senator Berkey moved that the following amendment by Senators Berkey and Weinstein to the striking amendment be adopted.

On page 2, line 21 of the amendment, after "deny" strike "or delay"

On page 2, line 27 of the amendment, after "denied" strike "or delayed"

On page 2, line 33 of the amendment, after "denying" strike "or delaying"

On page 3, line 2 of the amendment, after "denial" strike "or delay"

On page 3, line 12 of the amendment, after "payment" insert "as a covered person"

Senators Berkey, Weinstein and Brandland spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Berkey and Weinstein on page 2, line 21 to the striking amendment to Substitute Senate Bill No. 5726.

The motion by Senator Berkey carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 2, beginning on line 32 of the amendment, strike all of subsection (2)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Sheldon spoke in favor of adoption of the amendment to the striking amendment.

Senators Weinstein, Rockefeller and Kline spoke against the adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, line 32 to the striking amendment to Substitute Senate Bill No. 5726.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford to the striking amendment and the amendment was not adopted by the following vote: Yeas, 17; Nays, 29; Absent, 2; Excused, 1.

Voting yea: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Absent: Senators Benton and Stevens - 2

Excused: Senator McCaslin - 1

MOTION

Senator Brandland moved that the following amendment by Senator Brandland to the striking amendment be adopted.

On page 2, beginning on line 34 of the amendment, after "benefits" strike all material through "48.30.010(2)" on line 35

On page 3, line 1 of the amendment, after "court" strike "shall" and insert "may"

On page 3, beginning on line 2 of the amendment, after "benefits" strike all material through "48.30.010(2)" on line 4

On page 3, line 5 of the amendment, after "fees and" insert "reasonable"

Senator Brandland spoke in favor of adoption of the amendment to the striking amendment.

Senator Weinstein spoke against adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Hewitt, Senators Benton and Stevens were excused.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Honeyford spoke in favor of adoption of the striking amendment.

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Senator Kline spoke against adoption of amendment to the striking amendment.

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 2, line 34 to the striking amendment to Substitute Senate Bill No. 5726.

MOTION

At 12:52 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

ROLL CALL

AFTERNOON SESSION

The Secretary called the roll on the adoption of the amendment by Senator Brandland to the striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

The Senate was called to order at 1:30 p.m. by President Owen.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Kilmer, Marr, Morton, Parlette, Pflug, Rasmussen, Roach, Schoesler, Sheldon, Swecker and Zarelli - 21

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

MESSAGE FROM THE HOUSE

March 12, 2007

Excused: Senators McCaslin and Stevens - 2

MR. PRESIDENT:

The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1595,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
 and the same are herewith transmitted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Weinstein as amended to Substitute Senate Bill No. 5726.

The motion by Senator Weinstein carried and the striking amendment as amended was adopted by voice vote.

RICHARD NAFZIGER, Chief Clerk

MOTION

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "amending RCW 48.30.010; adding a new section to chapter 48.30 RCW; creating a new section; and prescribing penalties."

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

SECOND READING

On motion of Senator Weinstein, the rules were suspended, Engrossed Substitute Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

SENATE BILL NO. 5566, by Senators Franklin and Kohl-Welles

Providing for privacy protection for certain voter registration information.

Senator Weinstein spoke in favor of passage of the bill.

Senators Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5726.

MOTIONS

On motion of Senator Franklin, Substitute Senate Bill No. 5566 was substituted for Senate Bill No. 5566 and the substitute bill was placed on the second reading and read the second time.

Senator Franklin spoke in favor of the substitute bill.

On motion of Senator Franklin, the rules were suspended, Substitute Senate Bill No. 5566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5726 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

On motion of Senator Hewitt, Senator Brandland was excused.

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 17

MOTION

On motion of Senator Roach, Senator Benton was excused.

Excused: Senators McCaslin and Stevens - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, having received the constitutional majority, was declared

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5566 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens and Weinstein - 43

Absent: Senators Delvin, Swecker, Tom and Zarelli - 4

Excused: Senators Benton and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6075, by Senator Haugen

Increasing competitive bid limits for the purchase of materials, equipment, or supplies.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, Senate Bill No. 6075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Delvin, Parlette and Swecker were excused.

MOTION

On motion of Senator Regala, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6075 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, McCaslin and Parlette - 3

SENATE BILL NO. 6075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5339, by Senators Kilmer, Kastama, Rockefeller and Rasmussen

Authorizing the acquisition and operation of tourism-related facilities by port districts.

MOTION

On motion of Senator Kilmer, Substitute Senate Bill No. 5339 was substituted for Senate Bill No. 5339 and the substitute bill was placed on the second reading and read the second time.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5339 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5552, by Senators Rockefeller, Spanel, Regala, Kohl-Welles, Kline and Oemig

Changing compensation and penalties for oil spills.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5552.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Clements, Delvin, Holmquist, Honeyford, Morton, Schoesler and Stevens - 8

Excused: Senator McCaslin - 1

SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5339 which had been deferred earlier in the day.

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Kilmer and Kastama be adopted.

On page 1, beginning on line 13, after "other" strike "municipality, or person, or any combination thereof" and insert "port district"

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Senator Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Kilmer and Kastama on page 1, line 13 to Substitute Senate Bill No. 5339.

The motion by Senator Zarelli carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kilmer, the rules were suspended, Engrossed Substitute Senate Bill No. 5339 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5339.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5339 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5467, by Senators Keiser, Pflug, Parlette, Kastama, Franklin, Fairley, Weinstein, Marr, Tom, Brown, Hargrove, Zarelli, McAuliffe, Regala, Clements, Kilmer, Oemig, Pridemore, Rasmussen, Kohl-Welles, Benton, Kline and Roach

Creating the individual and family services program for people with developmental disabilities.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5467 was substituted for Senate Bill No. 5467 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli be adopted.

On page 2, strike lines 19-32.

Re-number the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 19 to Second Substitute Senate Bill No. 5467.

The motion by Senator Zarelli failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brown, Delvin and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Hargrove and Kline were excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5467.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5467 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Hargrove, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6081, by Senators Parlette, Poulsen, Honeyford and Rasmussen

Regarding outdoor burning in small cities.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 6081 was substituted for Senate Bill No. 6081 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 6081 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6081.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6081 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

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Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hargrove and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 6081, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5292, by Senators Fairley, Roach, Kohl-Welles, Keiser and Parlette

Requiring the licensing of physical therapist assistants.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5292 was substituted for Senate Bill No. 5292 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Fairley moved that the following striking amendment by Senators Fairley and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.74.010 and 2005 c 501 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of health.

(3) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist licensed by the state. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(4) "Physical therapist" means a person who meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(5) "Secretary" means the secretary of health.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(8) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint

mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under Title 18 RCW, without regard to any scope of practice;

(d) Performing wound care services that ~~((is [are]))~~ are limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner;

(e) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(f) Engaging in administration, consultation, education, and research.

(9)(a) "Physical therapist assistant" means a person who ~~((has successfully completed a board-approved physical therapist assistant program))~~ meets all the requirements of this chapter and is licensed as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical therapist. However, a physical therapist may not delegate sharp debridement to a physical therapist assistant.

(b) "Physical therapy aide" means a person who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist, including but not limited to licensed massage practitioners, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their training or education.

(10) "Direct supervision" means the supervising physical therapist must (a) be continuously on-site and present in the department or facility where assistive personnel or holders of interim permits are performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

(11) "Indirect supervision" means the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires and consistent with the particular delegated health care task.

(12) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by

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rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of July 24, 2005, shall submit to the secretary an affidavit that includes evidence of adequate education and training in sharp debridement, including the use of a scalpel.

Sec. 2. RCW 18.74.020 and 1991 c 3 s 174 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of ~~((five))~~ six members who shall be appointed by the governor. Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four years. Thereafter, all appointments shall be for terms of four years. Four members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. One member shall be a physical therapist assistant licensed under this chapter and residing in this state, shall not have less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The ~~((fifth))~~ sixth member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his or her primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedure stated ~~((above))~~ in this section to fill the remainder of the term. No member may serve for more than two successive four-year terms.

The secretary of health shall furnish such secretarial, clerical, and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060, be compensated in accordance with RCW 43.03.240.

Sec. 3. RCW 18.74.030 and 1983 c 116 s 6 are each amended to read as follows:

(1) An applicant for a license as a physical therapist shall have the following minimum qualifications:

~~((+))~~ (a) Be of good moral character; and

~~((=))~~ (b) Have obtained either ~~((+))~~ (i) a baccalaureate degree in physical therapy from an institution of higher learning approved by the board or ~~((b))~~ (ii) a baccalaureate degree from an institution of higher learning and a certificate or advanced degree from a school of physical therapy approved by the board.

(2) An applicant for a license as a physical therapist assistant must have the following minimum qualifications:

(a) Be of good moral character; and

(b) Have successfully completed a board-approved physical therapist assistant program.

(3) The applicant shall present proof of qualification to the board in the manner and on the forms prescribed by ~~((t))~~ the board.

Sec. 4. RCW 18.74.035 and 1995 c 198 s 10 are each amended to read as follows:

(1) All qualified applicants for a license as a physical therapist shall be examined by the board at such time and place as the board may determine. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities. The examination shall embrace the following subjects: The applied sciences of anatomy, neuroanatomy, kinesiology, physiology, pathology, psychology, physics; physical therapy, as defined in this chapter, applied to medicine, neurology, orthopedics, pediatrics, psychiatry, surgery; medical ethics; technical procedures in the practice of physical therapy as defined in this chapter; and such other subjects as the board may deem useful to test the applicant's fitness to practice physical therapy, but not including the adjustment or manipulation of the spine or use of a thrusting force as mobilization. Examinations shall be held within the state at least once a year, at such time and place as the board

shall determine. An applicant who fails an examination may apply for reexamination upon payment of a reexamination fee determined by the secretary.

(2) All qualified applicants for a license as a physical therapist assistant must be examined by the board at such a time and place as the board may determine. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

Sec. 5. RCW 18.74.040 and 1991 c 3 s 177 are each amended to read as follows:

(1) The secretary ~~((of health))~~ shall license as a physical therapist, and shall furnish a license to, each applicant who successfully passes the examination for licensure as a physical therapist.

(2) The secretary shall license as a physical therapist assistant, and shall furnish a license to, each applicant who successfully passes the examination for licensure as a physical therapist assistant.

Sec. 6. RCW 18.74.060 and 1996 c 191 s 60 are each amended to read as follows:

Upon the recommendation of the board, the secretary shall license as a physical therapist or physical therapist assistant and shall furnish a license to any person who is a physical therapist or physical therapist assistant registered, certified, or licensed under the laws of another state or territory, or the District of Columbia, if the qualifications for such registration, certification, or license required of the applicant were substantially equal to the requirements under this chapter. At the time of making application, the applicant shall comply with administrative procedures, administrative requirements, and fees established pursuant to RCW 43.70.250 and 43.70.280.

NEW SECTION. Sec. 7. A new section is added to chapter 18.74 RCW to read as follows:

The board shall waive the examination and grant a license to a person who meets the commonly accepted standards for practicing as a physical therapist assistant, as adopted by rule. Persons eligible for licensure as a physical therapist assistant under this section must apply for a license within one year of the effective date of this section.

Sec. 8. RCW 18.74.070 and 1996 c 191 s 61 are each amended to read as follows:

Every licensed physical therapist and physical therapist assistant shall apply to the secretary for a renewal of the license and pay to the state treasurer a fee determined by the secretary as provided in RCW 43.70.250 and 43.70.280.

Sec. 9. RCW 18.74.073 and 1998 c 143 s 1 are each amended to read as follows:

Any physical therapist or physical therapist assistant licensed under this chapter not practicing physical therapy or providing services may place his or her license in an inactive status. The board shall prescribe requirements for maintaining an inactive status and converting from an inactive or active status. The secretary may establish fees for alterations in license status.

Sec. 10. RCW 18.74.090 and 1991 c 3 s 181 are each amended to read as follows:

(1) A person who is not licensed with the secretary of health as a physical therapist under the requirements of this chapter shall not represent him or herself as being so licensed and shall not use in connection with his or her name the words or letters "P.T.", "R.P.T.", "L.P.T.", "physical therapy", "physiotherapy", "physical therapist" or "physiotherapist", or any other letters, words, signs, numbers, or insignia indicating or implying that he or she is a physical therapist. No person may practice physical therapy without first having a valid license. Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his or her county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

(2) No person assisting in the practice of physical therapy may use the title "physical therapist assistant," the letters "PTA," or

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any other words, abbreviations, or insignia in connection with his or her name to indicate or imply, directly or indirectly, that he or she is a physical therapist assistant without being licensed in accordance with this chapter as a physical therapist assistant.

Sec. 11. RCW 18.74.120 and 1991 c 3 s 183 are each amended to read as follows:

The secretary of health shall keep a record of proceedings under this chapter and a register of all persons licensed under it. The register shall show the name of every living licensed physical therapist and physical therapist assistant, his or her last known place of residence, and the date and number of his or her license as a physical therapist or physical therapist assistant.

Sec. 12. RCW 18.74.130 and 1983 c 116 s 22 are each amended to read as follows:

This chapter does not prohibit or regulate:

(1) The practice of physical therapy by students enrolled in approved schools as may be incidental to their course of study so long as such activities do not go beyond the scope of practice defined by this chapter.

(2) Auxiliary services provided by physical therapy aides carrying out duties necessary for the support of physical therapy including those duties which involve minor physical therapy services when performed under the direct supervision of licensed physical therapists so long as such activities do not go beyond the scope of practice defined by this chapter.

(3) The practice of physical therapy by licensed or registered physical therapists of other states or countries while appearing as clinicians of bona fide educational seminars sponsored by physical therapy, medical, or other healing art professional associations so long as such activities do not go beyond the scope of practice defined by this chapter.

(4) The practice of physical therapists and physical therapist assistants in the armed services or employed by any other branch of the federal government.

Sec. 13. RCW 18.74.150 and 2005 c 501 s 4 are each amended to read as follows:

(1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist or physical therapist assistant, unless he or she is licensed in accordance with this chapter.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists, physical therapist assistants, or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

(4) The following persons are exempt from licensure as physical therapist assistants under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist assistant in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapist assistant education while under direct supervision of a licensed physical therapist;

(b) A physical therapist assistant while practicing in the United States armed services, United States public health

service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist assistant licensed in another United States jurisdiction, or a foreign-educated physical therapist assistant credentialed in another country, or a physical therapist assistant who is teaching or participating in an educational seminar of no more than sixty days in a calendar year.

Sec. 14. RCW 18.74.160 and 2005 c 501 s 5 are each amended to read as follows:

(1) A physical therapist licensed under this chapter is fully authorized to practice physical therapy as defined in this chapter.

(2) A physical therapist shall refer persons under his or her care to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice under this chapter or when physical therapy is contraindicated.

(3) Physical therapists and physical therapist assistants shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

(4) A physical therapist may perform electroneuromyographic examinations for the purpose of testing neuromuscular function only by referral from an authorized health care practitioner identified in RCW 18.74.010(7) and only upon demonstration of further education and training in electroneuromyographic examinations as established by rule. Within two years after July 1, 2005, the secretary shall waive the requirement for further education and training for those physical therapists licensed under this chapter who perform electroneuromyographic examinations.

(5) A physical therapist licensed under this chapter may purchase, store, and administer medications such as hydrocortisone, fluocinonide, topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate, zinc oxide, and other similar medications, and may administer such other drugs or medications as prescribed by an authorized health care practitioner for the practice of physical therapy. A pharmacist who dispenses such drugs to a licensed physical therapist is not liable for any adverse reactions caused by any method of use by the physical therapist.

Sec. 15. RCW 18.74.170 and 2005 c 501 s 6 are each amended to read as follows:

(1) Physical therapists are responsible for patient care given by assistive personnel under their supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks, or procedures that fall within the scope of physical therapy practice but do not exceed the education or training of the assistive personnel.

(2) Nothing in this chapter may be construed to prohibit other licensed health care providers from using the services of physical therapist assistants, as long as the title "physical therapist assistant" is not used in violation of RCW 18.74.090, physical therapist aides, or other assistive personnel as long as the licensed health care provider is responsible for the activities of such assistants, aides, and other personnel and provides appropriate supervision.

NEW SECTION. Sec. 16. A new section is added to chapter 18.74 RCW to read as follows:

A physical therapist is professionally and legally responsible for patient care given by assistive personnel under his or her supervision. If a physical therapist fails to adequately supervise patient care given by assistive personnel, the board may take disciplinary action against the physical therapist.

(1) Regardless of the setting in which physical therapy services are provided, only the licensed physical therapist may perform the following responsibilities:

(a) Interpretation of referrals;

(b) Initial examination, problem identification, and diagnosis for physical therapy;

(c) Development or modification of a plan of care that is based on the initial examination and includes the goals for physical therapy intervention;

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(d) Determination of which tasks require the expertise and decision-making capacity of the physical therapist and must be personally rendered by the physical therapist, and which tasks may be delegated;

(e) Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;

(f) Delegation and instruction of the services to be rendered by the physical therapist, physical therapist assistant, or physical therapy aide including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures;

(g) Timely review of documentation, reexamination of the patient, and revision of the plan of care when indicated;

(h) Establishment of a discharge plan.

(2) Supervision requires that the patient reevaluation is performed:

(a) Every fifth visit, or if treatment is performed more than five times per week, reevaluation must be performed at least once a week;

(b) When there is any change in the patient's condition not consistent with planned progress or treatment goals.

(3) Supervision of assistive personnel means:

(a) Physical therapist assistants may function under direct or indirect supervision;

(b) Physical therapy aides must function under direct supervision;

(c) The physical therapist may supervise a total of two assistive personnel at any one time.

NEW SECTION. Sec. 17. A new section is added to chapter 18.74 RCW to read as follows:

Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as a physical therapist assistant under this chapter.

Sec. 18. RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

((+)) (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

((+)) (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and

((+)) (ii) The providers agree to abide by standards related to:

((+)) (A) Provision, utilization review, and cost containment of health services;

((+)) (B) Management and administrative procedures; and

((+)) (C) Provision of cost-effective and clinically efficacious health services.

((+)) (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

NEW SECTION. Sec. 19. (1) Sections 1 and 3 through 18 of this act take effect July 1, 2008.

(2) Section 2 of this act takes effect December 1, 2008."

Senator Fairley spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fairley and Keiser to Substitute Senate Bill No. 5292.

The motion by Senator Fairley carried and the striking

amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "assistants;" strike the remainder of the title and insert "amending RCW 18.74.010, 18.74.020, 18.74.030, 18.74.035, 18.74.040, 18.74.060, 18.74.070, 18.74.073, 18.74.090, 18.74.120, 18.74.130, 18.74.150, 18.74.160, 18.74.170, and 48.43.045; adding new sections to chapter 18.74 RCW; and providing effective dates."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5292.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5292 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Honeyford and Stevens - 3

Excused: Senators Hargrove and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5224, by Senators Jacobsen, Rockefeller and Kilmer

Concerning the statewide salmon recovery office. Revised for 1st Substitute: Concerning the governor's salmon recovery office.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5224 was substituted for Senate Bill No. 5224 and the substitute bill was placed on the second reading and read the second time.

Senator Jacobsen spoke in favor of the substitute bill.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Shin was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5224.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5224 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist and Stevens - 2

Excused: Senators Hargrove, McCaslin and Shin - 3

SUBSTITUTE SENATE BILL NO. 5224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5879, by Senators Fairley, Roach, Benton, Kohl-Welles, Murray, Swecker, Kline, Keiser, Schoesler, Fraser, Jacobsen and Rockefeller

Authorizing payroll deductions for retiree organization dues.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5879 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5879.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5879 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators McCaslin and Shin - 2

SENATE BILL NO. 5879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5312, by Senators Tom, Holmquist, Kline, Roach, Kilmer, Marr, Sheldon, Morton, Pridemore, McCaslin, Berkey, Delvin, Shin, Rasmussen, Parlette and Stevens

Addressing the issue of stolen metal property.

MOTION

On motion of Senator Tom, Substitute Senate Bill No. 5312 was substituted for Senate Bill No. 5312 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Tom moved that the following striking amendment by Senator Tom be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys, and unwanted electronic product, as that term is defined under RCW 70.95N.020. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

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NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

- (a) The signature of the person with whom the transaction is made;
- (b) The time, date, location, and value of the transaction;
- (c) The name of the employee representing the scrap metal business in the transaction;
- (d) The name, street address, and telephone number of the person with whom the transaction is made;
- (e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;
- (f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;
- (g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and
- (h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the

requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

- (a) The full name of the commercial enterprise or commercial account;
- (b) The business address and telephone number of the commercial enterprise or commercial account; and
- (c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

- (a) The time, date, and value of the property being purchased or received;
- (b) A description of the predominant types of property being purchased or received; and
- (c) The signature of the person delivering the property to the scrap metal business.

NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT. (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the

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property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS. It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

NEW SECTION. Sec. 8. CIVIL PENALTIES. (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

NEW SECTION. Sec. 9. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

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NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 11. RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Tom spoke in favor of adoption of the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Holmquist, the amendment by Senator Holmquist on page 8, line 31 to the striking amendment to Substitute Senate Bill No. 5312 was withdrawn.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist, Delvin and Sheldon to the striking amendment be adopted.

On page 8, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

NEW SECTION. Sec. 12. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the

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stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

Sec. 13. RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes

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listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding that the damage to the victim greatly exceeds the value of the stolen property under section 11 of this act.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property under section 12 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 20 of the title amendment, after "parties;" strike the remainder of the title amendment and insert "amending RCW 9.94A.533; adding new sections to chapter 9.94A RCW; adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties."

Senators Holmquist, Clements, Sheldon, Carrell and Stevens spoke in favor of adoption of the amendment to the striking amendment.

Senator Hargrove spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist, Delvin and Sheldon on page 8, after line 11 to the striking amendment to Substitute Senate Bill No. 5312.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and the amendment was not adopted by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Poulsen, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Excused: Senator McCaslin - 1

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Tom to Substitute Senate Bill No. 5312.

The motion by Senator Tom carried and the striking amendment was adopted by voice vote.

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "parties;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; creating a new section; repealing RCW 9.91.110; and prescribing penalties."

MOTION

On motion of Senator Tom, the rules were suspended, Engrossed Substitute Senate Bill No. 5312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom, Roach and Sheldon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5312.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "Senator Oemig has raised a question as to whether Substitute Senate Bill 5797, as amended, takes a simple majority or a two-thirds vote of this body on final passage, because it implicates provisions of the law commonly referred to as Initiative 601. This is an important issue, and the President thanks the members in advance for their patience as he sets forth his analysis.

The President believes that this is another case where the difference between a state action that raises revenue for a general purpose as opposed to a specific purpose is key to deciding whether the supermajority provisions of I-601 are triggered. This bill would implement a \$10 surcharge on special endorsements for motorcycle driver's licenses. This surcharge would be distributed into three different accounts: The bulk would be placed into an account that is used for motorcycle safety and education; another portion would be placed into an account for driver's licensing costs and traffic safety; and the final portion would be placed into an account for use on highway purposes and vehicle safety.

The President reminds the body that neither the term assigned to the revenue action nor the name of the account into which funds are to be deposited is controlling for this analysis. Instead, the President believes it is the nexus between the tax or fee to be charged and the limited purpose or purposes for which the proceeds may be spent. The more direct the connection between the money collected and the narrow purpose for which it may be spent, the more likely it is that this is a specific fee,

not a general tax, and the supermajority provisions of I-601 do not come into play. On the other hand, where the purposes for which the proceeds may be spent are broad and the connection between the revenue and its purpose is less direct, it is more likely the action would be a general tax which would need a supermajority vote for final passage.

In a recent ruling, the President determined that a fee collected for waste tire prevention had been converted into a more general tax because the purpose for which the amount was collected had been greatly expanded to the point where the connection to the fee's original purpose was no longer maintained. Despite retaining the name of the fee, the resulting tax would have had little connection to waste tire prevention and could instead be used for any transportation purpose. This broke the direct connection between the collection and the purpose for which it was being used, impermissibly broadening the former limitation on use of proceeds, and therefore put it under the supermajority requirements of I-601.

By contrast, this measure's proposed surcharge can be likened to a user fee, with a fairly direct nexus between the fee to be collected and the purposes for which it may be spent. Although the surcharge will be placed into several accounts, some of which are more limited in their use than others, all have a sufficient connection to the fee collected from motorcycle driver's license applicants: Motorcycle safety is a very direct connection, as is the use of the proceeds to defray the costs of actual license issuance. Likewise, the use for highway purposes and vehicle safety is sufficiently limited and connected to motorcycle drivers, although the President would caution that this final purpose seems to be getting on the outside edge of what could reasonably be included in this analysis.

For these reasons, Senator Oemig's point is not well-taken, and passage of this bill will require a simple majority vote of this body, 25 votes."

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 5797 which had been deferred on March 12, 2007.

Senator Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Kastama, Kilmer, Kline, Marr, McAuliffe, Morton, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Voting nay: Senators Hobbs, Jacobsen, Kauffman, Kohl-Welles, Oemig, Pridemore and Tom - 7

Absent: Senator Keiser - 1

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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At 3:10 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:35 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6018, by Senator Brandland

Changing provisions concerning detention of persons with a mental disorder or chemical dependency.

The measure was read the second time.

MOTION

Senator Brandland moved that the following amendment by Senators Brandland and Hargrove be adopted.

On page 4, after line 6, strike all material through "imminence," on line 11.

Re-number the subsections consecutively and correct any internal references accordingly.

Senators Brandland and Hargrove spoke in favor of adoption of the amendment.

MOTION

On motion of Senator Regala, Senators Hobbs and Kline were excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland and Hargrove on page 4, after line 6 to Senate Bill No. 6018.

The motion by Senator Brandland carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Brandland, the rules were suspended, Engrossed Senate Bill No. 6018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6018.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6018 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Murray - 1

Excused: Senators Brown, Kline, McCaslin and Poulsen - 4

ENGROSSED SENATE BILL NO. 6018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5774, by Senators Hargrove, Kohl-Welles, Brandland and Shin

Revising background check requirements for the department of social and health services and the department of early learning.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 5774 was substituted for Senate Bill No. 5774 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Kohl-Welles and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background

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checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care when fees create a hardship as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) The department shall confirm that an applicant or service provider is a United States citizen or an eligible noncitizen. Citizenship or eligibility status may be confirmed through verification of the applicant's or service provider's social security number.

(10) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services

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to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

Sec. 2. RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

(a) The concept of adoption as a lifelong developmental process and commitment;

(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage.

(3) All preplacement reports shall include ~~((an investigation))~~ a background check of the conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ~~((investigation))~~ background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ~~((as described in chapter 43.43 RCW))~~ including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be

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assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

Sec. 3. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable

cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the

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department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

Sec. 4. RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have

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abused a vulnerable adult under RCW 43.43.830(~~(i) or (iv) the subject in a protective proceeding under chapter 74.34 RCW~~)).

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 5. RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

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~~(b) ((The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons:~~

~~— In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.~~

~~— No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense.~~

~~— The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~— (e)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for;~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed;~~

~~(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section I of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((+)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of~~

children, expectant mothers or developmentally disabled persons;

~~((+)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;~~

~~((+)) (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and~~

~~((+)) (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;~~

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.--- (section 6, chapter 54, Laws of 2006) and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 6. Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

NEW SECTION. Sec. 7. (1) The department of social and health services shall convene a work group to review the current federal and state laws and administrative rules and practices with respect to sharing confidential information.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

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(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts; and

(xi) A representative from the department of information services.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing information, including but not limited to the feasibility of creating a clearinghouse of information.

(9) This section expires November 30, 2008.

NEW SECTION. Sec. 8. If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Kohl-Welles and Stevens to Substitute Senate Bill No. 5774.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "revising background check processes; amending RCW 26.33.190, 26.44.030, and 43.43.842; reenacting and amending RCW 74.15.030; adding a new section to chapter 43.43 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5774 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5774.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5774 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Kline, McCaslin and Poulsen - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5909, by Senators Rasmussen, Roach, Regala, Eide, McAuliffe, Kilmer, Hargrove, Kastama, Tom, Shin, Kohl-Welles, Stevens, Carrell, Franklin and Kline

Supporting the needs of children who have been in foster care.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.190 RCW to read as follows:

In connection with its duties pursuant to RCW 70.190.110, the council shall review programs that provide services to adolescent foster children, and to youth who have reached the age of eighteen and are no longer required to live in the care of foster parents.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) After the family policy council has completed its review of programs that provide services to adolescent foster children and to youth who have reached the age of eighteen and are no longer required to live in the care of foster parents, pursuant to section 1 of this act, the department shall create a pilot program to establish a foster youth community coordinator in three regional office locations within the state. The purpose of the pilot program is to provide assistance to foster youth who are reaching eighteen years of age to facilitate their ability to live independently upon leaving state care.

(2) The program shall include two sites selected by the department not later than September 1, 2007.

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(3) The responsibilities of the foster youth community coordinator include the following:

(a) To facilitate collaboration among organizations providing services to foster youth who are reaching their eighteenth birthday and leaving foster care, as well as collaboration between the department and these organizations;

(b) To facilitate training of those providing services to youth who are preparing to leave foster care regarding the following:

(i) The educational needs of foster youth, particularly interventions for older youth;

(ii) The foster care system;

(iii) The educational rights of children;

(iv) The role of education in the development and adjustment of children;

(v) Improving the education outcomes of youth in foster care;

(vi) Building communities that support the needs of youth in out-of-home care; and

(vii) Education support for foster youth in transition; and

(c) Improving communication to foster youth regarding the services and programs available to them as they prepare to leave foster care and live independently.

(4) The program shall include measurable objectives for the purpose of evaluation.

(5) The department shall evaluate the program to determine whether the objectives of the program have been met and shall inform the legislature not later than January 1, 2009, of the results of the pilot program.

Sec. 3. RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency; PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the

routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14)(a) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(b) Have the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care for up to six

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months following the youth's eighteenth birthday for the purpose of receiving independent living skills while residing in a foster care placement.

(15) Within funds specifically appropriated therefor, the department shall work with foster children exiting from care at the age of eighteen, or exiting under subsection (10) or (14)(b) of this section, to develop an independent living plan that may include assistance with first month's rent, security deposit, and incidental items necessary to live independently. The combined value of assistance shall not exceed two thousand dollars per youth. The rent, security deposit, and incidental items shall be provided through vouchers. No cash or check shall be directly provided to the youth.

NEW SECTION. **Sec. 4.** Nothing in this act shall be construed to create:

- (1) An entitlement to services;
- (2) Judicial authority to extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW or to order the provision of services to a youth who has attained eighteen years of age; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against the department of social and health services or any contractor of the department."

Senator Prentice spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Substitute Senate Bill No. 5909.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "reenacting and amending RCW 74.13.031; adding a new section to chapter 70.190 RCW; adding a new section to chapter 74.13 RCW; and creating a new section."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5984, by Senators Murray and Clements

Allowing only structural engineers to provide engineering services for significant structures.

MOTIONS

On motion of Senator Murray, Substitute Senate Bill No. 5984 was substituted for Senate Bill No. 5984 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Murray, the rules were suspended, Substitute Senate Bill No. 5984 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Clements spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5984 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 36

Voting nay: Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Stevens and Zarelli - 11

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6119, by Senators Eide, Keiser, Marr, Jacobsen, Franklin, Benton and Rasmussen

Changing the distribution to and allocation of the fire service training account.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6119 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6119.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6119 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

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Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

SENATE BILL NO. 6119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5844, by Senators Roach, Jacobsen, Rockefeller, Rasmussen and Sheldon

Concerning specialized forest products and specialty wood.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5844 was substituted for Senate Bill No. 5844 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach, Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5844.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5844 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5561, by Senators Oemig, Fairley, Hobbs, Brown, Spanel, Franklin, Kline, Jacobsen and McAuliffe

Allowing voter registration up to and on election day.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

Senator Benton spoke on passage of the bill.

Senators Roach and Carrell spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5561.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Shin, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Excused: Senators Kline and McCaslin - 2

SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5387, by Senators Kastama, Kilmer, Kauffman and Shin

Promoting economic development through commercialization of technologies.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5387 was substituted for Senate Bill No. 5387 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5387 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5387.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5387 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5669, by Senators Holmquist, Poulsen, Rasmussen, Pflug, Oemig, Swecker, Clements, Schoesler, Roach, Rockefeller and Kilmer

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Requiring agencies to expedite decisions regarding the implementation of renewable fuel standards.

The measure was read the second time.

MOTION

Senator Holmquist moved that the following striking amendment by Senators Holmquist and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Lead agencies, and other agencies with jurisdiction, shall process all applications and decisions relating to infrastructure improvements or activities necessary to implement renewable fuel standards under chapter 19.112 RCW and RCW 43.19.642 in a defined and efficient manner according to specific timelines and practices designed to minimize processing and review times. Such applications and decisions may be processed prior to competing applications and decisions, to the extent appropriate under current law. Application and permit review requirements, turnaround times, and agency and applicant performance according to these standards shall be posted and made easily accessible to the public.

(2) Applications and decisions subject to the provisions of this section include, but are not limited to, any attendant and nonexempt license, permit, or approval requirements or state environmental policy act requirements under RCW 43.21C.030 and chapter 197-11 WAC relating to the:

(a) Installation of new storage tanks; pumps; any project to allow for increasing refining and blending capacity; any project to allow for efficiency improvements for refiners, blenders, or bulk plant operators; and any modification to off-loading or on-loading racks;

(b) Addition of heating or other equipment to biodiesel storage tanks or tanks that hold a blended product; and

(c) Replacement of underground fuel storage tanks, aboveground fuel storage tanks, pumps, and large bulk tanks.

(3) This section does not apply to biodiesel or ethanol production facilities.

(4) This section expires January 1, 2009."

Senator Holmquist spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Holmquist and Poulsen to Senate Bill No. 5669.

The motion by Senator Holmquist carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "adding a new section to chapter 43.21C RCW; and providing an expiration date."

MOTION

On motion of Senator Holmquist, the rules were suspended, Engrossed Senate Bill No. 5669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5669.

ROLL CALL

The Secretary called the roll on the final passage of

Engrossed Senate Bill No. 5669 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

ENGROSSED SENATE BILL NO. 5669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5014, by Senator Pridemore

Amending the process for adopting contribution rates for the state retirement systems.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5097, by Senators Rockefeller, McAuliffe, Swecker, Kastama, Regala, Weinstein, Eide, Oemig, Pridemore, Kohl-Welles, Keiser, Shin, Berkey, Murray, Kline and Rasmussen

Changing requirements for safe school plans. Revised for 1st Substitute: Regarding safe schools.

MOTIONS

On motion of Senator Rockefeller, Substitute Senate Bill No. 5097 was substituted for Senate Bill No. 5097 and the substitute bill was placed on the second reading and read the second time.

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On motion of Senator Rockefeller, the rules were suspended, Substitute Senate Bill No. 5097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and McCaslin - 2

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5098, by Senators Rockefeller, Keiser, Weinstein, Fairley, Marr, Murray, Kastama, Kohl-Welles, Rasmussen, McAuliffe, Kauffman, Kilmer, Tom and Shin

Creating the guaranteed opportunities scholarship. Revised for 2nd Substitute: Creating the Washington guaranteed scholarship program.

MOTION

On motion of Senator Rockefeller, Second Substitute Senate Bill No. 5098 was substituted for Senate Bill No. 5098 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following amendment by Senator Rockefeller be adopted.

On page 1, line 1, after "Washington", strike "guaranteed", and insert "college bound".

On page 1, line 17, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 6, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 9, after "Washington", strike "guaranteed", and insert "college bound".

On page 2, line 19, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 11, after "qualify.", strike "The guaranteed", and insert "The Washington college bound".

On page 3, line 20, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 23, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 26, after "Washington", strike "guaranteed", and insert "college bound".

On page 3, line 32, after "Washington", strike "guaranteed", and insert "college bound".

On page 4, line 2, after "Washington", strike "guaranteed",

and insert "college bound".

On page 6, line 2, after "Washington", strike "guaranteed", and insert "college bound".

Senator Rockefeller spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Rockefeller on page 1, line 1 to Second Substitute Senate Bill No. 5098.

The motion by Senator Rockefeller carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5098 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5098.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5098 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Kline and McCaslin - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:00 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 7:15 p.m.

EVENING SESSION

The Senate was called to order at 7:15 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 5175, by Senators Pridemore, Schoesler, Fraser, Fairley, McAuliffe, Shin, Jacobsen, Prentice, Franklin and Rasmussen

Providing annual increases in certain retirement allowances.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 5175 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senators Kastama and Kline were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Brandland, Senators Benton, McCaslin, Morton, Pflug, Stevens and Zarelli were excused.

MOTION

On motion of Senator Weinstein, Senators Keiser, Kohl-Welles and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5175.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Brown, Kastama, Keiser, Kline, McCaslin and Poulsen - 6

SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5517, by Senators Berkey, Kauffman, Haugen, Eide, Kastama, Schoesler, Shin, Hatfield, Keiser, Rasmussen, Kline and Regala

Increasing the personal needs allowance for persons receiving state-financed care.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 5517 was substituted for Senate Bill No. 5517 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5517.

ROLL CALL

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The Secretary called the roll on the final passage of Substitute Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Brown, Kastama, Kline, McCaslin and Poulsen - 5

SUBSTITUTE SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5429, by Senators Franklin and Kohl-Welles

Concerning deductions from moneys received by an inmate.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, Senate Bill No. 5429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5429.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5429 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SENATE BILL NO. 5429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5318, by Senators Poulsen and Jacobsen

Participating in the management of Washington's portion of the Yukon to Yellowstone Rocky mountain ecosystem.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5318 was substituted for Senate Bill No. 5318 and the substitute bill was placed on the second reading and read the second time.

Senator Jacobsen spoke on the substitute bill.

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On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5318.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5318 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 34

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Roach, Schoesler, Sheldon and Stevens - 12

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Senator Morton gave notice of his intent to move to reconsider the vote by which Substitute Senate Bill No. 5318 passed the Senate.

SECOND READING

SENATE BILL NO. 5445, by Senators Jacobsen, Morton and Rasmussen

Authorizing oil and gas regulatory cost-reimbursements. Revised for 1st Substitute: Regarding cost-reimbursement agreements.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5219, by Senator Jacobsen

Transferring the Northwest weather and avalanche center to the state parks and recreation commission. Revised for 1st Substitute: Regarding the Northwest weather and avalanche center.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5219 was substituted for Senate Bill No. 5219 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5219 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5219.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5219 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5219, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5452, by Senator Rockefeller

Providing for reunification after termination of parental rights.

MOTION

On motion of Senator Rockefeller, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that current law does not explicitly provide for reunification of a child with

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his or her parent or parents after termination of parental rights even in cases where a child is not expected to get the benefits of being adopted into a new family or of having a permanent adult guardian. A child can remain in this status even if there has been a significant change of circumstances in a parent's situation and the minor child's preference is to reunite with his or her parent. There may be cases in which a child will no longer be at risk of abuse or neglect by a former parent and it is in the best interests of a child who is legally free to be reunited with his or her parent.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter; and

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights.

(2) The child may file the petition prior to the expiration of this three-year period if the department or the supervising or custodial agency that is responsible for the custody or supervision of the child and the child stipulate that the child is not likely to achieve his or her permanency plan.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9) The court shall grant the petition and dismiss the dependency only if the child and the parent or parents who were the subject of a petition under this section and whose parental rights were reinstated agree that the child will return to the legal custody of the parent or parents and the court finds that returning to the legal custody of the parent or parents is in the best interests of the child and will not present a risk to the

child's health, welfare, or safety. The court shall order the department to provide services necessary to ensure the child's health, welfare, and safety, including a home study, as the child transitions back into the parent's legal custody.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

NEW SECTION. Sec. 3. This act is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

Sec. 4. RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 2 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute Senate Bill No. 5452.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 13.34.200; adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Stevens spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5455, by Senators Morton and Rasmussen

Creating the community revitalization partnership pilot program.

MOTIONS

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5455 was substituted for Senate Bill No. 5455 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5455 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5455.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5455 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 45

Voting nay: Senator Weinstein - 1

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5967, by Senators Pridemore, Zarelli, Berkey, Schoesler, Eide, Marr, Parlette, Sheldon, Tom, Hobbs, Carrell, Hatfield, Honeyford, Roach, Shin and Benton

Concerning the sales of vehicles and associated services to nonresidents of Washington.

MOTIONS

On motion of Senator Pridemore, Substitute Senate Bill No. 5967 was substituted for Senate Bill No. 5967 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pridemore, the rules were suspended, Substitute Senate Bill No. 5967 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5967.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5967 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5509, by Senators Kastama, Pflug, Kohl-Welles, Keiser, Parlette, Carrell, Regala and Franklin

Concerning disciplinary actions for health care providers regulated under chapter 18.130 RCW.

MOTIONS

On motion of Senator Keiser, Second Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Keiser, the rules were suspended, Second Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

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Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5653, by Senators Kauffman, Kastama, Brown, Berkey, Rockefeller, Keiser, Franklin, Kohl-Welles and Shin

Authorizing the development of self-employment assistance programs.

MOTIONS

On motion of Senator Kauffman, Substitute Senate Bill No. 5653 was substituted for Senate Bill No. 5653 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5910, by Senators Brandland, Kline, Weinstein and Parlette

Modifying the notice requirement of intent to file a medical malpractice claim.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brandland, the rules were suspended, Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5100, by Senators Hobbs, McAuliffe, Regala, Fairley, Shin, Weinstein, Murray, Keiser, Prentice, Kline, Spanel, Fraser, Tom, Kohl-Welles and Rasmussen

Regarding health insurance information for students.

MOTION

On motion of Senator Hobbs, Substitute Senate Bill No. 5100 was substituted for Senate Bill No. 5100 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 1, beginning on line 6, after "public" strike "or private"

Senators Holmquist and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 6 to Substitute Senate Bill No. 5100.

The motion by Senator Holmquist carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 1, line 7, strike "shall" and insert "may"

On page 1, line 13, strike "shall" and insert "may"

On page 1, line 16, strike "shall" and insert "may"

On page 1, line 18, strike "shall" and insert "may"

On page 2, line 3, strike "are required to" and insert "may"

On page 2, line 7, strike "shall" and insert "may"

On page 2, line 16, strike "must" and insert "may"

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 7 to Substitute Senate Bill No. 5100.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 2, after line 19, insert the following:

"NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "insurance", insert "creating a new section,"

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, after line 19 to Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and the amendment was not adopted by the following vote: Yeas, 17; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Excused: Senators Kastama, Kline and McCaslin - 3

MOTION

On motion of Senator Hobbs, the rules were suspended, Engrossed Substitute Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

Senators Zarelli and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein

- 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senators Kastama, Kline and McCaslin - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5702, by Senators Benton, Keiser, Swecker, Kohl-Welles and Roach

Requiring notice to certain employees of a claim of exemption from paying unemployment insurance taxes.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5702 was substituted for Senate Bill No. 5702 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5702 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Benton and Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5702.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5745, by Senators Brown and Kohl-Welles

Regarding the use of solid fuel burning devices during impaired air quality conditions.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5745 was substituted for Senate Bill No. 5745 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5745 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Honeyford spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5745.

fire. Revised for 1st Substitute: Regarding access to property during a forest fire.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5745 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5745, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5164, by Senators Jacobsen, Hobbs, Shin, Rasmussen, Kilmer and Franklin

Expanding the veterans conservation corps program.

MOTIONS

On motion of Senator Jacobsen, Second Substitute Senate Bill No. 5164 was substituted for Senate Bill No. 5164 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Second Substitute Senate Bill No. 5164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5164.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5164 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SECOND SUBSTITUTE SENATE BILL NO. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5315, by Senators Schoesler, Rasmussen, Holmquist, Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield, Kilmer, Shin and Roach

Authorizing residents to access their property during a forest

MOTIONS

On motion of Senator Schoesler, Substitute Senate Bill No. 5315 was substituted for Senate Bill No. 5315 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Schoesler, the rules were suspended, Substitute Senate Bill No. 5315 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Schoesler and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5315.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kastama, Kline and McCaslin - 3

SUBSTITUTE SENATE BILL NO. 5315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:20 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, March 14, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

MORNING SESSION

Passed to Committee on Rules for second reading.

Senate Chamber, Olympia, Wednesday, March 14, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Kristina Pratt and Matthew Prentice, presented the Colors. Lt. Commander Edwin M. Carroll, Command Chaplain at U. S. Naval Station Everett offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

March 13, 2007
SGA 9098 JEFFRY COLLITON, appointed July 15, 2006, for the term ending January 1, 2012, as Member of the Horse Racing Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007
SGA 9101 BRIAN COMSTOCK, appointed April 2, 2006, for the term ending August 2, 2008, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007
SGA 9128 LYLE JACOBSEN, reappointed August 3, 2006, for the term ending August 2, 2012, as Member of the Lottery Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

March 13, 2007
SGA 9140 RUTHANN KUROSE, appointed January 16, 2007, for the term ending January 15, 2013, as Member of the Liquor Control Board. Reported by Committee on Labor, Commerce, Research & Development

March 13, 2007
SGA 9221 LORRAINE LEE, appointed November 16, 2006, for the term ending January 15, 2011, as a Chair of the Liquor Control Board. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MOTION

On motion of Senator Eide, Gubernatorial Appointment Elizabeth A. Willis reappointed to the State Board for Community and Technical Colleges for a term beginning April 4, 2007 and ending April 3, 2011 was substituted for Gubernatorial Appointment No. 9194 of Elizabeth A. Willis to the State Board of Community and Technical Colleges for a term ending April 3, 2007 and that the reappointment was placed on the second reading calendar.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 8, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

RICHARD FORD, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Transportation Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Transportation.

February 16, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

STEPHANIE SALZMAN, appointed February 15, 2007, for the term ending June 30, 2008, as Member of the Professional Educator Standards Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

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MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1002 by House Committee on Finance (originally sponsored by Representatives O'Brien, Orcutt, Kessler, Condotta, McIntire, Sommers, Kenney, McDonald, Haler, Simpson, Wallace and Warnick)

AN ACT Relating to the sales and use taxation of vessels; amending RCW 88.02.030; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

2SHB 1009 by House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace, Linville, Wood and Dickerson)

AN ACT Relating to establishing work groups to periodically review and update the child support schedule; amending RCW 26.09.173, 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter 26.19 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Human Services & Corrections.

ESHB 1151 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Pearson, Kretz, Dunshee, B. Sullivan, Kristiansen, Warnick and Haler)

AN ACT Relating to animal identification programs; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

ESHB 1179 by House Committee on Appropriations (originally sponsored by Representatives Hasegawa, Jarrett, Sells, Roberts, Anderson, Green, Sommers, Kenney, Wallace, Buri, Appleton, Hudgins, Kagi, Ormsby, McDonald, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Haigh and Morrell)

AN ACT Relating to allowing students attending a postsecondary institution on a less than half-time basis to qualify for a state need grant; amending RCW 28B.92.080, 28B.92.060, and 28B.15.820; adding a new section to chapter 28B.92 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESHB 1307 by House Committee on Judiciary (originally sponsored by Representatives Upthegrove, Lantz, Williams, O'Brien, Sells, McCoy, Appleton, Darneille, Lovick, Dunshee, Takko, Pedersen, Simpson, Dickerson, Moeller, McIntire, Schual-Berke, Quall, Springer and Morrell)

AN ACT Relating to freedom of student press and speech; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28B.10 RCW; and creating a new section.

SHB 1407 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Green)

AN ACT Relating to funding the administration of Title 50 RCW, unemployment compensation; amending RCW 50.20.190, 50.24.014, 50.29.063, and 50.16.010; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 1432 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos)

AN ACT Relating to educational staff associates; amending RCW 28A.150.410; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1497 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest, Hasegawa and Dunn)

AN ACT Relating to increasing the operating fee waiver authority for Central Washington University; amending RCW 28B.15.910; and creating a new section.

Referred to Committee on Ways & Means.

2SHB 1506 by House Committee on Capital Budget (originally sponsored by Representatives Haigh, Armstrong, Hunt and Ormsby)

AN ACT Relating to alternative public works; amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 1513 by House Committee on Finance (originally sponsored by Representatives Kessler, Orcutt, Grant, Alexander, Blake, VanDeWege, Kretz, Takko, Linville and Ericks)

AN ACT Relating to the excise taxation of forest products businesses; amending RCW 76.09.405, 82.04.261, 82.04.333, and 82.32.630; reenacting and amending RCW

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82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.45 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

EHB 1525 by Representatives Chase, Kessler, Morris, Sump, B. Sullivan, Hunt and Hudgins

AN ACT Relating to regulatory fairness for small businesses; amending RCW 19.85.020, 19.85.030, and 19.85.040; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1549 by Representatives Linville, Kristiansen, Ericksen, McCune and Dunn

AN ACT Relating to exempting wholesale sales of unprocessed milk for processing from business and occupation tax; and amending RCW 82.04.332.

Referred to Committee on Ways & Means.

SHB 1583 by House Committee on Commerce & Labor (originally sponsored by Representatives Moeller, Conway, Darneille, Wood, Green, Ormsby and Morrell)

AN ACT Relating to disclosure of the percentage of automatic service charges paid to servers; and adding a new section to chapter 19.48 RCW.

Referred to Committee on Consumer Protection & Housing.

E2SHB 1595 by House Committee on Appropriations (originally sponsored by Representatives Appleton, Jarrett, Hunt and Lantz)

AN ACT Relating to shellfish protection programs; amending RCW 90.72.020; adding new sections to chapter 90.72 RCW; creating new sections; and repealing RCW 90.72.030 and 90.72.045.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1624 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Appleton, Roberts and Haigh)

AN ACT Relating to child welfare; amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services & Corrections.

ESHB 1637 by House Committee on Health Care & Wellness (originally sponsored by Representatives Hinkle, Cody, B. Sullivan, Moeller, Campbell, Williams, Green, Lovick, Upthegrove, Seaquist, Goodman, Simpson, Morrell, Linville, Ormsby and Rolfes)

AN ACT Relating to creating the revised uniform anatomical gift act; amending RCW 68.50.500, 1.50.010,

46.12.510, 46.20.113, and 46.20.1131; adding a new chapter to Title 68 RCW; recodifying RCW 68.50.500, 68.50.635, and 68.50.640; repealing RCW 68.50.510, 68.50.520, 68.50.530, 68.50.540, 68.50.550, 68.50.560, 68.50.570, 68.50.580, 68.50.590, 68.50.600, 68.50.610, and 68.50.620; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

ESHB 1649 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson)

AN ACT Relating to purchasing an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system; amending RCW 41.40.124, 41.40.127, 41.40.870, 41.40.873, and 41.32.584; adding a new section to chapter 41.40 RCW; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

SHB 1651 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson)

AN ACT Relating to boating activities; and adding new sections to chapter 79A.60 RCW.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1654 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Haigh and Hunt)

AN ACT Relating to modifying provisions on the canvassing of ballots; amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

ESHB 1741 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Skinner and Conway)

AN ACT Relating to the oral history program; amending RCW 43.07.380, 43.07.220, 43.07.230, 43.07.240, and 43.07.037; adding a new section to chapter 42.52 RCW; adding new sections to chapter 44.04 RCW; adding a new section to chapter 43.07 RCW; creating new sections; and recodifying RCW 43.07.220, 43.07.230, and 43.07.240.

Referred to Committee on Government Operations & Elections.

HB 1746 by Representatives Orcutt, Santos, McIntire and Alexander

AN ACT Relating to the property taxation of historic property leased to counties; amending RCW 84.36.010; and creating a new section.

Referred to Committee on Ways & Means.

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SHB 1761 by House Committee on Capital Budget (originally sponsored by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase)

AN ACT Relating to expediting the cleanup of hazardous waste and creating incentives for Puget Sound cleanups; and amending RCW 70.105D.010, 70.105D.030, and 70.105D.070.

Referred to Committee on Water, Energy & Telecommunications.

E2SHB 1779 by House Committee on Appropriations (originally sponsored by Representatives Wallace, Dunn, Haigh, Kenney, Hasegawa, B. Sullivan, McDermott, Takko, Roberts, P. Sullivan, Fromhold, Quall, Simpson, Lantz, Hudgins, Kagi, Santos, Ormsby and Morrell)

AN ACT Relating to the GET ready for math and science scholarship program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SHB 1802 by House Committee on Health Care & Wellness (originally sponsored by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibborn, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller)

AN ACT Relating to information about the human papillomavirus disease and vaccine; and amending RCW 28A.210.080.

Referred to Committee on Health & Long-Term Care.

SHB 1843 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Chandler and Moeller)

AN ACT Relating to the regulation of construction contractors; amending RCW 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.090, 18.27.104, 18.27.114, 18.27.200, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.290, and 18.27.310; adding a new section to chapter 18.27 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1876 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Ormsby)

AN ACT Relating to certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas piping work; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 1892 by House Committee on Transportation (originally sponsored by Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest)

AN ACT Relating to the impoundment of vehicles by police officers; and amending RCW 46.55.113 and 46.16.010.

Referred to Committee on Transportation.

EHB 1898 by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

AN ACT Relating to apprenticeship utilization requirements on school district public works projects; and amending RCW 39.04.310 and 39.04.320.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1916 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Ericksen, Moeller, Strow, Green, Haler, Appleton, Seaquist, Chase, Priest, McDermott, Walsh, Ormsby, Hasegawa, Fromhold, Kessler, Dunshee, Dunn, Sells, Wood, P. Sullivan, Kenney and Morrell)

AN ACT Relating to interest arbitration regarding certain care providers; and amending RCW 41.56.465, 41.56.028, and 74.39A.270.

Referred to Committee on Labor, Commerce, Research & Development.

E2SHB 2082 by House Committee on Appropriations (originally sponsored by Representatives Chandler, Wallace, Grant, Buri, Miloscia, Kretz and Newhouse)

AN ACT Relating to establishing the field of dreams program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; adding a new chapter to Title 28B RCW; creating a new section; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2152 by Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer, Lantz and Ormsby

AN ACT Relating to election certification dates; and amending RCW 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and 29A.68.120.

Referred to Committee on Government Operations & Elections.

E2SHB 2176 by House Committee on Appropriations (originally sponsored by Representatives Lantz, Warnick, Pedersen, Ross, Hasegawa, Kenney, Santos and Goodman)

AN ACT Relating to interpreter services; amending RCW 2.42.120 and 2.43.040; reenacting and amending RCW 2.56.030; and adding a new section to chapter 2.43 RCW.

Referred to Committee on Ways & Means.

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ESHB 2191 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Warnick, Pedersen, Williams, Moeller, Seaquist, Morrell, Kelley, Simpson and Ormsby)

AN ACT Relating to limiting deferred prosecution in domestic violence cases; amending RCW 10.05.010, 10.05.020, and 10.05.030; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 2246 by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Haler, Fromhold, Wallace, Kenney, Dickerson, Morrell, Simpson, Conway and Ormsby)

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.022, 72.40.070, 72.40.090, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

2SHB 2256 by House Committee on Finance (originally sponsored by Representatives Darneille, Haler, Morrell, Walsh, Pettigrew, Dickerson, Kenney, Schual-Berke, Kagi, P. Sullivan, Lantz, Hinkle, Upthegrove, Appleton, Williams, Seaquist, O'Brien, Hasegawa, Green, Linville, Simpson, Ormsby and Santos)

AN ACT Relating to establishing the family prosperity act; amending RCW 19.182.020; adding new sections to chapter 43.63A RCW; adding a new section to chapter 74.08A RCW; creating a new section; and repealing RCW 43.63A.765 and 43.63A.767.

Referred to Committee on Economic Development, Trade & Management.

2SHB 2327 by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Priest, Haler, Quall, Jarrett, Wallace, Kenney, McDermott, Sells, Santos, Wood and Ormsby)

AN ACT Relating to a system of standards, instruction, and assessments for mathematics and science; amending RCW 28A.655.061, 28A.155.045, 28A.655.070, and 28A.655.200; adding new sections to chapter 28A.655 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

EHJR 4204 by Representatives Schual-Berke, Chase, Wallace, Hudgins, Sells, Kenney, Appleton, Pedersen, Ormsby, Hasegawa, Lovick, Haigh, Dunshee, Hunt, Simpson, Lantz, Hunter, Williams, Linville, Goodman, Conway, Springer, Hurst, Campbell, P. Sullivan, Miloscia, Kelley, Moeller, Green, Rolfes, Eddy, Santos, Fromhold and Haler

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator McAuliffe moved adoption of the following resolution:

SENATE RESOLUTION
8656

By Senator McAuliffe

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, Children need a school environment where they are nurtured and safe; and

WHEREAS, Classified employees provide that environment: The bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; and the custodian, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents and staff and, most important, all children, receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet higher academic standards, as well as provide such specialized services as nursing and interpreting for children who are hearing impaired, children with disabilities, and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly 1 million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor classified school employees during Classified School Employee Week, March 12 through 16, 2007, and urge all citizens to join in honoring and recognizing their contribution to improving the quality of education for over 1 million children in our public schools; and

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BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the public school employees of Washington.

Senators McAuliffe and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8656.

The motion by Senator McAuliffe carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed classified school employees of Washington who were seated in the gallery.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 14, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 14, 2007.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5836, by Senators Fairley, Roach, Kline and Pridemore

Addressing the timing of accrual of property tax revenues.

MOTION

On motion of Senator Fairley, Substitute Senate Bill No. 5836 was substituted for Senate Bill No. 5836 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Fairley and Roach be adopted.

On page 3, after line 16, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

Any first class city located in a county with a population of less than eighty thousand that is seeking to annex territory using the method of annexation provided for in RCW 35.13.130 through 35.13.160, or 35.13.410 through 35.13.450, must receive consent from the county legislative authority prior to enactment of an ordinance annexing the property. The county legislative authority cannot alter or change the boundaries

established and defined in the petition for annexation."

Renumber the remaining sections consecutively.

Senator Hargrove spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove, Fairley and Roach on page 3, after line 16 to Substitute Senate Bill No. 5836.

The motion by Senator Hargrove carried and the amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the determination of boundaries for taxing districts; amending RCW 35.13.270, 35A.14.801, and 84.09.030; and adding a new section to chapter 35.13 RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, Engrossed Substitute Senate Bill No. 5836 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5836.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5836 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5659, by Senators Keiser, Kohl-Welles, Fairley, Franklin, Brown and Kline

Establishing family and medical leave insurance.

MOTION

On motion of Senator Keiser, Second Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the second substitute bill was placed on the second reading and read the second time.

MOTION

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Senator Keiser moved that the following striking amendment by Senators Keiser, Brown and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS. The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of family care, children and family health, workforce stability, and economic security. In particular, the legislature finds that many individuals employed by employers with less than fifty employees do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits, including family and medical leave and disability benefits, meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child, and workers to care for seriously ill family members, regardless of the size of their employer; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for family members while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family and medical leave laws.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Average weekly wage" means the same as in RCW 50.04.355.

(3) "Calendar quarter" means the same as in RCW 50.04.050.

(4) "Child," "department," "director," "health care provider," "parent," "serious health condition," and "spouse" mean the same as in RCW 49.78.020.

(5) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(6) "Employment" has the meaning provided in RCW 50.04.100.

(7) "Family and medical leave" means leave for a family member's serious health condition and leave for the birth or placement of a child.

(8) "Family and medical leave insurance benefits" means the benefits payable under sections 6 and 7 of this act.

(9) "Family member" means a child, spouse or domestic partner, or the parent of the individual, or a person involved in a legal relationship governed by Title 26 RCW.

(10) "Federal family and medical leave act" means the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6).

(11) "Premium" or "premiums" means payments required by this chapter to be made to the department for the family and medical leave insurance account under section 20 of this act.

(12) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(13) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

NEW SECTION. Sec. 3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM. (1) The department shall establish and administer a family and medical leave insurance program and pay family and medical leave insurance benefits as specified in this chapter.

(2) The department shall establish procedures and forms for filing claims for benefits under this chapter. The department shall notify the employer within five business days of a claim being filed under section 4 of this act.

(3) The department may require that a claim for benefits under this chapter be supported by a certification issued by the health care provider providing health care to the individual or individual's family member, as applicable.

(4) The department shall use information sharing and integration technology to facilitate the disclosure of relevant information or records by the employment security department, so long as an individual consents to the disclosure as required under section 4(4) of this act.

(5) Information contained in the files and records pertaining to an individual under this chapter are confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, the individual or an authorized representative of an individual may review the records or receive specific information from the records on the presentation of the signed authorization of the individual. An employer or the employer's duly authorized representative may review the records of an individual employed by the employer in connection with a pending claim. At the department's discretion, other persons may review records when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter.

(6) The department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive family and medical leave insurance benefits under this chapter are made aware of these benefits. Outreach information shall explain, in an easy to understand format, eligibility requirements, the claims process, weekly benefit amounts, maximum benefits payable, notice and medical certification requirements, reinstatement and nondiscrimination rights, confidentiality, and the relationship between employment protection, leave from employment, and wage replacement benefits under this chapter and other laws, collective bargaining agreements, and employer policies. Outreach information shall be available in English and other primary languages as defined in RCW 74.04.025.

NEW SECTION. Sec. 4. ELIGIBILITY FOR BENEFITS. Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family and medical leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to sections 3(4) and 14(2)(b) of this act;

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050;

(6) Documents that he or she has provided the employer from whom family and medical leave is to be taken with written notice of the individual's intention to take family and medical leave in the same manner as an employee is required to provide notice in RCW 49.78.250; and

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(7) Authorizes the individual's health care provider or provides a document authorizing the family member's health care provider, as applicable, to disclose the individual's or family member's health care information in the form of the certification of a serious health condition. To be valid, the disclosure authorization must satisfy the requirements set forth in RCW 70.02.030.

NEW SECTION. Sec. 5. DISQUALIFICATION FROM BENEFITS. An individual is disqualified from family and medical leave insurance benefits beginning with the first day of the calendar week, and continuing for the next fifty-two consecutive weeks, in which the individual:

(1) Willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under this chapter; or

(2) With respect to family and medical leave, is suffering from a serious health condition resulting from the individual's perpetration of a gross misdemeanor or felony.

NEW SECTION. Sec. 6. DURATION OF BENEFITS. (1) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave taken in an application year with respect to a particular type of family and medical leave, whether the first seven calendar days of family and medical leave are employer paid or unpaid.

(2)(a) The first payment of benefits must be made to an individual within two weeks after the claim is filed or the family and medical leave began, whichever is later, and subsequent payments must be made semimonthly thereafter.

(b) The payment of benefits under this chapter shall not be considered a binding determination of the obligations of the department under this chapter. The acceptance of compensation by the individual shall likewise not be considered a binding determination of his or her rights under this chapter. Whenever any payment of benefits under this chapter has been made and timely appeal therefrom has been made where the final decision is that the payment was improper, the individual shall repay it and recoupment may be made from any future payment due to the individual on any claim under this chapter. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(c) If an individual dies before he or she receives a payment of benefits, the payment shall be made to the surviving spouse, the child or children if there is no surviving spouse, or a person with whom the individual is involved in a relationship governed by Title 26 RCW. If there is no surviving spouse, child or children, or a person with whom the individual is involved in a relationship governed by Title 26 RCW, the payment shall be made by the department and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

NEW SECTION. Sec. 7. AMOUNT OF BENEFITS. The amount of family and medical leave insurance benefits shall be determined as follows:

(1) For weeks of family and medical leave beginning before July 1, 2010, the weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week. By June 30, 2010, and by each subsequent June 30th, the department shall calculate to the nearest dollar an adjusted maximum weekly benefit to account for inflation using the consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index, for the twelve completed calendar months before each June 30th as calculated by the United States department of labor. The adjusted maximum weekly benefit takes effect for weeks of family and medical leave beginning after the relevant June 30th.

(2) If an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the individual's weekly benefit shall be .025 times the maximum weekly benefit times

the number of hours of family and medical leave taken in the week. Benefits are not payable for less than eight hours of family and medical leave taken in a week.

(3) For an individual who at the time of beginning family and medical leave was regularly working less than thirty-five hours per week, the department shall calculate a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable, with the prorated schedule based on the amounts and the calculations specified under subsections (1) and (2) of this section.

(4) If an individual discloses that he or she owes child support obligations under section 4 of this act and the department determines that the individual is eligible for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.

(5) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax and an individual elects to have federal income tax deducted and withheld from benefits, the department shall deduct and withhold the amount specified in the federal internal revenue code in a manner consistent with section 8 of this act.

NEW SECTION. Sec. 8. FEDERAL INCOME TAX. (1) If the internal revenue service determines that family and medical leave insurance benefits under this chapter are subject to federal income tax, the department must advise an individual filing a new claim for family and medical leave insurance benefits, at the time of filing such claim, that:

(a) The internal revenue service has determined that benefits are subject to federal income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal income tax deducted and withheld from the individual's payment of benefits at the amount specified in the federal internal revenue code; and

(d) The individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from benefits must remain in the family and medical leave insurance account until transferred to the federal taxing authority as a payment of income tax.

(3) The director shall follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of income tax.

NEW SECTION. Sec. 9. ADJUSTMENT TO BENEFITS. If family and medical leave insurance benefits are paid erroneously or as a result of willful misrepresentation, or if a claim for family and medical leave benefits is rejected after benefits are paid, RCW 51.32.240 shall apply, except that appeals are governed by section 15 of this act, penalties are paid into the family and medical leave insurance account, and the department shall seek repayment of benefits from the recipient.

NEW SECTION. Sec. 10. LEAVE AND EMPLOYMENT PROTECTION. (1) During a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this chapter, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) Regardless of the number of employees employed by the employer, the individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual who has been employed for at least twelve months by the employer from whom family and medical leave is taken, and for at least one thousand two hundred fifty hours of service with the employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. Sec. 11. EMPLOYMENT BY SAME EMPLOYER. If spouses or people involved in a legal

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relationship governed by Title 26 RCW entitled to leave under this chapter are employed by the same employer, the employer may require that spouses or people involved in a legal relationship governed by Title 26 RCW not take such leave concurrently, if such leave is taken: (1) For the birth or placement of a child; or (2) for a parent's serious health condition.

NEW SECTION. Sec. 12. ELECTIVE COVERAGE. (1) An employer of individuals not covered by this chapter or a self-employed person, including a sole proprietor, partner, or joint venturer, may elect coverage under this chapter for all individuals in its employ for an initial period of not less than three years or a subsequent period of not less than one year immediately following another period of coverage. The employer or self-employed person must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(2) An employer or self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of the three-year period of coverage, or at such other times as the director may prescribe by rule, by filing written notice with the director, such withdrawal to take effect not sooner than thirty days after filing the notice. Within five days of filing written notice of the withdrawal with the director, an employer must provide written notice of the withdrawal to all individuals in the employer's employ.

(3) The department may cancel elective coverage if the employer or self-employed person fails to make required payments or reports. The department may collect due and unpaid premiums and may levy an additional premium for the remainder of the period of coverage. The cancellation shall be effective no later than thirty days from the date of the notice in writing advising the employer or self-employed person of the cancellation. Within five days of receiving written notice of the cancellation from the director, an employer must provide written notice of the cancellation to all individuals in the employer's employ.

NEW SECTION. Sec. 13. AMOUNT OF PREMIUMS. (1) Beginning January 1, 2009, for each individual, each employer shall pay a premium of two cents per hour worked, up to a maximum of forty hours per week, to the department. Each employer shall deduct from the pay of each individual the full amount that the employer is required to pay for the individual.

(2) Payments shall be made in the manner and at such intervals as the department directs for deposit in the family and medical leave insurance account. In the payment of premiums, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) The director shall adjust the amount of the premium from time to time to ensure that the amount is the lowest rate necessary to pay family and medical leave insurance benefits and administrative costs, and maintain actuarial solvency in accordance with recognized insurance principles, of the family and medical leave insurance program on a current basis, and to repay loaned funds from the supplemental pension fund, if any, as required in section 23 of this act.

NEW SECTION. Sec. 14. REPORTING AND RECORDKEEPING. (1) In the form and at the times specified by the director, an employer shall make reports, furnish information, and remit premiums as required by section 13 of this act to the department. If the employer is a temporary help company that provides employees on a temporary basis to its customers, the temporary help company is considered the employer for purposes of this section. However, if the temporary help company fails to remit the required premiums, the customer to whom the employees were provided is liable for paying the premiums.

(2)(a) An employer must keep at his or her place of business a record of employment from which the information needed by the department for purposes of this chapter may be obtained. This record shall at all times be open to the inspection of the director or department employees designated by the director.

(b) Information obtained from employer records under this chapter is confidential and not open to public inspection, other

than to public employees in the performance of their official duties. However, an interested party shall be supplied with information from employer records to the extent necessary for the proper presentation of the case in question. An employer may authorize inspection of its records by written consent.

(3) The requirements relating to the assessment and collection of family and medical leave insurance premiums are the same as the requirements relating to the assessment and collection of industrial insurance premiums under Title 51 RCW, including but not limited to penalties, interest, and department lien rights and collection remedies. These requirements apply to:

(a) An employer that fails under this chapter to make the required reports, or fails to remit the full amount of the premiums when due;

(b) An employer that willfully makes a false statement or misrepresentation regarding a material fact, or willfully fails to report a material fact, to avoid making the required reports or remitting the full amount of the premiums when due under this chapter;

(c) A public entity that engages in work or lets a contract for work, in the manner specified in RCW 51.12.050;

(d) A person, firm, or corporation who lets a contract for work, in the manner specified in RCW 51.12.070;

(e) A successor, as defined in RCW 51.08.177, in the manner specified in RCW 51.16.200; and

(f) An officer, member, manager, or other person having control or supervision of payment and/or reporting of family and medical leave insurance, or who is charged with the responsibility for the filing of returns, in the manner specified in RCW 51.48.055.

(4) Notwithstanding subsection (3) of this section, appeals are governed by section 15 of this act.

NEW SECTION. Sec. 15. APPEALS. (1) A person aggrieved by a decision of the department under this chapter must file a notice of appeal with the director, by mail or personally, within thirty days after the date on which a copy of the department's decision was communicated to the person. Upon receipt of the notice of appeal, the director shall request the assignment of an administrative law judge in accordance with chapter 34.05 RCW to conduct a hearing and issue a proposed decision and order. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(2) The administrative law judge's proposed decision and order shall be final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party petitions for review by the director. If the director's review is timely requested, the director may order additional evidence by the administrative law judge. On the basis of the evidence before the administrative law judge and such additional evidence as the director may order to be taken, the director shall render a decision affirming, modifying, or setting aside the administrative law judge's decision. The director's decision becomes final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party files a petition for judicial review as provided in chapter 34.05 RCW. The director is a party to any judicial action involving the director's decision and shall be represented in the action by the attorney general.

(3) If, upon administrative or judicial review, the final decision of the department is reversed or modified, the administrative law judge or the court in its discretion may award reasonable attorneys' fees and costs to the prevailing party. Attorneys' fees and costs owed by the department, if any, are payable from the family and medical leave insurance account.

NEW SECTION. Sec. 16. PROHIBITED ACTS. An employer, temporary help company, employment agency, employee organization, or other person may not discharge, expel, or otherwise discriminate against a person because he or she has filed or communicated to the employer an intent to file a claim, a complaint, or an appeal, or has testified or is about to testify or has assisted in any proceeding, under this chapter, at any time, including during the waiting period described in section 6 of this act and the period in which the person receives

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family and medical leave insurance benefits under this chapter. This section shall be enforced as provided in RCW 51.48.025.

NEW SECTION. Sec. 17. COORDINATION WITH OTHER LAWS, AGREEMENTS, AND POLICIES. (1) Employment protection under other laws. If an individual is entitled to employment protection under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the individual is entitled to employment protection under the other applicable law most favorable to the individual.

(2) Leave from employment under other laws. Except as provided in this subsection, if an individual is entitled to family and medical leave under this chapter and under the federal family and medical leave act, chapter 49.78 RCW, or other applicable federal, state, or local law, the employer may require that leave under this chapter be taken concurrently with leave under other applicable laws. The employer must give individuals in its employ written notice of this requirement. An individual may not increase the duration of his or her leave from employment by tacking on leave under this chapter to leave under other applicable laws. Leave from employment under this chapter is in addition to leave from employment during which benefits are paid or are payable under Title 51 RCW or other applicable federal or state industrial insurance laws.

(3) Wage replacement benefits under other laws. In any week in which an individual is earning waiting period credits or receiving benefits under chapter 7.68 RCW, Title 50 RCW, or Title 51 RCW, or other applicable federal or state crime victims' compensation, unemployment compensation, industrial insurance, or disability insurance laws, the individual is disqualified from receiving family leave insurance benefits under this chapter.

(4) Collective bargaining agreements and employer policies. (a) This chapter does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater employment protection, leave from employment, or wage replacement benefits than under this chapter.

(b) An individual's rights to employment protection, leave from employment, and wage replacement benefits under this chapter may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this chapter is void as against public policy.

(c) If an employer provides wage replacement benefits to an individual while on family and medical leave through disability insurance or any other means, the individual may elect whether first to receive such benefits or receive family and medical leave insurance benefits under this chapter. An individual may not be required to receive the individual's wage replacement benefits, if any, before receiving family and medical leave insurance benefits under this chapter. In no case shall the individual's weekly benefit exceed the individual's average weekly wage.

NEW SECTION. Sec. 18. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT. This chapter does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this chapter at any time, and a benefit or other right granted under this chapter exists subject to the legislature's power to amend or repeal this chapter. There is no vested private right of any kind against such amendment or repeal.

NEW SECTION. Sec. 19. RULES. The director may adopt rules as necessary to implement this chapter. In adopting rules, the director shall maintain consistency with the rules adopted to implement the federal family and medical leave act, and chapter 49.78 RCW, to the extent such rules are not in conflict with this chapter.

NEW SECTION. Sec. 20. ACCOUNT. The family and medical leave insurance account is created in the custody of the state treasurer. All receipts from the premium imposed under section 13 of this act or the penalties imposed under section 14 of this act must be deposited in the account. Expenditures from the account may be used only for the purposes of the family and medical leave insurance program. Only the director or the

director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

NEW SECTION. Sec. 21. INVESTMENT OF FAMILY AND MEDICAL LEAVE INSURANCE ACCOUNT. Whenever, in the judgment of the state investment board, there shall be in the family and medical leave insurance account funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired with such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

Sec. 22. RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family and medical leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced

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environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 23. LOANS. If necessary to ensure that money is available in the family and medical leave insurance account for the initial administration of the family and medical leave insurance program and the payment of benefits under this act, the director of labor and industries may, from time to time before July 1, 2009, lend funds from the supplemental pension fund to the family and medical leave insurance account. These loaned funds may be expended solely for the purposes of administering the program and paying benefits under this act. The director of labor and industries shall repay the supplemental pension fund, plus its proportionate share of earnings from investment of moneys in the supplemental pension fund during the loan period, from the family and medical leave insurance account within two years of the date of the loan. This section expires October 1, 2011.

Sec. 24. RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. ~~((Said))~~ The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title and the loans therefrom authorized in section 23 of this act.

NEW SECTION. Sec. 25. REPORTS TO THE LEGISLATURE. Beginning September 1, 2010, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

NEW SECTION. Sec. 26. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 28. CODIFICATION. Sections 1 through 21 and 25 through 27 of this act constitute a new chapter in Title 49 RCW."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Benton to the striking amendment be adopted.

On page 8, after line 18 insert, "(5) This section does not apply to individuals employed by an employer with 25 or fewer employees."

Senators Hargrove, Keiser and Benton spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Benton on page 8, line 18 to the striking amendment to Second Substitute Senate Bill No. 5659.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer and Benton to the striking amendment be adopted.

On page 16, after line 32, insert the following:

"NEW SECTION. Sec. 26. TAX CREDIT. In computing the tax imposed under this chapter, a credit is allowed for businesses employing fifty or fewer persons who hire a worker to replace an employee who has taken family or medical leave under this chapter or chapter 49.78 RCW. The credit is one thousand two hundred dollars for each replacement employee hired. A tax credit claimed under this section may not be carried over to another year."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Kilmer spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer and Benton on page 16, after line 32 to the striking amendment to Second Substitute Senate Bill No. 5659.

The motion by Senator Kilmer carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser, Brown and Kohl-Welles as amended to Second Substitute Senate Bill No. 5659.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 51.44.033; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 49 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Brown, Kohl-Welles and Spanel spoke in favor of passage of the bill.

Senators Schoesler, Stevens, Clements, Holmquist and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Clements: "Thank you and I'll be brief. I think its worth saying, just the tone and tenor of this body. In 1995 there was a very fine minority leader in the House, I think today's he's a judge. I don't know if he wears his cowboy boots under his robe or not. But there was a point where we're having a great debate and there was a fine representative from the thirty-fourth district and we were doing budget and he wanted something in the budget for a school lunch program or after school program. He was having great difficulty getting that appropriation. I rose on the floor and, I think the good Senator will remember, and we got that budget item but the minority leader said something to me that I'll never, ever forget. He said to me that in time when you're in the majority and you have great power and you do things that create great tension between both caucuses. There will be some, only some, that will go on and some won't forget or forgive and I think when we do legislation on this body, when we put ourselves in a position like that I always worry and I'm not saying this legislation does it but it is the type of thing that this Senator's always cautious of as I debate issues as long as I serve here. Thank you."

SECOND READING

SENATE BILL NO. 5248, by Senators Hatfield, Schoesler, Rasmussen, Morton, Honeyford, Haugen, Shin and Holmquist

Preserving the viability of agricultural lands.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Schoesler, Sheldon, Spanel, Stevens, Swecker and Zarelli - 32

Voting nay: Senators Eide, Fairley, Franklin, Fraser, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Pridemore, Regala, Rockefeller, Shin, Tom and Weinstein - 17

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5918, by Senators Fraser and Delvin

Revising retirement benefits for judges.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Bill No. 5918 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5918.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5918 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5918, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5923, by Senators Swecker, Jacobsen and Sheldon

Regarding aquatic invasive species enforcement and control.

MOTION

On motion of Senator Swecker, Second Substitute Senate Bill No. 5923 was substituted for Senate Bill No. 5923 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Jacobsen and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.400 and 2005 c 464 s 5 are each amended to read as follows:

(1) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

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(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of zebra mussels and other aquatic invasive species; and

(b) By the department of fish and wildlife, to establish random check stations, ~~((in conjunction with the department of fish and wildlife))~~ to inspect recreational and commercial watercraft ~~((in areas of high boating activity))~~ as provided for in RCW 77.12.879(3).

(3) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

Sec. 2. RCW 77.12.879 and 2005 c 464 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft, watercraft ~~((trailers))~~ transportation equipment, and outboard motors ~~((at selected boat launching sites));~~

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by marine recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations on how to inspect recreational and commercial watercraft for the presence of zebra mussels and other aquatic invasive species. The department ~~((shall also cooperatively work with the Washington state patrol to set up random check stations to inspect watercraft at areas of high boating activity))~~ is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses watercraft or equipment that is contaminated with prohibited aquatic animal or plant species is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and watercraft forfeiture provided for under section 7 of this act, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall post signs warning vessel owners of the threat of aquatic invasive species, the penalties associated with introduction of a prohibited aquatic animal or plant species, and the proper contact information for obtaining a free inspection. The signs must be posted at all ports of entry to the

state and at all boat launches owned or leased by the department. The signs should provide enough information for the public to discern whether the vessel has been operated in an area that would warrant the need for an inspection. The department shall include the same information on the department's internet site. In order to reduce the need for unnecessary inspections, the department may develop a process to assist the public in determining whether a vessel inspection is warranted via telephonic audio menu. The department shall consult with the state patrol and the department of transportation regarding proper placement and authorization for sign posting. The department must coordinate with the department of parks and recreation to include such information in all boating-related materials provided to the boating public. The department may coordinate with other states on inspection requirements and may determine when other state inspections meet Washington standards.

(2) All port districts, privately or publicly owned marinas, state parks, and other state agencies or political subdivisions that own or lease a boat launch must display a sign as described under subsection (1) of this section. The department shall provide the signs to all port districts, privately or publicly owned marinas, state parks, and other state agencies managing boat launches. Signs must be posted in a location near the boat launch to provide maximum visibility to the public.

(3) The department or its designee shall provide an inspection of a watercraft to the person requesting the inspection. The department or its designee shall provide an inspection receipt verifying that the watercraft is not contaminated.

(4) The department shall provide training to all department employees that are deployed in the field to provide for efficient and timely response and inspections of recreational and commercial watercraft.

Sec. 4. RCW 77.15.253 and 2002 c 281 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful use of a prohibited aquatic animal species if he or she possesses, imports, purchases, sells, propagates, transports, or releases a prohibited aquatic animal species within the state, except as provided in this section.

(2) Unless otherwise prohibited by law, a person may:

(a) Transport prohibited aquatic animal species to the department, or to another destination designated by the director, in a manner designated by the director, for purposes of identifying a species or reporting the presence of a species;

(b) Possess a prohibited aquatic animal species if he or she is in the process of removing it from watercraft or equipment in a manner specified by the department;

(c) Release a prohibited aquatic animal species if the species was caught while fishing and it is being immediately returned to the water from which it came; or

(d) Possess, transport, or release a prohibited aquatic animal species as the commission may otherwise prescribe.

(3) Unlawful use of a prohibited aquatic animal species is a gross misdemeanor. A subsequent violation of subsection (1) of this section within five years is a class C felony.

(4) A person is guilty of unlawful release of a regulated aquatic animal species if he or she releases a regulated aquatic animal species into state waters, unless allowed by the commission.

(5) Unlawful release of a regulated aquatic animal species is a gross misdemeanor.

(6) A person is guilty of unlawful release of an unlisted aquatic animal species if he or she releases an unlisted aquatic animal species into state waters without requesting a commission designation under RCW 77.12.020.

(7) Unlawful release of an unlisted aquatic animal species is a gross misdemeanor.

(8) This section does not apply to:

(a) The transportation or release of organisms in ballast water;

(b) A person stopped at an aquatic invasive species check station who possesses watercraft or equipment that is contaminated with a prohibited, regulated, or unlisted aquatic animal species, if that person complies with all department

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directives for the proper decontamination of the watercraft and equipment; or

(c) A person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department and has received a receipt verifying that the watercraft is not contaminated.

Sec. 5. RCW 77.15.290 and 2002 c 281 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses watercraft or equipment that is contaminated with a prohibited aquatic animal or plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft is not contaminated.

NEW SECTION. Sec. 6. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully avoiding aquatic invasive species check stations if the person fails to:

(a) Obey check station signs; or

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer.

(2) Unlawfully avoiding aquatic invasive species check stations is a gross misdemeanor.

NEW SECTION. Sec. 7. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully introducing a prohibited aquatic animal species if the person fails to:

(a) Have a vessel inspected by state patrol officers or state fish and wildlife officers prior to launching the vessel in Washington waters; and

(b) The vessel is contaminated with an aquatic invasive species, as defined by the department.

(2) The penalty for unlawfully introducing a prohibited aquatic animal species may include forfeiture of the contaminated watercraft, under RCW 77.15.070.

NEW SECTION. Sec. 8. A new section is added to chapter 77.12 RCW to read as follows:

The department shall develop a programmatic environmental impact statement to address the department's plan for treatment and immediate response to the introduction to Washington waters of a prohibited aquatic invasive species.

Sec. 9. RCW 77.120.010 and 2000 c 108 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment, boat, barge, or other floating craft.

(11) "Vessel" means a ((self-propelled)) ship ((in commerce)), boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

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Sec. 10. RCW 77.120.020 and 2000 c 108 s 3 are each amended to read as follows:

(1) This chapter applies to all vessels carrying ballast water into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel ~~((+))~~ that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters ~~(; or (ii) that does not discharge ballast water in Washington waters); and~~

(c) A vessel in innocent passage, merely traversing the ((internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada,)) territorial sea of the United States and not entering or departing a United States port, ((or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port,)) or not navigating the internal waters of the United States~~(; and~~

~~(d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state), and that does not discharge ballast water into the waters of the state.~~

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

Sec. 11. RCW 77.120.030 and 2004 c 227 s 3 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

~~((+)) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.~~

(2) ~~((After July 1, 2007,)) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department consistent with applicable state and federal laws. ((When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.~~

~~(3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.~~

~~(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for~~

~~the interim ballast water management report. The recommendations must include, but are not limited to:~~

~~(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;~~

~~(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and~~

~~(c) The method, form, and content of reporting to be used for such reports.~~

(3) The department, in consultation with the ballast water work group, or similar collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) If the master, operator, or person in charge of a vessel decides that the open sea exchange or treatment of ballast waters would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions, the master, operator, or person in charge of a vessel must chemically treat the ballast water prior to discharge to ensure that aquatic invasive species are destroyed. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) documenting the location of the discharge, chemical used to treat the ballast water, and amount of chemical applied; (d) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (e) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification ((that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007)), the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, and recommended chemicals for treatment and corresponding dose concentration levels to meet the intent of this section.

~~((6)) (7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.~~

~~((7)) (8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.~~

~~((8)) (9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.~~

Sec. 12. 2004 c 227 s 2 (uncodified) is amended to read as follows:

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(1) The director of the department (~~(of fish and wildlife)~~) must establish the ballast water work group.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the Puget Sound steamship operators;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry;

(f) One representative from the Puget Sound water quality action team;

(g) Two representatives from the environmental community;

(h) One representative of the shellfish industry;

(i) One representative of the tribes;

(j) One representative of maritime labor; ~~(and)~~

(k) One representative from the department (~~(of fish and wildlife)~~);

(l) One representative from the department of ecology; and

(m) One representative from the cruise ship industry.

(3) The ballast water work group must (~~(study, and provide a report to the legislature by December 15, 2006, the following issues)~~) begin operation immediately upon the effective date of this section. The Puget Sound action team or its successor agency must provide staff for the ballast water work group from existing personnel within the action team. The ballast water work group must:

~~(a) ((All issues relating to ballast water technology, including exchange and treatment methods, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;~~

~~(b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement;~~

~~(c) The costs associated with, and possible funding methods for, implementing the ballast water program;~~

~~(d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;~~

~~(e) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;~~

~~(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and~~

~~(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.~~

~~(4) The ballast water work group must begin operation immediately upon the effective date of this section. The Puget Sound water quality action team must provide staff for the ballast water work group. The staff must come from existing personnel within the team)) Provide a report to the legislature by July 1, 2009, on the progress of the work group on the tasks listed in this section, and report on compliance with this act, and recommendations for improvements, if any, to the ballast water program;~~

(b) Work with the state of Oregon to develop a consistent, coordinated, and enforceable ballast water management program for the Columbia river that is acceptable to both states;

(c) Advise the department as it develops a program to establish and maintain an inventory of introduced nonindigenous plants and animals in state waters in and adjacent to ports, harbors, oil transfer facilities, grain elevators, and other ship-berthing facilities and evaluate the effectiveness of the program and a program to assess vessel-specific risks;

(d) Help the department review the needs of the ballast water program, including research investments, and identify unmet needs, and work through the Puget Sound action team's and the department's internal budget development process to secure needed funds;

(e) Help the department develop and align the state program with national and regional ballast water management programs;

(f) Assist the department by developing a workable technical and financial assistance program to support the shipping industry to comply with state ballast water laws and rules;

(g) Work with the United States coast guard and the department of ecology to improve coordination and integration of vessel inspection procedures among agencies that board and inspect vessels and identify ways to minimize apparent duplication of effort, work more effectively with vessel masters and crew, and recommend changes to state law to streamline the program, if needed;

(h) Outline funding, policy, and program recommendations to support the state's management program;

(i) Coordinate, in association with the departments of fish and wildlife, ecology, and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, the development of a management approach for nonballast water ship vectors as a source of nonindigenous species such as ship hull fouling, sea chests and equipment, and vessels equipped with ballast tanks that carry no ballast onboard;

(j) Review and provide comment on proposed federal legislation, international and regional programs, and other policy arenas;

(k) Harmonize the state ballast water program with western coastal states, British Columbia, and Canada;

(l) Work with the department's science advisory panel to develop a science research plan and estimated costs to answer key research and management questions;

(m) Provide recommendations and technical information to assist the department in determining if and when it is necessary or advisable to adjust rules and guidance for the ballast water management program to achieve resource goals and objectives;

(n) Other responsibilities, as necessary.

~~((5)) (4) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.~~

~~((6)(a) The ballast water work group expires June 30, 2007.~~

~~(b) This section expires June 30, 2007-))~~

Sec. 13. RCW 77.120.070 and 2000 c 108 s 8 are each amended to read as follows:

(1) ((Except as limited by subsection (2) or (3) of this section,)) The department may establish by rule schedules for any penalty allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

(2) The director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under RCW 77.120.030 and 77.120.040. The penalty shall not exceed ~~((five))~~ twenty-seven thousand five hundred dollars for each day of a continuing violation. In determining the amount of a civil penalty, the department shall set standards by rule that consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

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~~((2) The civil penalty for a violation of reporting requirements of RCW 77.120.040 shall not exceed five hundred dollars per violation.~~

~~(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.~~

~~((4)) (3) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.~~

NEW SECTION. Sec. 14. A new section is added to chapter 77.120 RCW to read as follows:

The department may assess a fee for any exemptions allowed under this chapter. Such a fee may not exceed five thousand dollars. The department may establish by rule schedules for any fee allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

NEW SECTION. Sec. 15. A new section is added to chapter 77.120 RCW to read as follows:

(1) The ballast water management account is created in the custody of the state treasurer. All receipts from legislative appropriations, gifts, grants, donations, penalties, and mitigation fees received under this chapter must be deposited into the account.

(2) The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required. Only the director or the director's designee may authorize expenditures from the account. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used, in consultation with the ballast water work group created in section 12 of this act, only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

NEW SECTION. Sec. 16. A new section is added to chapter 77.120 RCW to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. Such testing and research shall be reviewed by the ballast water work group and the findings included in the report to the legislature referenced in section 12 of this act.

Sec. 17. RCW 90.48.020 and 2002 c 161 s 4 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Whenever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other

aquatic life. "Pollution" shall not include emergency discharge of ballast water as provided under RCW 77.120.030(4).

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under RCW 17.26.020.

Whenever the words "general sewer plan" are used in this chapter they shall be construed to include all sewerage general plans, sewer general comprehensive plans, plans for a system of sewerage, and other plans for sewer systems adopted by a local government entity including but not limited to cities, towns, public utility districts, and water-sewer districts.

Sec. 18. RCW 90.48.030 and 1987 c 109 s 123 are each amended to read as follows:

The department shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington. The department shall not have jurisdiction over, and this chapter shall not apply to, emergency discharge of ballast water as provided under RCW 77.120.030(4).

NEW SECTION. Sec. 19. Section 12 of this act is added to chapter 77.120 RCW.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) RCW 77.120.060 (Report to legislature--Results of chapter) and 2002 c 282 s 4 & 2000 c 108 s 7;
- (2) RCW 77.120.080 (Legislative review of chapter--Recommendations) and 2000 c 108 s 9; and
- (3) RCW 77.120.090 (Ballast water information system--Improvements) and 2002 c 282 s 5."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

Senator Swecker moved that the following amendment by Senators Swecker, Jacobsen and Spanel to the striking amendment be adopted.

On page 11, on line 23, after "(4)" strike all material through "section" on page 12, line 2, and insert the following:

"(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master decides that the practice would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section"

On page 12, on line 14, after "plans" strike all material through "section" on line 16

On page 17, after line 23, strike all of sections 17 and 18

On page 19, on line 7, beginning with "On" strike all material through "penalties." on line 13 and insert:

"On page 1, line 2 of the title, after "control;" strike the remainder of the title and insert "amending RCW 43.43.400, 77.12.879, 77.15.253, 77.15.290, 77.120.010, 77.120.020, 77.120.030, and 77.120.070; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.12 RCW;

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adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties."

ReNUMBER the sections consecutively and correct any internal references accordingly.

Senator Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Hargrove spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker, Jacobsen and Spanel on page 11, line 23 to the striking amendment to Second Substitute Senate Bill No. 5923.

The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Jacobsen and Morton to Second Substitute Senate Bill No. 5923.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "control;" strike the remainder of the title and insert "amending RCW 43.43.400, 77.12.879, 77.15.253, 77.15.290, 77.120.010, 77.120.020, 77.120.030, 77.120.070, 90.48.020, and 90.48.030; amending 2004 c 227 s 2 (uncodified); adding new sections to chapter 77.12 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.120 RCW; repealing RCW 77.120.060, 77.120.080, and 77.120.090; and prescribing penalties."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5923 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Swecker and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5923.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5923 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Well, today we have the Navy leadership from Puget Sound in the capitol and in our gallery and so we're really proud certainly to support the Navy and all their endeavors. I also want to mention that the Navy band will be here and playing on the Capitol grounds so I would hope that we would all find some time to enjoy, if we get a break from our busy schedule today. I want to recognize the fine leadership of our Navy, Admiral French, and all our wonderful support from the Navy for our Puget Sound in the State of Washington."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the United States Navy who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced former Secretary of State, Ralph Munro, who was seated in the gallery.

PERSONAL PRIVILEGE

Senator Zarelli: "Thank you Mr. President. Well this is a special day for me, as well to honor Admiral French and his leadership team from the Puget Sound area down to the capitol. Being an eight-year veteran of the United States Navy myself, I wanted to share a few things that maybe many members of the Senate are not familiar with and that is that United States Navy is probably the most diverse branch of the military service that we have in this country. Many folks don't know that the Navy Seals are a lot of times the first into action. We think of special forces but, Mr. President, I would say that the Navy Seals are usually that special force that first go in to clear the area for the rest. The Navy Seabees builds things. Bridges, buildings, roads-everything that you might see built. Whether it be transportation or other infrastructure, is usually accomplished by the Navy Seabees. Of course the Air Force, we all know that we have a branch of service called the Air Force but Mr. President but I would argue that the United States Navy indeed has the largest air force in the world in the form of combat jets that fly off those big beautiful cities called aircraft carriers. So these are a few things that I thought I would share with the members of the body today and also restate what an honor it is to have you, Admiral, and your leadership team and we thank you for all that you are doing in representing in the fine men and women who are standing up and fighting for the United States of America. Thank you."

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. First I'd like to thank the Admiral and staff and all who serve in our Armed Forces for the protection of our freedoms and, secondly, I'd like to mention that during the Heritage Caucus this morning at 7 a.m. or about 7:30 they made a presentation about one of the things they're doing in the Bremerton Yards is the preservation of historic buildings there and that was a very interesting presentation. I very much appreciate it. I'm sorry that most of you missed it. So, thank you."

PERSONAL PRIVILEGE

Senator Haugen: "Thank you Mr. President. Well, I would like to add that I'm really pleased to have leadership from the Navy here today and what I want to say is thank you to the Navy. I happen to represent Whidby Island. Naval Station

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which, I think is the best Naval stations in this state and I can tell you that the men and women who are stationed on that base are true contributors to their community. There isn't a school or any other activity that goes on within the whole Whidby Island area that there not people from that base out supporting. They're extraordinary, good citizens and I think we are so fortunate to have a very large military presence in the State of Washington and I am truly privileged to represent, I think, the most outstanding Whidby Island Naval Base."

PERSONAL PRIVILEGE

Senator Rockefeller: "Mr. President, I would like to join the adulates that are being extended by other members. As a legislator from Kitsap, I especially appreciate the fact that the Navy is a wonderful neighbor to our community and in fact constitute a significant part of our community and we respect them. We value them. We applaud their service to our country and we value each and every member of the service and the many civilians who make this a very fundamental part of the Kitsap County economy and our national security so we thank you for that."

PERSONAL PRIVILEGE

Senator Fraser: "Thank you Mr. President. I had the opportunity to visit with many of the officers who are visiting us today and I found them to be very thoughtful and sensitive to the communities they serve. Very professional and I'm so pleased that they have a chance to visit the legislature today."

PERSONAL PRIVILEGE

Senator McCaslin: "It's an honor to see you folks. My father served in World War I in the Navy. My older brother served in World War II in the Navy and I served in the World War II as a Navy radioman second class. I never saw too many of you folks. Most of the people I associated with, they had the two stripes on their shirt. I forgot what they called it. I do remember the thirteen buttons and I don't know if ever you folks there went through the thirteen buttons but that was work all day long. I didn't need it as much as I do now but it's an honor to see you and it's an honor your serving our country. I salute you all. Thank you."

SECOND READING

SENATE BILL NO. 6016, by Senators Regala and Kohl-Welles

Concerning good cause reasons for failure to participate in WorkFirst program components.

MOTIONS

On motion of Senator Regala, Second Substitute Senate Bill No. 6016 was substituted for Senate Bill No. 6016 and the second substitute bill was placed on the second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Second Substitute Senate Bill No. 6016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6016.

ROLL CALL

The Secretary called the roll on the final passage of Second

Substitute Senate Bill No. 6016 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 2; Excused, 0.

Voting yea: Senators Berkey, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Absent: Senators Brown and Kline - 2

SECOND SUBSTITUTE SENATE BILL NO. 6016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6032, by Senators Kohl-Welles, McCaslin, Kline, Regala and Keiser

Concerning the medical use of marijuana.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6032 was substituted for Senate Bill No. 6032 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Keiser, Carrell and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

Sec. 2. RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~((would))~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a

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crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

Sec. 3. RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter; and

(c) Is the designated provider to only one patient at any one time.

(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

~~((2))~~ "Primary caregiver" means a person who:

~~(a) Is eighteen years of age or older;~~

~~(b) Is responsible for the housing, health, or care of the patient;~~

~~(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.)~~

(3) "Production" means the manufacturing, planting, cultivating, growing, harvesting, and other steps reasonably related to the provision of medical marijuana individually by one patient, or by or with the assistance of his or her designated provider, for the exclusive benefit of the qualifying patient in the treatment of terminal or debilitating medical conditions.

(a) By January 1, 2008, the department of health shall adopt rules defining the presumptive quantity of marijuana that could reasonably be said to be a sixty-day supply for any qualifying patient; this presumption may be overcome with evidence of the qualifying patient's necessary medical use.

(b) As used in this chapter, "sixty-day supply" means that amount of marijuana that a qualifying patient would reasonably be expected to need over a period of sixty days for his or her personal medical use.

(c) By July 1, 2008, the department of health shall make recommendations to the legislature addressing the efficient provision of access to an adequate, safe, consistent, and secure source of medical marijuana for qualifying patients. Recommendations may be based on but not limited to a review of available medical and scientific literature, consultation with experts, surveys of other states' best practices, and public input.

(4) "Qualifying patient" means a person who:

(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

~~((4))~~ (5) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

~~(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or~~

~~(g) Any other medical condition duly approved by the Washington state medical quality assurance ((board (commission))) commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.~~

~~((5))~~ (6) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ~~((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying))~~ patient may benefit from the medical use of marijuana; ~~((and))~~

(b) Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and

~~(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.~~

Sec. 4. RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the ~~((potential benefits of the))~~ medical use of marijuana ~~((would likely outweigh the health risks for the))~~ may benefit a particular qualifying patient.

Sec. 5. RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ~~((primary caregiver))~~ provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2) The))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3) The))~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

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~~((4) The designated primary caregiver shall:
 (a) Meet all criteria for status as a primary caregiver to a qualifying patient;
 (b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;
 (c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;
 (d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and
 (e) Be the primary caregiver to only one patient at any one time.))~~

69.51A.010, 69.51A.030, 69.51A.040, 69.51A.060, and 69.51A.070; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Pflug and McCaslin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Keiser, Kilmner, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 39

Voting nay: Senators Clements, Hargrove, Hewitt, Holmquist, Honeyford, Kauffman, Morton, Schoesler, Swecker and Zarelli - 10

ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Today is Autism day in Olympia and I just wanted everyone to be aware that children and people with Autism or have loved ones with Autism will be here and will be in the Rotunda with a proclamation from the Governor. So, I want you to welcome them and please acknowledge that today is Autism day."

MOTION

At 11:30 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:11 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 13, 2007

MR PRESIDENT:

The House has passed the following bills:
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001,
 ENGROSSED HOUSE BILL NO. 1214,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
 ENGROSSED HOUSE BILL NO. 1471,

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "marijuana;" strike the remainder of the title and insert "amending RCW 69.51A.005,

Sec. 6. RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.
 (2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.
 (3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.
 (4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ~~((or))~~ in any youth center, or in any correctional facility.
 (5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010~~((5))~~ (6)(a).
 (6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.
Sec. 7. RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:
 The Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ~~((by physicians or patients))~~ to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review."

Senators Kohl-Welles and Carrell spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Keiser, Carrell and Pflug to Substitute Senate Bill No. 6032.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

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ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1733,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139,
HOUSE BILL NO. 1383,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1825,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,
SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2130,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,
ENGROSSED HOUSE BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
SUBSTITUTE HOUSE BILL NO. 1897,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910,
SUBSTITUTE HOUSE BILL NO. 2008,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
ENGROSSED HOUSE BILL NO. 2113,
SUBSTITUTE HOUSE BILL NO. 2158,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1267,
HOUSE BILL NO. 1376,
SECOND SUBSTITUTE HOUSE BILL NO. 1488,
SUBSTITUTE HOUSE BILL NO. 1891,
SECOND SUBSTITUTE HOUSE BILL NO. 1980,
SUBSTITUTE HOUSE BILL NO. 2087,
SUBSTITUTE HOUSE BILL NO. 2338,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6053, by Senators Spanel, Jacobsen, Haugen, Hargrove, Hatfield, Morton, Murray, Fairley and Kohl-Welles

Regarding the management of the state's food fish and shellfish resources. Revised for 1st Substitute: Creating a legislative task force on the structure of the department of fish and wildlife.

MOTIONS

On motion of Senator Spanel, Substitute Senate Bill No. 6053 was substituted for Senate Bill No. 6053 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Spanel, the rules were suspended, Substitute Senate Bill No. 6053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel, Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6053.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6053 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5389, by Senator Hewitt

Approving the importing of one simulcast race of regional or national interest on horse race days.

The measure was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hewitt spoke in favor of passage of the bill.

POINT OF ORDER

Senator Hargrove: "I'd like to ask whether this bill requires a sixty percent vote for expanding gambling?"

RULING BY THE PRESIDENT

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President Owen: "Senator Hargrove, this bill provides a new opportunity to gamble that is not in existent today therefore, it would take a sixty percent vote."

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Carrell, Fairley, Hargrove, Haugen, McAuliffe, Prentice, Stevens and Swecker - 8

Absent: Senator Kline - 1

SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6141, by Senators Jacobsen and Morton

Expanding provisions affecting forest health. Revised for 1st Substitute: Regarding forest health.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6141.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6059, by Senators Carrell, Kline and Roach

Allowing attorneys to recover actual costs for service of process.

The measure was read the second time.

MOTION

On motion of Senator Carrell, the rules were suspended, Senate Bill No. 6059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Carrell and Weinstein spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 6059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5554, by Senators McAuliffe, Clements and Kohl-Welles

Concerning self-service storage facilities.

MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 5554 was substituted for Senate Bill No. 5554 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 5554 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5554.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5554 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

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Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 5554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5585, by Senators Tom, Keiser, Weinstein, Oemig, Kohl-Welles, Marr, Fraser, Prentice and Franklin

Concerning parent and child health services provided by the department of health.

MOTIONS

On motion of Senator Tom, Substitute Senate Bill No. 5585 was substituted for Senate Bill No. 5585 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Tom, the rules were suspended, Substitute Senate Bill No. 5585 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

Senators Pflug, Zarelli and Parlette spoke against passage of the bill.

Senators Franklin and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5585.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5585 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

SUBSTITUTE SENATE BILL NO. 5585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5619, by Senators Pflug, Keiser, Parlette, Marr, Weinstein, Fairley, Kastama, Kline and Kohl-Welles

Revising the standards for informed consent to health care.

Revised for 1st Substitute: Addressing unwarranted variation in health care.

MOTIONS

On motion of Senator Pflug, Substitute Senate Bill No. 5619 was substituted for Senate Bill No. 5619 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Pflug, the rules were suspended, Substitute Senate Bill No. 5619 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5619.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5619 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5723, by Senators Rasmussen, Clements, Hatfield, Roach, Shin, Morton, Kline, Schoesler, Haugen, Sheldon, Hargrove, Kohl-Welles, Fairley, Honeyford, Franklin, Keiser, Berkey, Kauffman, Kilmer, Jacobsen, Kastama, Benton, Zarelli and Parlette

Creating and funding the community agricultural worker safety grant program.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following striking amendment by Senators Rasmussen and Clements be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that agricultural workers are challenged not only in finding full-time, year-round work, but also face difficulties in upgrading their agricultural skills. The legislature also finds that the agricultural industry's demand for skilled workers far outnumbers the current supply. In addition, the legislature finds that despite recent advances in the safety of agricultural production, additional training of agricultural workers should assist the agricultural sector in ongoing efforts to reduce occupational injuries.

NEW SECTION. Sec. 2. A new section is added to chapter 15.04 RCW to read as follows:

Subject to the availability of amounts appropriated for this specific purpose, the department shall administer the community agricultural worker safety grant program, to be implemented by the 501(c)(3) nonprofit opportunities industrialization center of Washington. As grant recipient, the center shall work with the agricultural industry to provide practical, hands-on training for

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the state's agricultural workers in tractor and farm machinery skills and safety, pesticide training, adult basic skills, civics, English as a second language, commercial drivers' licensing, and other related topics. The grant recipient may receive up to two hundred fifty thousand dollars per year.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 4. This act expires July 1, 2012."

Senators Rasmussen and Clements spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Rasmussen and Clements to Senate Bill No. 5723.

The motion by Senator Rasmussen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 15.04 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 5723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5723.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5723 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SENATE BILL NO. 5723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5869, by Senators Kline, Fairley, Franklin and Keiser

Monitoring personal information collected by state agencies.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5869 was substituted for Senate Bill No. 5869 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5869 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5869.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5869 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5551, by Senators Prentice, Kohl-Welles, Clements and Rasmussen

Enhancing enforcement of liquor and tobacco laws.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 5551 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5551.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5551 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Benton - 1

SENATE BILL NO. 5551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5927, by Senator Delvin

Regarding nondisclosure of certain information of gambling commission licensees.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 5927 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5927.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5927 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5972, by Senators Morton, Jacobsen, Swecker, Rockefeller, Poulsen, Rasmussen, Hargrove and Shin

Providing the department of natural resources with more consistent enforcement authority for protection against mining without a permit.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5972 was substituted for Senate Bill No. 5972 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5972.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5972 and the bill passed the Senate

by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6100, by Senators Kline and Brandland

Limiting the use of charitable donations in charging decisions.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 6100 was substituted for Senate Bill No. 6100 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 6100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6100.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 6100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Zarelli, moved that the Senate advanced to the ninth order of business for the purpose of reconsidering the vote by which Engrossed Senate Joint Resolution No. 8207 failed to pass.

MOTION

At 2:40 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:10 p.m. by President Owen.

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MOTION

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At 3:12 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 15, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-SEVENTH DAY, MARCH 15, 2007

2007 REGULAR SESSION

SIXTY-SEVENTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, March 15, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Rockefeller, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

March 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Office of Public Defense Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Office of Public Defense Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Interagency Committee for Outdoor Recreation Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0337.

Sincerely,

Brian Sonntag, State Auditor

The Interagency Committee for Outdoor Recreation Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction Audit Report. This report is mandated under RCW 43.09.319.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Superintendent of Public Instruction Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 2, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Pierce College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Pierce College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 6, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Washington State Kinship Oversight Committee Report. This report is mandated under Chapter 284, Laws of 2005 - RCW 74.13.620.

If you have any questions about the report, please call 360-902-7986.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Washington State Kinship Oversight Committee Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 14, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann

SIXTY-SEVENTH DAY, MARCH 15, 2007

2007 REGULAR SESSION

Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Fees as a Barrier to Adoption from Foster Care Report. This report is mandated under Section 2, Chapter 248, Laws of 2006.

If you have any questions about the report, please call 360-902-7912.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Fees as a Barrier to Adoption from Foster Care Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 14, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Consideration of a Differential Response in Washington State's Child Protection System Report. This report is mandated under Chapter 372, Laws of 2006, Section 202(18).

If you have any questions about the report, please call 206-341-7310.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Consideration of a Differential Response in Washington State's Child Protection System Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 14, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Quarterly Child Fatality Report. This report is mandated under RCW 74.13.640.

If you have any questions about the report, please call 360-902-7718.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Quarterly Child Fatality Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 8, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Washington Telephone Assistance Program. This report is mandated under RCW 80.36.475.

If you have any questions about the report, please call 360-725-4600.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Washington Telephone Assistance Program is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 8, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Foster Care Health. This report is mandated under Chapter 74, Section 13, Laws of 2006.

If you have any questions about the report, please call 360-902-7920.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Foster Care Health is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 7, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Social & Health Services, Faith-Based Organizations and Chemical Dependency Recovery Support Services Report. This report is mandated under E2SSB 6239.

Sincerely,

Robin Arnold-Williams, Secretary

The Dept. of Social & Health Services, Faith-Based Organizations and Chemical Dependency Recovery Support Services Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 5, 2007

SIXTY-SEVENTH DAY, MARCH 15, 2007
STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Community Trade & Economic Development, The Bond Cap Report. This report is mandated under RCW 39.86.190.

If you have any questions about the report, please call 360-725-5021.

Sincerely,

Juli Wilkerson, Director

The Dept. of Community Trade & Economic Development, The Bond Cap Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 7, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Superintendent of Public Instruction, Truancy Report. This report is mandated under Chapter 28A.225 RCW.

If you have any questions about the report, please call 360-725-6044.

Sincerely,

Dr. Terry Bergeson

The Superintendent of Public Instruction, Truancy Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 15, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Corrections, Client Characteristics Field Supervision Report.

If you have any questions about the report, please call 360-753-2501.

Sincerely,

Harold Clarke, Secretary

The Dept. of Corrections, Client Characteristics Field Supervision Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 15, 2007

2007 REGULAR SESSION

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Dept. of Corrections, Facility Report Offender Characteristics Report.

If you have any questions about the report, please call 360-753-2501.

Sincerely,

Harold Clarke, Secretary

The Dept. of Corrections, Facility Report Offender Characteristics Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 14, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Community Economic Revitalization Board, Highlights of CERB's. This report is mandated under RCW 43.160.090.

If you have any questions about the report, please call 360-725-4010.

Sincerely,

Marie Sullivan, Director

The Community Economic Revitalization Board, Highlights of CERB's is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 14, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1181,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
SUBSTITUTE HOUSE BILL NO. 2056,
ENGROSSED HOUSE BILL NO. 2105,
SUBSTITUTE HOUSE BILL NO. 2107,
SUBSTITUTE HOUSE BILL NO. 2286,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 14, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 1404,

SIXTY-SEVENTH DAY, MARCH 15, 2007

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HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1879,
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,
 SUBSTITUTE HOUSE BILL NO. 1909,
 SUBSTITUTE HOUSE BILL NO. 2219,
 SUBSTITUTE HOUSE BILL NO. 2261,
 HOUSE BILL NO. 2353,
 HOUSE BILL NO. 2357,
 SUBSTITUTE HOUSE BILL NO. 2366,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 14, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED HOUSE BILL NO. 1667,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883
 HOUSE JOINT MEMORIAL NO. 4020,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 14, 2007

MR. PRESIDENT:

The House passed the following bill:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 14, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
 ENGROSSED HOUSE BILL NO. 2388,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E3SHB 1001 by House Committee on Appropriations (originally sponsored by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, VanDeWege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes)

AN ACT Relating to auto theft; amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, and 9A.56.096; reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and 46.63.110; adding new sections to chapter 9A.56 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

ESHB 1139 by House Committee on Finance (originally sponsored by Representatives McDermott, McIntire, Springer, Cody, Ericks, Santos, Hasegawa, Simpson, Pettigrew and Kenney)

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Ways & Means.

EHB 1214 by Representatives McDonald and Morrell

AN ACT Relating to operating a motor vehicle while reading, writing, or sending electronic messages; adding a new section to chapter 46.61 RCW; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1249 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Orcutt, Takko and Haigh)

AN ACT Relating to hunter education; amending RCW 77.32.155 and 77.15.700; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 1267 by House Committee on Transportation (originally sponsored by Representatives Wallace, Upthegrove, Lovick, Hankins and Dickerson)

AN ACT Relating to commercial driver's license requirements; amending RCW 46.25.060; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1289 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Campbell, VanDeWege, Dickerson, Moeller and Morrell)

AN ACT Relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border; adding new sections to chapter 46.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1376 by Representatives Ericks, Haler, Takko, Pettigrew, Buri, Walsh, Kretz, Grant, Linville, Chandler, Kessler, McDonald, Morrell, Armstrong, Warnick, Newhouse, P. Sullivan and Chase

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AN ACT Relating to a sales and use tax exemption for the nonhighway use of propane by farmers; amending RCW 82.08.865 and 82.12.865; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

HB 1383 by Representatives Appleton, Campbell, Cody, Hinkle, Morrell, Walsh, Schual-Berke, Curtis, Green, Clibborn, Lantz, Moeller, Condotta, Hasegawa, Kagi and Santos

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health & Long-Term Care.

ESHB 1414 by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Green, Morrell, Moeller, Schual-Berke and Campbell)

AN ACT Relating to licensing ambulatory surgical facilities; amending RCW 70.56.010, 18.130.070, 18.71.0195, 18.71.017, 18.57.005, and 18.22.015; reenacting and amending RCW 43.70.510, 70.41.200, and 42.56.360; adding a new chapter to Title 70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health & Long-Term Care.

ESHB 1426 by House Committee on Transportation (originally sponsored by Representatives Clibborn and Hankins)

AN ACT Relating to the administration of fuel taxes; amending RCW 82.36.010, 82.36.020, 82.36.025, 82.36.026, 82.36.027, 82.36.031, 82.36.045, 82.36.060, 82.36.080, 82.36.160, 82.36.180, 82.36.320, 82.36.340, 82.36.370, 82.36.380, 82.36.450, 82.38.030, 82.38.032, 82.38.035, 82.38.050, 82.38.100, 82.38.130, 82.38.140, 82.38.150, 82.38.180, 82.38.270, 82.38.310, and 82.38.320; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; repealing RCW 82.36.042, 82.36.273, 82.36.305, 82.36.360, 82.36.373, 82.36.407, 82.38.070, 82.38.071, 82.38.081, 82.38.185, 82.38.285, and 82.38.165; and prescribing penalties.

Referred to Committee on Transportation.

EHB 1471 by Representatives Kristiansen, O'Brien, Pettigrew, Haler, Pearson, Kretz, Lovick, Ericks, Sells, Rodne, Campbell, Moeller, Morrell, Goodman and Ross

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; and amending RCW 9A.16.090 and 9A.08.010.

Referred to Committee on Judiciary.

2SHB 1488 by House Committee on Finance (originally sponsored by Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, VanDeWege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes)

AN ACT Relating to protecting all of Washington's waters by enhancing the state's oil spill program; amending RCW 82.23B.020, 90.56.335, 90.56.510, and 79.100.100; and creating new sections.

Referred to Committee on Water, Energy & Telecommunications.

EHB 1688 by Representatives Newhouse, Grant and Morrell

AN ACT Relating to the fair and orderly marketing of fruits and vegetables by the state of Washington; and reenacting and amending RCW 42.56.380.

Referred to Committee on Agriculture & Rural Economic Development.

E2SHB 1733 by House Committee on Appropriations (originally sponsored by Representatives Conway, Kirby, Darneille and Chase)

AN ACT Relating to essential state community justice facilities; amending RCW 72.05.020, 72.65.010, and 36.70A.200; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.65 RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

ESHB 1796 by House Committee on Finance (originally sponsored by Representatives Conway, Orcutt, Pettigrew, Ericks, Chase, Green, Haler, Dunn, Hankins, Hasegawa, Appleton, Kenney, Santos, VanDeWege, Simpson, Goodman, Morrell and Lantz)

AN ACT Relating to property tax exemptions for nonprofit organizations for small business incubators which assist in the creation and expansion of innovative small commercial enterprises; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Economic Development, Trade & Management.

ESHB 1809 by House Committee on Health Care & Wellness (originally sponsored by Representatives Morrell, Campbell, Green, Kenney, Cody, Darneille, Hunt, Conway, Williams, Simpson, Moeller, Santos and Wood)

AN ACT Relating to the Washington state patient safety act; amending RCW 70.56.020 and 18.79.202; adding a new section to chapter 70.41 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 72.23 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

E2SHB 1825 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Curtis, Dunshee, Moeller, Lovick, Morrell, Seauquist, McCoy, Clibborn, Barlow, Green, Appleton, Pedersen, Darneille, P. Sullivan, Kenney, Rolfes, Simpson, McIntire, Roberts, Ormsby and Chase)

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AN ACT Relating to public health funding; amending RCW 82.24.020 and 43.70.520; and adding new sections to chapter 43.70 RCW.

Referred to Committee on Health & Long-Term Care.

ESHB 1833 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Pettigrew, Seaquist, Upthegrove, Morrell, Kessler, P. Sullivan, Williams, Kenney, Haler, Ericksen, Moeller, Sells, Dunn, Rolfes, Lantz, McCoy, Lovick, Jarrett, Strow, Hurst, Springer, Campbell, Goodman, Simpson, Pearson, Curtis, Rodne, Schual-Berke, McDermott, Ormsby and Chase)

AN ACT Relating to occupational diseases affecting firefighters; amending RCW 51.32.185, 51.52.120, and 51.52.130; and creating a new section.

Referred to Committee on Labor, Commerce, Research & Development.

ESHB 1858 by House Committee on Transportation (originally sponsored by Representatives Fromhold, Curtis, Clibborn, Jarrett, Simpson, Springer and Moeller)

AN ACT Relating to the imposition of fees by transportation benefit districts; and amending RCW 36.73.065, 82.80.140, 36.73.050, and 36.73.120.

Referred to Committee on Transportation.

SHB 1891 by House Committee on Finance (originally sponsored by Representatives Linville, Orcutt, Quall, Cody, Hinkle, Hurst and Dunn)

AN ACT Relating to business and occupation tax deductions for drugs dispensed pursuant to prescription; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

SHB 1897 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)

AN ACT Relating to disclosure of attorney invoices; and creating a new section.

Referred to Committee on Government Operations & Elections.

E2SHB 1910 by House Committee on Finance (originally sponsored by Representatives Ormsby, Fromhold, Miloscia, Dunshee, Kenney, Appleton, Darneille, Hasegawa and Morrell)

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers that provide affordable housing; amending RCW 84.14.005, 84.14.007, 84.14.010, 84.14.020, 84.14.030, 84.14.040, 84.14.050, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; adding a new section to chapter 84.14 RCW; and creating a new section.

Referred to Committee on Consumer Protection & Housing.

2SHB 1980 by House Committee on Appropriations (originally sponsored by Representatives Kelley, Santos, Ormsby, Roach and Morrell)

AN ACT Relating to the financial literacy public-private partnership; amending RCW 28A.300.455, 28A.300.460, and 28A.300.470; adding a new section to chapter 28A.230 RCW; and declaring an emergency.

Referred to Committee on Early Learning & K-12 Education.

ESHB 1981 by House Committee on Finance (originally sponsored by Representatives Hunter, Conway, Orcutt, Anderson, Santos, Kessler, Jarrett, Condotta and McIntire)

AN ACT Relating to excise taxation of electronically delivered financial information; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

SHB 2008 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives VanDeWege, Kessler, Haigh, Takko and Ericks)

AN ACT Relating to cooperative agreements concerning the timber harvest excise taxation of timber harvests on fee land within the boundaries of the Quinault Indian Reservation; amending RCW 84.33.081; adding new sections to chapter 43.06 RCW; adding a new section to chapter 84.33 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 2023 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Hinkle, Cody, Campbell, Darneille, Walsh, Morrell, Seaquist, Hunter, Hunt, Dunshee, Ericks, Haigh, Simpson, Ormsby and Sells)

AN ACT Relating to newborn screening fees; amending RCW 70.83.040; and adding a new section to chapter 70.83 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 2087 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Hinkle, Cody and Moeller)

AN ACT Relating to certification and recertification of health care facilities; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Ways & Means.

EHB 2113 by Representatives Williams, Goodman, Green, Hunt and Simpson

AN ACT Relating to objections by cities, towns, and counties to the issuance of liquor licenses; and amending RCW 66.24.010.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2118 by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Conway, Wood and Ormsby)

AN ACT Relating to transferring responsibilities related to mobile and manufactured home installation from the

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department of community, trade, and economic development to the department of labor and industries; amending RCW 43.63A.460, 43.63A.465, 43.63B.010, 43.63B.150, 43.63B.170, 43.22.431, 43.22.495, 46.70.136, 59.22.050, and 59.22.070; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Consumer Protection & Housing.

SHB 2130 by House Committee on Judiciary (originally sponsored by Representatives Goodman, Lantz, Moeller and Rodne)

AN ACT Relating to providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence; amending RCW 46.61.5055; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SHB 2158 by House Committee on Finance (originally sponsored by Representatives Hasegawa, Fromhold, O'Brien, Orcutt, Condotta, Ormsby, Roach, Kristiansen, Ericks, Curtis, Kenney and Moeller)

AN ACT Relating to the sales of vehicles and associated services to nonresidents of Washington; amending RCW 82.08.0264 and 82.08.0273; and prescribing penalties.

Referred to Committee on Ways & Means.

ESHB 2164 by House Committee on Finance (originally sponsored by Representatives Dunshee, Morrell, Moeller and Ormsby)

AN ACT Relating to property tax exemptions for multiple-unit housing in urban centers within the boundaries of the campus facilities master plan of any state institution of higher education; amending RCW 84.14.010 and 84.14.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESHB 2212 by House Committee on Local Government (originally sponsored by Representatives Blake, B. Sullivan and Newhouse)

AN ACT Relating to addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands; adding new sections to chapter 36.70A RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations & Elections.

SHB 2338 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold and Kenney)

AN ACT Relating to termination of the job development fund program; repealing RCW 43.160.230, 43.160.240, and

44.28.801; repealing 2005 c 425 s 4; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2352 by House Committee on Finance (originally sponsored by Representatives Grant, Linville, Simpson and Bailey)

AN ACT Relating to the excise taxation of persons engaged in farming and farming services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

ESHJM 4011 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, Warnick, Haler, Kretz, Hinkle, Orcutt, Newhouse, Lantz, McCune, Kristiansen, Haigh, B. Sullivan and Dunn)

Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.

Referred to Committee on Natural Resources, Ocean & Recreation.

MOTION

On motion of Senator Rockefeller, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Engrossed Second Substitute House Bill No. 1733 which was referred to the Committee on Government Operations & Elections.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the eighth order of business.

MOTION

Senator Fraser moved adoption of the following resolution:

SENATE RESOLUTION 8659

By Senators Fraser, Swecker and Sheldon

WHEREAS, Radio Station KGY AM 1240, in Olympia, is one of the oldest radio stations in the United States, having received a federal broadcast license in April 1922 after being initiated by a priest at St. Martin's College; and

WHEREAS, Radio Station KGY will celebrate 85 years of continuous broadcasting on April 4, 2007; and

WHEREAS, Radio Station KGY's professional news staff is widely appreciated for their continuous dedication to providing timely and accurate news from local, state, national, and international sources, including legislative news and elections reports; and

WHEREAS, Radio Station KGY is fully relied upon in times of emergency, such as extreme weather conditions and significant earthquakes, for relaying essential safety and health information; and

WHEREAS, Radio Station KGY is well known as a dedicated, positive leader and key partner in promoting the quality of community life, through reporting on and encouraging participation in community events, high school sports, business life, professional sports, music, and more;

SIXTY-SEVENTH DAY, MARCH 15, 2007

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate Radio Station KGY AM 1240, on the occasion of its 85th anniversary, for its leadership, dedication, professionalism, and public service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Radio Station KGY.

Senator Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8659.

The motion by Senator Fraser carried and the resolution was adopted by voice vote.

MOTION

At 12:07 p.m., on motion of Senator Rockefeller, the Senate adjourned until 10:00 a.m. Friday, March 16, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SIXTY-EIGHTH DAY, MARCH 16, 2007

2007 REGULAR SESSION

SIXTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, March 16, 2007

The Senate was called to order at 10:00 a.m. by the President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Benton, Brown, Delvin, Eide, Fairley, Hargrove, Haugen, Hewitt, Honeyford, Keiser, Kilmer, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Roach, Weinstein and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Caitlyn Starkey and Elizabeth Watts, presented the Colors. Father Seamus Laverty of the Church of St. Patrick offered the prayer.

MOTION

On motion of Senator Rockefeller, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 15, 2007

SHB 1256 Prime Sponsor, Committee on Early Learning & Children's Services: Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Without recommendation. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Human Services & Corrections.

MOTION

On motion of Senator Rockefeller, the measure listed on the Standing Committee report was referred to the committee as designated.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1181 by Representatives Ericks, O'Brien, Lovick, Ormsby, McDonald, Haler and Wallace

AN ACT Relating to the powers and funding of the forensic investigations council; and reenacting and amending RCW 43.103.090 and 70.58.107.

Referred to Committee on Judiciary.

HB 1404 by Representatives Wallace, Hinkle, Condotta, O'Brien, Fromhold, Ahern, McCune and Warnick

AN ACT Relating to providing a sales tax exemption for trail grooming on private and state-owned land; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways & Means.

HB 1450 by Representatives Sells, Strow, Miloscia, Curtis, O'Brien, B. Sullivan, Roberts, Lovick, Appleton, Kenney, Ormsby and Hasegawa

AN ACT Relating to the exemption of housing for very low-income households from taxation; and amending RCW 84.36.560.

Referred to Committee on Consumer Protection & Housing.

SHB 1580 by House Committee on Finance (originally sponsored by Representatives Takko, Orcutt, Lovick and Sells)

AN ACT Relating to consolidating designated forest lands and open space timber lands for ease of administration; amending RCW 84.33.035, 84.33.130, 84.33.140, 84.33.145, 84.34.030, 84.34.041, 84.34.070, 84.34.330, 84.34.340, and 84.34.370; and adding a new section to chapter 84.34 RCW.

Referred to Committee on Ways & Means.

EHB 1667 by Representatives Green, Cody, Morrell, Ormsby, Moeller and Simpson

AN ACT Relating to fairness and equity in health professions licensing fees; amending RCW 43.70.250; creating a new section; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

ESHB 1765 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Springer, Williams, Rodne and Moeller)

AN ACT Relating to claims under a construction contract; amending RCW 4.24.370 and 4.24.380; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

ESHB 1873 by House Committee on Judiciary (originally sponsored by Representatives Ormsby, Haler, Pedersen, Wood, VanDeWege, Campbell, Flannigan, Kessler, Williams and Lantz)

AN ACT Relating to actions for wrongful injury or death; and amending RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

Referred to Committee on Judiciary.

SHB 1879 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, B. Sullivan, Moeller, Kretz, Morris, Strow, Pettigrew, Orcutt, Armstrong, McCoy, Linville, VanDeWege, Takko, Lovick, Williams, Haigh, P. Sullivan, Sump, Kenney and Ormsby)

AN ACT Relating to allowing the department of natural resources to provide nonprofit organizations with nominally valuable materials; and amending RCW 79.15.050.

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Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1883 by House Committee on Higher Education (originally sponsored by Representatives Wallace, Anderson, Chase, Jarrett, Moeller, McDermott, Priest, Haigh, Kagi, Roberts, Kenney and Conway)

AN ACT Relating to modification of the higher education coordinating board; amending RCW 28B.76.050, 28B.76.090, 28B.76.100, 28B.76.200, and 28B.76.210; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

2SHB 1896 by House Committee on Appropriations (originally sponsored by Representative Hunt)

AN ACT Relating to creating a legislative gift center; amending RCW 43.04.100; and adding a new chapter to Title 44 RCW.

Referred to Committee on Government Operations & Elections.

SHB 1909 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle)

AN ACT Relating to specialized forest products; amending RCW 76.48.020, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.094, 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.150; adding new sections to chapter 76.48 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources, Ocean & Recreation.

ESHB 1968 by House Committee on Commerce & Labor (originally sponsored by Representatives Simpson, Conway and Ormsby)

AN ACT Relating to sprinkler fitters; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2056 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lantz, Goodman, Sells, McCoy, Hunt and Simpson)

AN ACT Relating to recycling at official gatherings; amending RCW 70.93.030; and adding a new section to chapter 70.93 RCW.

Referred to Committee on Water, Energy & Telecommunications.

EHB 2105 by Representatives Conway, Condotta, Kenney, Simpson and Ormsby

AN ACT Relating to payment of prescription drugs for industrial insurance medical aid claims; amending RCW 51.36.010; creating a new section; and providing an effective date.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2107 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Schual-Berke, B. Sullivan, Blake, Newhouse, Dickerson, Strow, Kagi, Orcutt, McCoy, Cody and VanDeWege)

AN ACT Relating to innovative settlement agreements; amending RCW 90.48.037; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Water, Energy & Telecommunications.

ESHB 2111 by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Conway, Wood, Green, Moeller, Dameille, Miloscia, Dickerson, P. Sullivan, Morrell, McDermott, Grant, Hudgins, Simpson and Ormsby)

AN ACT Relating to making the governor the public employer of adult family home providers; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 70.128.040; reenacting and amending RCW 70.128.010; adding a new section to chapter 41.56 RCW; adding a new section to chapter 70.128 RCW; and creating new sections.

Referred to Committee on Labor, Commerce, Research & Development.

SHB 2219 by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Kessler and Kretz)

AN ACT Relating to forest practices regulations applicable to small forest landowners; amending RCW 76.13.120 and 76.13.140; and creating a new section.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2261 by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Hudgins, Morrell, Hunt and Ormsby)

AN ACT Relating to an evaluation of the state wood smoke reduction program; amending RCW 70.94.473; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Water, Energy & Telecommunications.

SHB 2286 by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Simpson, Kirby, Williams, Kelley and Hunt)

AN ACT Relating to interstate branching; and amending RCW 30.04.285.

Referred to Committee on Financial Institutions & Insurance.

HB 2353 by Representatives McDermott, Cody and Appleton

AN ACT Relating to passenger-only ferry service; amending

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RCW 36.54.110; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2357 by Representatives McIntire and Fromhold

AN ACT Relating to school districts' use of state forest revenues; and amending RCW 79.64.110 and 28A.320.330.

Referred to Committee on Ways & Means.

SHB 2366 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Hunter and Kenney)

AN ACT Relating to accountability, efficiency, and oversight of state facility planning and management; amending RCW 43.82.150 and 43.82.010; adding new sections to chapter 43.82 RCW; adding a new section to chapter 39.35B RCW; and creating a new section.

Referred to Committee on Ways & Means.

EHB 2388 by Representatives Alexander, P. Sullivan and Hunter

AN ACT Relating to financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district; amending RCW 35.57.010, 35.57.040, 36.100.010, 36.100.020, 36.100.030, and 82.14.390; and adding a new section to chapter 35.57 RCW.

Referred to Committee on Ways & Means.

HJM 4020 by Representatives Seaquist, Morrell, Bailey, Ericks, Kelley, Roach, Kessler, Green, Campbell, Williams, McDonald, VanDeWege, Hudgins, Chase, Hunt, Dunn, McCune, Buri, Haler, Priest, Kretz, Goodman, Cody, P. Sullivan, Sommers, Hasegawa, Rolfes, Pedersen, Miloscia, Simpson, Sells, Roberts, Lovick, Hunter, Darnelle, McCoy, Hurst, Clibborn, Conway, Linville, Kenney, Ormsby, Springer and Santos

Requesting the Washington Air and Army National Guard not be federalized.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Rockefeller, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the eighth order of business.

MOTION

Senator Stevens moved adoption of the following resolution:

SENATE RESOLUTION
8660

By Senators Stevens, Holmquist, Kohl-Welles, Roach, Parlette, Schoesler, Carrell and Benton

WHEREAS, Doris Brown Heritage has been a path-breaking force in women's distance running, demonstrating athletic excellence in long distance events while overcoming obstacles and stereotypes of the day against women's track; and

WHEREAS, Doris Brown Heritage became the first woman ever to run the indoor mile in under five minutes and once held the record for the 3,000 meters; and

WHEREAS, Doris Brown Heritage won a record five IAAF World Cross Country titles from 1967 to 1972; and

WHEREAS, Doris Brown Heritage won silver medals in the 800 meters at the 1967 and 1971 Pan American Games, and also represented the United States at the 1972 and 1976 Olympics; and

WHEREAS, Doris Brown Heritage has served with distinction as a distance running coach at Seattle Pacific University and as an assistant coach for the United States women's team at the 1984 Olympics and the 1987 Outdoor World Championships; and

WHEREAS, Doris Brown Heritage is a member of the Distance Running Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize Doris Brown Heritage for her resolute and competitive spirit and for her remarkable and breakthrough athletic achievements.

Senators Stevens, Kohl-Welles, Jacobsen, Rockefeller and Holmquist spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8660.

The motion by Senator Stevens carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mrs. Doris Brown Heritage and husband who were seated in the gallery.

MOTION

At 10:22 a.m., on motion of Senator Rockefeller, the Senate adjourned until 12:00 noon, Monday, March 19, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-FIRST DAY, MARCH 19, 2007

2007 REGULAR SESSION

SEVENTY-FIRST DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, March 19, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 15, 2007

HB 1137 Prime Sponsor, Fromhold: Creating the water quality capital account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1185 Prime Sponsor, Van De Wege: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1261 Prime Sponsor, Committee on Appropriations: Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1262 Prime Sponsor, Committee on Appropriations: Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1264 Prime Sponsor, Committee on Appropriations: Addressing the portability of public retirement benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1291 Prime Sponsor, Quall: Allowing advance deposit wagering to continue beyond October 1, 2007. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1293 Prime Sponsor, Cody: Modifying insurance commissioner regulatory assessment fee provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1305 Prime Sponsor, Kretz: Repealing the statutes regulating food lockers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 15, 2007

SEVENTY-FIRST DAY, MARCH 19, 2007

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HB 1311 Prime Sponsor, Grant: Continuing the small farm direct marketing assistance program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1338 Prime Sponsor, Committee on State Government & Tribal Affairs: Authorizing the Washington beer commission to receive gifts, grants, and endowments. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1381 Prime Sponsor, Committee on Finance: Making changes of a technical nature to tax laws. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1398 Prime Sponsor, Committee on Capital Budget: Expanding the University of Washington's and Washington State University's local borrowing authority. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1457 Prime Sponsor, Lovick: Concerning the employment of youth soccer referees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1556 Prime Sponsor, Walsh: Designating the Walla Walla sweet onion as the official Washington state vegetable. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Schoesler

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1566 Prime Sponsor, Committee on Finance: Modifying the rural county tax credit. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1574 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions concerning the uniform regulation of business and professions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1674 Prime Sponsor, Hunter: Authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1693 Prime Sponsor, Committee on Commerce & Labor: Modifying time periods for collective bargaining by state ferry employees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 15, 2007

SHB 1784 Prime Sponsor, Committee on Capital Budget: Eliminating limitations on the investment of certain state moneys. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget;

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Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

Referred to Committee on Higher Education.

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

March 15, 2007
HB 1888 Prime Sponsor, Linville: Regarding Brassica seed production. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

Passed to Committee on Rules for second reading.

March 16, 2007

March 15, 2007
SHJR 4215 Prime Sponsor, Committee on Capital Budget: Eliminating prohibitions on the investment of certain state moneys. Reported by Committee on Ways & Means

MR. PRESIDENT:
 The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5089,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

The President signed:
 SUBSTITUTE SENATE BILL NO. 5089

MOTION

Passed to Committee on Rules for second reading.

There being no objection, the Senate advanced to the fifth order of business.

MOTION

INTRODUCTION AND FIRST READING

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

SB 6149 by Senators Hobbs, Haugen, Berkey and Shin

AN ACT Relating to higher education investment districts; and adding a new chapter to Title 28B RCW.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

Referred to Committee on Higher Education.

MESSAGE FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

MOTION

February 27, 2007
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

I have the honor to submit the following reappointment, subject to your confirmation.

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

STEVEN MARQUEZ, PH.D., reappointed February 21, 2007, for the term ending December 5, 2010, as Member of the Western State Hospital Advisory Board.

Senator Kilmer moved adoption of the following resolution:

Sincerely,
 CHRISTINE O. GREGOIRE, Governor
 Referred to Committee on Human Services & Corrections.

SENATE RESOLUTION
 8665

February 16, 2007
 TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
 Ladies and Gentlemen:

By Senators Kilmer, Honeyford, Weinstein, Kauffman and Haugen

I have the honor to submit the following appointment, subject to your confirmation.

WHEREAS, Traumatic Brain Injuries have impacted 5.3 million American citizens who now live with resulting disabilities; and

CELESTE STRAHL, appointed February 16, 2007, for the term ending September 30, 2007, as Member, Board of Trustees, Technical College District #26 (Lake Washington).

WHEREAS, Every 21 seconds one person in the United States sustains a Traumatic Brain Injury, equaling roughly 4,000 people daily and 1.5 million people annually; and

Sincerely,
 CHRISTINE O. GREGOIRE, Governor

SEVENTY-FIRST DAY, MARCH 19, 2007

WHEREAS, Out of the 1.5 million people annually who sustain Traumatic Brain Injuries, 50,000 of them will die, while an additional 80,000 will experience the onset of life-long disabilities as a result of their brain injury; and

WHEREAS, Traumatic Brain Injuries occur more frequently than Multiple Sclerosis, spinal cord injuries, HIV/AIDS, and breast cancer combined; and

WHEREAS, In Washington State, Traumatic Brain Injury patients constitute 10 percent of the state's population of persons with disabilities; and

WHEREAS, There is no cure for Traumatic Brain Injuries, only prevention; and

WHEREAS, The Brain Injury Association of America has created a partnership with the National Centers for Disease Control and Prevention, the Health Resources and Services Administration in the United States Department of Health and Human Services, the Defense Brain and Spinal Cord Injury Program for veterans and military personnel, the Washington Protection and Advocacy System, and the Brain Injury Association of Washington, that strives to provide a better future for TBI patients through prevention, research, education, and advocacy; and

WHEREAS, The Traumatic Brain Injury advocacy groups mentioned above have recognized and declared the month of March 2007 National Brain Injury Awareness Month; and

WHEREAS, March 2007 marks the 25th anniversary of the Brain Injury Association;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the work of these organizations in their efforts to combat Traumatic Brain Injuries; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor these organizations and the victims of Traumatic Brain Injury during the month of March, National Brain Injury Awareness Month.

Senator Kilmer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8665.

The motion by Senator Kilmer carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Richard Hedrick, Mrs. Suzanne Griffin and Mr. Greg Cordoba advocates for those dealing with brain injuries who were seated in the gallery.

MOTION

At 12:09 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 p.m. Tuesday, March 20, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-SECOND DAY, MARCH 20, 2007

2007 REGULAR SESSION

SEVENTY-SECOND DAY

March 15, 2007

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 20, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 19, 2007

HB 1064 Prime Sponsor, Seaquist: Addressing veterans' benefits. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1224 Prime Sponsor, Kelley: Regarding cost savings on course materials for community and technical college students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1246 Prime Sponsor, Committee on Human Services: Concerning residential services and support enforcement standards. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1247 Prime Sponsor, Morrell: Concerning eligibility for long-term care services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

SHB 1279 Prime Sponsor, Committee on State Government & Tribal Affairs: Establishing the poet laureate program. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senator Swecker

Passed to Committee on Rules for second reading.

March 19, 2007

ESHB 1289 Prime Sponsor, Committee on Transportation: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Eide, Jacobsen, Kastama, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Clements

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1323 Prime Sponsor, Committee on Finance: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Without recommendation. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Ways & Means.

March 19, 2007

HB 1376 Prime Sponsor, Ericks: Providing a sales and use tax exemption for the nonhighway use of propane by farmers. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

March 19, 2007

HB 1391 Prime Sponsor, Eddy: Clarifying that councilmembers are eligible to be appointed to the office of mayor. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

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SEVENTY-SECOND DAY, MARCH 20, 2007

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SHB 1394 Prime Sponsor, Committee on Higher Education: Requiring a plan to encourage medical students to work with patients with developmental disabilities. Revised for 1st Substitute: Authorizing incentive grants to support medical research and products to improve services to persons with developmental disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1443 Prime Sponsor, Grant: Creating a public utility tax deduction for the transportation of agricultural commodities. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

March 19, 2007

EHB 1460 Prime Sponsor, Schual-Berke: Extending existing mental health parity requirements to individual and small group plans. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 15, 2007

HB 1475 Prime Sponsor, Hurst: Adding members to the state board for volunteer firefighters and reserve officers. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1507 Prime Sponsor, Committee on State Government & Tribal Affairs: Creating the uniformed service shared leave pool. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1549 Prime Sponsor, Linville: Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

March 19, 2007

HB 1666 Prime Sponsor, Green: Repealing the expiration provision in the act authorizing nurse practitioners to treat those covered by industrial insurance. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Prentice

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1734 Prime Sponsor, Committee on State Government & Tribal Affairs: Recodifying campaign funding and disclosure laws. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1826 Prime Sponsor, Committee on Health Care & Wellness: Modifying provisions affecting medical benefits. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1870 Prime Sponsor, Pedersen: Recognizing Juneteenth as a day of remembrance. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 19, 2007

SHB 1975 Prime Sponsor, Committee on Commerce & Labor: Addressing spirits, beer, and wine restaurant licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Prentice

Passed to Committee on Rules for second reading.

March 19, 2007

HB 2032 Prime Sponsor, Takko: Concerning the tax deferral application process for fruit and vegetable processing

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and storage. Reported by Committee on Agriculture & Rural Economic Development

Passed to Committee on Agriculture & Rural Economic Development.

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

Passed to Committee on Ways & Means.

March 19, 2007

March 15, 2007
HB 2161 Prime Sponsor, Simpson: Providing for consistency between code cities and noncode cities in the apportionment of investment funds. Reported by Committee on Government Operations & Elections

SGA 9258 DON DENNIS, appointed January 20, 2007, for the term ending September 30, 2011, as Member, Board of Trustees, Tacoma Community College District No. 22 . Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 19, 2007

March 19, 2007
ESHB 2171 Prime Sponsor, Committee on Commerce & Labor: Regarding crane safety. Reported by Committee on Labor, Commerce, Research & Development

SGA 9260 EARL HALE, appointed February 6, 2007, for the term ending June 30, 2008, as Member of the Higher Education Coordinating Board. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Prentice

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Hewitt and Holmquist

MOTION

Passed to Committee on Rules for second reading.

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1246 and Substitute House Bill No. 1507 which were referred to the Committee on Rules.

March 19, 2007
SHB 2300 Prime Sponsor, Committee on Higher Education: Concerning college textbooks. Reported by Committee on Higher Education

MOTION

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

On motion of Senator Eide, the Senate advanced to the fourth order of business.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 20, 2007

March 19, 2007
HB 2319 Prime Sponsor, Kagi: Supporting early learning and parenting education opportunities at community colleges. Reported by Committee on Higher Education

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5089,
and the same is herewith transmitted.

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

RICHARD NAFZIGER, Chief Clerk

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

March 19, 2007
ESHJM 4011 Prime Sponsor, Committee on Agriculture & Natural Resources: Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands. Reported by Committee on Natural Resources, Ocean & Recreation

INTRODUCTION AND FIRST READING

MAJORITY recommendation: Without recommendation. Signed by Senators Rockefeller, Vice Chair; Fraser, Morton, Spanel, Stevens and Swecker

SJM 8021 by Senators McCaslin, Prentice, Haugen, Spanel, Jacobsen, Sheldon, Franklin, Kohl-Welles, Schoesler, Parlette, Clements and Honeyford

Requesting the Clinton ferry terminal be named the "Jack Metcalf Ferry Terminal."

MOTION

On motion of Senator Eide, the rules were suspended and Senate Joint Memorial No. 8021 was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8616

By Senator Honeyford

WHEREAS, National History Day began in 1974 and was hailed as a revolutionary way to teach history, and it quickly expanded into the nation's largest and most respected history education program with more than 700,000 students participating annually; and

WHEREAS, Washington History Day began in 1982 and since then has been an important component of history education statewide; and

WHEREAS, More than 3,500 students encouraged and guided by more than 125 teachers participate in the Washington History Day program; and

WHEREAS, For more than 25 years, National History Day students have gone on to careers in communications, business, law, medicine, and countless other disciplines where they put into practice the skills and knowledge learned through the program; and

WHEREAS, National History Day has developed one of the nation's premier professional development models to teach educators how to improve and reform the way history is taught in America's schools; and

WHEREAS, National History Day research and products can fulfill required classroom-based assessments in social studies in the state of Washington; and

WHEREAS, The Presidential Committee on Arts and Humanities report, *Creative America*, highlighted the National History Day program and named it an "exemplary program"; and

WHEREAS, National History Day received the Charles Frankel Prize for public programming in humanities from the National Endowment for the Humanities; and

WHEREAS, National History Day was selected by President George W. Bush and the Archivist of the United States to be a key partner in the national Our Documents initiative in history and civics; and

WHEREAS, The Washington History Day and National History Day programs will continue to highlight student achievement through a state student contest to be held every May in Washington State and a national student contest to be held every June at the University of Maryland; and

WHEREAS, The work of the National History Day program has made a significant difference in the lives of millions of children;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge the achievements of Washington History Day in 25 years of advancing historical literacy and American citizenship and support the goals and programs of Washington History Day and National History Day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to David Nicandri, Director of the Washington State Historical Society, Lauren Danner, State Coordinator for Washington History Day, and Randy Schnabel, Chair of the Washington History Day advisory committee.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8616.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Brandland moved adoption of the following resolution:

SENATE RESOLUTION
8641

By Senator Brandland

WHEREAS, British Columbia and Washington state share a border, many natural resources, and geological and geographic similarities; and

WHEREAS, British Columbia and Washington state often work together to achieve our mutual goals, including British Columbia working together with Whatcom County officials to secure and streamline the border crossings and transportation throughout the region for the 2010 Winter Olympics in British Columbia; and

WHEREAS, The primary purpose of the Washington state Constitution is to educate our youth and prepare them to lead us into the future; and

WHEREAS, British Columbia also recognizes the importance and value of quality civic education; and

WHEREAS, Washington state and British Columbia sponsor nationally renowned legislative internship programs; and

WHEREAS, Washington state undergraduate interns spend their winter quarter or spring semester working in Olympia with staff and members of the Washington state House of Representatives or Senate; and

WHEREAS, In addition to their office work, interns participate in weekly academic seminars and workshops learning about the process of a representative democracy with a bicameral legislature; and

WHEREAS, British Columbia parliamentary internships offer opportunities to university graduates to supplement their academic training by observing the daily workings of the legislature firsthand; and

WHEREAS, Interns acquire skills and knowledge they can apply in their chosen careers and future life experiences that will further contribute to a greater public understanding and appreciation of parliamentary government; and

WHEREAS, For the third year the British Columbia and Washington state legislative interns have participated in an exchange program to explore and learn about each other's history and government process; and

WHEREAS, We welcome the British Columbia parliamentary interns to the Washington state legislature and commend their numerous academic achievements;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the hard work and dedication it takes to put each of these programs together by also honoring Karen Aitken, the British Columbia Legislative Intern Program Director, and extending our deepest gratitude to our own legislative intern coordinators, Judi Best and Samantha Barrera, for putting together such excellent programs; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Karen Aitken, Judi Best, and Samantha Barrera.

Senators Brandland and Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8641.

The motion by Senator Brandland carried and the resolution was adopted by voice vote.

SEVENTY-SECOND DAY, MARCH 20, 2007
MOTION

Senator Marr moved adoption of the following resolution:

SENATE RESOLUTION
8652

By Senator Marr

WHEREAS, The high level of competition and enduring tradition of boys high school basketball is well established in the state of Washington; and

WHEREAS, The state high school boys' AAAA basketball championship tournament completed March 3, 2007, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among players, students, parents, and fans of Washington state; and

WHEREAS, the most difficult accomplishment in the world of sports is to live up to the high expectations and to reach the ultimate goal of a tournament championship; and

WHEREAS, The Joel E. Ferris High School Saxons boys basketball team triumphed on March 3 in the Class AAAA championship game, and, by winning 68-61 over a worthy opponent from Kentridge High School, became the Class AAAA Champions; and

WHEREAS, The members of the Joel E. Ferris High School Saxons boys basketball team are Evan Ewing, Jeff Minnerly, Erick Cheadle, Tyler Lynn, Shawn Stockton, Jared Karstetter, Andre Jennings, DeAngelo Casto, Morgan Hyslop, Pat Maher, Beau Brett, and Casey Ager; and

WHEREAS, Shawn Stockton was distinguished by being named tournament Most Valuable Player, and each of the Ferris Saxons distinguished themselves with their sportsmanship and determination, team members and fans alike; and

WHEREAS, The Joel E. Ferris High School Saxons under the leadership of Coach Don Van Lierop and Assistant Coaches Jason Gilman, Mike McLauchlin, Cliff Poffenroth, Dave Rath, and Rob Servine, have brought distinction and pride to Ferris High School, its students, its supporters, and the entire Spokane community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of the team members and the coaching staff, the Senate honor and congratulate the Joel E. Ferris High School Boys Basketball Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the School District 81 School Board, the administration of Joel E. Ferris High School, and each of the players and coaches.

Senator Marr spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8652.

The motion by Senator Marr carried and the resolution was adopted by voice vote.

MOTION

Senator Marr moved adoption of the following resolution:

SENATE RESOLUTION
8653

By Senator Marr

WHEREAS, The high level of competition and enduring tradition of girls high school basketball is well established in the state of Washington; and

WHEREAS, The state high school girls AAAA basketball championship tournament completed March 3, 2007, demonstrated with spirited play and exemplary sportsmanship the appeal of the sport among players, students, parents, and fans of Washington state; and

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WHEREAS, The most difficult accomplishment in the world of sports is to live up to the high expectations and to reach the ultimate goal of a tournament championship; and

WHEREAS, The Lewis & Clark High School Tigers girls basketball team triumphed on March 3 in the Class AAAA championship game, and, by winning 39-34 over a worthy opponent from University High School, became the Class AAAA Champions; and

WHEREAS, The members of the Lewis & Clark High School Tigers girls basketball team are Daisy Burke, Katrina Bech, Katelan Redmon, Kiki January, Jeneva Anderson, Ula Tauala, Emily Travis, Brittany Kennedy, Lyndi Seidensticker, Kelsey Baker, Cambrie Marks, Ashley Woodruff, and Sarah Kliewer; and

WHEREAS, Each of the Lewis & Clark Tigers distinguished themselves with their sportsmanship and determination, team members and fans alike; and

WHEREAS, The Lewis & Clark High School Tigers under the leadership of Coach Jim Redmon, and assistant coaches Nicole Duvernay, Kara Piippo, Kari Ike, Tim Ike, Michelle Spohr, Michelle Grafos, Jennifer Kennedy, and Stephanie Korling, have brought distinction and pride to Lewis & Clark High School, its students, its supporters, and the entire Spokane community;

NOW, THEREFORE, BE IT RESOLVED, That in recognition of the outstanding accomplishments of the team members and the coaching staff, the Senate honor and congratulate the Lewis & Clark High School girls basketball team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the School District 81 School Board, the administration of Lewis & Clark High School, and each of the players and coaches.

Senator Marr spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8653.

The motion by Senator Marr carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Mitzi Marr, the mother of Senator Marr, who was seated at the rostrum.

PERSONAL PRIVILEGE

Senator Brandland: "I'm looking around the room and I'm seeing a lot of empty desks. I'd would like to assure Senator Marr's mother that that is not a reflection upon her son. Everybody didn't leave because he was speaking. I can assure you of that. He's very well respected and very well liked here."

REPLY BY THE PRESIDENT

President Owen: "Senator Brandland, the President did inform her that today is a pro forma day and the members are not on the floor because of that and because I did not want to have that same reflection on her son who is an excellent Senator."

MOTION

At 12:14 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, March 21, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-THIRD DAY, MARCH 21, 2007

2007 REGULAR SESSION

SEVENTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 21, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Fraser and Sheldon.

The Sergeant at Arms Color Guard consisting of Boy Scouts Alex Glaze and Stephanie Roselle, presented the Colors.

Eagle Scout Ari Rangel led the Senate in the Pledge of Allegiance.

Ms. Tandi Rogers Koerger and sons Owen & Quinn Huelsbeck of the Pacific Northwest District Unitarian Universalist Association of Bellevue offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 16, 2007

SHB 1148 Prime Sponsor, Committee on Housing: Prohibiting restrictions on the location of mobile homes or manufactured homes based exclusively on age and dimensions. Revised for 1st Substitute: Addressing the restriction of mobile home or manufactured home locations. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1166 Prime Sponsor, Takko: Modifying county treasurer administrative provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

ESHB 1211 Prime Sponsor, Committee on Finance: Providing sales and use tax exemptions for solar hot water components. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Without recommendation. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

March 19, 2007

HB 1292 Prime Sponsor, Barlow: Establishing the eastern Washington state veterans' cemetery. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1296 Prime Sponsor, Hunter: Regarding state purchasing of information technology projects. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1314 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying gas and hazardous liquid pipeline provisions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1412 Prime Sponsor, Eddy: Providing for a one-year extension for shoreline master program updates in RCW 90.58.080. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 20, 2007

EHB 1413 Prime Sponsor, Eddy: Changing the definition of floodway in the shoreline management act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 16, 2007

HB 1418 Prime Sponsor, Lovick: Protecting consumers from the keeping of dangerous wild animals. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer and Tom

SEVENTY-THIRD DAY, MARCH 21, 2007

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MINORITY recommendation: Without recommendation.
Signed by Senator Honeyford

SB 6150 by Senator Jacobsen

Passed to Committee on Rules for second reading.

AN ACT Relating to a driver's license renewal exemption for active foreign service members; and amending RCW 46.20.027.

March 16, 2007

E2SHB 1461 Prime Sponsor, Committee on Appropriations: Addressing manufactured/mobile home community registrations and dispute resolution. Reported by Committee on Consumer Protection & Housing

Referred to Committee on Transportation.

MOTION

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen and Kilmer

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1676 Prime Sponsor, Fromhold: Allowing public utility districts to disburse low-income energy assistance contributions. Reported by Committee on Water, Energy & Telecommunications

Senator McCaslin moved adoption of the following resolution:

SENATE RESOLUTION
8634

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

By Senators McCaslin, Haugen, Brandland, Clements, Hewitt, Weinstein, Carrell, Morton, Stevens, Roach, Parlette, Spanel, Schoesler, Swecker and Jacobsen

Passed to Committee on Rules for second reading.

WHEREAS, George W. Clarke represented the people of the 41st Legislative District in the State House of Representatives from 1966-1971, and in the Washington State Senate from 1971-1984; and

March 19, 2007

HB 1831 Prime Sponsor, Hunt: Modifying the dates of an election cycle. Reported by Committee on Government Operations & Elections

WHEREAS, He served as Republican Majority Floor Leader and on the Senate Judiciary Committee; and

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

WHEREAS, Senator Clarke was a proud resident of Mercer Island for ninety-eight years, attending Mercer Island's schools, including the two room Mercer Island Schoolhouse, and later serving on the Mercer Island school board for more than twenty years to improve and promote local education; and

Passed to Committee on Rules for second reading.

WHEREAS, Senator Clarke worked as a dedicated attorney for his family's law firm, Clarke, Bovingdon, and Cole, going to work every day until his ninety-ninth birthday; and

March 19, 2007

SHB 1880 Prime Sponsor, Committee on Appropriations: Creating the skills-based economic growth program. Reported by Committee on Higher Education

WHEREAS, Senator Clarke always served with the utmost dignity and respect for others; and

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

WHEREAS, He was always a distinguished gentleman and statesman who set an example for others by standing and buttoning his jacket upon speaking; and

Passed to Committee on Ways & Means.

WHEREAS, Senator Clarke enjoyed life in the Northwest to the fullest through his lifelong love of boating and being on the water; and

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of House Bill No. 1292 which was referred to the Committee on Rules.

WHEREAS, He served in the United States Navy in World War II; and

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

WHEREAS, Senator Clarke was a respected, knowledgeable community leader and local historian who worked to improve life for everyone across Washington state, including his quest to keep fire suppressant material in the I-90 tunnels; and

WHEREAS, He was a father of three, grandfather of nine, great grandfather of twenty-two, and great-great grandfather of three;

NOW, THEREFORE, BE IT RESOLVED, That George W. Clarke be acknowledged and acclaimed for his dedication and unwavering commitment to Washington state and his community, always serving with grace and dignity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of George W. Clarke.

Senator McCaslin spoke in favor of adoption of the resolution.

INTRODUCTION AND FIRST READING

SEVENTY-THIRD DAY, MARCH 21, 2007

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8634.

The motion by Senator McCaslin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family and friends of George Clarke; son Keith Clarke, grandson Jim Lovestead and former Senators Emilio Cantu and Jim Horn who were seated in the gallery.

REMARKS BY THE PRESIDENT

President Owen: "This morning we have the great privilege of having the Boy Scouts in our community and each year they come before us to give a report to the State of Washington of the incredible contributions that the Boy Scouts give to their communities. The President is privileged today to be able to introduce the Boy Scout Eagle Scout that is going to be making that presentation. He is Brad Gorenson. He has completed his Eagle Badge project by creating a Powerpoint presentation about Tourette's Syndrome for the purpose of educating the community on the disorder. He's made three presentation to the Pasco School District nurses, counselors and principles and each participant received a copy of the program. Copies are available at the Neurological Resource Center in Richland and the President has one as well if any member would like to see his presentation on Tourette's Syndrome. It's my great honor and privilege to be able to present to you for the report of the State of Washington and the Boy Scouts, Eagle Scout Brad Gorenson."

REMARKS BY MR. BRAD GORENSEN

Brad Gorenson: "I'm here to give the 2007 Washington Boy Scout report to the State. The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their life times through the efforts of over twenty-eight thousand dedicated volunteers. More than ninety-seven thousand youths in Washington State participated in scouting programs during 2006. Cub Scouting, for boys in first through fifth grade, served thirty-three thousand five hundred forty one. Forty-seven percent participated in a camping program. Boy scouting, for eleven to seventeen years old, reached twenty-two thousand seven hundred and seventy-three boys. Fifty-six percent participated in an outdoor camping adventure. One-thousand one-hundred seventy-six young men earned their Eagle Scout Award, The highest rank a Scout can achieve. Venturing, a co-ed high adventure program for kids age fourteen to twenty, served eight-thousand one-hundred thirty-nine. Learning for Life, also co-ed, is a classroom and work site based character educational program which served thirty-two thousand seven hundred sixty. Scout Reach is an outreach initiative focusing on developing programs in the inner city and lower income communities. Soccer and scouting aimed at the Hispanic community and children of incarcerated parents are two of the most significant programs offered in Washington State. Together our programs reach sixteen percent of the market share making it one of the largest youth-serving programs in the state. Good Turn for America, serve to others. The Boys Scout of America was founded on the premise to be a good citizen you must serve others. That belief led to the creation of Good Turn for America, national service initiative that addresses the issue of hunger, homelessness and poor health, is the collaborative effort with Habitat for Humanity, the American Red Cross and Salvation Army. In 2006, Washington Scouts and volunteers donated more than one-hundred eight-thousand three hundred ninety eight hours of community service to our state.

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That is volunteered time valued at over three million two-hundred eighteen thousand six hundred and thirty four. Boy Scouts of America looking to the future. Accordingly to research conducted by Harris Interactive released in May of 2005, one out of every two American males has had an affiliation with the scouting program. Their combined contributions touch our lives every day by continuing to recruit quality leadership, inviting youths of all backgrounds to join and offering a fun and exciting program. We seek to help ordinary young people to become extraordinary adults."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I'm tempted like the former speaker from the fourth district to name names so I won't do that, violate that rule this morning. I want to talk about a group that's visiting our campus today. I've been associated with their group this last year but in the past I've supported their fund raisers in the community at the Boys & Girls Club. Last year I was honored to be asked to be on their board of directors for Benton Franklin County Boys & Girls Club and it truly is an honor to be on that board and see the good work and help that organization. That organization provides a lot of outreach to a lot of youth in our communities through character and leadership programs, educational careers programs, health and life skills programs and of course arts and sports and fitness and others too. Today, though, we have a group of special Boy & Girls Clubs members, the Youth of the Year from their individual Boys & Girls Club and I think the Governor announced to the Youth of the Year for the Boy & Girls Club and again I just want to point out that this is a good organization in your communities and I would encourage all the members of the Senate anytime that you have a chance to participate with your local Boys & Girls Club in any way, be it a fund raiser or helping out in one of their centers. Take the time to do that. It's a good organization. The kids are great to hang out with and just encourage you to do that. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Thank you, it is correct that, this morning fourteen of Washington's best and brightest were at the Governor's Mansion and I'd like you to meet some of these people who have met incredible challenges and made major contributions to their community. Each one of these was selected in their region as the Boys & Girls Clubs Youth of the Year for that region and then a finalist was chosen and presented this morning."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Boys & Girls Club who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Interns from British Columbia Legislative Internship Program who were seated in the gallery.

MOTION

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At 10:29 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:03 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Eide, the following measures were referred to the Committee on Rules.

Bills Referred to the Rules X File

BILL	TITLE ORIGINAL SPONSOR	STATUS
SB 5007	Sales & use tax on vessels Jacobsen	S 2nd Reading
SB 5009	Biodiesel fuel for farm use Haugen	S 2nd Reading
SB 5029	Veterans' scoring criteria Hobbs	S 2nd Reading
SB 5033	Women's suffrage day Prentice	S 2nd Reading
SB 5034	Polybrominated diphenyl Regala	S 2nd Reading
SB 5035	Timber purchases Hatfield	S 2nd Reading
SB 5048	Construction defect actions Weinstein	S 2nd Reading
SB 5056	Small farm assistance prog Rasmussen	S 2nd Reading
SB 5057	Food lockers Rasmussen	S 2nd Reading
SB 5075	Outdoor burning Honeyford	S 2nd Reading
SB 5076	Agriculture Honeyford	S 2nd Reading
SB 5082	State ferry employees Spanel	S 2nd Reading
SB 5083	Automated traffic cameras Kilmer	S 2nd Reading
SB 5128	Commercial fish harvest Jacobsen	S 2nd Reading
SB 5155	Passport to college program Kilmer	S 2nd Reading
SB 5182	Signature gatherers to sign Kastama	S 2nd Reading
SB 5187	Property tax valuation Haugen	S 2nd Reading
SB 5222	Sentence review board Hargrove	S 2nd Reading
SB 5233	Special purpose districts Hatfield	S 2nd Reading
SB 5239	Mathematics assessment Tom	S 2nd Reading
SB 5270	Advance deposit wagering Kohl-Welles	S 2nd Reading
SSB 5278	Campaigns for local office Franklin	S 3rd Reading

BILL	TITLE ORIGINAL SPONSOR	STATUS
SB 5291	Prevailing wages Murray	S 2nd Reading
SB 5301	Critical areas Haugen	S 2nd Reading
SB 5303	Certificate of ownership Haugen	S 2nd Reading
SB 5333	Teenage drivers Murray	S 2nd Reading
ESSB 5342	Drug courts Kline	S 3rd Reading
SB 5343	Crimes against property Kline	S 2nd Reading
SB 5350	Telephone records Kline	S 2nd Reading
SB 5353	Municipal courts Kline	S 2nd Reading
SB 5363	Traffic safety cameras Jacobsen	S 2nd Reading
SB 5380	Cigarette tax contracts Prentice	S 2nd Reading
SB 5406	Whistleblower protection Kline	S 2nd Reading
SB 5420	Public agencies' web sites Roach	S 2nd Reading
SB 5430	Shared leave Hobbs	S 2nd Reading
SB 5436	Public records act Pflug	S 2nd Reading
SB 5437	Public records act Pflug	S 2nd Reading
SB 5446	Mental health parity Keiser	S 2nd Reading
SB 5465	Right to possess firearms Schoesler	S 2nd Reading
SB 5485	Veterinary technicians Sheldon	S 2nd Reading
SB 5519	Water right Delvin	S 2nd Reading
SB 5522	Rural county library dist Prentice	S 2nd Reading
SB 5544	Environmental noise Fraser	S 2nd Reading
SB 5563	Mental health professionals Hargrove	S 2nd Reading
SB 5573	Rural county tax credit Hatfield	S 2nd Reading
SB 5575	Resale of natural gas Hobbs	S 2nd Reading
SB 5582	Business and professions Clements	S 2nd Reading
SB 5599	Thermal electric generating Schoesler	S 2nd Reading
SB 5603	Public records Roach	S 2nd Reading
SB 5628	Electing the president Oemig	S 2nd Reading
SB 5641	Unprocessed milk Rasmussen	S 2nd Reading
SB 5643	Incarcerated parents Regala	S 2nd Reading

BILL	TITLE ORIGINAL SPONSOR	STATUS	MOTION
SB 5662	Charitable organizations Weinstein	S 2nd Reading	Senator Pridemore moved that Gubernatorial Appointment No. 9081, Kay Adamson, as a member of the State School for the Blind, be confirmed.
SB 5686	Public utility districts Zarelli	S 2nd Reading	Senators Pridemore and Pflug spoke in favor of the motion.
SB 5698	Mentally ill offenders Hargrove	S 2nd Reading	MOTION
SB 5706	Murder Benton	S 2nd Reading	On motion of Senator Regala, Senators Fraser and Sheldon were excused.
SB 5722	Body-gripping traps Regala	S 2nd Reading	MOTION
SB 5725	Medical records Franklin	S 2nd Reading	On motion of Senator Brandland, Senator Benton was excused.
SB 5730	Port districts Fairley	S 2nd Reading	
SB 5735	Construction contractors Kohl-Welles	S 2nd Reading	APPOINTMENT OF KAY ADAMSON
SB 5749	Brassica seed production Schoesler	S 2nd Reading	The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9081, Kay Adamson as a member of the State School for the Blind.
SB 5751	Wine and beer tasting Kohl-Welles	S 2nd Reading	
SB 5772	Employee organization Kohl-Welles	S 2nd Reading	The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9081, Kay Adamson as a member of the State School for the Blind and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.
SB 5823	Section 8 program Fairley	S 2nd Reading	Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46
SB 5845	Security guards Keiser	S 2nd Reading	Excused: Senators Benton, Fraser and Sheldon - 3
SB 5854	Utility liens Benton	S 2nd Reading	Gubernatorial Appointment No. 9081, Kay Adamson, having received the constitutional majority, was declared confirmed as a member of the State School for the Blind.
SB 5856	Bidder responsibility Rockefeller	S 2nd Reading	
SB 5868	Civil disorder Kline	S 2nd Reading	
SB 5870	Criminal case records Kline	S 2nd Reading	
SB 5878	Identity theft reports Hargrove	S 2nd Reading	
SB 5888	Telecommunications Poulsen	S 2nd Reading	INTRODUCTION OF SPECIAL GUESTS
SB 5917	Prescription drug marketing Kohl-Welles	S 2nd Reading	The President welcomed and introduced Miss. Ashley Campbell, a Culinary Arts student at New Market Skills Center in Tumwater and intern in the Senate Dining Room during the session.
SB 5944	Ignition interlock devices Brandland	S 2nd Reading	
SB 6012	Islands in Puget Sound Poulsen	S 2nd Reading	
SB 6024	Automobile insurance Franklin	S 2nd Reading	MOTION
SSB 6030	Health ins for young adults Parlette	S 3rd Reading	On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.
SB 6036	Construction liens Fraser	S 2nd Reading	
SB 6082	Unemployment Kohl-Welles	S 2nd Reading	SECOND READING
SB 6083	Medical information Pflug	S 2nd Reading	CONFIRMATION OF GUBERNATORIAL APPOINTMENTS
ESJR 8207	School levies Eide	S Failed 3rd	MOTION
SJR 8210	Homestead exemption Haugen	S 2nd Reading	Senator Rockefeller moved that Gubernatorial Appointment No. 9002, Toni M. Aspin, and Gubernatorial Appointment No. 9131, Dwayne Johnson, as members of the Board of Trustees, Peninsula Community College District No. 1 be confirmed. Senator Rockefeller spoke in favor of the motion.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

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APPOINTMENT OF TONI M. ASPIN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9002, Toni M. Aspin, and Gubernatorial Appointment No. 9131, Dwayne Johnson, as members of the Board of Trustees, Peninsula Community College District No. 1.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9002, Toni M. Aspin as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Pflug - 1

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF DWAYNE JOHNSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9131, Dwayne Johnson as a member of the Board of Trustees, Peninsula Community College District No. 1 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Pflug - 1

Excused: Senators Benton, Fraser and Sheldon - 3

Gubernatorial Appointment No. 9002, Toni M. Aspin, and Gubernatorial Appointment No. 9131, Dwayne Johnson, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Peninsula Community College District No. 1.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9010, Ethelda Burke; Gubernatorial Appointment No. 9022, Bill Grinstein; Gubernatorial Appointment No. 9089, Charley Bingham; and Gubernatorial Appointment No. 9180, Jonathan Sprouffsk,e as members of the Higher Education Coordinating Board be confirmed.

Senator Shin spoke in favor of the motion.

APPOINTMENT OF ETHELDA BURKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9010, Ethelda Burke; Gubernatorial Appointment No. 9022, Bill Grinstein; Gubernatorial Appointment No. 9089, Charley

Bingham; and Gubernatorial Appointment No. 9180, Jonathan Sprouffsk,e as members of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9010, Ethelda Burke as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Kline - 1

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF BILL GRINSTEIN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9022, Bill Grinstein as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Kline - 1

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF CHARLEY BINGHAM

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9089, Charley Bingham as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Kline - 1

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF JONATHAN SPROUFFSKE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9180, Jonathan Sprouffske as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen,

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Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Kline - 1

Excused: Senators Benton, Fraser and Sheldon - 3

Gubernatorial Appointment No. 9010, Ethelda Burke; Gubernatorial Appointment No. 9022, Bill Grinstein; Gubernatorial Appointment No. 9089, Charley Bingham and Gubernatorial Appointment No. 9180, Jonathan Sprouffske having received the constitutional majority were declared confirmed as members of the Higher Education Coordinating Board.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that Gubernatorial Appointment No. 9052, Teresa Pan, and Gubernatorial Appointment No. 9163, Calvin Pearson as members of the Board of Trustees, Bates Technical College District No. 28, be confirmed.

Senator Franklin spoke in favor of the motion.

APPOINTMENT OF TERESA PAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9052, Teresa Pan and Gubernatorial Appointment No. 9163, Calvin Pearson as members of the Board of Trustees, Bates Technical College District No. 28.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9052, Teresa Pan as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF CALVIN PEARSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9163, Calvin Pearson as a member of the Board of Trustees, Bates Technical College District No. 28 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

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Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Fraser and Sheldon - 3

Gubernatorial Appointment No. 9052, Teresa Pan, and Gubernatorial Appointment No. 9163, Calvin Pearson having received the constitutional majority were declared confirmed as members of the Board of Trustees, Bates Technical College District No. 28.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9147, Bill Lynch, and Gubernatorial Appointment No. 9152, Andrea McNamara Doyle as members of the Pollution Control/Shorelines Hearings Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF BILL LYNCH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9147, Bill Lynch and Gubernatorial Appointment No. 9152, Andrea McNamara Doyle as members of the Pollution Control/Shorelines Hearings Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9147, Bill Lynch as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Fraser and Sheldon - 3

APPOINTMENT OF ANDREA MCNAMARA DOYLE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9152, Andrea McNamara Doyle as a member of the Pollution Control/Shorelines Hearings Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Fraser and Sheldon - 3

Gubernatorial Appointment No. 9147, Bill Lynch and Gubernatorial Appointment No. 9152, Andrea McNamara Doyle, having received the constitutional majority were declared confirmed as members of the Pollution Control/Shorelines Hearings Board.

SECOND READING

SEVENTY-THIRD DAY, MARCH 21, 2007

2007 REGULAR SESSION

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Campbell, VanDeWege, Dickerson, Moeller and Morrell)

Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 1289 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray, Brandland, Haugen, Swecker and Jacobsen spoke in favor of passage of the bill.

Senator Roach spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1289.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1289 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Carrell, Roach and Stevens - 3

Excused: Senators Benton, Fraser and Sheldon - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:50 a.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Thursday, March 22, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-FOURTH DAY, MARCH 22, 2007

2007 REGULAR SESSION

SEVENTY-FOURTH DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, March 22, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 20, 2007

HB 1000 Prime Sponsor, Kessler: Adding porphyria to the list of disabilities for special parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1002 Prime Sponsor, Committee on Finance: Modifying the sales and use taxation of vessels. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 21, 2007

ESHB 1024 Prime Sponsor, Committee on Select Committee on Environmental Health: Phasing out the use of polybrominated diphenyl ethers. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist, Honeyford and Morton

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1039 Prime Sponsor, Committee on Select Committee on Environmental Health: Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1045 Prime Sponsor, Committee on Agriculture & Natural Resources: Maintaining the ability of the board of natural resources to determine the deduction of proceeds from transactions on state lands managed by the department of natural resources. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Morton, Stevens and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Hargrove

Passed to Committee on Ways & Means.

March 20, 2007

ESHB 1047 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions affecting alcohol content in food products and confections. Revised for 1st Substitute: Concerning alcohol content in food products and confections. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Murray

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1049 Prime Sponsor, Fromhold: Concerning the Vancouver national historic reserve. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Ways & Means.

March 21, 2007

HB 1077 Prime Sponsor, Blake: Modifying requirements concerning the public disclosure of sensitive fish and wildlife information. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1082 Prime Sponsor, Committee on Agriculture & Natural Resources: Requiring that certain shellfish and seaweed harvest license be available for inspection. Reported by Committee on Natural Resources, Ocean & Recreation

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MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 21, 2007

ESHB 1131 Prime Sponsor, Committee on Appropriations: Creating the passport to college promise program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Ways & Means.

March 20, 2007

EHB 1217 Prime Sponsor, Hinkle: Establishing standards for clubhouse rehabilitation services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1229 Prime Sponsor, Sullivan, B.: Correcting references to the state wildlife account. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1233 Prime Sponsor, Committee on Health Care & Wellness: Addressing specified disease, hospital confinement, or other fixed payment insurance. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 21, 2007

2SHB 1242 Prime Sponsor, Committee on Appropriations: Creating a voluntary adult family home certification program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1258 Prime Sponsor, Committee on Local Government: Changing the disbursement of funds by air pollution control agencies. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1266 Prime Sponsor, Committee on Appropriations: Determining death benefits for public employees. Revised for 1st Substitute: Addressing death benefits for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1276 Prime Sponsor, Committee on Community & Economic Development & Trade: Creating a public-private tourism partnership. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

March 20, 2007

2SHB 1277 Prime Sponsor, Committee on Finance: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

March 19, 2007

SHB 1312 Prime Sponsor, Committee on Transportation: Modifying provisions concerning transportation providers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1313 Prime Sponsor, Eddy: Transferring the authority to intervene on behalf of railroad shippers to the

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department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1343 Prime Sponsor, Takko: Adding a physical examination requirement for certificate of ownership applications. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 19, 2007

HB 1344 Prime Sponsor, Lovick: Providing a window tint exemption for law enforcement vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1349 Prime Sponsor, Condotta: Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Murray

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1370 Prime Sponsor, Green: Regarding public workers excluded from prevailing wages on public works provisions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist and Murray

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1371 Prime Sponsor, Appleton: Addressing traffic infractions involving rental vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kauffman, Kilmer, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1377 Prime Sponsor, Pettigrew: Changing provisions affecting the placement of children. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 20, 2007

HB 1430 Prime Sponsor, Pettigrew: Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1431 Prime Sponsor, Goodman: Changing certificate of discharge requirements. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1447 Prime Sponsor, Morrell: Providing for temporary management in boarding homes. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

March 21, 2007

HB 1505 Prime Sponsor, Clibborn: Regarding physician assistants determining disability for special parking privileges. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1508 Prime Sponsor, Committee on Technology, Energy & Communications: Providing an exemption from

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business and occupation tax for the resale of natural or manufactured gas by consumers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1513 Prime Sponsor, Committee on Finance: Modifying provisions relating to the excise taxation of forest products businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1543 Prime Sponsor, Buri: Authorizing the use of local retail taxes to finance economic development officers. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 1565 Prime Sponsor, Committee on Early Learning & Children's Services: Revising provisions relating to public access to child in need of services and at-risk youth hearings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1644 Prime Sponsor, Kenney: Modifying health care eligibility provisions for part-time academic employees of community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1645 Prime Sponsor, Pedersen: Authorizing the administrator of the health care authority to administer grants on behalf of the authority. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1680 Prime Sponsor, Hunter: Addressing transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1813 Prime Sponsor, Kelley: Changing the name of the interagency committee for outdoor recreation to the recreation and conservation funding board. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel, Stevens and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Morton

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1852 Prime Sponsor, Green: Modifying treatment records provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1929 Prime Sponsor, Committee on Technology, Energy & Communications: Authorizing utilities to engage in environmental mitigation efforts. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford. Without recommendation. Signed by Senator Morton

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1940 Prime Sponsor, Schindler: Requiring state agencies to notify local governments of proposed land dispositions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

HB 1972 Prime Sponsor, Ross: Regarding proceeds from irrigation district foreclosure sales. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 20, 2007

ESHB 1981 Prime Sponsor, Committee on Finance: Concerning the excise taxation of electronically delivered financial information. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 20, 2007

2SHB 1992 Prime Sponsor, Committee on Finance: Creating community preservation and development authorities. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Without recommendation. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Government Operations & Elections.

March 20, 2007

SHB 2008 Prime Sponsor, Committee on State Government & Tribal Affairs: Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinalt Indian Reservation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Schoesler

Passed to Committee on Rules for second reading.

March 20, 2007

HB 2090 Prime Sponsor, Dickerson: Adding the director of the department of early learning to the family policy council. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 2103 Prime Sponsor, Committee on Technology, Energy & Communications: Modifying the competitive classification of telecommunications services. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 2158 Prime Sponsor, Committee on Finance: Concerning the sales of vehicles and associated services to nonresidents of Washington. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 21, 2007

2SHB 2256 Prime Sponsor, Committee on Finance: Establishing the family prosperity act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Without recommendation. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Hatfield, Parlette and Schoesler

Passed to Committee on Economic Development, Trade & Management.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 21, 2007

SGA 9196 MICHAEL WORTHY, appointed October 12, 2006, for the term ending September 30, 2012, as Member, Board of Regents, Washington State University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

March 21, 2007

SGA 9262 KIRSTIN HAUGEN, appointed January 20, 2007, for the term ending September 30, 2010, as Member, Board of Trustees, Cascadia Community College District No. 30. Reported by Committee on Higher Education

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MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee Report were referred to the committees as designated with the exception of House Bill No. 1049, House Bill No. 1377 and House Bill No. 1447 which were referred to the Committee on Ways and Means.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 22, 2007

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1289,

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6151 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6152 by Senator Prentice

AN ACT Relating to fiscal matters.

Referred to Committee on Ways & Means.

SB 6153 by Senator Prentice

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

SB 6154 by Senator Prentice

AN ACT Relating to revenue.

Referred to Committee on Ways & Means.

SB 6155 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6156 by Senator Prentice

AN ACT Relating to state government.

Referred to Committee on Ways & Means.

SB 6157 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6158 by Senator Prentice

AN ACT Relating to human services.

Referred to Committee on Ways & Means.

SB 6159 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

SB 6160 by Senator Prentice

AN ACT Relating to natural resources.

Referred to Committee on Ways & Means.

SB 6161 by Senator Prentice

AN ACT Relating to K-12 education.

Referred to Committee on Ways & Means.

SB 6162 by Senator Prentice

AN ACT Relating to K-12 education.

Referred to Committee on Ways & Means.

SB 6163 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6164 by Senator Prentice

AN ACT Relating to higher education.

Referred to Committee on Ways & Means.

SB 6165 by Senator Prentice

AN ACT Relating to retirement.

Referred to Committee on Ways & Means.

SB 6166 by Senator Prentice

AN ACT Relating to retirement.

Referred to Committee on Ways & Means.

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MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8648

By Senators Shin, Kastama, Kilmer, Berkey, Morton, Schoesler, Rasmussen, Keiser, Honeyford, Tom, Holmquist, Jacobsen, Sheldon, Hobbs, Oemig, Swecker, Marr, Roach, Prentice, Haugen, Zarelli, Regala, Eide, Pridemore and Hargrove

WHEREAS, The most critical stages of vision development occur in the first year of a child's life; and

WHEREAS, Undetected eye and vision problems can lead to permanent vision impairment or loss, and can contribute to a decrease in a child's quality of life; and

WHEREAS, Early detection of vision problems is the best way to treat and prevent permanent vision impairment; and

WHEREAS, The American Optometric Association and The Vision Care Institute of Johnson & Johnson Vision Care, Inc., have partnered to create InfantSEE®, a no-cost public health program developed to provide professional eye care for infants nationwide; and

WHEREAS, In the state of Washington, there are over 250 participating optometric doctors who have already seen over 1000 infants under this program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend the profession of Optometry and the members of the Optometric Physicians of Washington for dedicating their expertise and services to the infants of the state of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage parents to schedule an InfantSEE® assessment for their infants; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Dr. Brett Bence, and the InfantSEE® program.

Senator Shin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8648.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced optometric physicians, Dr. Beth Kneib, Dr. Sandford Berry, Dr. Brett Bence and Dr. Judy Balzer who were seated in the gallery.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8658

By Senators Fairley, Spanel, Jacobsen, Fraser, Pridemore and Regala

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WHEREAS, The Lake Forest Park Community Wildlife Habitat Project is a volunteer program that teaches people how to certify and maintain their backyards as wildlife sanctuaries; and

WHEREAS, Certified habitats include landscaping for wildlife-friendly environments that offer food, water, cover, and places for wildlife to raise offspring; and

WHEREAS, The 159 backyards certified through this program are helping to make Lake Forest Park a better place for songbirds, butterflies, and other wildlife species, and are encouraging volunteerism and community pride; and

WHEREAS, Participation includes Lake Forest Park residents Senator Darlene Fairley and Representative Ruth Kagi, among others; both Lake Forest Park elementary schools; businesses; the Department of Fish and Wildlife; the National Wildlife Federation; the Lake Forest Park Stewardship Foundation; and other nonprofit organizations; and

WHEREAS, The city of Lake Forest Park is to be congratulated for its recognition as only the third city in Washington, and the 21st city in the nation certified through the National Wildlife Federation's Community Wildlife Habitat Program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the outstanding efforts of the Lake Forest Park Community Wildlife Habitat Project and the city of Lake Forest Park for the support and organization of wildlife conservation; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the coordinator of the Lake Forest Park Project, Libby Fiene, and to David Hutchison, the Mayor of Lake Forest Park.

Senator Eide spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8658.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 23, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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SHB 1099 Prime Sponsor, Committee on Health Care & Wellness: Regulating certain dental professions. Reported by Committee on Health & Long-Term Care

MORNING SESSION

Senate Chamber, Olympia, Friday, March 23, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hatfield, Hewitt, Jacobsen, Marr, Pflug, Pridemore, Roach and Weinstein.

The Sergeant at Arms Color Guard consisting of the Inter-Tribal Society Honor Guard members, Sonny Bargala, US Army Retired and Jesse McDaniel III, US Navy Retired presented the Colors. Reverend Irwin Porter of the Church of the Indian Fellowship offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2007

ESHB 1050 Prime Sponsor, Committee on Education: Allowing certain students with disabilities to participate in graduation ceremonies. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2007

2SHB 1096 Prime Sponsor, Committee on Appropriations: Creating postsecondary opportunity programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

March 21, 2007

SHB 1097 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 21, 2007

ESHB 1114 Prime Sponsor, Committee on Judiciary: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. Revised for 1st Substitute: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. (REVISED FOR ENGROSSED: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state or who are not a financial institution.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1126 Prime Sponsor, Morrell: Changing late renewal penalty provisions for concealed pistol licenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1143 Prime Sponsor, Lantz: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1144 Prime Sponsor, Committee on Judiciary: Providing a uniform method of transferring a municipal court judgment into district court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Carrell and Roach

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1145 Prime Sponsor, Lantz: Modifying the

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definition of an "account receivable" for purposes of commencing an action. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

2SHB 1201 Prime Sponsor, Committee on Appropriations: Extending medicaid coverage for foster care youth who reach age eighteen. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

March 21, 2007

SHB 1268 Prime Sponsor, Committee on Local Government: Authorizing donation of unclaimed personal property to nonprofit charitable organizations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

SHB 1337 Prime Sponsor, Committee on Health Care & Wellness: Requiring insurance coverage for colorectal cancer screening. Revised for 1st Substitute: Regarding coverage for colorectal cancer examinations and laboratory tests. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama and Kohl-Welles

MINORITY recommendation: Do not pass. Signed by Senator Pflug. Without recommendation. Signed by Senators Carrell and Parlette

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1437 Prime Sponsor, Eddy: Concerning fees for petitioners of sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 21, 2007

SHB 1458 Prime Sponsor, Committee on Judiciary: Requiring notice to property owners before condemnation decisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

ESHB 1497 Prime Sponsor, Committee on Appropriations: Increasing the operating fee waiver authority for Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

March 21, 2007

SHB 1642 Prime Sponsor, Committee on Judiciary: Concerning criminal violations of no-contact orders, protection orders, and restraining orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

2SHB 1677 Prime Sponsor, Committee on Appropriations: Creating the outdoor education and recreation grant program for schools and others. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Ways & Means.

March 22, 2007

HB 1722 Prime Sponsor, Conway: Clarifying the authority of physician assistants to execute certain certificates and other forms for labor and industries. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 22, 2007

E2SHB 1779 Prime Sponsor, Committee on Appropriations: Creating the GET ready for math and science scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1793 Prime Sponsor, Lantz: Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense. Reported by Committee on Judiciary

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MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

E2SHB 1825 Prime Sponsor, Committee on Appropriations: Providing dedicated funding for public health services. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Ways & Means.

March 22, 2007

ESHB 1883 Prime Sponsor, Committee on Higher Education: Modifying the higher education coordinating board. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Delvin and Schoesler

MINORITY recommendation: Do not pass. Signed by Senator Berkey

MINORITY recommendation: Without recommendation. Signed by Senator Sheldon

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1939 Prime Sponsor, Goodman: Modifying privileged communications provisions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1966 Prime Sponsor, Curtis: Clarifying the authority of physician assistants to sign and attest to documents. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 21, 2007

E2SHB 2176 Prime Sponsor, Committee on Appropriations: Revising provisions involving court interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Murray and Weinstein

Passed to Committee on Ways & Means.

March 22, 2007

SHB 2275 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding funding of state parks. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Transportation.

March 22, 2007

SHB 2317 Prime Sponsor, Committee on Higher Education: Requiring development of a definition of "high demand." Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

March 20, 2007

SHB 2335 Prime Sponsor, Committee on Finance: Exempting certain amateur radio repeaters from leasehold excise taxes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2007

EHJR 4204 Prime Sponsor, Schual-Berke: Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Rules for second reading.

March 22, 2007

HCR 4404 Prime Sponsor, Kenney: Approving the 2006 update to the state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 22, 2007

SGA 9144 JANET LEWIS, appointed November 14, 2005, for the term ending June 30, 2009, as Member of the

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Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

March 22, 2007

SGA 9255 SANFORD KINZER, appointed October 17, 2005, for the term ending September 30, 2011, as Member, Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

March 22, 2007

SGA 9269 CELESTE STRAHL, appointed February 16, 2007, for the term ending September 30, 2007, as Member, Board of Trustees, Technical College District #26 (Lake Washington). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1099 which was referred to the Committee on Rules, Engrossed Second Substitute House Bill No. 2176 which was referred to the Committee on Ways & Means and Substitute House Bill No. 2275 which was referred to the Committee on Transportation.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 22, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CRAIG W. GIBELYOU, appointed March 8, 2007, for the term ending December 5, 2010, as Member of the Western State Hospital Advisory Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

March 14, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

TROY HUTSON, appointed March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

March 13, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

AMANDA LEE, appointed May 1, 2007, for the term ending September 25, 2010, as Member of the Clemency and Pardons Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Human Services & Corrections.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8668

By Senators Rasmussen, Hatfield, Hobbs, Hewitt, Berkey, Oemig, Shin, Zarelli, Clements, Schoesler, Morton, Honeyford, Parlette, McAuliffe, Holmquist, Kauffman, Keiser, Prentice, Tom, Pridemore, Brandland and Eide

WHEREAS, Washington has been blessed with local granges since 1873 and a statewide grange organization since shortly before the admission of Washington Territory to statehood in 1889; and

WHEREAS, The Washington State Grange enjoys the distinction of having more Grangers than any other state -- currently around 50,000 members of a nationwide total of 350,000 members in 37 states; and

WHEREAS, The Washington State Grange coordinates the activities of the state's 300 subordinate granges; and

WHEREAS, The Washington State Grange invites all state residents to consider becoming members of this progressive, active, and concerned organization; and

WHEREAS, The Grange continues to honor its long-standing commitment to boosting the standard of living for farmers and other rural residents; and

WHEREAS, The Washington State Grange, a nonpartisan, grass roots organization, takes pride in sponsoring a multitude of activities ranging from presenting college scholarships to legislative involvement and coordinating projects and contests; and

WHEREAS, Dedicated to community building and involvement, many Pomona Granges organize countywide events such as softball or bowling leagues, camping clubs, or fund-raising drives for food banks, charities, or other community services; and

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WHEREAS, The Grange maintains a strong and abiding interest in quality of life issues important to rural and urban residents of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Grange on more than 130 years of service in Washington Territory and the State of Washington; and

BE IT FURTHER RESOLVED, That the Washington State Senate honor the Washington State Grange for its many positive contributions to our communities and encourage officers and members to keep up the good and useful work they do; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to State Grange President Terry Hunt at the Washington State Grange headquarters in Olympia.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8668.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Terry Hunt, President of the Washington State Grange and members of the Grange who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Murray moved that Gubernatorial Appointment No. 9113, Jennifer Faubion, as a member of the Board of Regents, University of Washington, be confirmed.

Senator Murray spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Hewitt, Pflug and Roach were excused.

MOTION

On motion of Senator Eide, Senator Marr was excused.

APPOINTMENT OF JENNIFER FAUBION

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9113, Jennifer Faubion as a member of the Board of Regents, University of Washington.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9113, Jennifer Faubion as a member of the Board of Regents, University of Washington and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin,

Spanel, Stevens, Swecker, Tom and Zarelli - 41

Absent: Senators Hatfield, Jacobsen, Pridemore and Weinstein - 4

Excused: Senators Hewitt, Marr, Pflug and Roach - 4

Gubernatorial Appointment No. 9113, Jennifer Faubion, having received the constitutional majority was declared confirmed as a member of the Board of Regents, University of Washington.

MOTION

On motion of Senator Regala, Senators Hatfield, Jacobsen and Pridemore were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9260, Earl Hale, as a member of the Higher Education Coordinating Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF EARL HALE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9260, Earl Hale as a member of the Higher Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9260, Earl Hale as a member of the Higher Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Excused: Senators Hatfield, Hewitt, Jacobsen, Marr, Pflug, Pridemore and Roach - 7

Gubernatorial Appointment No. 9260, Earl Hale, having received the constitutional majority was declared confirmed as a member of the Higher Education Coordinating Board.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9188, Brian Vance, and Gubernatorial Appointment No. 9203, Leonor Fuller as members of the Board of Trustees, South Puget Sound Community College District No. 24, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF BRIAN VANCE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9188, Brian

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Vance and Gubernatorial Appointment No. 9203, Leonor Fuller as members of the Board of Trustees, South Puget Sound Community College District No. 24.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9188, Brian Vance as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Hatfield, Hewitt, Jacobsen, Marr and Pridemore - 5

APPOINTMENT OF LEONOR FULLER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9203, Leonor Fuller as a member of the Board of Trustees, South Puget Sound Community College District No. 24 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Hatfield, Hewitt, Jacobsen, Marr and Pridemore - 5

Gubernatorial Appointment No. 9188, Brian Vance and Gubernatorial Appointment No. 9203, Leonor Fuller having received the constitutional majority were declared confirmed as members of the Board of Trustees, South Puget Sound Community College District No. 24.

MOTION

At 10:35 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:03 a.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 1460, by Representatives Schual-Berke, Hankins, Cody, Campbell, Morrell, Green, Dickerson, Darneille, McDermott, Jarrett, Hudgins, Moeller, Kagi, Rodne, Williams, Ormsby, Haigh, Linville, Wood, Conway, O'Brien, Hasegawa, Santos and Lantz

Extending existing mental health parity requirements to individual and small group plans.

The measure was read the second time.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 15, after line 5 insert a new section to read:
"NEW SECTION. Sec. 7. The Washington state institute for public policy, in collaboration with the office of insurance commissioner, is directed to complete an evaluation of the effect of this act. The study shall include the impacts on premiums paid by small business, the number of firms offering coverage, and the number of employees covered by small business. To the extent possible, the cost benefit analysis should also examine any relevant changes in employee productivity and employee retention for the small business, and impacts on mental health service providers such as hospitals, and any associated reductions in uncompensated care. The study shall examine at least two year's of experience after implementation and be submitted to the legislature no later than December 1, 2011."
 Renumber the remaining sections accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 15, line 5 to Engrossed House Bill No. 1460 was withdrawn.

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 1460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1460.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1460 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Schoesler, Sheldon and Stevens - 3

Excused: Senators Hatfield, Hewitt, Jacobsen, Marr and McCaslin - 5

ENGROSSED HOUSE BILL NO. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:14 p.m., on motion of Senator Eide, the Senate

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adjourned until 12:00 noon, Monday, March 26, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-EIGHTH DAY, MARCH 26, 2007

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SEVENTY-EIGHTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, March 26, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 22, 2007

HB 1005 Prime Sponsor, Kessler: Determining rates for the rental of county equipment. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Roach. Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1029 Prime Sponsor, Committee on Technology, Energy & Communications: Defining E85 motor fuel. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 23, 2007

ESHB 1055 Prime Sponsor, Committee on Technology, Energy & Communications: Defining alternative motor fuels. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1065 Prime Sponsor, Kelley: Revising veterans' scoring criteria in examinations. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

2SHB 1076 Prime Sponsor, Committee on Appropriations: Creating a rockfish research program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Stevens

Passed to Committee on Ways & Means.

March 22, 2007

SHB 1079 Prime Sponsor, Committee on Agriculture & Natural Resources: Merging fishing and hunting license fees for certain veterans and persons with disabilities. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1123 Prime Sponsor, Strow: Clarifying the authority of the department of natural resources with respect to certain aquatic lands. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Poulsen, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Morton and Stevens

Passed to Committee on Rules for second reading.

March 22, 2007

SHB 1135 Prime Sponsor, Committee on Local Government: Allowing certain cities to designate aquifer conservation zones. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Benton

Passed to Committee on Rules for second reading.

March 22, 2007

ESHB 1260 Prime Sponsor, Committee on Transportation: Establishing contribution rates in the Washington state patrol retirement system. Reported by Committee on Transportation

SEVENTY-EIGHTH DAY, MARCH 26, 2007

2007 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Eide, Holmquist, Kastama, Kilmer, Pflug, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1331 Prime Sponsor, Haigh: Changing veterinary technician credentialing to licensure. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1403 Prime Sponsor, O'Brien: Modifying snowmobile registration requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Spanel and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Holmquist and Pflug

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1416 Prime Sponsor, Grant: Extending an asparagus exception to the standards for fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1421 Prime Sponsor, Green: Modifying address confidentiality program provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 23, 2007

E2SHB 1422 Prime Sponsor, Committee on Appropriations: Addressing children and families of incarcerated parents. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1456 Prime Sponsor, Committee on Appropriations: Providing backup for mental health professionals doing home

visits. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 22, 2007

HB 1476 Prime Sponsor, Blake: Modifying provisions with regard to nonsalmon charter licenses. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

SHB 1646 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing department of fish and wildlife employees to sample fish, wildlife, and shellfish. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

EHB 1688 Prime Sponsor, Newhouse: Concerning the marketing of fruits and vegetables. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 22, 2007

ESHB 1756 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing one additional hound hunting cougar season. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Hargrove, Morton, Stevens and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Rockefeller, Vice Chair; Fraser, Poulsen and Spanel

Passed to Committee on Rules for second reading.

March 23, 2007

HB 1791 Prime Sponsor, Schual-Berke: Concerning members of the Washington council for the prevention of child abuse and neglect. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; McAuliffe and Stevens

SEVENTY-EIGHTH DAY, MARCH 26, 2007

2007 REGULAR SESSION

Passed to Committee on Rules for second reading.

March 21, 2007

HB 1820 Prime Sponsor, Dickerson: Reducing air pollution through the licensing and use of medium-speed electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

EHB 1902 Prime Sponsor, Grant: Concerning the sales and use taxation of repairs to farm machinery and equipment. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Ways & Means.

March 23, 2007

SHB 2007 Prime Sponsor, Committee on Technology, Energy & Communications: Defining allowable fuel blends. Revised for 1st Substitute: Regarding allowable fuel blends. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Honeyford, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 22, 2007

2SHB 2055 Prime Sponsor, Committee on Appropriations: Concerning traumatic brain injuries. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama and Kohl-Welles

MINORITY recommendation: Without recommendation. Signed by Senators Carrell, Parlette and Pflug

Passed to Committee on Ways & Means.

March 22, 2007

SHB 2115 Prime Sponsor, Committee on Capital Budget: Creating the heritage barn preservation program. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton and Shin

Passed to Committee on Ways & Means.

March 23, 2007

SHB 2129 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding geothermal core holes.

Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Honeyford, Morton, Oemig, Pridemore and Regala

MINORITY recommendation: Without recommendation. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 21, 2007

HJM 4001 Prime Sponsor, Pearson: Naming the 172nd Street overpass of Interstate 5 the "Oliver "Punks" Smith Interchange." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

ESHJM 4011 Prime Sponsor, Committee on Agriculture & Natural Resources: Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Morton, Schoesler and Shin

Passed to Committee on Rules for second reading.

March 21, 2007

HJM 4017 Prime Sponsor, Kessler: Naming portions of Highways 112 and 113 the Korean War Veteran's Blue Star Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Pflug and Swecker

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

November 20, 2006

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

SEVENTY-EIGHTH DAY, MARCH 26, 2007

2007 REGULAR SESSION

DAVID VALDEZ, appointed November 20, 2006, for the term ending September 30, 2012, as Member, Board of Trustees, Central Washington University.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6167 by Senators Pridemore, Zarelli and Prentice

AN ACT Relating to clarifying the director's authority to determine interest in certain public retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8666

By Senators Shin, Jacobsen, Berkey, Kohl-Welles, Rockefeller, Morton, Hatfield, Brandland, Hargrove, Rasmussen, Stevens, Hobbs, Marr, Holmquist, Swecker, Pridemore, Schoesler, Kastama, Carrell, Kline, Sheldon, Tom, Regala, Spanel and Zarelli

WHEREAS, March 31, 2007, is the 74th anniversary of the signing by President Franklin D. Roosevelt of the law historically known as the Emergency Conservation Work Act, a precursor of the 1937 law that established the Civilian Conservation Corps (CCC) and helped alleviate some of the horrific unemployment of the Great Depression; and

WHEREAS, Between 1933 and 1942, the CCC provided employment and vocational training nationwide in the conservation and development of natural resources, the protection of forests, and the construction and maintenance of military reservations to more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish-American War and World War I, and more than 80,000 Native Americans; and

WHEREAS, The CCC spent more than \$76 million in Washington and provided work for 73,300 men, including 51,300 Washington state residents; and

WHEREAS, The CCC left the nation a legacy in the form of 3,000,000,000 new trees, 800 state parks, 8,452 improved beaches, and 405,037 signs, markers, and monuments; and

WHEREAS, The CCC constructed 125,000 miles of road and strung 89,000 miles of telephone line; and

WHEREAS, The CCC restored and improved the natural environment with the revegetation of 814,000 acres of range, the stocking of 972 million fish, and mosquito control on 248,000 acres of land; and

WHEREAS, The CCC performed 8 million days of firefighting with Camp North Bend in Washington state among those camps developing an excellent reputation for fighting forest fires; and

WHEREAS, The CCC contributed to the creation or improvement of 11 state parks in Washington such as Deception Pass, Beacon Rock, Ginkgo Petrified Forest, and Saltwater State Park, and Governor Christine Gregoire will proclaim Civilian Conservation Corps Day in Washington state on March 31, 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize how the work of the Civilian Conservation Corps has benefited succeeding generations in Washington and express appreciation for the rich heritage left to those who enjoy the outdoor life in our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to members of the Washington State Senate, members of the Civilian Conservation Corps, and their families.

Senators Shin, Rasmussen and Berkey spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8666.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Civilian Conservation Corps who were seated in the gallery.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION
8664

By Senators Rasmussen, Haugen, Delvin, Pflug, McAuliffe, Parlette, Kauffman, Eide, Morton, Stevens, Roach, Honeyford, Zarelli, Keiser, Franklin, Benton, Brandland, Carrell, Sheldon, Holmquist, Swecker, Schoesler, Kilmer, McCaslin, Weinstein, Tom, Hewitt, Pridemore, Spanel, Hargrove, Kastama, Shin, Clements, Regala, Berkey, Prentice, Fraser, Brown, Jacobsen, Hobbs and Fairley

WHEREAS, We are entering the Pacific century, and Washington state is uniquely positioned politically, economically, and geographically to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy is positioning 60% of United States aircraft carriers and 60% of United States submarines in the Pacific area; and

WHEREAS, Washington state naval bases consistently receive awards for the quality of life they provide to sailors and family members. Washington state Navy installations have also received environmental stewardship awards from local, state, and federal agencies, and are recognized as models for other military facilities; and

WHEREAS, Washington state-based sailors are serving on the ground in Iraq, Afghanistan, and other areas prosecuting the global war on terrorism; and

SEVENTY-EIGHTH DAY, MARCH 26, 2007

WHEREAS, Puget Sound is the United States Navy's third largest Fleet Concentration area--the Navy bases 2 aircraft carriers, 5 warships, 13 submarines, and 119 aircraft in Washington state; and

WHEREAS, The United States Navy spends \$2.8 billion annually in the Northwest; and

WHEREAS, Washington-based Navy units were the first on scene to provide relief services after the 2005 Tsunami in southern Asia and fired the first missiles against Taliban forces in the opening days of the war on terrorism; and

WHEREAS, Navy personnel provide homeland security and disaster assistance to Washington state citizens, such as during this winter's flooding; and

WHEREAS, Navy personnel donate millions of dollars and thousands of hours to local charities and community programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize these and the many other contributions the Navy makes for all persons who live in the United States and the entire global community and honor March 14th as Navy Day.

Senator Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8664.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

At 12:14 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon, Tuesday, March 27, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SEVENTY-NINTH DAY, MARCH 27, 2007

2007 REGULAR SESSION

SEVENTY-NINTH DAY

Passed to Committee on Ways & Means.

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 27, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2007

HB 1042 Prime Sponsor, Rodne: Modifying the share acquisition time period for engaging in a significant business transaction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1091 Prime Sponsor, Committee on Community & Economic Development & Trade: Promoting innovation partnership zones. Revised for 1st Substitute: Promoting innovation partnership zones. (REVISED FOR PASSED LEGISLATURE: Concerning innovation partnership zones.) Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

March 23, 2007

2SHB 1178 Prime Sponsor, Committee on Appropriations: Revising provisions for contracts with associate development organizations for economic development services. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

March 26, 2007

ESHB 1179 Prime Sponsor, Committee on Appropriations: Allowing part-time students at postsecondary institutions to qualify for a state need grant. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

March 22, 2007

HB 1218 Prime Sponsor, Conway: Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 23, 2007

HB 1220 Prime Sponsor, Hurst: Modifying provisions affecting the appointment of indeterminate sentence review board members. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 26, 2007

HB 1341 Prime Sponsor, Simpson: Limiting the regulation of the practice of massage by political subdivisions. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette

Passed to Committee on Rules for second reading.

March 26, 2007

ESHB 1368 Prime Sponsor, Committee on Local Government: Concerning special purpose district commissioner per diem compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 1397 Prime Sponsor, Committee on Health Care & Wellness: Revising the definition of massage therapy to include manipulation or pressure inside the mouth or oral cavity. Revised for 1st Substitute: Establishing an intraoral massage endorsement for massage therapists. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles and Marr

Passed to Committee on Rules for second reading.

March 26, 2007

HB 1526 Prime Sponsor, Hunt: Modifying the form of the presidential primary ballot. Reported by Committee on Government Operations & Elections

SEVENTY-NINTH DAY, MARCH 27, 2007

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 26, 2007

HB 1528 Prime Sponsor, Hunt: Providing for electronic voter registration. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1555 Prime Sponsor, Committee on Judiciary: Addressing sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1561 Prime Sponsor, Committee on Judiciary: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Murray, Roach and Weinstein

MINORITY recommendation: Do not pass. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 23, 2007

HB 1592 Prime Sponsor, Hurst: Revising provisions relating to the indeterminate sentence review board. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 22, 2007

HB 1599 Prime Sponsor, Hunt: Allowing raffles by state employees. (REVISED FOR PASSED LEGISLATURE: Allowing raffles by executive branch state employees.) Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 23, 2007

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SHB 1607 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Revising corrections personnel training provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 1648 Prime Sponsor, Sullivan, B.: Increasing protections for agricultural operations, activities, and practices. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Schoesler and Shin

MINORITY recommendation: Without recommendation. Signed by Senator Jacobsen

Passed to Committee on Rules for second reading.

March 22, 2007

SHB 1671 Prime Sponsor, Green: Modifying provisions relating to reclassifications, class studies, and salary adjustments. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 1741 Prime Sponsor, Committee on State Government & Tribal Affairs: Transferring the oral history program from the secretary of state to the legislature. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 23, 2007

SHB 1796 Prime Sponsor, Committee on Finance: Providing a property tax exemption for nonprofit small business incubators. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman and Shin

Passed to Committee on Ways & Means.

March 22, 2007

SHB 1811 Prime Sponsor, Committee on Finance: Regarding automatic sprinkler systems in nightclubs. Reported by Committee on Labor, Commerce, Research & Development

SEVENTY-NINTH DAY, MARCH 27, 2007

2007 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 26, 2007

2SHB 1896 Prime Sponsor, Committee on Appropriations: Creating the legislative gift center committee. Revised for 2nd Substitute: Providing for a legislative gift center. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

SHB 1988 Prime Sponsor, Committee on Commerce & Labor: Changing provisions affecting security guards. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 26, 2007

E2SHB 2082 Prime Sponsor, Committee on Appropriations: Establishing the field of dreams program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Shin, Chair; Kilmer, Vice Chair; Berkey, Delvin, Schoesler and Sheldon

Passed to Committee on Ways & Means.

March 26, 2007

ESHB 2212 Prime Sponsor, Committee on Local Government: Addressing the application of the growth management act to certain agricultural activities occurring on agricultural lands. Revised for 1st Substitute: Expressing progress in balancing the productive use of agricultural lands with their preservation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senators Roach and Swecker

Passed to Committee on Rules for second reading.

March 22, 2007

HB 2240 Prime Sponsor, Conway: Allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin and Holmquist

Passed to Committee on Rules for second reading.

March 23, 2007

2SHB 2256 Prime Sponsor, Committee on Finance: Establishing the family prosperity act. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: Do pass as amended. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Ways & Means.

March 26, 2007

ESHB 2352 Prime Sponsor, Committee on Finance: Exempting persons engaged in farming and certain farming services from business and occupation taxation. Revised for 1st Substitute: Providing excise tax relief for certain farm services. Reported by Committee on Agriculture & Rural Economic Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Rasmussen, Chair; Hatfield, Vice Chair; Jacobsen, Schoesler and Shin

Passed to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 22, 2007

SGA 9254 ARIELE BELO, appointed January 30, 2007, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Deaf. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

March 23, 2007

SGA 9256 STEVEN DRURY, appointed January 30, 2007, for the term ending October 1, 2010, as Member of the Small Business Export Finance Assistance Center Board of Directors. Reported by Committee on Economic Development, Trade & Management

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kastama, Chair; Kilmer, Vice Chair; Clements, Kauffman, Shin and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Engrossed Substitute House Bill No. 1796 which was referred to the Committee on Ways & Means and House Bill No. 1528 which was referred to the Committee on Rules.

MOTION

SEVENTY-NINTH DAY, MARCH 27, 2007

2007 REGULAR SESSION

On motion of Senator Eide, the Senate advanced to the third order of business.

Sincerely,

Brian Sonntag, State Auditor

The Department of Labor & Industries Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 21, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Health, Vision Screening of Children in Public Schools Report. This report is mandated under SHB 1951 (2005).

If you have any questions about the report, please call 360-236-4501.

Sincerely,

Mary Selecky, Secretary

The Department of Health, Vision Screening of Children in Public Schools Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 13, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Social & Health Services, Expanded Community Services Proviso Report. This report is mandated under Chapter 518, Laws of 2005, Section 205,(1)(c) Uncodified.

If you have any questions about the report, please call 360-725-3452.

Sincerely,

Robin Arnold-Williams, Secretary

The Department of Social & Health Services, Expanded Community Services Proviso Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Labor & Industries Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Central Washington University Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Peninsula College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Peninsula College Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Dry Pea & Lentil Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Dry Pea & Lentil Commission Audit

SEVENTY-NINTH DAY, MARCH 27, 2007

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Report is on file in the Office of the Secretary of the Senate.

March 23, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

March 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Employment Security Department Audit Report.
This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Employment Security Department Audit Report is on file in
the Office of the Secretary of the Senate.

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Fish & Wildlife Audit Report.
This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of Fish & Wildlife Audit Report is on file in the
Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 23, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

March 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Natural Resources Audit Report.
This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of Natural Resources Audit Report is on file in
the Office of the Secretary of the Senate.

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Transportation Audit Report.
This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of Transportation Audit Report is on file in the
Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

March 23, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Health Audit Report. This report
is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of Health Audit Report is on file in the Office
of the Secretary of the Senate.

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Labor & Industries Audit Report.
This report is mandated under RCW 43.09.185.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Department of Labor & Industries Audit Report is on file in
the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

SEVENTY-NINTH DAY, MARCH 27, 2007

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March 26, 2007

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University Athletic
Department Audit Report.

If you have any questions about the report, please call 360-
902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Central Washington University Athletic Department Audit
Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Central Washington University System Audit
Report.

If you have any questions about the report, please call 360-
902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Central Washington University System Audit Report is on
file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 16, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Columbia River Gorge Commission Audit
Report.

If you have any questions about the report, please call 360-
902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Columbia River Gorge Commission Audit Report is on file
in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth
order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 2394,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2007

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED HOUSE BILL NO. 1460,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1460,

MOTION

There being no objection, the Senate advanced to the fifth
order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1092 by House Committee on Capital Budget
(originally sponsored by Representatives Fromhold, McDonald,
Ormsby, Blake, Moeller and Wallace)

AN ACT Relating to the capital budget; making
appropriations and authorizing expenditures for capital
improvements; amending RCW 70.105D.070, 43.43.944,
and 43.155.050; amending 2005 c 488 ss 165, 347, and 955
(uncodified); amending 2006 c 371 ss 106, 191, and 192
(uncodified); reenacting and amending RCW 43.135.045
and 43.155.050; adding new sections to 2006 c 371
(uncodified); creating new sections; providing effective
dates; providing expiration dates; and declaring an
emergency.

Referred to Committee on Ways & Means.

ESHB 1094 by House Committee on Transportation
(originally sponsored by Representatives Clibborn, Jarrett and
O'Brien)

AN ACT Relating to transportation funding and
appropriations; amending RCW 46.68.170, 47.29.170,
88.16.090, 46.16.685, 46.68.060, 46.68.220, 47.12.244,

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47.66.090, 46.16.685, 46.68.060, and 47.06A.030; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 205, 208, 210, 215, 218, 221, 224, 226, 227, 228, 229, 301, 302, 304, 305, 309, 401, 402, 404, and 406 (uncodified); amending 2005 c 313 s 301 (uncodified); adding a new section to 2005 c 313 (uncodified); creating new sections; repealing RCW 47.01.390; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1128 by House Committee on Appropriations (originally sponsored by Representative Sommers)

AN ACT Relating to fiscal matters; amending RCW 41.05.065, 43.60A.165, 46.09.170, and 70.105D.070; reenacting and amending RCW 43.08.250 and 70.146.030; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 129, 135, 137, 138, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, 221, 222, 225, 302, 303, 306, 307, 308, 309, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 610, 701, 703, 704, 705, 706, 707, 708, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 ss 707 and 729 (uncodified); adding new sections to 2005 c 518 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 1138 by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby and Moeller)

AN ACT Relating to state general obligation bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2394 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Jarrett, Kenney and Moeller)

AN ACT Relating to requesting the issuance and sale of general obligation bonds for transportation improvements; and amending RCW 47.10.812, 47.10.813, 47.10.861, 47.10.873, 47.10.877, 47.26.420, and 47.26.425.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kohl-Welles moved adoption of the following resolution:

SENATE RESOLUTION

8663

By Senators Kohl-Welles, Prentice, Jacobsen, Kline, Fairley and Murray

WHEREAS, Citizens of character, intelligence, courage, initiative, and compassion have made significant contributions to the growth and development of the State of Washington; and

WHEREAS, Walt C. Crowley is representative of these qualities and contributions; and

WHEREAS, Walt C. Crowley, of Seattle, is cofounder, President, and Executive Director of HistoryLink and HistoryLink.org, the free online encyclopedia of Washington state history and the nation's first encyclopedia of community history created expressly for the Internet; and

WHEREAS, HistoryLink now serves more than two million annual visitors, one-third of whom are K-12 teachers and students, and has earned a National Certificate of Commendation from the American Association for State and Local History, the State Historic Preservation Officer's award, and numerous other national, regional, and local honors; and

WHEREAS, Walt C. Crowley is the author of more than fifteen books on local and regional history and earned the Pacific Northwest Historians Guild 2007 Northwest History Award for HistoryLink and his personal scholarship; and

WHEREAS, Walt C. Crowley was named "Citizen of the Year 2007" by the Municipal League of King County; and

WHEREAS, Walt C. Crowley served the State of Washington in an exemplary manner as a major contributor to the community and the political life of the Northwest Region; and

WHEREAS, Now is an appropriate time to recognize the contributions of Walt C. Crowley and the trustees and staff of HistoryLink in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor Walt C. Crowley's and HistoryLink's contributions to Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Walt C. Crowley and to HistoryLink.

Senators Kohl-Welles, Jacobsen and Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8663.

The motion by Senator Kohl-Welles carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Walter C. Crowley and wife Maria who were seated in the gallery.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION 8654

By Senator Honeyford

WHEREAS, The City of Toppenish is located on land that originally was part of the Yakima Indian Reservation, the name Toppenish deriving from the Indian word "Xuupinish," which means sloping and spreading, and the Allotment Act of February 8, 1887, allowed this land to be owned by individual tribal members; and

WHEREAS, Josephine Bowser Lillie, "The Mother of Toppenish," was the first to be granted a fee patent for her 80 acre allotment, removing it from government trust restrictions, the acreage eventually being divided and subdivided and sold which led to the establishment of the Town of Toppenish; and

SEVENTY-NINTH DAY, MARCH 27, 2007

WHEREAS, The notice of election was published in the *Toppenish Review* and an election held to incorporate as a fourth class town, in which one hundred votes for incorporation were cast and no votes in opposition, with Leonard Talbot elected Mayor, Levi J. Goodrich, Treasurer, and A. J. Allphin, C. W. Grant, John R. Harvey, A. W. McDonald, and James E. Townsend, Councilmembers, and with the election being certified on April 23, 1907, and filed with the Secretary of State on April 29, 1907; and

WHEREAS, The current elected officials for the City of Toppenish are Mayor William L. Rogers and Councilmembers Loren O. Belton, Alfredo H. Diaz, Allen G. Hubert, Clara R. Jimenez, Blaine R. Thorington, and Elaine D. Willman; and

WHEREAS, The events planned for the Toppenish Centennial Celebration include birthday cake festivities and a centennial hoedown on April 28th, and an Old Fashioned Picnic and Hamper Auction, a time capsule viewing, pageant, and dance on April 29th;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize and congratulate the City of Toppenish and its citizens on the 100th anniversary of the establishment of the Town of Toppenish; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to William L. Rogers, Mayor of the City of Toppenish; and to Mike Lindsey, Publisher, *The Review Independent* (formerly *The Toppenish Review*).

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8654.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8661

By Senator Honeyford

WHEREAS, The notice of election for incorporating the Town of White Salmon was published in *The Enterprise* newspaper, the election was held on March 30, 1907, the vote was 53 for incorporation and 6 against; and

WHEREAS, The 1907 election's mayoral race was contested, with C. M. Wolfard receiving 39 votes and T. Wyers, Sr. receiving 25 votes; and

WHEREAS, The 1907 election resulted in the election of R. Lauterbach as Treasurer; and

WHEREAS, The 1907 election's Council race resulted in the election of A. H. Jewett, A. B. Groshong, F. L. Rosegrant, and J. W. Gearhart being elected; and

WHEREAS, The 1907 election's Council races also resulted in J. A. Byrne and A. F. Smith each receiving 30 votes, thereby requiring them to appear before the Council and have that contest decided by lot; and

WHEREAS, The 1907 election for incorporating the Town of White Salmon and choosing its officials was not certified until May 10, 1907, and was filed with the Secretary of State on June 3, 1907; and

WHEREAS, The City of White Salmon's current elected officials are Mayor Francis H. Gaddis, and Council Members Susan Benedict, John Mayo, Timi Keene, Ricky Marx, and Brad Roberts; and

WHEREAS, The City of White Salmon's Centennial Committee has planned several events from May through August, including June 2nd and 3rd events such as a Centennial ride by the postmaster, a Centennial hand cancellation of the

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official White Salmon Post Stamp, the Centennial Spring Fest, and the burial of a commemorative time capsule under a large stone in the park, as well as an August 11th community picnic, with a salmon bake by local Native Americans, dancing by various groups, and displays of antique farming, logging, fruit processing equipment, and music from different eras;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and congratulate the City of White Salmon and its citizens for the 100th anniversary of the establishment of the Town of White Salmon; and

BE IT FURTHER RESOLVED, That a copy of this 100-Year Centennial Celebration resolution be immediately transmitted by the Secretary of the Senate to Francis H. Gaddis, Mayor of the City of White Salmon.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8661.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

Senator Jacobsen moved adoption of the following resolution:

SENATE RESOLUTION
8662

By Senators Jacobsen and Hobbs

WHEREAS, Eric Shinseki was born in 1942, in the then-territory of Hawaii, at a time when many Americans of Japanese ancestry like him were forced by their own country to abandon their homes for relocation camps; and

WHEREAS, Eric Shinseki graduated from the United States Military Academy in 1965 and joined his country's Army as a Second Lieutenant; and

WHEREAS, Eric Shinseki served two combat tours in Vietnam, where he was seriously injured by a land mine; and

WHEREAS, Eric Shinseki earned many military honors, including the Army Distinguished Service Medal, the Bronze Star Medal, and the Purple Heart; and

WHEREAS, Eric Shinseki commanded NATO forces in Europe, including the peacekeeping force in Bosnia; and

WHEREAS, Eric Shinseki rose to become the first Asian American four-star general in the United States, as well as the first Asian American to lead one of the four United States military services, as Chief of Staff of the Army, in 1999; and

WHEREAS, General Shinseki won a reputation as a quiet and reserved officer and a genuinely humble and modest man; and

WHEREAS, General Shinseki led the transformation of the Army to face the challenges of the future, not the past; and

WHEREAS, General Shinseki faced formidable critics when he spoke truth to power and predicted a need of several hundred thousand soldiers in the current war in Iraq, but it is testimony to his experience and character that he both has been proven correct in his predictions and has refused to criticize those who wrongly criticized him; and

WHEREAS, General Shinseki has stated, "Winning this war against the terrorists will succeed not because we hunt down every extremist warrior, but because we're able to change the global environment for the better in some measurable way"; and

WHEREAS, Since his retirement, General Shinseki has volunteered as a spokesperson to ensure that the contributions of Americans of Japanese ancestry who fought for the United States in World War II are understood and remembered;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and thank General Eric Shinseki for the example he sets of courage, dedication, and honor in service to our country; and

SEVENTY-NINTH DAY, MARCH 27, 2007

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to General Shinseki, the Office of United States Senator Daniel Inouye, the Seattle Nisei Veterans Committee, and the Go For Broke National Education Center.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8662.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
8672

By Senator Honeyford

WHEREAS, It is the tradition of the Washington State Senate to honor the dedication, teamwork, and triumph of our state's students; and

WHEREAS, The Sunnyside Christian Knights had both its boys' and girls' basketball teams in the finals of the inaugural 1B tournament at the Sun Dome in Yakima; and

WHEREAS, Through determination and perseverance, the Sunnyside Christian Knights boys' basketball team was undefeated and the girls' basketball team attained an 18-3 record for the 2006-2007 season; and

WHEREAS, The commitment to excellence on the basketball court is an extension of the Knight's commitment to academic excellence and a Christian education; and

WHEREAS, Coaches Dean Wagenaar, Brian Bosma, and Henry Bosma, statistician Jordan Vogel, and team members Jesse Brouwer, Lucas Brouwer, Marc De Jong, Nick De Jong, Brandon De Vries, Andy Freepons, Jason Friend, Joel Koopmans, Luke Meininger, Danny Van Boven, Aaron Van de Graaf, Cole Van de Graaf, and Adrian Van Oostrum have demonstrated incredible teamwork in achieving victory over the Tulalip Heritage team to clinch the title as State 1B Champions, and Cole Van de Graaf was named the State Tournament MVP; and

WHEREAS, The Sunnyside Christian Knights boys' basketball team demonstrated ultimate teamwork and dedication in defeating the Tulalip Heritage team by a score of 58 to 40; and

WHEREAS, Coaches Al Smeenk, Steve Martin, Woodie Jones, and Marlene Van Wingerden, managers Naomi den Hoed and Ester Ramos, and team members Abby Bangs, Hilari Bosma, Brittany den Hoed, Erika den Hoed, Julie Long, Emma Newhouse, Kelly Newhouse, Jacqui Roberts, Andrea Schutt, Joleen Van Wingerden, Melanie Van Wingerden, Tori Van Wingerden demonstrated teamwork and perseverance, and Melanie Van Wingerden was named to the tournament first team; and

WHEREAS, The Sunnyside Christian Knights girls' team played tenaciously against the Sprague-Harrington team before falling by a score of 67-48 to place second in the State 1B tournament; and

WHEREAS, The Sunnyside Christian Knights were supported by cheerleaders Jenni Crabtree, Catherine Douglas, Annaka Erickson, Taylor Gardner, Julie Martinen, Taylor Mortensen, and cheer advisor Lori Gardner;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor the Sunnyside Christian High School Knights basketball teams

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as an example to all Washingtonians of the rewards of hard work and commitment to team effort; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the coaches and members of the Sunnyside Christian Knights boys' and girls' basketball teams and to Sunnyside Christian High School.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8672.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

At 12:26 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, March 28, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTIETH DAY, MARCH 28, 2007

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EIGHTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, March 28, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Julianna Lee and Kathleen Nguyen, presented the Colors. Reverend Don Castro of Seattle Buddhist Temple offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Kastama moved adoption of the following resolution:

**SENATE RESOLUTION
8671**

By Senators Kastama, Shin, Kauffman, Kilmer and Fairley

WHEREAS, The state of Washington is widely regarded as the most trade intensive state in the nation, with one out of every three or four jobs dependent on international trade; and

WHEREAS, The volume of Washington's trade continues to increase greatly, with exports of \$38 billion in 2005 and exports valued at \$45 billion estimated in 2006; and

WHEREAS, The state of Washington trades with nations all over the world and new markets continue to emerge constantly; and

WHEREAS, The benefit from Washington's interactions with the rest of the world is much more than economic, but also provides great cultural and educational enrichment to our citizens; and

WHEREAS, The residents of the state of Washington's primary formal connection to other nations and economies is through the foreign official representatives serving in the state; and

WHEREAS, The foreign official representatives work tirelessly to act as a conduit between the state of Washington and the region they represent: Educating and assisting Washington constituents and promoting the two regions to each other; and

WHEREAS, The foreign consuls in the state of Washington, who are accredited by the United States Department of State, are members of the Consular Corps, as defined under the Vienna Convention on Consular Relations of 1963, and is currently composed of 36 head of post members; and

WHEREAS, The Consular Association of Washington was formed in 1997 as a voluntary membership organization for members of the Consular Corps of Washington, foreign trade organizations, and others; and

WHEREAS, The membership of the Consular Association is currently the 36-member countries of the Consular Corps plus the Taipei Economic and Cultural Office, in addition to emeritus and ex officio members; and

WHEREAS, The Consular Association facilitates its membership to meet to discuss questions of mutual interest, develop and maintain friendships, fosters contact with regional

United States authorities at the federal, state, and city levels, with other local organizations, and with the community at large; and

WHEREAS, The foreign official representatives in the state of Washington build strong connections between the communities of Washington state and the communities in their regions by developing educational, medical, and cultural exchange programs, increased tourism, and trade and goodwill missions; and

WHEREAS, The foreign official representatives provide great benefit to the citizens and businesses of the state of Washington with their unflagging efforts to strengthen the bonds between our regions;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the economic, cultural, and other contributions of the foreign official representatives in the state of Washington and the unique and beneficial nature of the functions they serve; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Consular Association of Washington state.

Senators Kastama, Delvin, Shin, Franklin, Rasmussen and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8671.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Consular Association of Washington who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

March 23, 2007

SHB 1041 Prime Sponsor, Committee on Judiciary: Modifying plurality voting for directors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray and Weinstein

Passed to Committee on Rules for second reading.

March 26, 2007

ESHB 1052 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying the legislative youth advisory council. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Ways & Means.

March 27, 2007

HB 1231 Prime Sponsor, Kirby: Modifying provisions concerning pawnbrokers. Reported by Committee on Financial Institutions & Insurance

EIGHTIETH DAY, MARCH 28, 2007

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MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1235 Prime Sponsor, Kirby: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1236 Prime Sponsor, Roach: Establishing certain capital and surplus requirements necessary to transact insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1270 Prime Sponsor, Kirby: Modifying provisions of the consumer loan act with respect to loan restrictions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 26, 2007

EHB 1283 Prime Sponsor, Roach: Authorizing high school diplomas to be issued to persons who left high school before graduation to serve in the United States armed forces. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

March 26, 2007

HB 1285 Prime Sponsor, Anderson: Recodifying the basic education program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

SHB 1407 Prime Sponsor, Committee on Commerce & Labor: Funding the administration of Title 50 RCW, unemployment compensation. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Ways & Means.

March 26, 2007

E2SHB 1432 Prime Sponsor, Committee on Appropriations: Granting service credit to educational staff associates for nonschool employment. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Ways & Means.

March 27, 2007

ESHB 1464 Prime Sponsor, Committee on Select Committee on Environmental Health: Reducing the environmental impact of cleaning state facilities. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Oemig and Pridemore

MINORITY recommendation: Without recommendation. Signed by Senators Holmquist, Honeyford and Regala

Passed to Committee on Rules for second reading.

March 27, 2007

ESHB 1512 Prime Sponsor, Committee on Finance: Increasing the amount the treasurer may use for the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield and Prentice

Passed to Committee on Ways & Means.

March 26, 2007

HB 1517 Prime Sponsor, Schual-Berke: Enhancing public school world language instruction. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Ways & Means.

March 23, 2007

EIGHTIETH DAY, MARCH 28, 2007

HB 1520 Prime Sponsor, Williams: Concerning polygraph examinations of sexual assault victims. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1848 Prime Sponsor, Committee on Health Care & Wellness: Requiring identification from health services applicants. Revised for 1st Substitute: Requiring the department of social and health services and the health care authority to enter into data-sharing agreements with Oregon and Idaho agencies. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1953 Prime Sponsor, Committee on Insurance, Financial Services & Consumer Protection: Requiring premium reductions for older insureds completing an accident prevention course. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

Passed to Committee on Rules for second reading.

March 26, 2007

HB 2009 Prime Sponsor, Haigh: Modifying trench excavations on public works projects provisions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 2010 Prime Sponsor, Committee on State Government & Tribal Affairs: Providing responsible bidder criteria and related requirements for public works contracts. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 26, 2007

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HB 2026 Prime Sponsor, Santos: Regarding recruiter access to student records. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

March 26, 2007

ESHB 2073 Prime Sponsor, Committee on Commerce & Labor: Establishing a pilot program for vocational rehabilitation services. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 26, 2007

HB 2137 Prime Sponsor, Wallace: Allowing school employees' children with disabilities to enroll in special services programs in the district where the employee is assigned. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

March 26, 2007

HB 2154 Prime Sponsor, Fromhold: Regarding election dates for educational service district board members. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hobbs, Holmquist, Kauffman, Oemig and Rasmussen

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 2209 Prime Sponsor, Committee on Health Care & Wellness: Allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette

Passed to Committee on Rules for second reading.

March 27, 2007

HB 2263 Prime Sponsor, Blake: Regarding the phosphorus content in dishwashing detergent. Reported by Committee on Water, Energy & Telecommunications

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MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Delvin, Fraser, Holmquist, Honeyford, Pridemore and Regala

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MINORITY recommendation: Do not pass. Signed by Senators Rockefeller, Vice Chair and Oemig

MOTION

Passed to Committee on Rules for second reading.

On motion of Senator Eide, the Senate advanced to the fifth order of business.

March 27, 2007

INTRODUCTION AND FIRST READING

HB 2283 Prime Sponsor, Hunter: Concerning the joint legislative audit and review committee performance reviews of the home care quality authority. Reported by Committee on Health & Long-Term Care

SB 6168 by Senators Berkey, Zarelli, Stevens and Shin

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette

AN ACT Relating to excise tax relief for aerospace product development businesses; amending RCW 82.08.981, 82.12.981, 82.04.4487, 82.32.545, and 82.04.4463; reenacting and amending RCW 82.04.440; adding a new section to chapter 82.04 RCW; providing an effective date; and providing an expiration date.

Passed to Committee on Rules for second reading.

Referred to Committee on Ways & Means.

March 27, 2007

MOTION

SHB 2286 Prime Sponsor, Committee on Insurance, Financial Services & Consumer Protection: Regulating interstate branching. Reported by Committee on Financial Institutions & Insurance

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MAJORITY recommendation: Do pass. Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Franklin, Hatfield, Parlette and Schoesler

MOTION

Passed to Committee on Rules for second reading.

At 10:25 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

March 26, 2007

The Senate was called to order at 11:44 a.m. by President Owen.

SHB 2304 Prime Sponsor, Committee on Appropriations: Providing for the issuance of a certificate of need for certain cardiac care services. Reported by Committee on Health & Long-Term Care

MOTION

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles and Parlette

At 11:45 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 a.m. Thursday, March 29, 2007.

MINORITY recommendation: Do not pass. Signed by Senator Marr

BRAD OWEN, President of the Senate

Passed to Committee on Ways & Means.

THOMAS HOEMANN, Secretary of the Senate

March 26, 2007

SHB 2361 Prime Sponsor, Committee on Commerce & Labor: Regarding collective bargaining for certain employees of institutions of higher education and related boards. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Ways & Means.

MOTION

EIGHTY-FIRST DAY, MARCH 29, 2007

2007 REGULAR SESSION

EIGHTY-FIRST DAY**NOON SESSION**

Senate Chamber, Olympia, Thursday, March 29, 2007

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 27, 2007

2SHB 1009 Prime Sponsor, Committee on Appropriations: Establishing work groups to periodically review and update the child support schedule. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 27, 2007

HB 1054 Prime Sponsor, Hudgins: Modifying membership of the information services board. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1073 Prime Sponsor, Schual-Berke: Concerning limited emergency worker volunteer immunity. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

March 28, 2007

ESHB 1094 Prime Sponsor, Committee on Transportation: Making transportation appropriations for 2007-2009. Revised for 1st Substitute: Making transportation appropriations for the 2005-07 and 2007-09 fiscal biennia. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senator Pflug

Passed to Committee on Rules for second reading.

March 28, 2007

SHB 1122 Prime Sponsor, Committee on Agriculture & Natural Resources: Improving forest health on state trust lands by continuing the use of contract harvesting for silvicultural treatments. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 28, 2007

ESHB 1147 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning damage to livestock. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Fraser, Hargrove, Morton, Stevens and Swecker

MINORITY recommendation: Without recommendation. Signed by Senator Poulsen

Passed to Committee on Ways & Means.

March 27, 2007

HB 1187 Prime Sponsor, Kelley: Creating a new chapter regarding affordable housing. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

March 28, 2007

ESHB 1249 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing a one-year deferral of hunter education training. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 28, 2007

SHB 1259 Prime Sponsor, Committee on Agriculture & Natural Resources: Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

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Passed to Committee on Rules for second reading.

March 27, 2007

2SHB 1280 Prime Sponsor, Committee on Capital Budget: Providing for the use of the school district capital projects funds for technology. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1287 Prime Sponsor, Committee on Early Learning & Children's Services: Modifying foster children placement provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 26, 2007

SHB 1304 Prime Sponsor, Committee on Transportation: Modifying commercial motor vehicle carrier provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1328 Prime Sponsor, Committee on State Government & Tribal Affairs: Concerning small works roster contracting procedures. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore

MINORITY recommendation: Do not pass. Signed by Senator Swecker. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1345 Prime Sponsor, Wood: Prohibiting minors from participating in gambling activities. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

2SHB 1401 Prime Sponsor, Committee on Capital Budget: Regarding the acquisition of land for affordable housing. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

March 28, 2007

SHB 1409 Prime Sponsor, Committee on Agriculture & Natural Resources: Transferring jurisdiction over conversion-related forest practices to local governments. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 27, 2007

HB 1449 Prime Sponsor, Condotta: Regarding nondisclosure of certain information of gambling commission licensees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1450 Prime Sponsor, Sells: Modifying provisions that exempt housing for very low-income households from taxation. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

March 27, 2007

SHB 1472 Prime Sponsor, Committee on Early Learning & Children's Services: Analyzing and remedying racial disproportionality and racial disparity in child welfare. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 28, 2007

2SHB 1488 Prime Sponsor, Committee on Finance: Enhancing the state's oil spill response program. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Fraser, Marr, Oemig, Pridemore and Regala

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MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Morton

Passed to Committee on Ways & Means.

March 27, 2007

SHB 1500 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions on permanent partial disability claims. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1501 Prime Sponsor, Wood: Concerning adjustments to industrial insurance total disability compensation reductions. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 27, 2007

2SHB 1506 Prime Sponsor, Committee on Capital Budget: Changing alternative works provisions. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 28, 2007

2SHB 1573 Prime Sponsor, Committee on Appropriations: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist. Without recommendation. Signed by Senators Brandland, Hewitt and Zarelli

Passed to Committee on Ways & Means.

March 27, 2007

SHB 1583 Prime Sponsor, Committee on Commerce & Labor: Requiring disclosure to customers of the percentage of automatic service charges paid to servers. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Honeyford, Jacobsen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

March 28, 2007

2SHB 1656 Prime Sponsor, Committee on Appropriations: Establishing the Puget Sound scientific research account. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

March 28, 2007

HB 1670 Prime Sponsor, Quall: Articulating the purpose and role of school counselors. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 1694 Prime Sponsor, Committee on Transportation: Requiring the agency council on coordinated transportation to coordinate special needs transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

March 27, 2007

HB 1706 Prime Sponsor, Conway: Concerning jurisdiction under the Indian gaming regulatory act. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

March 27, 2007

ESHB 1727 Prime Sponsor, Committee on Local Government: Planning to ensure sufficient land and densities available to accommodate growth. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

Passed to Committee on Rules for second reading.

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SHB 1777 Prime Sponsor, Committee on Judiciary: Regulating charitable organizations that solicit contributions from the public. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1832 Prime Sponsor, Committee on State Government & Tribal Affairs: Shortening the statute of limitations on claims under chapter 42.17 RCW. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1843 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions regulating contractors. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 26, 2007

ESHB 1858 Prime Sponsor, Committee on Transportation: Regarding the imposition of fees by transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Eide, Jacobsen, Kastama, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Delvin

Passed to Committee on Rules for second reading.

March 27, 2007

SHB 1865 Prime Sponsor, Committee on Judiciary: Limiting the obligations of landlords under writs of restitution. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass. Signed by Senators Weinstein, Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

MINORITY recommendation: Do not pass. Signed by Senator Kauffman, Vice Chair

Passed to Committee on Rules for second reading.

March 28, 2007

SHB 1879 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing the department of natural resources to give nominally valuable materials to nonprofit organizations. Revised for 1st Substitute: Authorizing the department of natural resources to offer nominally valuable materials to nonprofit organizations. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 26, 2007

SHB 1892 Prime Sponsor, Committee on Transportation: Addressing the impoundment of vehicles parked on public streets by police officers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Delvin, Jacobsen, Kastama, Kilmer, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Kauffman and Sheldon

Passed to Committee on Rules for second reading.

March 27, 2007

EHB 1898 Prime Sponsor, Quall: Providing apprenticeship utilization requirements for school district public works projects. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

March 28, 2007

SHB 1909 Prime Sponsor, Committee on Agriculture & Natural Resources: Protecting from the theft of specialized forest products. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 27, 2007

ESHB 1916 Prime Sponsor, Committee on Commerce & Labor: Applying interest arbitration to certain care providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

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MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

Passed to Committee on Ways & Means.

March 27, 2007

SHB 1965 Prime Sponsor, Committee on Local Government: Authorizing major industrial development within industrial land banks. Reported by Committee on Government Operations & Elections

HB 2152 Prime Sponsor, Appleton: Regarding election certification. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 28, 2007

E2SHB 2053 Prime Sponsor, Committee on Finance: Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service. Reported by Committee on Transportation

SHB 2219 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding forest practices regulations that apply to small forest landowners. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Hargrove, Morton, Spanel and Stevens

MAJORITY recommendation: Without recommendation. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Holmquist, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Swecker

Passed to Committee on Ways & Means.

Passed to Committee on Ways & Means.

March 28, 2007

SHB 2056 Prime Sponsor, Committee on Agriculture & Natural Resources: Requiring recycling receptacles at official gatherings and sports facilities. Reported by Committee on Water, Energy & Telecommunications

SHB 2230 Prime Sponsor, Committee on Early Learning & Children's Services: Regarding early intervention services for children three years old. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators Tom, Vice Chair; Clements, Eide, Hewitt, Hobbs, Oemig, Rasmussen, Weinstein and Zarelli

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Marr, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senators Holmquist, Honeyford and Morton

Passed to Committee on Rules for second reading.

March 27, 2007

HB 2281 Prime Sponsor, Appleton: Revising provisions for shared leave. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, Roach and Swecker

SHB 2107 Prime Sponsor, Committee on Agriculture & Natural Resources: Authorizing the use of innovative settlement agreements in lieu of appeal for violations of chapters 90.48 and 90.56 RCW. Reported by Committee on Water, Energy & Telecommunications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

2SHB 2327 Prime Sponsor, Committee on Appropriations: Regarding a system of standards, instruction, and assessments for mathematics and science. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

Passed to Committee on Rules for second reading.

March 27, 2007

HB 2135 Prime Sponsor, Wood: Expanding lemon law coverage to out-of-state consumers. Reported by Committee on Consumer Protection & Housing

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt, Holmquist and Zarelli

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and McCaslin

Passed to Committee on Rules for second reading.

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SHB 2394 Prime Sponsor, Committee on Transportation: Requesting the issuance and sale of general obligation bonds for transportation improvements. Reported by Committee on Transportation

RICHARD NAFZIGER, Chief Clerk

MOTION

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Eide, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

There being no objection, the Senate advanced to the fifth order of business.

MINORITY recommendation: Without recommendation. Signed by Senators Holmquist and Pflug

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1871 by House Committee on Appropriations (originally sponsored by Representative Santos)

Passed to Committee on Rules for second reading.

AN ACT Relating to education system benchmarks and monitoring; adding new sections to chapter 43.41 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; and creating new sections.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1287, House Bill No. 1450, Substitute House Bill No. 1472, Second Substitute House Bill No. 1656, Engrossed Substitute House Bill No. 1916 which were referred to the Committee on Ways & Means and Second Substitute House Bill No. 1506, Substitute House Bill No. 1777, Substitute House Bill No. 1843, Engrossed House Bill No. 1898 and Second Substitute House Bill No. 2327 which were referred to the Committee on Rules.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

2SHB 1906 by House Committee on Appropriations (originally sponsored by Representatives Hunter, Anderson, Wallace, Seaquist, Eddy, P. Sullivan, McDermott, Ormsby, McIntire, Pedersen, Rolfes, Barlow, Goodman, Rodne, O'Brien, Kenney, McDonald, Morrell, Newhouse, Hurst, Skinner, Wood and Bailey)

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

AN ACT Relating to improving mathematics and science education; amending RCW 28A.660.005, 28A.660.050, and 28B.102.080; adding new sections to chapter 28A.305 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.660 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; providing an expiration date; and declaring an emergency.

April 12, 2007
TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

PAUL WINTERS, appointed March 14, 2007, for the term ending June 30, 2008, as Member, Board of Trustees, The Evergreen State College.

Sincerely,
CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

Referred to Committee on Higher Education.

2SHB 2262 by House Committee on Appropriations (originally sponsored by Representatives Barlow, McCoy, Hunter, Seaquist, Eddy, Fromhold, Ormsby, Sells and Morrell)

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

AN ACT Relating to salary bonuses for individuals certified by the national board for professional teaching standards; reenacting and amending RCW 41.32.010; adding a new section to chapter 28A.405 RCW; and creating a new section.

Referred to Committee on Early Learning & K-12 Education.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MOTION

MESSAGE FROM THE HOUSE

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

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MR. PRESIDENT:

The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1871,
SECOND SUBSTITUTE HOUSE BILL NO. 1906,
SECOND SUBSTITUTE HOUSE BILL NO. 2262,
and the same are herewith transmitted.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Jacobsen moved adoption of the following resolution:

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SENATE RESOLUTION
8669

By Senator Jacobsen

WHEREAS, Alexander Jonlin, a student at Washington Middle School in Seattle, has achieved national recognition for his exemplary volunteer service by receiving a 2007 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to their communities; and

WHEREAS, At age 11, Alex vigorously pursued his idea of a State Office of Children's Opinions by collecting over 400 petition signatures and employing the help of his legislator, Senator Ken Jacobsen of the 46th Legislative District, to introduce a bill; and

WHEREAS, Alex successfully lobbied the 2005 Legislature to create the Washington State Legislative Youth Advisory Council, the means by which the youth of Washington State have a voice in government; and

WHEREAS, Being yet excluded from membership in the Council because of his age, he returned to Olympia the following session to change the age requirement and sunset clause, while also contributing as an honorary member of the Council; and

WHEREAS, Alex has demonstrated the persistence, courage, and confidence of someone well beyond his years, and his extraordinary leadership has blazed a trail for the youth of Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and thank Alex Jonlin for his dedication, perseverance, and continued service to Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Alex Jonlin, the Legislative Youth Advisory Council, and Washington Middle School.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8669.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Alexander Jonlin who was seated in the gallery.

MOTION

Senator Regala moved adoption of the following resolution:

SENATE RESOLUTION
8673

By Senators Regala and Jacobsen

WHEREAS, Walter B. Williams, former leader of HomeStreet Bank for nearly three decades and a community leader, grew up in Seattle, Washington; and

WHEREAS, Walter Williams graduated from the University of Washington and Harvard Law School; and

WHEREAS, A Veteran of World War II, Walter served on the Pacific islands of Bougainville, Guam, and Iwo Jima as a Japanese Language Officer in the United States Marine Corps. While in Japan, Walter carried letters from the Japanese POWs to their families. Walter then became president and long-time member of the Japan-American Society of Washington, where he worked to promote goodwill between the two nations; and

WHEREAS, For nearly three decades Walter was president and chairman of Continental, Inc., which evolved into HomeStreet Bank; and

WHEREAS, Walter served as a Washington state Representative from 1961 to 1963; and

WHEREAS, Walter served eight years in the State Senate from 1963-1971. His efforts focused on improving schools and increasing the effectiveness of both state and local government; and

WHEREAS, Walter Williams was president of many community organizations including the Rotary Club of Seattle, the Economic Developmental Council of Puget Sound, the Puget Sound Association of Phi Beta Kappa, and the Downtown Seattle Association; and

WHEREAS, Walter served on the boards of the Seattle Chamber of Commerce, the Seattle King County Municipal League, The Evergreen State College Foundation, and Medina Children's Services. He was also a founding member of Washington Roundtable; and

WHEREAS, In 1997 Walter was honored as First Citizen, an annual award honoring a King County resident who has provided outstanding public service and leadership; and

WHEREAS, One of Walter's great loves was the Seattle Woodland Park Zoo. In 1984, he was appointed by then Mayor Charles Royer to chair a 50-member Zoo Commission at a time when the Zoo was at a crossroads. Walter recommended placing a King County Zoo bond issue on the ballot in 1985 and led it to passage. Walter served as a key player in the Zoo's construction into a world-class facility; and

WHEREAS, Walter's loving wife of 60 years, Marie, passed away in September 2006; and

WHEREAS, Walter B. Williams passed away November 9, 2006, leaving behind his loving four children: Kathryn Williams, Bruce Williams, Marcia Williams, and Wendy Williams;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate Walter B. Williams' accomplishments and contributions to Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, HomeStreet Bank, and Walter Williams' four children.

Senator Regala spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

The motion by Senator Regala carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Katharine Williams, daughter of former Senator Walter B. Williams, who was seated in the gallery.

MOTION

Senator Swecker moved adoption of the following resolution:

SENATE RESOLUTION
8651

By Senator Swecker

WHEREAS, Members of the Armed Forces of the United States serve with honor, bravery, and skill in Afghanistan, advancing the cause of liberty and making our nation a safer place from terrorist organizations; and

WHEREAS, Members of the Armed Forces of the United States lead Operation Enduring Freedom, a multinational operation to counter terrorism and bring security to Afghanistan in cooperation with Afghan forces; and

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WHEREAS, On October 7, 2001, Operation Enduring Freedom combat operations commenced, successfully leading to the overthrow of the despotic Taliban regime, the kill or capture of numerous terrorist leaders, and the destruction of terrorist training camps; and

WHEREAS, The further pursuit and defeat of terrorist forces in Afghanistan was undertaken by members of the Armed Forces of the United States and allies in the Battle of Tora Bora, Operation Anaconda, and Operation Mountain Thrust; and

WHEREAS, The security efforts and humanitarian efforts by members of the Armed Forces of the United States and allies have freed the Afghan people from oppression and human rights violations by a brutal regime, allowed the Afghan people to pursue the promise of freedom, and provided the protections necessary for the Afghan people to elect their own government; and

WHEREAS, Some 19,000 members of the Armed Forces of the United States continue to engage Taliban remnants and other extremists, continue to bolster security along the Afghan-Pakistan Border, and support the Afghan people through government reconstruction and good governance initiatives, including the rebuilding of damaged roads, community buildings, and wells; and

WHEREAS, Many of the members of the Armed Forces of the United States who have served or who currently serve in Afghanistan are from the state of Washington, with families who have endured and sacrificed so much for their country;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and thank the members of the Armed Forces of the United States who have served and continue to serve with bravery and distinction in Afghanistan, including those members of the Armed Forces from the state of Washington and their families.

Senator Swecker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8651.

The motion by Senator Swecker carried and the resolution was adopted by voice vote.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8667

By Senators Spanel, Haugen, Prentice, Sheldon, Kauffman and Shin

WHEREAS, Kenneth C. Hansen, Chairman of the Samish Indian Nation, passed away July 26, 2006, following an extended illness; and

WHEREAS, Ken was born and raised in Washington state, received his bachelor's degree from Antioch University in Seattle, and served on the Samish Tribal Council; and

WHEREAS, Ken was instrumental in the Samish Nation's federal recognition in 1996, fought a 26-year battle for federal re-recognition for the Samish Nation, and carried on the fight for tribal sovereignty and self-determination; and

WHEREAS, Ken led efforts to maintain a resurgence of the Samish native language, and to preserve the history and heritage of the Samish Nation; and

WHEREAS, Ken used his political savvy and eloquent speech to bring public and governmental attention to tribal issues such as environmental pollution and the infant mortality crisis; and

WHEREAS, Ken was nationally recognized as a driving force for Native American rights; and

WHEREAS, Having been considered an expert in tribal economic development, Ken secured grant funding for the

benefit of Native American nations throughout the coastal region; and

WHEREAS, Ken's legacy of courage and perseverance encourages us all to always fight for what we know is right; and

WHEREAS, Ken is survived by his mother Mary Hansen, former Samish tribal secretary; brother Roger; stepdaughters Krista and Keshema; and their mother Deborah May; and

WHEREAS, We all mourn the loss of Kenneth C. Hansen and will miss his contributions not only to the Samish Nation, but to the entire state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the service, devotion, and caring spirit of Kenneth Charles Hansen and extend its deepest condolences to his family, the Samish people, and his many friends; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, the family of Kenneth C. Hansen, and the Samish Indian Nation.

Senators Spanel and Kauffman spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8667.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

MOTION

Senator Eide moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senator Eide

WHEREAS, Washington derives much of its strength, beauty, and unique character from the wonderful mosaic of diverse people who live, work, and play in the state, including residents of Indian descent; and

WHEREAS, The more than 50,000 Indians in Washington state make positive contributions to our growth and development, achieving and sharing successes in business, technology, education, arts and sciences, and civic engagement; and

WHEREAS, Indians take pride in their achievements, as well as their cherished customs, traditions, and beliefs; and

WHEREAS, August 15, 1947, marked India's independence from 100 years of British rule; under the principles of nonviolence led by Mahatma Gandhi; and

WHEREAS, The 60th anniversary of India's Independence Day will bring together people of all ages to share the rich diversity, traditions, and history of Indians in Washington state; and

WHEREAS, The India Association of Washington will celebrate its 25th anniversary of service to the East Indian community in 2008; and

WHEREAS, The Honorable Christine O. Gregoire, Governor of the state of Washington, has proclaimed August 15, 2007, as India Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate join the governor in celebrating August 15, 2007, as India Day in the state of Washington; and

BE IT FURTHER RESOLVED, That due to the growing population of the East Indian Community in Washington state and the many contributions they make, the Senate should remember August 15th as India Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the President of the India Association of Western Washington.

Senator Eide spoke in favor of adoption of the resolution.

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The President declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

The motion by Senator Eide carried and the resolution was adopted by voice vote.

MOTION

At 12:29 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, March 30, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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EIGHTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, March 30, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Chad Armstrong and Deryck Hartford, presented the Colors. Pastor Robert Luhn, of the Church of Nazarene of Othello offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

March 29, 2007

2SHB 1088 Prime Sponsor, Committee on Appropriations: Improving delivery of children's mental health services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 29, 2007

ESHB 1092 Prime Sponsor, Committee on Capital Budget: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 28, 2007

SHB 1098 Prime Sponsor, Committee on Health Care & Wellness: Authorizing suspension of restriction on the availability of vaccines during outbreaks. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 28, 2007

2SHB 1106 Prime Sponsor, Committee on Appropriations: Requiring reporting of hospital-acquired infections in health care facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1128 Prime Sponsor, Committee on Appropriations: Making operating appropriations for 2007-2009. Revised for 1st Substitute: Making operating appropriations for the 2005-07 and 2007-09 fiscal biennia. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Carrell, Hewitt, Honeyford, Schoesler and Zarelli. Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1138 Prime Sponsor, Committee on Capital Budget: Concerning general obligation bonds. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1141 Prime Sponsor, Committee on Human Services: Modifying diversion records provisions. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr, McAuliffe and Stevens

MINORITY recommendation: Without recommendation. Signed by Senators Brandland and Carrell

Passed to Committee on Rules for second reading.

March 27, 2007

EHB 1214 Prime Sponsor, McDonald: Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Delvin, Eide, Jacobsen, Kilmer, Pflug, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements, Holmquist, Kauffman and Sheldon

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Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1256 Prime Sponsor, Committee on Early Learning & Children's Services: Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr, McAuliffe and Stevens

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1319 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Protecting employees, contract staff, and volunteers of a correctional agency from stalking. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1333 Prime Sponsor, Committee on Early Learning & Children's Services: Concerning child welfare protections. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 29, 2007

2SHB 1334 Prime Sponsor, Committee on Appropriations: Requiring the petitioner in a child welfare case to provide the court with relevant documentation. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 29, 2007

E2SHB 1359 Prime Sponsor, Committee on Appropriations: Creating an affordable housing for all program. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Haugen, Jacobsen, Kilmer and Tom

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and McCaslin

Passed to Committee on Ways & Means.

March 28, 2007

EHB 1379 Prime Sponsor, Hinkle: Revising the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 29, 2007

E2SHB 1595 Prime Sponsor, Committee on Appropriations: Expanding the protection of shellfish in Puget Sound. Revised for 2nd Substitute: Regarding shellfish protection. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 28, 2007

HB 1598 Prime Sponsor, Kretz: Requiring recipients of money from the salmon recovery funding board to agree to disclose information regarding the funding in compliance with chapter 42.56 RCW. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

ESHB 1624 Prime Sponsor, Committee on Early Learning & Children's Services: Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, McAuliffe and Stevens

Passed to Committee on Ways & Means.

March 28, 2007

2SHB 1636 Prime Sponsor, Committee on Appropriations: Creating a regional transfer of development rights program. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Ways & Means.

March 28, 2007

SHB 1651 Prime Sponsor, Committee on Appropriations: Creating the boating activities program. Reported by Committee on Natural Resources, Ocean & Recreation

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MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Stevens and Swecker

Passed to Committee on Ways & Means.

March 28, 2007

EHB 1667 Prime Sponsor, Green: Regarding fairness and equity in health professions licensing fees. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1682 Prime Sponsor, Committee on Human Services: Increasing the length of confinement for a parole violation committed by certain juvenile sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Brandland, Carrell, Marr, McAuliffe and Stevens

Passed to Committee on Rules for second reading.

March 29, 2007

E2SHB 1910 Prime Sponsor, Committee on Finance: Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer, McCaslin and Tom

Passed to Committee on Ways & Means.

March 29, 2007

2SHB 1922 Prime Sponsor, Committee on Appropriations: Creating an independent youth housing program. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: Do pass as amended. Signed by Senators Hargrove, Chair; Regala, Vice Chair; Marr, McAuliffe and Stevens

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

March 28, 2007

SHB 2049 Prime Sponsor, Committee on Select Committee on Puget Sound: Authorizing the creation of marine resource committees. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel, Stevens and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 2118 Prime Sponsor, Committee on State Government & Tribal Affairs: Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries. Reported by Committee on Consumer Protection & Housing

MAJORITY recommendation: Do pass as amended. Signed by Senators Weinstein, Chair; Kauffman, Vice Chair; Delvin, Haugen, Honeyford, Jacobsen, Kilmer and Tom

Passed to Committee on Rules for second reading.

March 29, 2007

2SHB 2220 Prime Sponsor, Committee on Appropriations: Regarding shellfish. Revised for 2nd Substitute: Regarding shellfish aquaculture. Reported by Committee on Natural Resources, Ocean & Recreation

MAJORITY recommendation: Do pass as amended. Signed by Senators Jacobsen, Chair; Rockefeller, Vice Chair; Fraser, Hargrove, Morton, Poulsen, Spanel and Stevens

MINORITY recommendation: Do not pass. Signed by Senator Swecker

Passed to Committee on Ways & Means.

March 28, 2007

HJM 4016 Prime Sponsor, Seaquist: Requesting that Congress reauthorize the State Children's Health Insurance Program. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

MOTION

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Substitute House Bill No. 1256, Engrossed Substitute House Bill No. 1624 which were referred to the Committee on Ways & Means and Substitute House Bill No. 2118 which was referred to the Committee on Rules.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

March 28, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

EIGHTY-SECOND DAY, MARCH 30, 2007

JUDY SCHURKE, appointed March 5, 2007, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6169 by Senator Pflug

AN ACT Relating to funding high priority transportation projects; amending RCW 81.104.160, 81.104.170, 36.120.040, and 36.120.045; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.120 RCW; and creating a new section.

Referred to Committee on Transportation.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION
8675

By Senators Franklin and Shin

WHEREAS, All children deserve a permanent, safe, and stable home, a place where they can realize their full potential; and

WHEREAS, Each year, thousands of children in foster care wait for their "forever family," permanent families to provide stability, unconditional love, patience, and understanding; and

WHEREAS, Children of color are disproportionately represented in the foster care system, especially African-American children; and

WHEREAS, The average time a child spends in foster care before being adopted is 7.9 years, according to the Adoption and Foster Care Analysis and Reporting System; and

WHEREAS, Every year, National Adoption Day brings together communities, judges, attorneys, and child advocates to finalize adoptions for waiting children in all 50 states; and

WHEREAS, Since 1896, Children's Home Society of Washington has placed more than 30,000 children in permanent adoptive homes; and

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WHEREAS, Children's Home Society of Washington has evolved from an adoption agency to a nationally recognized leader in prevention-based family support services; and

WHEREAS, In 2006, Children's Home Society of Washington partnered with the Division of Children and Family Services to finalize 14 adoptions on National Adoption Day; and

WHEREAS, The counties of Chelan, Clallam, Clark, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima participated in National Adoption Day festivities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the valuable role of adoptive parents, providing a child with a safe and nurturing family of his or her own when birth parents cannot; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Sharon Osborne, president and CEO of Children's Home Society of Washington.

Senators Franklin, Shin and Swecker spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8675.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bob Higley from Antioch Adoption Association who was seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the mother and sister of Senator Eide, Marlene and Diana, who were seated in the gallery.

MOTION

At 10:21 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:51 a.m. by President Owen.

MOTION

At 11:52 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 6:10 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES

March 30, 2007

E3SHB 1001 Prime Sponsor, Committee on Appropriations: Combating auto theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

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Passed to Committee on Ways & Means.

March 30, 2007

ESHB 1008 Prime Sponsor, Committee on Judiciary: Protecting vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

ESHB 1030 Prime Sponsor, Committee on Public Safety & Emergency Preparedness: Enhancing the penalty for eluding a police vehicle. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

March 30, 2007

SHB 1032 Prime Sponsor, Committee on Technology, Energy & Communications: Creating a sustainable energy trust. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Morton, Oemig and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist, Honeyford and Pridemore

Passed to Committee on Rules for second reading.

March 30, 2007

E2SHB 1035 Prime Sponsor, Committee on Appropriations: Addressing the purchase of anaerobic digestion power. Revised for 2nd Substitute: Regarding anaerobic digestion power. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig and Regala

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Ways & Means.

March 30, 2007

SHB 1037 Prime Sponsor, Committee on Technology, Energy & Communications: Regarding electrical transmission. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Marr, Oemig and Regala

MINORITY recommendation: Do not pass. Signed by Senators Holmquist, Honeyford, Morton and Pridemore

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1038 Prime Sponsor, Morris: Developing regional compacts for siting electric transmission lines. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig and Regala

MINORITY recommendation: Do not pass. Signed by Senator Pridemore

Passed to Committee on Ways & Means.

March 29, 2007

HB 1051 Prime Sponsor, Uptegrove: Expanding high school completion programs. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt, Holmquist and Zarelli

Passed to Committee on Ways & Means.

March 29, 2007

HB 1069 Prime Sponsor, Williams: Designating the Pacific chorus frog as the state amphibian. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

HB 1084 Prime Sponsor, Blake: Designating the Lady Washington as the official ship of the state of Washington. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Kline, Pridemore and Swecker

MINORITY recommendation: Without recommendation. Signed by Senators Oemig, Vice Chair; Benton and Roach

Passed to Committee on Rules for second reading.

March 29, 2007

HB 1085 Prime Sponsor, Morrell: Revising requirements for long-term care insurance plans offered by the public employees' benefits board. Reported by Committee on Health & Long-Term Care

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MAJORITY recommendation: Do pass. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 29, 2007

E2SHB 1103 Prime Sponsor, Committee on Appropriations: Concerning health professions. Revised for 2nd Substitute: Increasing the authority of regulators to remove health care practitioners who pose a risk to the public. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Parlette and Pflug

MINORITY recommendation: Do not pass. Signed by Senator Marr. Without recommendation. Signed by Senator Carrell

Passed to Committee on Ways & Means.

March 30, 2007

SHB 1140 Prime Sponsor, Committee on Technology, Energy & Communications: Allowing for the net meter aggregation of electricity. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Holmquist, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Honeyford and Morton

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1142 Prime Sponsor, Williams: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

HB 1149 Prime Sponsor, O'Brien: Eliminating advance property tax payments for binding site plans. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1181 Prime Sponsor, Ericks: Modifying the powers and funding of the forensic investigations council. Reported by Committee on Judiciary

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MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

ESHB 1226 Prime Sponsor, Committee on State Government & Tribal Affairs: Establishing the first peoples' language, culture, and history teacher certification program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Tom, Vice Chair; Brandland, Clements, Eide, Holmquist, Oemig, Rasmussen, Weinstein and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators McAuliffe, Chair; Hobbs and Kauffman

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1244 Prime Sponsor, Committee on Commerce & Labor: Defining wages for industrial insurance purposes. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1255 Prime Sponsor, Committee on Local Government: Prohibiting municipal officers from being beneficially interested in any personal services contract that is made by, through, or under the supervision of that officer. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1278 Prime Sponsor, Committee on Commerce & Labor: Modifying industry average unemployment contribution rates. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Murray and Prentice

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1295 Prime Sponsor, Committee on Select Committee on Puget Sound: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Water, Energy & Telecommunications

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MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1298 Prime Sponsor, Committee on Health Care & Wellness: Regarding dental hygienist employment by health care facilities and sealant programs in schools. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Parlette and Pflug

MINORITY recommendation: Do not pass. Signed by Senator Marr. Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1300 Prime Sponsor, Committee on Health Care & Wellness: Modifying the powers and duties of health care disciplining authorities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 30, 2007

E2SHB 1303 Prime Sponsor, Committee on Appropriations: Encouraging the use of cleaner energy. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin and Honeyford. Without recommendation. Signed by Senator Holmquist

Passed to Committee on Ways & Means.

March 30, 2007

ESHB 1307 Prime Sponsor, Committee on Judiciary: Regarding freedom of speech and press for high school and college students. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1366 Prime Sponsor, Kessler: Protecting the news

media from being compelled to testify in legal proceedings. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

HB 1383 Prime Sponsor, Appleton: Regulating body piercing. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Parlette

MINORITY recommendation: Without recommendation. Signed by Senator Pflug

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1392 Prime Sponsor, Committee on Local Government: Adding city officials to the list of public agencies eligible for medical insurance coverage outside of compensation. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

ESHB 1414 Prime Sponsor, Committee on Health Care & Wellness: Licensing ambulatory surgical facilities. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1445 Prime Sponsor, Committee on State Government & Tribal Affairs: Making adjustments to the recodification of the public records act. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

HB 1446 Prime Sponsor, Kessler: Regarding the statute of limitations under the public records act. Reported by Committee on Government Operations & Elections

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MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Kline, Chair

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

March 29, 2007

EHB 1525 Prime Sponsor, Chase: Reducing the impact of regulatory provisions on small businesses. Reported by Committee on Labor, Commerce, Research & Development

2SHB 1716 Prime Sponsor, Committee on Appropriations: Supporting educational achievement for children in foster care. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

March 30, 2007

HB 1537 Prime Sponsor, Lovick: Making a false or misleading material statement that results in an Amber alert. Reported by Committee on Judiciary

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

SHB 1761 Prime Sponsor, Committee on Capital Budget: Accelerating the cleanup of Puget Sound and hazardous waste and waste sites in the state. Revised for 1st Substitute: Regarding cleanup of hazardous waste. Reported by Committee on Water, Energy & Telecommunications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

March 29, 2007

E2SHB 1569 Prime Sponsor, Committee on Appropriations: Reforming the health care system in Washington state. Reported by Committee on Health & Long-Term Care

Passed to Committee on Ways & Means.

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles and Marr

HB 1775 Prime Sponsor, Hinkle: Regarding crimes against livestock belonging to another person. Reported by Committee on Judiciary

MINORITY recommendation: Do not pass. Signed by Senators Parlette and Pflug. Without recommendation. Signed by Senator Carrell

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, McCaslin, Murray and Weinstein

Passed to Committee on Ways & Means.

March 29, 2007

SHB 1654 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying canvassing provisions. Reported by Committee on Government Operations & Elections

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

HB 1789 Prime Sponsor, Kagi: Minimizing threats to the environment caused by leaking home heating oil tanks. Reported by Committee on Water, Energy & Telecommunications

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Senators Poulsen, Chair; Delvin, Fraser, Holmquist, Honeyford, Marr, Morton, Oemig, Pridemore and Regala

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1669 Prime Sponsor, Committee on Judiciary: Concerning the district and municipal court's probation and supervision services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

SHB 1802 Prime Sponsor, Committee on Health Care & Wellness: Providing information about the human papillomavirus disease and vaccine. Reported by Committee on Health & Long-Term Care

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MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1805 Prime Sponsor, Committee on Judiciary: Increasing the homestead exemption amount. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

ESHB 1833 Prime Sponsor, Committee on Commerce & Labor: Expanding the presumption of occupational disease for firefighters. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1837 Prime Sponsor, Committee on Health Care & Wellness: Directing the department of health to develop guidelines for the transport of nonambulatory persons in a vehicle not licensed under chapter 18.73 RCW. Revised for 1st Substitute: Concerning the transport of certain nonambulatory persons. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr and Pflug

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1859 Prime Sponsor, Goodman: Revising the statute law committee's publication authority. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1876 Prime Sponsor, Committee on Commerce & Labor: Providing for the certification of mechanics performing heating, ventilating, air conditioning, refrigeration, and gas

pipng work. Revised for 1st Substitute: Finding that HVAC/R mechanic certification laws may need to be modified and that a trade coordination panel may need to be established. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Without recommendation. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 1897 Prime Sponsor, Committee on State Government & Tribal Affairs: Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 29, 2007

2SHB 1906 Prime Sponsor, Committee on Appropriations: Improving mathematics and science education. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Clements, Hewitt and Holmquist. Without recommendation. Signed by Senator Zarelli

Passed to Committee on Ways & Means.

March 29, 2007

HB 1949 Prime Sponsor, Williams: Providing industrial insurance coverage for workers involved in harvesting geoduck clams. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 30, 2007

EHB 1967 Prime Sponsor, Moeller: Providing for the reporting of physician convictions for driving while under the influence to an approved substance abuse program. (REVISED FOR ENGROSSED: Providing for the reporting of physician convictions for driving while under the influence to the medical quality assurance commission.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by

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Senators Kline, Chair; Carrell, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Ways & Means.

March 29, 2007

ESHB 1968 Prime Sponsor, Committee on Commerce & Labor: Requiring certification for sprinkler fitters. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

March 29, 2007

2SHB 1980 Prime Sponsor, Committee on Appropriations: Regarding the financial literacy public-private partnership. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

E2SHB 1993 Prime Sponsor, Committee on Appropriations: Modifying credentialing standards for counselors. Reported by Committee on Health & Long-Term Care

MAJORITY recommendation: Do pass as amended. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Carrell, Fairley, Kastama, Kohl-Welles, Marr, Parlette and Pflug

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1994 Prime Sponsor, Curtis: Addressing overpayments received by courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

ESHB 2016 Prime Sponsor, Committee on Judiciary: Changing provisions pertaining to eminent domain. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

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HB 2034 Prime Sponsor, Jarrett: Providing a civil cause of action for victims of motor vehicle theft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

EHB 2070 Prime Sponsor, O'Brien: Concerning exceptional sentences. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

HB 2079 Prime Sponsor, McDermott: Concerning use of agency shop fees. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senators Clements, Hewitt and Holmquist

Passed to Committee on Rules for second reading.

March 29, 2007

EHB 2105 Prime Sponsor, Conway: Requiring payment of prescription drugs for industrial insurance medical aid claims for initial visits. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 29, 2007

ESHB 2111 Prime Sponsor, Committee on Commerce & Labor: Making the governor the public employer of adult family home providers. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Franklin, Murray and Prentice

MINORITY recommendation: Do not pass. Signed by Senator Holmquist. Without recommendation. Signed by Senators Clements and Hewitt

Passed to Committee on Ways & Means.

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EHB 2113 Prime Sponsor, Williams: Regarding objections by cities, towns, and counties to the issuance of liquor licenses. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: Do pass as amended. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Hewitt, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 2130 Prime Sponsor, Committee on Judiciary: Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 29, 2007

HB 2136 Prime Sponsor, Fromhold: Creating the improving core subject instruction for all students pilot program. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Holmquist, Kauffman, Oemig, Rasmussen and Zarelli

Passed to Committee on Rules for second reading.

March 29, 2007

SHB 2147 Prime Sponsor, Committee on Appropriations: Providing vocational rehabilitation services for volunteer firefighters and reserve officers. Reported by Committee on Government Operations & Elections

MAJORITY recommendation: Do pass. Signed by Senators Fairley, Chair; Oemig, Vice Chair; Benton, Kline, Pridemore, Roach and Swecker

Passed to Committee on Rules for second reading.

March 30, 2007

ESHB 2191 Prime Sponsor, Committee on Judiciary: Limiting deferred prosecution in domestic violence cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

HB 2236 Prime Sponsor, Goodman: Disposing of certain assets. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove, McCaslin, Murray, Roach and Weinstein

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 2261 Prime Sponsor, Committee on Select Committee on Environmental Health: Providing for the evaluation of additional measures to reduce wood smoke emissions. Reported by Committee on Water, Energy & Telecommunications

MAJORITY recommendation: Do pass as amended. Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala

MINORITY recommendation: Do not pass. Signed by Senators Delvin, Holmquist and Honeyford

Passed to Committee on Rules for second reading.

March 29, 2007

2SHB 2262 Prime Sponsor, Committee on Appropriations: Providing salary bonuses for individuals certified by the national board for professional teaching standards. Reported by Committee on Early Learning & K-12 Education

MAJORITY recommendation: Do pass as amended. Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen and Weinstein

MINORITY recommendation: Without recommendation. Signed by Senators Holmquist and Zarelli

Passed to Committee on Ways & Means.

MOTION

On motion of Eide, all measures listed on the Supplemental Standing Committee report were referred to the committees as designated with the exception of Engrossed House Bill No. 1525 and Engrossed Substitute House Bill No. 1833 which were referred to the Committee on Rules and Engrossed Third Substitute House Bill No. 1001, Engrossed Substitute House Bill No. 1030, House Bill No. 1038 and Engrossed House Bill No. 1967 which were referred to the Committee on Ways & Means.

MOTION

At 6:10 p.m., on motion of Senator Eide, the Senate adjourned until 8:00 a.m. Saturday, March 31, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, March 31, 2007

The Senate was called to order at 8:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Fairley, Pflug, Stevens and Swecker.

The Sergeant at Arms Color Guard consisting of Interns Nick Woodson and Darcey Elliot, presented the Colors. High Priest Jim Erlandson of the Community of Christ Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

January 3, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

LAWRENCE V. GOODMAN, reappointed January 2, 2007, for the term ending January 1, 2013, as Member of the Personnel Resources Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING**SB 6170** by Senator Holmquist

AN ACT Relating to creating a biofuel economic development grant program; adding a new section to chapter 15.04 RCW; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Delvin moved adoption of the following resolution:

**SENATE RESOLUTION
8676**

By Senators Delvin, McCaslin, Morton, Murray, Rasmussen, McAuliffe, Spanel, Haugen, Kline, Honeyford, Benton, Clements, Parlette, Weinstein, Zarelli, Pflug, Hewitt and Brandland

WHEREAS, Modern medicine has made amazing advances in fighting pediatric cancer; pediatric cancer survivors are faced with a unique set of problems because of these advances; and

WHEREAS, Cure rates for pediatric cancers have risen dramatically during the past 20 years, and it is estimated that one in every 900 adults, aged 16 to 44, is a survivor of pediatric cancer; and

WHEREAS, Almost 70 percent of children diagnosed with brain cancer survive treatment today, a statistic that calls into focus the need to look at a child's quality of life in the years following treatment; and

WHEREAS, Pediatric cancer survivorship can come with a price in the form of long-term medical, financial, psychosocial, and/or neurocognitive problems due to chemotherapy, radiation, or surgery; and

WHEREAS, The major expenses of a pediatric cancer diagnosis and treatment are associated with the direct costs of medical care, including charges for hospitalizations, clinic visits, medications, tests and procedures, home health services of doctors and other professionals, and treatment including surgery, chemotherapy, radiation therapy, and bone marrow or peripheral stem cell transplant; and

WHEREAS, Even well-insured, middle-class families with health insurance can find themselves in financial distress because of a single catastrophic illness, and even when insurance does not run out, health care costs can be staggering for the families of children with cancer; and

WHEREAS, The state of Washington recognizes that amazing advances have been made in the treatment of pediatric cancer and survivor rates; and

WHEREAS, Governor Christine O. Gregoire has proclaimed the week of March 25 through 31, 2007, as Pediatric Cancer Survivors Awareness Week;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the week of March 25 through 31, 2007, as Pediatric Cancer Survivorship Week in the state of Washington.

Senator Delvin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8676.

The motion by Senator Delvin carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1097, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Miloscia, Priest, Chase, Green, Ormsby, B. Sullivan, O'Brien, Morrell, Kenney, Moeller, Wallace, McCune and Simpson)

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Protecting frail elders and vulnerable adults and persons with developmental disabilities from perpetrators who commit their crimes while providing transportation, within the course of their employment, to frail elders and vulnerable adults and persons with developmental disabilities.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Benton, Pflug, Stevens and Swecker were excused.

MOTION

On motion of Senator Regala, Senators Fairley and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1097.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1097 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 45

Excused: Senators Fairley, Pflug, Stevens and Swecker - 4

SUBSTITUTE HOUSE BILL NO. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5882, by Senators Fraser, Honeyford, Regala, Swecker, Rockefeller, Parlette, Kohl-Welles, Rasmussen and Kastama

Funding the Washington state heritage center.

MOTIONS

On motion of Senator Fraser, Substitute Senate Bill No. 5882 was substituted for Senate Bill No. 5882 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fraser, the rules were suspended, Substitute Senate Bill No. 5882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5882.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5882 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Schoesler - 1

Excused: Senators Fairley, Pflug and Stevens - 3

SUBSTITUTE SENATE BILL NO. 5882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1138, by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby and Moeller)

Concerning general obligation bonds.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1138 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1138.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1138 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, Pflug and Stevens - 3

SUBSTITUTE HOUSE BILL NO. 1138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, McDonald, Ormsby, Blake, Moeller and Wallace)

Making appropriations and authorizing expenditures for capital improvements.

The measure was read the second time.

MOTION

Senator Fraser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 5. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE OFFICE OF THE SECRETARY OF STATE

Acquisition of Fredericks Collection (08-2-950)

Appropriation:

State Building Construction Account--State	.....	\$100,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$100,000

NEW SECTION. Sec. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

Rural Washington Loan Account--State	.....	\$2,773,000
Prior Biennia (Expenditures)	.....	\$1,122,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,895,000

NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cancer Research Facility Grant (01-S-005)

Reappropriation:

State Building Construction Account--State	.....	\$667,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$667,000

NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Coastal Erosion Grants (01-S-019)

Reappropriation:

State Building Construction Account--State	.....	\$316,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$316,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

Reappropriation:

State Taxable Building Construction Account--State	.....	\$156,000
Prior Biennia (Expenditures)	.....	\$16,075,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$16,231,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003, 1st sp. sess.

(2) This reappropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State	....	\$4,699,000
Prior Biennia (Expenditures)	.....	\$5,300,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$9,999,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Woodland Infrastructure Development (04-4-959)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is provided solely for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Reappropriation:

State Building Construction Account--State	.....	\$79,000
Prior Biennia (Expenditures)	.....	\$222,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$301,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds

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may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.

Reappropriation:

Drinking Water Assistance Account--State	\$5,227,000
State Building Construction Account--State	\$1,249,000
Drinking Water Assistance Repayment Account--State	\$4,200,000
Subtotal Reappropriation	\$10,676,000
Prior Biennia (Expenditures)	\$6,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,700,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

Reappropriation:

Drinking Water Assistance Repayment Account--State	\$15,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,200,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis & Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State	\$1,017,000
Prior Biennia (Expenditures)	\$3,983,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State	\$1,936,000
Prior Biennia (Expenditures)	\$11,379,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,315,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Funds (04-4-001)

Reappropriation:

Public Works Assistance Account--State	\$112,309,000
Prior Biennia (Expenditures)	\$249,714,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$362,023,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.750.

(2) The reappropriation is subject to the project list in section 104, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State	\$4,263,000
Prior Biennia (Expenditures)	\$427,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,690,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (06-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.125.

(2) The reappropriation is subject to the project list in section 123, chapter 488, Laws of 2005 and section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$952,000
Prior Biennia (Expenditures)	\$4,394,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,346,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The reappropriation is subject to the project list in section 106, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State	\$29,192,000
Prior Biennia (Expenditures)	\$20,608,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,800,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Youth Recreational Facilities Program (06-4-007)

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The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.135.

(2) The reappropriation is subject to the project list in section 136, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State	\$1,323,000
Prior Biennia (Expenditures)	\$1,977,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,300,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (06-4-011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:

Public Facility Construction Loan Revolving Account--State	\$20,209,000
Prior Biennia (Expenditures)	\$241,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,450,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Reappropriation:

Drinking Water Assistance Account--State	\$8,100,000
Drinking Water Assistance Repayment Account--State	\$21,780,000
Subtotal Reappropriation	\$29,880,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,880,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

Reappropriation:

State Taxable Building Construction Account--State	\$43,308,000
Prior Biennia (Expenditures)	\$70,792,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$114,100,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional

housing, or other housing facilities for victims of domestic violence.

(5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State	\$16,502,000
Homeless Families Services Account--State	\$4,000,000
Subtotal Reappropriation	\$20,502,000
Prior Biennia (Expenditures)	\$499,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,001,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(2) \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

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The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State \$31,481,000
 Prior Biennia (Expenditures) \$18,519,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$50,000,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Jobs in Communities (06-4-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the project list in section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State . . . \$10,965,000
 Prior Biennia (Expenditures) \$1,286,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$12,251,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (06-4-004)

Reappropriation:

Public Works Assistance Account--State \$288,900,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$288,900,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (06-4-010)

Reappropriation:

Rural Washington Loan Account--State \$3,937,000
 Prior Biennia (Expenditures) \$191,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,128,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Water System Acquisition and Rehabilitation Program (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any

eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Reappropriation:

State Building Construction Account--State \$1,706,000
 Prior Biennia (Expenditures) \$295,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,001,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Public Utility District Bioenergy Project (06-4-852)

Reappropriation:

Energy Freedom Account--State \$2,100,000
 Prior Biennia (Expenditures) \$3,900,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,000,000

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts Grants (07-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Wing Luke Asian museum	Seattle	\$2,000,000
Friends of Gladish	Pullman	\$48,000
Town hall association	Seattle	\$750,000
Duwamish tribal services	Seattle	\$275,000
Seattle art museum	Seattle	\$1,750,000
Village theatre	Issaquah	\$575,000
Artspace projects, Inc.	Seattle	\$1,000,000
Suquamish foundation	Suquamish	\$550,000
Edmonds center for the arts	Edmonds	\$1,000,000
The Merc playhouse society	Twisp	\$9,500
Orcas open arts	Eastsound	\$70,000
Whatcom film association	Bellingham	\$325,000
Whatcom museum society	Bellingham	\$1,000,000
Seattle theatre group	Seattle	\$750,000
Confluence gallery	Twisp	\$77,000
Columbia theatre association	Longview	\$750,000
San Juan community theatre	Friday Harbor	\$193,000

Harlequin productions	Olympia	\$75,000
Northshore performing arts center	Bothell	\$350,000
Tacoma musical playhouse	Tacoma	\$75,000
Wing it productions	Seattle	\$20,000
826 Seattle	Seattle	\$7,500
Cornish College of the Arts	Seattle	\$350,000
Total		\$12,000,000

Appropriation:
 State Building Construction Account--State . . . \$12,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$48,000,000
 TOTAL \$60,000,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (07-4-015)
 The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:
 State Building Construction Account--State . . . \$12,711,000
 Public Facility Construction Loan Revolving Account--State \$7,289,000
 Subtotal Appropriation \$20,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$24,000,000
 TOTAL \$44,000,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Grants (07-4-002)
 The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
West Seattle food bank	Seattle	\$400,000
Compass health	Lynnwood	\$37,000
Neighborhood house	Seattle	\$1,000,000
White Center emergency food association	White Center	\$184,000
Garden-raised bounty	Olympia	\$170,000
Food lifeline	Seattle	\$122,000
Marysville food bank	Marysville	\$187,000
Maple Valley food bank	Maple Valley	\$117,000
The Arc of Whatcom county	Bellingham	\$158,000

CAC of Lewis, Mason, and Thurston county	Lacey	\$260,000
South county senior center	Edmonds	\$200,000
Chief Seattle club	Seattle	\$350,000
Senior center of West Seattle	Seattle	\$500,000
YMCA of Snohomish county	Monroe	\$1,000,000
The Salvation Army - Spokane	Spokane	\$275,000
Asian counseling and referral services	Seattle	\$1,000,000
Camas institute foundation	Usk	\$650,000
Youth eastside services	Bellevue	\$750,000
YMCA of Snohomish county	Everett	\$275,000
Bellingham food bank	Bellingham	\$400,000
N.A.T.I.V.E. project	Spokane	\$375,000
Brigid Collins family support center	Bellingham	\$400,000
Family resource center	Redmond	\$150,000
Morningside	Olympia	\$587,000
First step family support center	Port Angeles	\$200,000
Olympic community action programs	Port Townsend	\$400,000
Total		\$10,147,000

Appropriation:
 State Building Construction Account--State . . . \$10,147,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$40,000,000
 TOTAL \$50,147,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (07-4-004)

Appropriation:
 Drinking Water Assistance Account--State \$7,200,000
 Drinking Water Assistance Repayment Account--State \$21,100,000
 Subtotal Appropriation \$28,300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$155,400,000
 TOTAL \$183,700,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

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(1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(7) \$2,500,000 of the appropriation is provided solely for the development of farm infrastructure improvements.

(8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.

(9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.

(10) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$560,000,000
TOTAL	\$660,000,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job Development Fund Grants (07-4-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$429,000 of the appropriation in this section is for administration.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Mint farm industrial park phase 2 infrastructure improvements	City of Longview	\$1,982,000
Fruitdale road/McGarigle road improvements	Skagit county	\$2,277,000

Valentine road corridor improvements	City of Pacific	\$4,946,000
Wenatchee waterfront revitalization project	City of Wenatchee	\$10,000,000
Northeast Lacey public infrastructure and economic stimulus package	City of Lacey	\$9,912,000
Soap Lake spa and wellness center	City of Soap Lake	\$1,000,000
Port of Ephrata transportation center	Port of Ephrata	\$471,000
Project Pier 1	Port of Anacortes	\$5,610,000
Totem Lake mall and business center	City of Kirkland	\$3,000,000
Burnham/Borgen interchange improvements	City of Gig Harbor	\$5,000,000
Satsop development park turbine/administrati on building improvements	Grays Harbor public develop ment authority	\$5,053,000
Technical and scientific service incubator	City of Tacoma	\$250,000
Total		\$49,501,000

Appropriation:

Job Development Account--State	\$49,930,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,930,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Belfair Sewer Improvements (08-4-852)

Appropriation:

Public Works Assistance Account--State	\$4,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,800,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (07-4-005)

The appropriation in this section is subject to the following conditions and limitations: The department and the public works board shall immediately revise policy for interest rates for loans so that the minimum rate is not less than one percent and the criteria for setting the rate is based on the fiscal capacity of the applicant, with lower interest rates awarded to applicants with lower fiscal capacity. Fiscal capacity shall include a determination of the impact of the project on rate payers compared to rates typically seen in the region. The department and the board shall review all waste water and storm water projects with the department of ecology to determine which projects would result in the greatest improvement to water quality. The department and the public works board shall

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prioritize waste water and storm water projects to achieve the greatest improvement in water quality and to assist jurisdictions with the lowest fiscal capacity. The list of projects submitted to the legislature for approval in accordance with RCW 43.155.070(6) shall include a summary of the information obtained from the department of ecology and information on fiscal capacity for each project. The department and the public works board shall not count prior loans or grants from any state sources as local matching funds.

Appropriation:

Public Works Assistance Account--State	\$327,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,400,000,000
TOTAL	\$1,727,000,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (07-4-008)

Appropriation:

Rural Washington Loan Account--State	\$4,127,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,508,000
TOTAL	\$20,635,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) Up to \$8,000,000 of the appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000
YMCA of greater Seattle	Seattle	\$250,000
Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000
Filipino community of Seattle	Seattle	\$146,000

Boys and girls clubs of King county Seattle \$800,000

Ferndale boys and girls club Ferndale \$863,290

Total \$8,000,000

(3) Up to \$2,000,000 of the appropriation is for a supplemental list of projects to be selected by the department under the same rules and criteria used for selecting the list of projects in subsection (2) of this section.

Appropriation:

State Building Construction Account--State . . .	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$42,000,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

High Risk Forests Program (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 of the appropriation is provided solely for grants to an independent nonprofit land stewardship organization to purchase or lease development rights or conservation easements from willing family forest landowners facing pressure to convert their lands and who desire to keep their land as working forest. The organization shall award grants only for transfer of development rights programs approved by the local government participants.

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Infrastructure Assistance (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an infrastructure grant to the city of Tieton for water system improvements.

Appropriation:

State Building Construction Account--State	\$2,627,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,627,000

NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: Pursuant to chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 (innovation partnership zones), the state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, five zones or projects will be selected to receive funding authorized by chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. If chapter . . . (House Bill No. 1091/Senate Bill No. 5090), Laws of 2007 is not enacted by June 30, 2007, the funds in this section shall lapse.

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Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Water System Acquisition Rehabilitation Program (07-4-006)		
Appropriation:		
State Building Construction Account--State	.....	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.

(8) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.

(9) The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.

(10) The appropriation is provided solely for the following list of projects:

Project Name	Amount
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
Ballard Comers park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000
Benton City food bank	\$200,000
Blueberry park improvements	\$5,000
Bowen field	\$500,000
Bremerton downtown economic revitalization - harborside commons	\$1,000,000

Bridge for kids	\$500,000
Brightwater education facility	\$675,000
Burien town square	\$1,600,000
Camp Kilworth land acquisition - Federal Way	\$1,100,000
CASA latina	\$1,000,000
Chehalis branch of timberland library	\$500,000
Chehalis veterans wall of honor security enclosure	\$25,000
Cities of Camas and Washougal community/recreation center design	\$500,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Spokane minor league baseball - indians	\$2,000,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$433,000
Civil war cemetery near Volunteer park	\$5,000
Confluence project	\$500,000
Counter-Balance park	\$100,000
Covered Bridge park land acquisition and roof repair (Grays river)	\$90,000
Cowlitz drug center	\$580,000
Darrington water system improvements	\$100,000
Daybreak star in Discovery park	\$300,000
Des Moines beach flood project	\$250,000
Dining car historic preservation	\$50,000
Discover park - Fort Lawton	\$700,000
Duwamish longhouse project	\$275,000
El Centro de la Raza center	\$821,000
Emmanuel family life center	\$500,000
Federal Way little league field lighting	\$50,000
Fish Lake trail	\$2,000,000
Fort Dent sewer	\$450,000
Foss waterway	\$1,000,000
Fox theater	\$2,000,000
Goodwill of Tacoma	\$1,500,000
High Point neighborhood center in West Seattle	\$1,000,000
Innovative services northwest	\$1,900,000
Institute for community leadership	\$500,000
Japanese cultural center of Washington	\$750,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kitsap community resources	\$900,000
Kitsap SEED program	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Korean women's association center	\$1,500,000
Kruckeberg botanical garden	\$150,000
Lake Stevens civic center	\$800,000
Lake Stevens senior center	\$200,000
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at Greenbridge	\$200,000
Lions club renovation	\$110,000
Long Lake nutrient reduction	\$300,000
Loon Lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
McCaw hall	\$3,000,000
Mirabeau Point Children's Universal park	\$800,000
Morning star cultural center	\$300,000
Mountain to sound - state route 18/I90 interchange	\$1,100,000
Nisei veterans committee	\$250,000
Nordic heritage museum	\$1,500,000
Northwest harvest	\$3,000,000
Northwest museum of arts and culture	\$1,000,000
Palouse street safety improvements	\$210,000
Pedestrian overpass state route 395 and court street	\$400,000
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Prime time repairs (terminally ill kids)	\$250,000
River walk trail--Puyallup	\$600,000
Salishan housing community	\$3,000,000
Sea Mar family housing community	\$800,000

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Seatac World War I memorial plaza	\$300,000
Seattle art museum	\$1,250,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Spokane east central community center	\$150,000
Spokane northeast community center	\$1,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	\$2,500,000
Springwood youth center in Kent	\$500,000
Suquamish inviting house construction	\$1,000,000
Tacoma Narrows bridge lights	\$1,500,000
Tanaskat viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$750,000
The Northwest maritime center	\$1,000,000
The Tri-Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Turning point domestic violence shelter	\$700,000
University Place town square plaza	\$1,000,000
ValHalla hall	\$700,000
Vancouver national historic reserve	\$1,000,000
Wapato Filipino-American center	\$118,000
White Center Heights park	\$400,000
White Salmon water improvement	\$1,500,000
Willapa Harbor community center	\$300,000
Wing-It production's historic theater	\$20,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
YMCA of Snohomish county: Ebey Island project	\$2,200,000
Total	\$83,788,000

Appropriation:

State Building Construction Account--State . . .	\$83,788,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$83,788,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Wind Project (08-4-950)

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1042. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Graving Dock Settlement (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of settling all identified and potential claims from the port of Port Angeles and the city of Port Angeles related to the construction of a graving dock facility on the graving dock property. In conjunction with the settlement agreement in *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the city of Port Angeles, port of Port Angeles, and the state of Washington entered into an economic development agreement which settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitation set forth in subsections (2), (3), and (4) of this section.

(2) \$7,500,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for funding capital projects intended to enhance economic development.

(3) \$7,500,000 of the state building construction account--state appropriation is provided solely for the port of Port Angeles for funding capital projects intended to enhance economic development.

(4) \$480,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State . . .	\$15,480,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,480,000

NEW SECTION. Sec. 1043. OFFICE OF FINANCIAL MANAGEMENT FOR THE OFFICE OF FINANCIAL MANAGEMENT

Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$1,500,000 is for the office of financial management to assess options and make recommendations on the siting of a higher education institution in the Snohomish-Island-Skagit county region. The office of financial management shall develop the operational and management plans needed to establish the institution, including but not limited to: A master business plan for design and implementation; governance; site selection; and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. The office of financial management shall evaluate sites based on, but not limited to, the following criteria: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(2) The office of financial management shall report its findings to the governor and the appropriate committees of the senate and house of representatives by December 1, 2007.

(3) The office of financial management may contract with outside sources to carry out the provisions of this section.

(4) \$2,500,000 is provided solely for the office of financial management to purchase or to secure purchase options on a site for the institution. If a site is available for the recommended development alternative at no cost, or for less than the amount appropriated, the remainder shall instead be applied to predesign of recommended facilities and infrastructure.

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 1044. OFFICE OF FINANCIAL MANAGEMENT FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from nonstate resources. The office of financial management shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. For purposes of this section, "nonstate resources" may include tuition revenues and funds appropriated from an institution's local capital project account for a minor works project under this act. Prior to approving use of a local account appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial

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management shall require the institution to describe what it has done to identify and develop alternative nonstate resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State . . . \$5,000,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$5,000,000

NEW SECTION. Sec. 1045. OFFICE OF FINANCIAL MANAGEMENT FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007.

Appropriation:

State Building Construction Account--State . . . \$1,015,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,015,000

NEW SECTION. Sec. 1046. DEPARTMENT OF GENERAL ADMINISTRATION FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State . . . \$2,928,000

Appropriation:

Thurston County Capital Facilities Account--State . . . \$3,425,000
 Prior Biennia (Expenditures) . . . \$5,252,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$11,605,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)

Reappropriation:

State Building Construction Account--State . . . \$327,000
 Prior Biennia (Expenditures) . . . \$673,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,000,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park Development (01-H-004)

Reappropriation:

State Building Construction Account--State . . . \$2,000
 Prior Biennia (Expenditures) . . . \$1,676,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,678,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (06-2-012)

Reappropriation:

Community/Technical College Capital Projects Account--State . . . \$850,000
 Prior Biennia (Expenditures) . . . \$874,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,724,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highway-License Building Repair and Renewal (06-1-013)

Reappropriation:

Thurston County Capital Facilities Account--State \$497,000

Appropriation:

Thurston County Capital Facilities Account--State . . . \$2,598,000
 Prior Biennia (Expenditures) . . . \$354,000
 Future Biennia (Projected Costs) . . . \$1,639,000
 TOTAL . . . \$5,088,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Natural Resources Building Repairs and Renewal (06-1-014)

Reappropriation:

Thurston County Capital Facilities Account--State \$269,000

Appropriation:

State Vehicle Parking Account--State . . . \$258,000
 Thurston County Capital Facilities Account--State . . . \$2,223,000
 Subtotal Appropriation . . . \$2,481,000

Prior Biennia (Expenditures) . . . \$233,000
 Future Biennia (Projected Costs) . . . \$5,266,000
 TOTAL . . . \$8,249,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Infrastructure: Preservation Minor Works (06-1-004)

Reappropriation:

State Vehicle Parking Account--State . . . \$31,000
 State Building Construction Account--State . . . \$246,000
 Thurston County Capital Facilities Account--State . . . \$1,824,000

Subtotal Reappropriation . . . \$2,101,000
 Prior Biennia (Expenditures) . . . \$918,000
 Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$3,019,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

Reappropriation:

Thurston County Capital Facilities Account--State \$812,000
 General Administration Service Account--State . . . \$510,000
 Subtotal Reappropriation . . . \$1,322,000

Prior Biennia (Expenditures) . . . \$3,558,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$4,880,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Parking Facilities: Preservation Minor Works (06-1-007)

Reappropriation:

State Vehicle Parking Account--State . . . \$697,000
 Prior Biennia (Expenditures) . . . \$183,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$880,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus High Voltage System Improvements (08-1-010)

Appropriation:

State Building Construction Account--State . . . \$2,204,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$2,204,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Deferred Maintenance (08-1-018)

Appropriation:

State Building Construction Account--State . . . \$2,000,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$2,000,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Repairs (08-1-001)

Appropriation:

State Building Construction Account--State	.....	\$350,000
Thurston County Capital Facilities Account--State	.....	\$900,000
General Administration Service Account--State	.....	\$150,000
Subtotal Appropriation	.....	\$1,400,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$6,000,000
TOTAL	.....	\$7,400,000

NEW SECTION, Sec. 1058. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (08-2-013)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	.....	\$380,000
State Vehicle Parking Account--State	.....	\$133,000
State Building Construction Account--State	.....	\$12,340,000
Thurston County Capital Facilities Account--State	.....	\$461,000
General Administration Service Account--State	.....	\$104,000
Subtotal Appropriation	.....	\$13,418,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$42,815,000
TOTAL	.....	\$56,233,000

NEW SECTION, Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Improvements (08-1-011)

The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

Capitol Building Construction Account--State	.....	\$676,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$2,836,000
TOTAL	.....	\$3,512,000

NEW SECTION, Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Facility Preservation (08-1-015)

Appropriation:

Capitol Building Construction Account--State	.....	\$1,715,000
State Building Construction Account--State	.....	\$1,456,000
Thurston County Capital Facilities Account--State	.....	\$3,634,000
General Administration Service Account--State	.....	\$1,386,000
Subtotal Appropriation	.....	\$8,191,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$20,365,000
TOTAL	.....	\$28,556,000

NEW SECTION, Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State	.....	\$600,000
State Vehicle Parking Account--State	.....	\$22,000
State Building Construction Account--State	.....	\$3,000,000
Thurston County Capital Facilities Account--State	.....	\$1,899,000
General Administration Service Account--State	.....	\$200,000
Subtotal Appropriation	.....	\$5,721,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$7,006,000
TOTAL	.....	\$12,727,000

NEW SECTION, Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Program (08-2-012)

The appropriation in this section is subject to the following conditions and limitations: The department shall post signs on eastbound and westbound 5th avenue in Olympia, Washington over Capitol Lake dam to notify cyclists that the bike lanes discontinue.

Appropriation:

State Building Construction Account--State	.....	\$370,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$2,720,000
TOTAL	.....	\$3,090,000

NEW SECTION, Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

O'Brien Building Improvements (08-1-007)

Appropriation:

State Building Construction Account--State	.....	\$2,981,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$15,501,000
TOTAL	.....	\$18,482,000

NEW SECTION, Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pritchard Building Rehabilitation (08-2-017)

Appropriation:

State Building Construction Account--State	.....	\$2,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,000,000

NEW SECTION, Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Center/Executive Office Building Development (08-2-954)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided for the development of a heritage center and executive office building on the west capitol campus. The project shall be procured under a general contractor construction management contract. Prior to issuing the request for proposals for the project, the department shall report to the appropriate committees of the legislature the results of: (1) A detailed analysis of the soils of the proposed development site, including the stability of the soils and the affect on the cost of the project; and (2) cost reduction options resulting from a detailed "best study" or value engineering study. The report to the legislature shall be submitted prior to January 1, 2008. The request for proposal shall not be released prior to February 1, 2008.

Appropriation:

State Building Construction Account--State	.....	\$2,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,000,000

NEW SECTION, Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The department shall also coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities vacated by the state patrol or the department of information services.

Appropriation:

State Building Construction Account--State	\$2,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Newhouse Repairs and South Campus Plan (08-2-952)

Appropriation:

State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Lake Plan Completion (08-2-953)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1069. MILITARY DEPARTMENT FOR THE MILITARY DEPARTMENT

Omnibus Support to Federal Preservation Projects (06-1-003)

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$5,993,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,493,000

NEW SECTION. Sec. 1070. FOR THE MILITARY DEPARTMENT

Auditorium and Instructor Support Facility (06-2-003)

Reappropriation:

General Fund--Federal	\$1,240,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,240,000

NEW SECTION. Sec. 1071. FOR THE MILITARY DEPARTMENT

Omnibus Support for Federal Minor Works Projects--Statewide (06-2-001)

Reappropriation:

State Building Construction Account--State	\$846,000
General Fund--Federal	\$7,200,000
Subtotal Reappropriation	\$8,046,000
Prior Biennia (Expenditures)	\$1,154,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,200,000

NEW SECTION. Sec. 1072. FOR THE MILITARY DEPARTMENT

Modular Building Reutilization (08-2-001)

Reappropriation:

State Building Construction Account--State	\$1,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,850,000

NEW SECTION. Sec. 1073. FOR THE MILITARY DEPARTMENT

Energy Conservation Project (08-2-005)

Appropriation:

General Fund--Federal	\$275,000
State Building Construction Account--State	\$275,000
Subtotal Appropriation	\$550,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION. Sec. 1074. FOR THE MILITARY DEPARTMENT

Minor Works - Facility Preservation (08-1-004)

Appropriation:

General Fund--Federal	\$5,522,000
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State Building Construction Account--State	\$2,801,000
Subtotal Appropriation	\$8,323,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$35,867,000
TOTAL	\$44,190,000

NEW SECTION. Sec. 1075. FOR THE MILITARY DEPARTMENT

Minor Works - Program (08-2-003)

Appropriation:

General Fund--Federal	\$4,938,000
State Building Construction Account--State	\$1,665,000
Subtotal Appropriation	\$6,603,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,215,000
TOTAL	\$42,818,000

NEW SECTION. Sec. 1076. DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historical Preservation (06-4-009)

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$4,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historical Courthouse Rehabilitation (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. By July 1, 2007, the department shall revise the existing eligibility criteria and grant application process to include review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 1078. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historic Barn Preservation (08-4-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the historic barn preservation program created in chapter . . . (Substitute House Bill No. 2115), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0

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Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 1079. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Inventory of Historic Theaters (08-2-950)
Appropriation:
State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

NEW SECTION. Sec. 1080. STATE CONVENTION AND TRADE CENTER FOR THE STATE CONVENTION AND TRADE CENTER

Minor Works - Facility Preservation (08-1-001)
Appropriation:
State Convention and Trade Center Account--State \$5,990,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,990,000

NEW SECTION. Sec. 1081. STATE CONVENTION AND TRADE CENTER FOR THE STATE CONVENTION AND TRADE CENTER

Omnibus Minor Works (06-1-001)
Reappropriation:
State Convention and Trade Center Account--State \$995,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$995,000

(End of part)

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Mapping of K-8 Schools (08-4-003)
Appropriation:
State Building Construction Account--State \$6,236,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,236,000

NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Minor Works - Preservation (08-1-002)
Appropriation:
State Building Construction Account--State \$598,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$598,000

NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center-Housing Units (00-1-041)
Reappropriation:
State Building Construction Account--State \$5,700,000
Prior Biennia (Expenditures) \$6,292,000
Future Biennia (Projected Costs) \$0
TOTAL \$11,992,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)
Reappropriation:
State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake Building: Fire Alarm Upgrades (06-1-370)

Reappropriation:
State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$150,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,650,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Firecrest School - Health and Safety Improvements (06-1-852)
Reappropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$300,000
Prior Biennia (Expenditures) \$350,000
Future Biennia (Projected Costs) \$0
TOTAL \$650,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New IMU, Health Center, and Administration (06-2-202)

The appropriation in this section is subject to the following conditions and limitations: The new appropriation is provided solely for a new intensive management unit and health center at either Green Hill school or Maple Lane school. The department shall not expend any of the funds until May 1, 2008. The department shall submit a report to the appropriate committees of the legislature by January 1, 2008, containing the following information: (1) Unused bed capacity in state and county juvenile rehabilitation facilities; (2) an analysis of the distinguishing characteristics of resident populations at the different state facilities and the residents in county facilities; and (3) the different utilization rates of intensive management beds at Green Hill, Maple Lane, and Echo Glenn. This analysis shall include the number of occupied intensive management unit beds at each facility, the average length of stay in intensive management unit beds at each facility, and rate of repeated use of intensive management unit beds for the same residents.

Reappropriation:
State Building Construction Account--State \$900,000

Appropriation:
State Building Construction Account--State \$13,325,000
Prior Biennia (Expenditures) \$350,000
Future Biennia (Projected Costs) \$0
TOTAL \$14,575,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)

Reappropriation:
Charitable, Educational, Penal, and Reformatory Institutions Account--State \$850,000
Prior Biennia (Expenditures) \$150,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village-Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)

Reappropriation:
State Building Construction Account--State \$2,000,000
Appropriation:
State Building Construction Account--State \$2,990,000
Prior Biennia (Expenditures) \$400,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,390,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-CLIP Facilities: Preservation (06-4-353)

The appropriations in the section are subject to the following conditions and limitations: The department shall evaluate

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options for maximizing federal fund contributions for capital needs of privately-owned facilities that contract with the department for children's long-term inpatient program services and report to the appropriate fiscal committees of the legislature by September 1, 2007.

Reappropriation:
 State Building Construction Account--State \$600,000

Appropriation:
 State Building Construction Account--State \$2,381,000
 State and Local Improvements Revolving
 Account--State \$20,000
 Subtotal Appropriation \$2,401,000
 Prior Biennia (Expenditures) \$700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,701,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-Eastern Washington: Evaluation and Treatment (06-4-352)

Reappropriation:
 State Building Construction Account--State \$1,500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,500,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health: Omnibus Programmatic Projects (06-2-365)

Reappropriation:
 State Building Construction Account--State \$400,000
 Prior Biennia (Expenditures) \$600,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Facility Preservation (06-1-112)

Reappropriation:
 State Building Construction Account--State \$1,000,000
 Prior Biennia (Expenditures) \$2,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Health, Safety, and Code Requirements (06-1-111)

Reappropriation:
 State Building Construction Account--State \$2,900,000
 Prior Biennia (Expenditures) \$2,100,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Infrastructure Preservation (06-1-113)

Reappropriation:
 State Building Construction Account--State \$1,500,000
 Prior Biennia (Expenditures) \$1,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Storm and Sanitary Sewer, Phase 3 (06-1-853)

Reappropriation:
 State Building Construction Account--State \$60,000

Appropriation:
 State Building Construction Account--State \$665,000
 Prior Biennia (Expenditures) \$40,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$765,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

Reappropriation:
 State Building Construction Account--State \$170,000
 Prior Biennia (Expenditures) \$630,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$800,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Hazards Abatement and Demolition (06-1-119)

Reappropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$400,000
 Prior Biennia (Expenditures) \$900,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,300,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Cultural Resources Planning (06-1-120)

Reappropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$270,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$270,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital Project Management (08-1-110)

Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$2,555,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$11,870,000
 TOTAL \$14,425,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center: Housing Units Renovation (08-1-041)

Appropriation:
 State Building Construction Account--State \$5,400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$13,185,000
 TOTAL \$18,585,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency Repairs (08-1-101)

Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$933,000
 State Social and Health Services Construction
 Account--State \$67,000
 Subtotal Appropriation \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$4,000,000
 TOTAL \$5,000,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Hazards Abatement and Demolition (08-1-119)

Appropriation:
 State Building Construction Account--State \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$5,200,000
 TOTAL \$6,200,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Facility Preservation (08-1-112)

Appropriation:
 State Building Construction Account--State \$9,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$50,500,000

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TOTAL \$59,500,000
NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Health, Safety, and Code Requirements (08-1-111)

Appropriation:

State Building Construction Account--State	.....	\$6,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$20,000,000
TOTAL	.....	\$26,000,000

NEW SECTION. Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Infrastructure Preservation (08-1-113)

Appropriation:

State Building Construction Account--State	.....	\$6,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$23,000,000
TOTAL	.....	\$29,500,000

NEW SECTION. Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Program Projects (08-2-365)

The appropriation in this section is subject to the following conditions and limitations: Up to \$250,000 is provided for roof repairs of historic homes on the grounds of western state hospital.

Appropriation:

State Building Construction Account--State	.....	\$1,480,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$10,000,000
TOTAL	.....	\$11,480,000

NEW SECTION. Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs.

Appropriation:

State Building Construction Account--State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Upgrade Eastern State Hospital Communications Systems (08-1-306)

Appropriation:

State Building Construction Account--State	.....	\$2,280,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,280,000

NEW SECTION. Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Utility Replacements at the Special Commitment Center (08-1-504)

Appropriation:

State Building Construction Account--State	.....	\$3,040,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,040,000

NEW SECTION. Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State	.....	\$885,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$885,000

NEW SECTION. Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (08-1-319)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of a new kitchen and commissary building at western state hospital. The office of financial management shall not allot design funding until a predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval. The predesign must assess cook chill alternatives showing staffing and other operating efficiencies such as providing food for the special commitment center and other facilities located in Pierce county.

Appropriation:

State Building Construction Account--State	.....	\$650,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$9,820,000
TOTAL	.....	\$10,470,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School Waste Treatment Plant (08-2-001)

Appropriation:

State Building Construction Account--State	.....	\$4,200,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,200,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

JRA Camp Outlook-Basic Training Camp (08-2-205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a final site selection and preliminary plans for a permanent facility for camp outlook. The department shall further explore possible existing facilities that would support the privately operated program. If the preferred location remains at Connell, Washington, the department shall ensure that the planned facility shall be designed to minimize the added cost for the program, and retain its cost effectiveness when debt service costs for the new facility are included. The department shall submit a report to the appropriate committees of the legislature before September 1, 2008, with the recommended plan for the facility.

Appropriation:

State Building Construction Account--State	.....	\$150,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$4,000,000
TOTAL	.....	\$4,150,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State	.....	\$474,000
Prior Biennia (Expenditures)	.....	\$2,380,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,854,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Roof Replacement (06-1-002)

Reappropriation:

State Building Construction Account--State	.....	\$898,000
Prior Biennia (Expenditures)	.....	\$727,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,625,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF HEALTH

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	.....	\$386,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,531,000
TOTAL	\$2,917,000

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NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH

Minor Works - Program (08-2-004)
 Appropriation:
 State Building Construction Account--State \$135,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,542,000
 TOTAL \$1,677,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory Addition (08-2-003)
 Appropriation:
 State Building Construction Account--State \$1,184,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,984,000
 TOTAL \$10,168,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory Heating, Ventilation, and Air Conditioning Systems Upgrades (08-1-002)
 Appropriation:
 State Building Construction Account--State \$4,912,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,912,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF HEALTH

Shoreline Campus Master Plan (08-2-005)
 Appropriation:
 State Building Construction Account--State \$255,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$255,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (06-4-001)
 Reappropriation:
 Drinking Water Assistance Account--Federal . . \$18,588,000
 Appropriation:
 Drinking Water Assistance Account--Federal . . \$54,300,000
 Prior Biennia (Expenditures) \$7,086,000
 Future Biennia (Projected Costs) \$99,360,000
 TOTAL \$179,334,000

NEW SECTION. Sec. 2043. DEPARTMENT OF VETERANS AFFAIRS FOR THE DEPARTMENT OF VETERANS AFFAIRS

Building 10 Assisted Living Upgrades (08-2-005)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$1,242,000
 State Building Construction Account--State \$571,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,813,000

NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facility Preservation (08-1-003)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$722,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,283,000
 TOTAL \$2,005,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Program (08-2-002)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$344,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$231,000

TOTAL \$575,000

NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS

State Veterans Cemetery (08-2-004)
 Appropriation:
 General Fund--Federal \$6,886,000
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$939,000
 Subtotal Appropriation \$7,825,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,825,000

NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency Repairs (08-1-004)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$300,000

NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Health, Safety, and Code Requirements (08-1-002)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$596,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,680,000
 TOTAL \$2,276,000

NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Infrastructure Preservation (08-1-001)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$1,025,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,377,000
 TOTAL \$3,402,000

NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Energy Assessment and Audit (08-2-850)
 The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$40,000 of the appropriation is for a department of general administration assessment of the use of digester gas fuel generated by a nearby wastewater treatment facility to heat the veterans home in Retsil.

(2) Up to \$60,000 of the appropriation is for a department of general administration energy audit of the veterans home in Retsil.

Appropriation:
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$100,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$100,000

NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:
 State Building Construction Account--State . . \$155,459,000
 Appropriation:
 State Building Construction Account--State . . . \$13,700,000
 Prior Biennia (Expenditures) \$75,449,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$244,608,000

NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS

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Washington Corrections Center: Regional Infrastructure (04-2-008)

Reappropriation:

State Building Construction Account--State	...	\$13,208,000
Prior Biennia (Expenditures)	.....	\$1,521,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$14,729,000

NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State	...	\$10,482,000
Prior Biennia (Expenditures)	.....	\$130,276,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$140,758,000

NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)

Reappropriation:

State Building Construction Account--State	.....	\$660,000
Prior Biennia (Expenditures)	.....	\$90,000
Future Biennia (Projected Costs)	.....	\$11,581,000
TOTAL	.....	\$12,331,000

NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:

State Building Construction Account--State	.....	\$3,930,000
Prior Biennia (Expenditures)	.....	\$822,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,752,000

NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center: Add 100 Minimum Security Beds (06-2-851)

Reappropriation:

State Building Construction Account--State	.....	\$6,022,000
Prior Biennia (Expenditures)	.....	\$207,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,229,000

NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

Reappropriation:

State Building Construction Account--State	.....	\$2,915,000
Prior Biennia (Expenditures)	.....	\$157,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,072,000

NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:

State Building Construction Account--State	.....	\$280,000
Prior Biennia (Expenditures)	.....	\$2,618,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,898,000

NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Replace/Stabilize Housing Unit Siding (06-1-005)

Reappropriation:

State Building Construction Account--State	.....	\$445,000
Appropriation:		
State Building Construction Account--State	.....	\$3,000,000
Prior Biennia (Expenditures)	.....	\$349,000
Future Biennia (Projected Costs)	.....	\$9,024,000
TOTAL	.....	\$12,818,000

NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Kitchen Improvements (06-1-007)

Reappropriation:

State Building Construction Account--State	.....	\$569,000
Appropriation:		
State Building Construction Account--State	.....	\$0
Prior Biennia (Expenditures)	.....	\$61,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$630,000

NEW SECTION. Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek: Add 120 Beds (06-2-017)

Reappropriation:

State Building Construction Account--State	.....	\$2,861,000
Prior Biennia (Expenditures)	.....	\$564,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,425,000

NEW SECTION. Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)

Reappropriation:

State Building Construction Account--State	.....	\$2,268,000
Prior Biennia (Expenditures)	.....	\$1,565,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,833,000

NEW SECTION. Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)

Reappropriation:

State Building Construction Account--State	.....	\$2,039,000
Prior Biennia (Expenditures)	.....	\$2,061,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,100,000

NEW SECTION. Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)

Reappropriation:

State Building Construction Account--State	.....	\$3,183,000
Prior Biennia (Expenditures)	.....	\$643,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,826,000

NEW SECTION. Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)

Reappropriation:

State Building Construction Account--State	.....	\$1,554,000
Prior Biennia (Expenditures)	.....	\$361,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,915,000

NEW SECTION. Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Health Care Facility (06-2-043)

Reappropriation:

State Building Construction Account--State	.....	\$360,000
Prior Biennia (Expenditures)	.....	\$340,000
Future Biennia (Projected Costs)	.....	\$76,027,000
TOTAL	.....	\$76,727,000

NEW SECTION. Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Health Care Facility (06-2-072)

Reappropriation:

State Building Construction Account--State	.....	\$1,039,000
Prior Biennia (Expenditures)	\$161,000
Future Biennia (Projected Costs)	\$17,592,000

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TOTAL \$18,792,000
NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS
 Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)
 Reappropriation:
 State Building Construction Account--State \$1,000,000
 Prior Biennia (Expenditures) \$593,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,593,000
NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS
 Statewide: Add Minimum Security Beds (06-2-950)
 Reappropriation:
 State Building Construction Account--State \$5,361,000
 Prior Biennia (Expenditures) \$2,082,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,443,000
NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center for Women Healthcare Center (06-2-066)
 Reappropriation:
 State Building Construction Account--State \$758,000
 Appropriation:
 State Building Construction Account--State ... \$17,858,000
 Prior Biennia (Expenditures) \$442,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$19,058,000
NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center for Women: Replace Steamlines (06-1-018)
 Reappropriation:
 State Building Construction Account--State \$641,000
 Appropriation:
 State Building Construction Account--State \$5,179,000
 Prior Biennia (Expenditures) \$375,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,195,000
NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS
 Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)
 Reappropriation:
 Charitable, Educational, Penal, and Reformatory Institutions Account--State \$1,619,000
 State Building Construction Account--State \$1,338,000
 Subtotal Reappropriation \$2,957,000
 Prior Biennia (Expenditures) \$494,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,451,000
NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS
 Washington State Penitentiary: South Close Security Complex (06-2-021)
 Reappropriation:
 State Building Construction Account--State \$2,983,000
 Appropriation:
 State Building Construction Account--State ... \$61,294,000
 Prior Biennia (Expenditures) \$1,017,000
 Future Biennia (Projected Costs) \$69,193,000
 TOTAL \$134,487,000
NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS
 100 Bed Expansion at Mission Creek Corrections Center for Women (08-2-020)
 Appropriation:
 State Building Construction Account--State \$6,627,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL \$6,627,000
NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS
 Airway Heights Heating and Cooling Loop Replacement (08-1-001)
 Appropriation:
 State Building Construction Account--State \$2,925,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,925,000
NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS
 Close Sewer Lagoon at Monroe Correctional Complex (08-2-022)
 Appropriation:
 State Building Construction Account--State \$229,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$6,736,000
 TOTAL \$6,965,000
NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS
 Emergency Repairs (08-1-035)
 Appropriation:
 State Building Construction Account--State \$2,500,000
 Charitable, Educational, Penal, and Reformatory Institutions Account--State \$500,000
 Subtotal Appropriation \$3,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$10,000,000
 TOTAL \$13,000,000
NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS
 Expand Reception Center at Washington Corrections Center (08-2-016)
 Appropriation:
 State Building Construction Account--State \$470,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$45,353,000
 TOTAL \$45,823,000
NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS
 Laundry Improvements at Washington State Penitentiary (08-1-033)
 Appropriation:
 State Building Construction Account--State \$4,051,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,051,000
NEW SECTION. Sec. 2080. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Facility Preservation (08-1-024)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory Institutions Account--State \$3,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,000,000
 TOTAL \$15,000,000
NEW SECTION. Sec. 2081. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Health, Safety, and Code Requirements (08-1-031)
 Appropriation:
 Charitable, Educational, Penal, and Reformatory Institutions Account--State \$3,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,000,000
 TOTAL \$15,000,000
NEW SECTION. Sec. 2082. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Infrastructure Preservation (08-1-018)
 Appropriation:

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State Building Construction Account--State \$1,000,000
 Charitable, Educational, Penal, and Reformatory
 Institutions Account--State \$1,000,000
 Subtotal Appropriation \$2,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,000,000
 TOTAL \$10,000,000

NEW SECTION. Sec. 2083. FOR THE DEPARTMENT OF CORRECTIONS

Replace Barge Slip Pilings at McNeil Island Corrections Center (08-1-002)

Appropriation:
 State Building Construction Account--State \$3,900,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,900,000

NEW SECTION. Sec. 2084. FOR THE DEPARTMENT OF CORRECTIONS

Replace Cell Door and Electronics at Washington State Reformatory (08-1-010)

Appropriation:
 State Building Construction Account--State \$1,545,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,545,000

NEW SECTION. Sec. 2085. FOR THE DEPARTMENT OF CORRECTIONS

Replace Electrical Distribution Building at Special Offenders Unit (08-1-009)

Appropriation:
 State Building Construction Account--State \$1,222,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,222,000

NEW SECTION. Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS

Replace Fire Alarm System at Washington Corrections Center (08-1-008)

Appropriation:
 State Building Construction Account--State \$1,524,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,524,000

NEW SECTION. Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS

Replace G Building Roof at Washington Corrections Center (08-1-004)

Appropriation:
 State Building Construction Account--State \$4,431,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,431,000

NEW SECTION. Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS

Replace Kitchen Roofs at Monroe Correctional Complex (08-1-003)

Appropriation:
 State Building Construction Account--State \$2,062,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,062,000

NEW SECTION. Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS

Replace Roofs at Washington Corrections Center (08-1-005)

Appropriation:
 State Building Construction Account--State \$6,666,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,666,000

NEW SECTION. Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS

Replace Roofs at Washington State Penitentiary (08-1-007)

Appropriation:
 State Building Construction Account--State \$1,789,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,789,000

NEW SECTION. Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS

Replace Telecommunications Infrastructure at Clallam Bay (08-1-013)

Appropriation:
 State Building Construction Account--State \$1,850,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$13,691,000
 TOTAL \$15,541,000

NEW SECTION. Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS

Sex Offender Treatment Program Building at Airway Heights (08-2-028)

Appropriation:
 State Building Construction Account--State \$4,947,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,947,000

NEW SECTION. Sec. 2093. EMPLOYMENT SECURITY DEPARTMENT FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for services and activities including the purchase and installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:
 Unemployment Compensation Administration
 Account--Federal \$3,354,000
 Prior Biennia (Expenditures) \$2,646,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,000,000

NEW SECTION. Sec. 2094. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Security Headquarters Building Assessment (08-1-002)

Appropriation:
 Unemployment Compensation Administration
 Account--Federal \$300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$300,000

NEW SECTION. Sec. 2095. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Walla Walla WorkSource Expansion Project (06-2-001)

Reappropriation:
 Unemployment Compensation Administration
 Account--Federal \$250,000

Appropriation:
 Unemployment Compensation Administration
 Account--Federal \$578,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$828,000

(End of part)

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 3001. DEPARTMENT OF ECOLOGY FOR THE DEPARTMENT OF ECOLOGY

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Water Supply Facilities (74-2-006)
 Reappropriation:
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State \$2,756,000
 Prior Biennia (Expenditures) \$13,543,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$16,299,000

NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (86-2-007)
 Reappropriation:
 Water Quality Capital Account--State \$678,000
 Prior Biennia (Expenditures) \$351,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,029,000

NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (88-2-008)
 Reappropriation:
 Local Toxics Control Account--State \$400,000
 Prior Biennia (Expenditures) \$3,191,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,591,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (90-2-002)
 Reappropriation:
 Water Pollution Control Revolving Account--
 Federal \$400,000
 Prior Biennia (Expenditures) \$13,306,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,706,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)
 Reappropriation:
 Site Closure Account--State \$4,800,000
 Prior Biennia (Expenditures) \$7,045,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,845,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)
 Reappropriation:
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State \$1,318,000
 Water Quality Capital Account--State \$310,000
 Subtotal Reappropriation \$1,628,000
 Prior Biennia (Expenditures) \$8,449,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,077,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices (01-H-009)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.
 Reappropriation:
 State Building Construction Account--State \$1,201,000
 Prior Biennia (Expenditures) \$1,943,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,144,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the

conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:
 Water Quality Capital Account--State \$1,625,000
 Prior Biennia (Expenditures) \$1,974,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,599,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)
 Reappropriation:
 Water Pollution Control Revolving Account--
 State \$7,000,000
 Water Pollution Control Revolving Account--
 Federal \$79,000
 Subtotal Reappropriation \$7,079,000
 Prior Biennia (Expenditures) \$37,134,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$44,213,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (02-4-006)
 Reappropriation:
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State \$2,110,000
 Prior Biennia (Expenditures) \$3,889,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,999,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (04-4-007)
 Reappropriation:
 State Building Construction Account--State \$4,650,000
 Water Quality Capital Account--State \$1,400,000
 Subtotal Reappropriation \$6,050,000
 Prior Biennia (Expenditures) \$8,702,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$14,752,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (04-4-008)
 Reappropriation:
 Local Toxics Control Account--State \$1,100,000
 Prior Biennia (Expenditures) \$10,296,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,396,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)
 Reappropriation:
 Site Closure Account--State \$1,120,000
 Prior Biennia (Expenditures) \$1,146,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,266,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (04-2-951)
 The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water applications and restoration of the Twin Lakes in the Methow Valley.

Reappropriation:
 State Building Construction Account--State \$643,000
 Prior Biennia (Expenditures) \$106,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$749,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (04-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State	\$13,000,000
Water Pollution Control Revolving Account--Federal	\$6,200,000
Subtotal Reappropriation	\$19,200,000
Prior Biennia (Expenditures)	\$65,228,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$84,428,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

Reappropriation:

State Drought Preparedness--State	\$804,000
Prior Biennia (Expenditures)	\$696,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (04-4-006)

Reappropriation:

State Building Construction Account--State	\$3,389,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$1,438,000
Subtotal Reappropriation	\$4,827,000
Prior Biennia (Expenditures)	\$8,799,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,626,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State	\$2,047,000
Prior Biennia (Expenditures)	\$153,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State	\$1,464,000
Prior Biennia (Expenditures)	\$5,865,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,329,000

NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State Building Construction Account--State	\$3,187,000
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Appropriation:

State Building Construction Account--State	\$2,544,000
Prior Biennia (Expenditures)	\$1,133,000
Future Biennia (Projected Costs)	\$2,132,000
TOTAL	\$8,996,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

Reappropriation:

State Building Construction Account--State	\$3,168,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$1,415,000
Water Quality Capital Account--State	\$293,000
Subtotal Reappropriation	\$4,876,000
Prior Biennia (Expenditures)	\$954,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,830,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

Reappropriation:

State Building Construction Account--State	\$5,900,000
Water Quality Capital Account--State	\$8,500,000
State Toxics Control Account--State	\$10,000,000
Subtotal Reappropriation	\$24,400,000
Prior Biennia (Expenditures)	\$32,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$56,424,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxic Sites - Puget Sound (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first.

Reappropriation:

State Toxics Control Account--State	\$2,750,000
Prior Biennia (Expenditures)	\$1,233,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,983,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

Reappropriation:

Columbia River Basin Water Supply Development Account--State	\$10,000,000
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Appropriation:

Columbia River Basin Water Supply Development Account--State	\$34,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$155,500,000
TOTAL	\$200,000,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Program (06-2-010)

Reappropriation:

State Building Construction Account--State	\$11,542,000
Prior Biennia (Expenditures)	\$4,458,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,000,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (06-4-008)

Reappropriation:

Local Toxics Control Account--State	\$56,470,000
Prior Biennia (Expenditures)	\$42,430,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$98,900,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

Low Impact Development for Storm Water Management (06-2-006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar performance. All projects must include performance monitoring.

Reappropriation:

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State Toxics Control Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$2,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

Minor Works (06-1-004)

Reappropriation:

State Building Construction Account--State	\$30,000
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Appropriation:

State Building Construction Account--State	\$270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

Reappropriation:

State Toxics Control Account--State	\$900,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Aquatic Cleanup and Restoration (06-1-005)

Reappropriation:

State Toxics Control Account--State	\$3,129,000
Prior Biennia (Expenditures)	\$1,871,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

Reappropriation:

State Toxics Control Account--State	\$1,059,000
Prior Biennia (Expenditures)	\$1,909,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,968,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Piles (06-1-002)

Reappropriation:

Waste Tire Removal Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$4,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (06-2-009)

Reappropriation:

State Building Construction Account--State	\$3,435,000
Prior Biennia (Expenditures)	\$64,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,499,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

- The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.
- Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or

nonprofit lending institution. This appropriation must be used in conjunction with water quality capital account--state appropriation in section 3022 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2008, including any recommendations for improving the program.

Reappropriation:

Water Pollution Control Revolving Account--State	\$124,000,000
Water Pollution Control Revolving Account--Federal	\$65,000,000
Subtotal Reappropriation	\$189,000,000
Prior Biennia (Expenditures)	\$50,617,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$239,617,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

Reappropriation:

State Building Construction Account--State	\$10,849,000
Water Quality Capital Account--State	\$386,000
Subtotal Reappropriation	\$11,235,000
Prior Biennia (Expenditures)	\$1,563,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,798,000

NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (08-4-010)

The appropriations in this section are subject to the following conditions and limitations:

- Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.
- \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.
- \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.
- \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.
- (a) \$16,545,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$4,925,000
Freeland sewer district	\$1,000,000
North Clark county regional sewer demonstration project	\$4,000,000
Town of Warden waste water	\$3,000,000
- The appropriation for entities that are listed in (a) of this subsection shall not affect the entities' eligibility for centennial

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fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

Appropriation:

State Building Construction Account--State . . .	\$51,495,000
Water Quality Capital Account--State	\$7,550,000
State Toxics Control Account--State	\$2,100,000
Subtotal Appropriation	\$61,145,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$178,400,000
TOTAL	\$239,545,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,820,000
TOTAL	\$22,820,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Coordinated Prevention Grants (08-4-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants shall fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan.

(2) Up to \$2,000,000 of the appropriation may be used for grants to local governments to provide alternatives to backyard burning of organic materials. Priority for these grants shall be given to: (a) Urban growth areas of less than 5,000 people affected by the January 1, 2007, ban on outdoor burning; (b) projects that develop infrastructure for an on-going program; and (c) projects that coordinate regionally.

Appropriation:

Local Toxics Control Account--State	\$25,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$114,000,000
TOTAL	\$139,500,000

NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

On-Site Septic Replacement Program (08-4-012)

The appropriation in this section is subject to the following conditions and limitations: Up to \$3,000,000 of the water quality capital account--state appropriation is for a contract with a nonprofit organization that is familiar with on-site sewage repair and replacement in Hood Canal to coordinate improvements to sewage systems. As part of a pilot project, the nonprofit organization may provide funds to a qualified private or nonprofit lending institution to provide financial assistance to local governments and private landowners for the repair, replacement, or upgrade of on-site sewage systems.

Appropriation:

Water Quality Capital Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

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TOTAL \$3,000,000
NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Aquatic Cleanup and Restoration (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State	\$5,905,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,620,000
TOTAL	\$29,525,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Storm Water Projects (08-2-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects that would prevent the contamination or recontamination of hazardous waste cleanup sites, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Building Construction Account--State . . .	\$19,170,000
Local Toxics Control Account--State	\$5,000,000
Subtotal Appropriation	\$24,170,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$56,680,000
TOTAL	\$80,850,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Projects (08-2-003)

Appropriation:

State Toxics Control Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY

Rebuild East Wall of Ecology Headquarters (08-1-002)

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY

Reclaimed Water (08-4-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority shall be given to projects in water short areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Appropriation:

State Building Construction Account--State	\$6,080,000
Prior Biennia (Expenditures)	\$0

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Future Biennia (Projected Costs) \$24,320,000
 TOTAL \$30,400,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY

Reduce Health Risks from Toxic Diesel Pollution (08-4-024)
 The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,840,000 of the appropriation is provided solely for school bus diesel retrofits for local school districts.

(2) \$2,330,000 of the appropriation is provided solely for emission reduction projects for local governments to retrofit public sector diesel engines to allow public sector fleets to reduce their emissions.

Appropriation:
 Local Toxics Control Account--State \$7,170,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,170,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (08-4-008)

Appropriation:
 Local Toxics Control Account--State \$84,475,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$180,000,000
 TOTAL \$264,475,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Repair Exterior Surfaces and Expand Emergency Power Supply (08-1-003)

Appropriation:
 State Building Construction Account--State \$475,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$475,000

NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY

Safe Soils Remediation Grants (08-4-009)

Appropriation:
 State Toxics Control Account--State \$2,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$4,000,000
 TOTAL \$6,000,000

NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY

Reduce Public Health Risks from Wood Stove Pollution (08-4-019)

Appropriation:
 Wood Stove Education Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,000,000
 TOTAL \$2,500,000

NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY

Skykomish Cleanup (08-4-020)

Appropriation:
 State Toxics Control Account--State \$7,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,000,000

NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup (08-4-022)

Appropriation:
 Waste Tire Removal Account--State \$5,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$5,000,000
 TOTAL \$10,000,000

NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (08-4-028)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 is provided solely for emergency repairs for the South Naches irrigation district.

Appropriation:
 State Building Construction Account--State \$3,250,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,000,000
 TOTAL \$15,250,000

NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Loan Program (08-4-011)

Appropriation:
 Water Pollution Control Revolving Account--
 State \$90,000,000
 Water Pollution Control Revolving Account--
 Federal \$50,000,000
 Subtotal Appropriation \$140,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$500,000,000
 TOTAL \$640,000,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (08-4-029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

(1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.

(3) Agricultural water supply projects that improve water conservation and water use efficiency.

(4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.

(5) Acquisition of water to achieve instream flows or to establish water banks. The department shall give priority to acquisitions in salmon critical basins. The department shall place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).

(6) Up to \$200,000 of the appropriation is provided for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(7) \$560,000 is provided solely for the Chehalis watershed.

(8) \$300,000 is provided solely for the Nisqually watershed.

(9) Up to \$1,200,000 of the appropriation is provided for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

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State Building Construction Account--State . . .	\$16,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$64,000,000
TOTAL	\$80,000,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Storage Feasibility Study (08-4-026)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated funds shall be used by the bureau of reclamation and the department of ecology to evaluate potential in-basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Appropriation:

State Building Construction Account--State	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,250,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 is appropriated to purchase water for domestic water users in the Yakima Basin (WRIAs 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the appropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department shall recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Appropriation:

State Building Construction Account--State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3057. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail - Unanticipated Receipt (03-2-001)

Reappropriation:

General Fund--Private/Local	\$34,000
Prior Biennia (Expenditures)	\$5,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,000

NEW SECTION. Sec. 3058. FOR THE STATE PARKS AND RECREATION COMMISSION

Cowan Barn and House (06-2-851)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$51,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$301,000

NEW SECTION. Sec. 3059. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass - Renewed Traditions (06-2-013)

Reappropriation:

State Building Construction Account--State	\$770,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$870,000

NEW SECTION. Sec. 3060. FOR THE STATE PARKS AND RECREATION COMMISSION

Facility Preservation - Facilities (06-1-004)

Reappropriation:

State Building Construction Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$4,419,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,419,000

NEW SECTION. Sec. 3061. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Facilities (06-1-003)

Reappropriation:

State Building Construction Account--State	\$432,000
Prior Biennia (Expenditures)	\$838,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,270,000

NEW SECTION. Sec. 3062. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Stewardship - Stewardship (06-1-002)

Reappropriation:

State Building Construction Account--State	\$1,485,000
Prior Biennia (Expenditures)	\$117,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,602,000

NEW SECTION. Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Floods - Cherished Resources (06-2-014)

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$78,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$228,000

NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural Resources - Stewardship (06-1-001)

Reappropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$89,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$689,000

NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

Reappropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$415,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$715,000

NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION

Revenue Creation - Financial Strategy (06-2-010)

Reappropriation:

State Building Construction Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,350,000

NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach - Chelan County Public Utility District (06-1-023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

Parks Renewal and Stewardship Account--	
Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

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NEW SECTION. Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION

Southeast Washington Parks (06-2-852)
 Reappropriation:
 State Building Construction Account--State \$217,000
 Prior Biennia (Expenditures) \$2,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$219,000

NEW SECTION. Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)
 Reappropriation:
 General Fund--Federal \$696,000
 Prior Biennia (Expenditures) \$40,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$736,000

NEW SECTION. Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION

Trails (06-2-017)
 Reappropriation:
 State Building Construction Account--State \$441,000
 Prior Biennia (Expenditures) \$208,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$649,000

NEW SECTION. Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater (06-1-850)
 Reappropriation:
 Hood Canal Aquatic Rehabilitation Bond Account--State \$5,100,000
 Prior Biennia (Expenditures) \$702,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,802,000

NEW SECTION. Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater (06-1-851)
 Reappropriation:
 State Building Construction Account--State \$6,100,000
 Prior Biennia (Expenditures) \$1,095,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,195,000

NEW SECTION. Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)
 Reappropriation:
 State Toxics Control Account--State \$80,000
 Prior Biennia (Expenditures) \$412,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$492,000

NEW SECTION. Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach - New Destinations (06-2-011)
 Reappropriation:
 State Building Construction Account--State \$4,015,000
 Appropriation:
 State Building Construction Account--State \$1,800,000
 Prior Biennia (Expenditures) \$305,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,120,000

NEW SECTION. Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION

Bay View Park Wide Wastewater Treatment System (08-2-041)
 Appropriation:
 State Building Construction Account--State \$2,187,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,187,000

NEW SECTION. Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock-Pierce Trust Grant (08-4-034)
 Appropriation:
 Parks Renewal and Stewardship Account--Private/Local \$25,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$100,000
 TOTAL \$125,000

NEW SECTION. Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION

Belfair Major Park Upgrade (08-1-018)
 Appropriation:
 State Building Construction Account--State \$400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,500,000
 TOTAL \$2,900,000

NEW SECTION. Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment Major Park Upgrade (08-1-012)
 Appropriation:
 State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$4,219,000
 TOTAL \$4,719,000

NEW SECTION. Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION

Clean Vessel Boating Pumpout Grants (08-4-035)
 The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Appropriation:
 General Fund--Federal \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,000,000
 TOTAL \$3,000,000

NEW SECTION. Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION

Deferred Maintenance (08-1-025)
 The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The capital budget submittal and approval process;
- (2) Emergent needs and unforeseen cost overruns;
- (3) Adherence to project budgets and schedules;
- (4) Project completion rate;
- (5) Agency expenditure of capital budget appropriations;
- (6) Permitting delays;
- (7) The number of projects with complete close-out;
- (8) Project funding sources by project, phase, and/or activity;
- (9) Movement of project funding sources from original appropriation;
- (10) Satisfaction levels of operations staff and end users; and
- (11) Instances of noncompliance with environmental regulations.

Appropriation:
 State Building Construction Account--State \$3,500,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION

Visible Park Improvements (08-1-951)

Appropriation:

State Building Construction Account--State ...	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency Repairs (08-1-024)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,800,000

NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (08-4-032)

Appropriation:

General Fund--Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000

NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park.

(2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.

Appropriation:

State Building Construction Account--State	\$7,101,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,500,000
TOTAL	\$21,601,000

NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Flood (08-2-037)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the appropriation is provided solely for a grant for the Hanford Reach national monument heritage and visitor center. The funds may be used for preconstruction activities.

(2) \$100,000 is provided for the department to prepare interpretive materials describing the ice age floods.

Appropriation:

State Building Construction Account--State	\$3,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,100,000

NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION

Local Grant Authority (08-4-033)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000

NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State ...	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (08-2-031)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list shall include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION

Pearrygin Lake Major Park Upgrade (08-2-016)

Appropriation:

State Building Construction Account--State	\$1,367,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,633,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION

Road Preservation (08-1-036)

Appropriation:

State Building Construction Account--State	\$3,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,700,000

NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION

Storm Water Improvements (08-1-027)

Appropriation:

State Building Construction Account--State	\$571,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,571,000

NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION

Trail Development (08-1-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely to construct the ecological trail from Baker Bay to the Pacific ocean at Cape Disappointment state park, as identified in the commission's master capital plan.

(2) \$350,000 of the appropriation is provided solely for upgrades to the Squak mountain trail.

Appropriation:

State Building Construction Account--State	\$4,350,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,350,000

NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Boat Pumpout (04-4-014)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use

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of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007. The plan shall include the necessary supplemental budget adjustments to accomplish the transition by July 1, 2008.

Reappropriation:
 General Fund--Federal \$497,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$497,000

NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach Donation (06-2-853)

Reappropriation:
 General Fund--Private/Local \$1,716,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,716,000

NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Major Park Upgrade (08-1-014)

Appropriation:
 State Building Construction Account--State \$1,400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,400,000

NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION

City to Mountains Regional Gap Fund (08-1-950)

Appropriation:
 State Building Construction Account--State \$3,600,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,600,000

NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually Mashel State Park (08-1-953)

Appropriation:
 State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 3098. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Projects (98-2-001)

Reappropriation:
 Recreation Resources Account--State \$1,369,000
 Prior Biennia (Expenditures) \$18,187,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$19,556,000

NEW SECTION. Sec. 3099. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (98-2-004)

Reappropriation:
 Firearms Range Account--State \$25,000
 Prior Biennia (Expenditures) \$549,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$574,000

NEW SECTION. Sec. 3100. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:
 Nonhighway and Off-Road Vehicle Activities
 Program Account--State \$249,000
 Prior Biennia (Expenditures) \$10,847,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,096,000

NEW SECTION. Sec. 3101. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

Reappropriation:
 Outdoor Recreation Account--State \$1,767,000
 Habitat Conservation Account--State \$2,252,000
 Subtotal Reappropriation \$4,019,000
 Prior Biennia (Expenditures) \$73,582,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$77,601,000

NEW SECTION. Sec. 3102. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:
 General Fund--Federal \$166,000
 Salmon Recovery Account--State \$1,175,000
 Subtotal Reappropriation \$1,341,000
 Prior Biennia (Expenditures) \$100,284,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$101,625,000

NEW SECTION. Sec. 3103. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (02-4-001)

Reappropriation:
 Recreation Resources Account--State \$766,000
 Prior Biennia (Expenditures) \$6,167,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,933,000

NEW SECTION. Sec. 3104. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (02-4-010)

Reappropriation:
 Recreation Resources Account--Federal \$529,000
 Prior Biennia (Expenditures) \$1,471,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 3105. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (02-0-001)

Reappropriation:
 Firearms Range Account--State \$43,000
 Prior Biennia (Expenditures) \$357,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$400,000

NEW SECTION. Sec. 3106. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Management Program (02-4-009)

Reappropriation:
 General Fund--Federal \$1,482,000
 Prior Biennia (Expenditures) \$9,719,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,201,000

NEW SECTION. Sec. 3107. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (02-4-005)

Reappropriation:
 Recreation Resources Account--Federal \$1,350,000
 Prior Biennia (Expenditures) \$6,150,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 3108. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Program (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$69,000
Prior Biennia (Expenditures)	\$5,459,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,528,000

NEW SECTION. Sec. 3109. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (02-4-007)

Reappropriation:

General Fund--Federal	\$8,470,000
State Building Construction Account--State	\$2,786,000
Subtotal Reappropriation	\$11,256,000
Prior Biennia (Expenditures)	\$63,737,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,993,000

NEW SECTION. Sec. 3110. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$299,000
Habitat Conservation Account--State	\$1,164,000
Subtotal Reappropriation	\$1,463,000
Prior Biennia (Expenditures)	\$43,537,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 3111. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$1,395,000
Prior Biennia (Expenditures)	\$3,962,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,357,000

NEW SECTION. Sec. 3112. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (04-4-003)

Reappropriation:

Recreation Resources Account--State	\$1,501,000
Prior Biennia (Expenditures)	\$6,006,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,507,000

NEW SECTION. Sec. 3113. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (04-4-009)

Reappropriation:

General Fund--Federal	\$720,000
Prior Biennia (Expenditures)	\$1,280,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3114. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)

Reappropriation:

State Building Construction Account--State	\$188,000
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3115. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (04-4-006)

Reappropriation:

Firearms Range Account--State	\$82,000
Prior Biennia (Expenditures)	\$169,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$251,000

NEW SECTION. Sec. 3116. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Management Program (04-4-010)

Reappropriation:

General Fund--Federal	\$3,002,000
Prior Biennia (Expenditures)	\$6,997,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,999,000

NEW SECTION. Sec. 3117. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (04-4-007)

Reappropriation:

General Fund--Federal	\$1,133,000
Prior Biennia (Expenditures)	\$4,602,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,735,000

NEW SECTION. Sec. 3118. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (04-4-008)

Reappropriation:

General Fund--Federal	\$226,000
Prior Biennia (Expenditures)	\$2,034,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,260,000

NEW SECTION. Sec. 3119. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$2,665,000
Prior Biennia (Expenditures)	\$4,262,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,927,000

NEW SECTION. Sec. 3120. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (04-4-001)

Reappropriation:

General Fund--Federal	\$15,132,000
State Building Construction Account--State	\$5,682,000
Subtotal Reappropriation	\$20,814,000
Prior Biennia (Expenditures)	\$25,561,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$46,375,000

NEW SECTION. Sec. 3121. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (04-4-002)

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The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,394,000
Habitat Conservation Account--State	\$10,267,000
Subtotal Reappropriation	\$14,661,000
Prior Biennia (Expenditures)	\$30,339,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 3122. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond	
Account--State	\$996,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3123. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (06-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$2,010,000
Prior Biennia (Expenditures)	\$3,015,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,025,000

NEW SECTION. Sec. 3124. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (06-4-003)

Reappropriation:

Recreation Resources Account--State	\$3,340,000
Prior Biennia (Expenditures)	\$3,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,271,000

NEW SECTION. Sec. 3125. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (06-4-009)

Reappropriation:

General Fund--Federal	\$80,000
Prior Biennia (Expenditures)	\$120,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3126. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3132 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Reappropriation:

General Fund--Federal	\$35,000
State Building Construction Account--State	\$2,502,000
Subtotal Reappropriation	\$2,537,000
Prior Biennia (Expenditures)	\$1,830,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,367,000

NEW SECTION. Sec. 3127. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearm and Archery Range Program (06-4-006)

Reappropriation:

Firearms Range Account--State	\$113,000
Prior Biennia (Expenditures)	\$109,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$222,000

NEW SECTION. Sec. 3128. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Improve Hatchery Management (06-4-010)

Reappropriation:

General Fund--Federal	\$2,400,000
Prior Biennia (Expenditures)	\$3,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3129. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (06-4-007)

Reappropriation:

General Fund--Federal	\$3,150,000
Prior Biennia (Expenditures)	\$1,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 3130. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (06-4-008)

Reappropriation:

General Fund--Federal	\$1,830,000
Prior Biennia (Expenditures)	\$970,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,800,000

NEW SECTION. Sec. 3131. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities	
Program Account--State	\$5,157,000
Prior Biennia (Expenditures)	\$2,422,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,579,000

NEW SECTION. Sec. 3132. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (06-4-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These

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grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal	\$25,739,000
State Building Construction Account--State	\$13,412,000
Subtotal Reappropriation	\$39,151,000
Prior Biennia (Expenditures)	\$22,849,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,000,000

NEW SECTION. Sec. 3133. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds reappropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Outdoor Recreation Account--State	\$13,363,000
Habitat Conservation Account--State	\$17,062,000
Subtotal Reappropriation	\$30,425,000
Prior Biennia (Expenditures)	\$19,575,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3134. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Youth Athletic Fields (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located.

Reappropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3135. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (08-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants

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program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

Aquatic Lands Enhancement Account--State	\$5,025,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,100,000
TOTAL	\$25,125,000

NEW SECTION. Sec. 3136. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (08-4-001)

Appropriation:

Recreation Resources Account--State	\$8,021,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$35,688,000
TOTAL	\$43,709,000

NEW SECTION. Sec. 3137. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Improvement Grants (08-4-002)

Appropriation:

General Fund--Federal	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$800,000
TOTAL	\$1,000,000

NEW SECTION. Sec. 3138. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest and Fish Passage Program (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3140 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$30,000,000

NEW SECTION. Sec. 3139. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Recreation (08-4-003)

Appropriation:

Firearms Range Account--State	\$472,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,007,000
TOTAL	\$1,479,000

NEW SECTION. Sec. 3140. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (08-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

(2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter . . . ([House][Senate] Bill No.), Laws of 2007 (Z-0369, Puget Sound partnership).

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(3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board shall submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership shall provide their comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Appropriation:

General Fund--Federal	\$42,000,000
State Building Construction Account--State	\$18,000,000
Subtotal Appropriation	\$60,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 3141. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Reform Program (08-4-006)

Appropriation:

General Fund--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$38,000,000

NEW SECTION. Sec. 3142. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation (08-4-007)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3143. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreational Trails Program (08-4-009)

Appropriation:

General Fund--Federal	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 3144. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses.

Appropriation:

Nonhighway Off-Road Vehicle Activities Program	
Account--State	\$9,036,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$42,945,000
TOTAL	\$51,981,000

NEW SECTION. Sec. 3145. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Puget Sound Restoration and Acquisition (08-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to awarding project grants, the department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

(2) All estuary projects shall be submitted for review and coordination with the executive committee of the Puget Sound nearshore partnership between the department of fish and wildlife and the United States army corps of engineers.

Appropriation:

State Building Construction Account--State	\$47,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$168,000,000
TOTAL	\$215,000,000

NEW SECTION. Sec. 3146. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife Recreation Grants (08-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the commission may:

(a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.

(3) \$627,299 of the appropriation from the habitat conservation account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Appropriation:

Outdoor Recreation Account--State	\$36,000,000
Farmlands Preservation Account--State	\$9,000,000
Riparian Protection Account--State	\$19,000,000
Habitat Conservation Account--State	\$36,000,000
Subtotal Appropriation	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$380,000,000

NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State	\$1,936,000
Prior Biennia (Expenditures)	\$64,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION

Livestock Water Quality - Landowner Cost Share (06-4-006)

Reappropriation:

Water Quality Capital Account--State	\$10,000
Prior Biennia (Expenditures)	\$2,490,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3149. FOR THE STATE CONSERVATION COMMISSION

Puget Sound District Grants (06-4-003)

Reappropriation:

Water Quality Capital Account--State	\$100,000
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Prior Biennia (Expenditures)	\$1,605,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,705,000

NEW SECTION. Sec. 3150. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (06-4-007)

Reappropriation:

Water Quality Capital Account--State	\$300,000
Prior Biennia (Expenditures)	\$6,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,750,000

NEW SECTION. Sec. 3151. FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$60,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

NEW SECTION. Sec. 3152. FOR THE STATE CONSERVATION COMMISSION

Land Restoration (07-1-001)

Reappropriation:

State Building Construction Account--State	\$587,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$587,000

NEW SECTION. Sec. 3153. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Cost Share (08-4-005)

Appropriation:

State Building Construction Account--State	\$1,170,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,170,000

NEW SECTION. Sec. 3154. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Water Quality (08-4-002)

Appropriation:

State Building Construction Account--State	\$709,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$709,000

NEW SECTION. Sec. 3155. FOR THE STATE CONSERVATION COMMISSION

Practice Incentive Payment Loan Program (08-4-004)

Appropriation:

Conservation Assistance Revolving Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$4,000,000

NEW SECTION. Sec. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (06-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Reappropriation:

State Building Construction Account--State	\$582,000
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Appropriation:

State Building Construction Account--State	\$2,345,000
Prior Biennia (Expenditures)	\$268,000
Future Biennia (Projected Costs)	\$21,500,000
TOTAL	\$24,695,000

NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources Land Exchange - Shrub Steppe (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$5,000 of the reappropriation in this section is for bank stabilization of the south Toledo access road.

Reappropriation:

State Building Construction Account--State	\$1,937,000
Prior Biennia (Expenditures)	\$4,520,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,457,000

NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Opportunity Improvements (06-2-004)

Reappropriation:

State Building Construction Account--State	\$155,000
Prior Biennia (Expenditures)	\$345,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvements (06-1-001)

Reappropriation:

State Building Construction Account--State	\$2,195,000
Prior Biennia (Expenditures)	\$4,076,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,271,000

NEW SECTION. Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

Reappropriation:

Wildlife Account--State	\$20,000
Prior Biennia (Expenditures)	\$580,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION. Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sinlahekin Creek Dams - Flood Damage Repair (07-1-004)

Reappropriation:

State Building Construction Account--State	\$70,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000

NEW SECTION. Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Complete Phase 1 (07-2-009)

Reappropriation:

State Building Construction Account--State	\$588,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$588,000

NEW SECTION. Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE

2006 Flood Damage (08-1-006)

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Appropriation:

State Building Construction Account--State	\$630,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$630,000

NEW SECTION, Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Aquatic Lands Enhancement Account (08-2-017)

Appropriation:

Aquatic Lands Enhancement Account--State	.....	\$350,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$350,000

NEW SECTION, Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Chambers Creek Adult Trap - Phase 2 (08-1-004)

Appropriation:

State Building Construction Account--State	.....	\$252,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$252,000

NEW SECTION, Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dole Bee Be Property (06-1-950)

Reappropriation:

State Building Construction Account--State	.....	\$380,000
Prior Biennia (Expenditures)	.....	\$570,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$950,000

NEW SECTION, Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency Projects (08-1-019)

Appropriation:

State Building Construction Account--State	.....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$2,000,000
TOTAL	.....	\$2,500,000

NEW SECTION, Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Methow Culverts Replacement (08-1-027)

Appropriation:

State Building Construction Account--State	.....	\$754,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$994,000
TOTAL	.....	\$1,748,000

NEW SECTION, Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Facility Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The commitment and role of senior management to improve and change the department's capital budget practices;
- (2) The clarification of the commission's role and responsibility for the capital budget process;
- (3) The development of capital program performance measures;
- (4) The alignment of the capital budget process with the department's strategic plan and priorities;
- (5) The implementation of a project scoping process;
- (6) The prioritization of capital projects, including both maintenance and other capital activities;
- (7) The review of business lines; and

(8) The review of construction project delivery and organization.

Appropriation:

State Building Construction Account--State	....	\$3,525,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,525,000

NEW SECTION, Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Health Safety and Code Requirements (08-1-001)

Appropriation:

State Building Construction Account--State	....	\$2,100,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,100,000

NEW SECTION, Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Infrastructure Preservation (08-1-014)

Appropriation:

State Building Construction Account--State	....	\$6,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,000,000

NEW SECTION, Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (08-2-048)

The appropriations in this section are subject to the following conditions and limitations: \$2,300,000 of the appropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Appropriation:

General Fund--Federal	.....	\$22,800,000
General Fund--Private/Local	.....	\$3,700,000
Game Special Wildlife Account--Federal	.....	\$1,000,000
Game Special Wildlife Account--Private/Local	....	\$625,000
Subtotal Appropriation	.....	\$28,125,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$106,800,000
TOTAL	.....	\$134,925,000

NEW SECTION, Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372), Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding, and project evaluation ranking criteria.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the

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salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State . . . \$12,000,000
General Fund--Federal \$1,000,000
Subtotal Appropriation \$13,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$28,000,000
TOTAL \$43,500,000

NEW SECTION. Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Ranch Lands Irrigation Efficiencies (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Reappropriation:

State Building Construction Account--State \$600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$600,000

NEW SECTION. Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Skookumchuck Hatchery Renovation - Phase 2 (08-2-015)

Appropriation:

State Building Construction Account--State \$528,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$3,389,000
TOTAL \$3,917,000

NEW SECTION. Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Spokane Region One Office - Phase 2 (08-2-008)

As of the effective date of this section, the department of fish and wildlife's Spokane region one building shall be known as the "Fred Shiosaki" building.

Appropriation:

State Building Construction Account--State \$1,830,000
Prior Biennia (Expenditures) \$4,400,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,230,000

NEW SECTION. Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

Appropriation:

State Building Construction Account--State \$2,100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,100,000

NEW SECTION. Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sustainability and Energy Savings (06-1-009)

Reappropriation:

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State Building Construction Account--State \$360,000
Prior Biennia (Expenditures) \$140,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wiley Slough Restoration (08-1-028)

Appropriation:

General Fund--Federal \$2,500,000
State Building Construction Account--State \$295,000
Subtotal Appropriation \$2,795,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,795,000

NEW SECTION. Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tokul Creech Hatchery (08-1-005)

Appropriation:

State Building Construction Account--State \$435,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,857,000
TOTAL \$5,292,000

NEW SECTION. Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grazing Monitoring on Fish and Wildlife Lands (08-2-001)

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Voights Creek Hatchery - Phase 1 (08-1-003)

Appropriation:

State Building Construction Account--State \$505,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$6,402,000
TOTAL \$6,907,000

NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Bee Be Property (08-1-029)

Appropriation:

State Building Construction Account--State \$502,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$502,000

NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Combined State Agency Aviation Facility (08-1-950)

Appropriation:

State Building Construction Account--State \$66,000
Wildlife Account--State \$66,000
Subtotal Appropriation \$132,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,608,000
TOTAL \$1,740,000

NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisitions (08-2-004)

Appropriation:

Community and Technical College Forest Reserve
Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$950,000
TOTAL \$1,150,000

NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF NATURAL RESOURCES

Creosote Removal in Puget Sound (08-2-017)

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The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by sections 111 and 112, chapter . . . (Substitute Senate Bill No. 5372) Laws of 2007, the opportunity to review and provide comment on project evaluation ranking criteria, and proposed projects and activities recommended for funding.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$8,000,000

NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (04-2-015)

Reappropriation:

General Fund--Federal	\$8,186,000
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Appropriation:

General Fund--Federal	\$8,500,000
Prior Biennia (Expenditures)	\$7,520,000
Future Biennia (Projected Costs)	\$39,000,000
TOTAL	\$63,206,000

NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES

Storm Damage (07-1-850)

Reappropriation:

State Building Construction Account--State	\$282,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$282,000

NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (08-2-022)

Appropriation:

State Building Construction Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$40,000,000

NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (05-2-021)

Reappropriation:

General Fund--Federal	\$3,247,000
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Appropriation:

General Fund--Federal	\$26,000,000
Prior Biennia (Expenditures)	\$43,271,000
Future Biennia (Projected Costs)	\$113,363,000
TOTAL	\$185,881,000

NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station Public Access (04-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$72,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$2,145,000
TOTAL	\$2,453,000

NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Preservation (08-1-007)

Appropriation:

Forest Development Account--State	\$413,000
Resources Management Cost Account--State	\$430,000
State Building Construction Account--State	\$607,000
Subtotal Appropriation	\$1,450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,154,000
TOTAL	\$5,604,000

NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Programmatic (08-2-016)

Appropriation:

Forest Development Account--State	\$534,000
Resources Management Cost Account--State	\$556,000
State Building Construction Account--State	\$85,000
Subtotal Appropriation	\$1,175,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,515,000
TOTAL	\$3,690,000

NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (08-1-014)

Appropriation:

State Building Construction Account--State	\$942,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,958,000
TOTAL	\$10,900,000

NEW SECTION. Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation Capital Renovations (08-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for trail system signage.

Appropriation:

State Building Construction Account--State	\$1,065,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,278,000
TOTAL	\$16,343,000

NEW SECTION. Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (08-2-020)

Appropriation:

Forest Development Account--State	\$250,000
Resources Management Cost Account--State	\$750,000
Subtotal Appropriation	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (08-2-001)

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL	\$12,500,000

NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Building Construction Account--State	\$150,000
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Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$2,150,000

NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Projects (06-2-003)

Reappropriation:

State Building Construction Account--State	\$87,000
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Appropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$700,000
Future Biennia (Projected Costs)	\$500,000
TOTAL	\$1,987,000

NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Lands Maintenance (08-1-019)

Appropriation:

Forest Development Account--State	\$250,000
Resources Management Cost Account--State	\$2,350,000
Subtotal Appropriation	\$2,600,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,400,000
TOTAL	\$13,000,000

NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$465,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,815,000

NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-4, developed March 20, 2007.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring forest lands of equal value to be managed as common school trust land.

(3) Property subject to lease agreements under this section shall be appraised at fair market value. Lease payments shall be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is

determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State ...	\$96,485,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$287,000,000
TOTAL	\$383,485,000

NEW SECTION. Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal Habitat Conservation Program Land Acquisition Grants (06-2-950)

Reappropriation:

General Fund--Federal	\$705,000
Prior Biennia (Expenditures)	\$6,015,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,720,000

NEW SECTION. Sec. 3204. FOR THE DEPARTMENT OF NATURAL RESOURCES

Loomis Natural Resources Conservation Area Restoration (07-1-004)

Reappropriation:

State Building Construction Account--State	\$271,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$271,000

NEW SECTION. Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck/Sea Cucumber Population Surveys (06-2-850)

Reappropriation:

State Building Construction Account--State	\$491,000
Prior Biennia (Expenditures)	\$159,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (06-2-018)

Reappropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port Angeles Army (08-1-851)

Appropriation:

Forest Development Account--State	\$135,000
Resource Management Cost Account--State	\$151,000
State Building Construction Account--State	\$157,000
Subtotal Appropriation	\$443,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$443,000

NEW SECTION. Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES

Colville Army (08-2-851)

Appropriation:

Forest Development Account--State	\$313,000
Resource Management Cost Account--State	\$330,000

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State Building Construction Account--State	\$299,000
Subtotal Appropriation	\$942,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$942,000

NEW SECTION. Sec. 3209. FOR THE DEPARTMENT OF NATURAL RESOURCES

Combined State Agency Aviation Facility (08-1-952)

Appropriation:

Forest Development Account--State	.....	\$87,000
Resource Management Cost Account--State	.....	\$94,000
State Building Construction Account--State	.....	\$211,000
Subtotal Appropriation	.....	\$392,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$3,783,000
TOTAL	.....	\$4,175,000

NEW SECTION. Sec. 3210. FOR THE DEPARTMENT OF NATURAL RESOURCES

Blanchard Mountain (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands as an initial purchase in support of an approved plan to preserve the core of Blanchard mountain in Skagit county. The department shall consult with the University of Washington college of forestry resources' northwest environmental forum and with other interest groups prior to the purchase. The department shall coordinate purchases funded under this section with purchases funded under section 3213 of this act to block up and preserve working forest lands at risk of conversion in Skagit county.

Appropriation:

State Building Construction Account--State	.....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,000,000

NEW SECTION. Sec. 3211. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station (08-1-015)

Appropriation:

Resource Management Cost Account--State	.....	\$750,000
State Building Construction Account--State	.....	\$750,000
Subtotal Appropriation	.....	\$1,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,500,000

NEW SECTION. Sec. 3212. FOR THE DEPARTMENT OF NATURAL RESOURCES

Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter

... (Substitute House Bill No. 2382 (An act relating to leasing state lands and development rights on state lands to public agencies), Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007.

Appropriation:

Resource Management Cost Account--State	...	\$40,000,000
Natural Resources Real Property Replacement Account--State	.....	\$20,000,000
Subtotal Appropriation	.....	\$60,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$60,000,000

NEW SECTION. Sec. 3213. FOR THE DEPARTMENT OF AGRICULTURE

Fair Improvements (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: \$850,000 is provided solely for renovations and repairs to the historic pavilion at the Walla Walla fairgrounds.

Appropriation:

State Building Construction Account--State	....	\$1,250,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,250,000

NEW SECTION. Sec. 3214. FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: If chapter ... (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State	.....	\$8,529,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$8,529,000

NEW SECTION. Sec. 3215. FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If chapter ... (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State	.....	\$5,971,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,971,000

(End of part)

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 4001. WASHINGTON STATE PATROL FOR THE WASHINGTON STATE PATROL

Fire Training Academy Sanitary System (08-2-002)

Appropriation:

Fire Service Training Account--State	.....	\$3,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,500,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

Minor Works - Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	\$480,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000

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TOTAL \$2,480,000
NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

Replace Existing Dormitory (08-2-003)
The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for one-half of the construction cost for replacement of the student dormitory at the fire training academy and is contingent upon the remaining construction cost being funded with a certificate of participation that is repaid with revenues from fees charged by the fire training academy. Any expenditures from this appropriation must be matched by an equal expenditure from the certificate of participation.

Appropriation:
State Building Construction Account--State \$1,360,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,360,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

Combined State Agency Aviation Facility (08-2-951)
Appropriation:
State Building Construction Account--State \$67,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$813,000
TOTAL \$880,000

NEW SECTION. Sec. 4005. THE DEPARTMENT OF TRANSPORTATION

Columbia River Dredging (03-H-001)
The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:
State Building Construction Account--State \$2,980,000
Prior Biennia (Expenditures) \$14,720,000
Future Biennia (Projected Costs) \$0
TOTAL \$17,700,000

(End of part)

**PART 5
EDUCATION**

NEW SECTION. Sec. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2001-2003 School Construction Assistance Grant Program (02-4-001)

Reappropriation:
Common School Construction Account--State .. \$3,850,000
Prior Biennia (Expenditures) \$8,150,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,000,000

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2003-2005 School Construction Assistance Grant Program (04-4-001)

Reappropriation:
State Building Construction Account--State ... \$11,961,000
Common School Construction Account--State . \$10,682,000
Subtotal Reappropriation \$22,643,000
Prior Biennia (Expenditures) \$171,568,000
Future Biennia (Projected Costs) \$0
TOTAL \$194,211,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 Apple Achievement Awards (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 196, chapter 371, Laws of 2006.

Reappropriation:
Education Construction Account--State \$302,000
Prior Biennia (Expenditures) \$198,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 High Performance School Building Grants (06-4-852)

The reappropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

Reappropriation:
State Building Construction Account--State \$6,078,000
Prior Biennia (Expenditures) \$25,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,103,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 School Construction Assistance Grant Program (06-4-100)

Reappropriation:
State Building Construction Account--State .. \$117,539,000
Common School Construction Account--State \$218,896,000
Subtotal Reappropriation \$336,435,000
Prior Biennia (Expenditures) \$305,331,000
Future Biennia (Projected Costs) \$0
TOTAL \$641,766,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Project Administration (08-4-100)

Appropriation:
Common School Construction Account--State .. \$2,528,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$12,049,000
TOTAL \$14,577,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs,

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including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

Appropriation:

State Building Construction Account--State	..	\$113,195,000
Common School Construction Account--State		\$768,888,000
Subtotal Appropriation		\$882,083,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$3,500,725,000
TOTAL		\$4,382,808,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Repair Grants (08-4-402)

Appropriation:

State Building Construction Account--State	....	\$3,000,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$12,000,000
TOTAL		\$15,000,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.

(2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.

(3) \$16,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.

(4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.

(5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.

(6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State	...	\$74,707,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$83,984,000
TOTAL		\$158,691,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Island Wood Environmental Learning Center (08-4-406)

Appropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$1,000,000

NEW SECTION. Sec. 5010. STATE SCHOOL FOR THE BLIND FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State	....	\$400,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$400,000

NEW SECTION. Sec. 5011. FOR THE STATE SCHOOL FOR THE BLIND

Minor Works - Facility Preservation (08-1-005)

Appropriation:

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State Building Construction Account--State	\$770,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$2,500,000
TOTAL		\$3,270,000

NEW SECTION. Sec. 5012. FOR THE STATE SCHOOL FOR THE BLIND

New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State	....	\$9,000,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$9,000,000

NEW SECTION. Sec. 5013. FOR THE STATE SCHOOL FOR THE DEAF

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	....	\$1,325,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$1,000,000
TOTAL		\$2,325,000

NEW SECTION. Sec. 5014. FOR THE STATE SCHOOL FOR THE DEAF

Vocational Education, Cafeteria, and Maintenance Support Building (08-2-002)

Appropriation:

State Building Construction Account--State	...	\$10,900,000
Prior Biennia (Expenditures)		\$0
Future Biennia (Projected Costs)		\$0
TOTAL		\$10,900,000

NEW SECTION. Sec. 5015. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia Community College - State Route 522 Off Ramp (02-2-014)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	.....	\$255,000
Prior Biennia (Expenditures)		\$1,495,000
Future Biennia (Projected Costs)		\$0
TOTAL		\$1,750,000

NEW SECTION. Sec. 5016. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State	.....	\$50,000
Prior Biennia (Expenditures)		\$5,900,000
Future Biennia (Projected Costs)		\$20,000,000
TOTAL		\$25,950,000

NEW SECTION. Sec. 5017. FOR THE UNIVERSITY OF WASHINGTON

Facility Preservation Backlog Reduction (04-1-951)

Reappropriation:

State Building Construction Account--State	....	\$4,100,000
Prior Biennia (Expenditures)		\$21,214,000
Future Biennia (Projected Costs)		\$0
TOTAL		\$25,314,000

NEW SECTION. Sec. 5018. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$5,148,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,648,000

NEW SECTION. Sec. 5019. FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements (05-1-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	.....	\$150,000
Prior Biennia (Expenditures)		\$3,850,000
Future Biennia (Projected Costs)		\$0

TOTAL \$4,000,000
NEW SECTION. Sec. 5020. FOR THE UNIVERSITY OF WASHINGTON

Infectious Disease Laboratory Facilities (05-2-850)
 Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$4,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON

Playhouse Theater (05-1-004)
 Appropriation:
 State Building Construction Account--State \$6,578,000
 Prior Biennia (Expenditures) \$1,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,578,000

NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON

Architecture Hall Renovation (06-1-008)
 Reappropriation:
 State Building Construction Account--State \$3,000,000
 Prior Biennia (Expenditures) \$20,324,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$23,324,000

NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON

Clark Hall Renovation (06-1-007)
 Reappropriation:
 State Building Construction Account--State \$1,200,000
 Appropriation:
 State Building Construction Account--State \$554,000
 Education Construction Account--State \$15,000,000
 Subtotal Appropriation \$15,554,000
 Prior Biennia (Expenditures) \$1,300,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,054,000

NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON

Cleanup More Hall and Other Toxics (06-1-950)
 Reappropriation:
 State Toxics Control Account--State \$1,125,000
 Prior Biennia (Expenditures) \$3,375,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,500,000

NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)
 Reappropriation:
 State Building Construction Account--State \$3,000,000
 Education Construction Account--State \$4,000,000
 Subtotal Reappropriation \$7,000,000
 Prior Biennia (Expenditures) \$19,312,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$26,312,000

NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences - H Wing (06-1-001)
 Reappropriation:
 State Building Construction Account--State \$5,000,000
 Appropriation:
 State Building Construction Account--State \$7,000,000
 University of Washington Building Account--State \$3,000,000
 Subtotal Appropriation \$10,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$15,000,000

NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (06-1-002)

Reappropriation:
 University of Washington Building Account--State \$9,000,000
 Prior Biennia (Expenditures) \$12,200,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$21,200,000

NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Health, Safety, and Code Requirements (06-1-003)
 Reappropriation:
 University of Washington Building Account--State \$5,000,000
 Prior Biennia (Expenditures) \$6,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,000,000

NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Infrastructure Preservation (06-1-004)
 Reappropriation:
 University of Washington Building Account--State \$2,500,000
 Prior Biennia (Expenditures) \$2,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (06-2-009)
 Reappropriation:
 University of Washington Building Account--State \$3,000,000
 Prior Biennia (Expenditures) \$1,700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,700,000

NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (06-1-005)
 Reappropriation:
 State Building Construction Account--State \$3,000,000
 Appropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$54,910,000
 Prior Biennia (Expenditures) \$3,600,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$61,510,000

NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Assembly Hall (06-2-007)
 Reappropriation:
 State Building Construction Account--State \$7,000,000
 Prior Biennia (Expenditures) \$500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (06-2-852)
 Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$750,000
 Prior Biennia (Expenditures) \$3,250,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON

Balmer Hall Reconstruction (08-1-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the reconstruction/replacement of Balmer hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

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Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	.....	\$42,800,000
TOTAL	.....	\$46,800,000

NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON

Denny Hall Renovation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Denny hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State	....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$52,915,000
TOTAL	.....	\$56,915,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

Interdisciplinary Academic Building (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the interdisciplinary academic building. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State	....	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$57,500,000
TOTAL	.....	\$62,500,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

Intermediate Student Service and Classroom Improvements (08-1-005)

Appropriation:

State Building Construction Account--State	....	\$13,281,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$13,281,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Lewis hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State	....	\$2,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$16,501,000
TOTAL	.....	\$18,501,000

NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (08-1-001)

Appropriation:

University of Washington Building Account--State

.....	\$23,000,000	
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$140,000,000
TOTAL	.....	\$163,000,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (08-2-001)

Appropriation:

University of Washington Building Account--State	\$5,000,000	
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$32,610,000
TOTAL	.....	\$37,610,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	.....	\$1
Gardner-Evans Higher Education Construction Account--State	.....	\$1
Subtotal Appropriation	.....	\$2
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	.....	\$25,825,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$25,825,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell Phase 3 - Predesign (08-2-006)

Appropriation:

State Building Construction Account--State	.....	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$62,850,000
TOTAL	\$63,000,000

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NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Phase 3 (08-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of UW Tacoma phase 3. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State	....	\$6,150,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$54,000,000
TOTAL	.....	\$60,150,000

NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON

Computing and Communications Upgrades and Data Center (08-2-004)

Appropriation:

State Building Construction Account--State	....	\$25,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$22,000,000
TOTAL	.....	\$47,000,000

NEW SECTION. Sec. 5046. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building (00-2-906)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	.....	\$1,750,000
Prior Biennia (Expenditures)	.....	\$32,100,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$33,850,000

NEW SECTION. Sec. 5047. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center (00-2-905)

Reappropriation:

State Building Construction Account--State	....	\$1,500,000
Prior Biennia (Expenditures)	.....	\$13,126,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$14,626,000

NEW SECTION. Sec. 5048. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$2,600,000
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Appropriation:

State Building Construction Account--State	\$9,022,000
Gardner-Evans Higher Education Construction Account--State	\$48,978,000
Subtotal Appropriation	.....	\$58,000,000
Prior Biennia (Expenditures)	.....	\$12,050,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$72,650,000

NEW SECTION. Sec. 5049. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:

State Building Construction Account--State	....	\$20,000,000
Prior Biennia (Expenditures)	.....	\$14,600,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$34,600,000

NEW SECTION. Sec. 5050. FOR WASHINGTON STATE UNIVERSITY

WSU Tri-Cities - Bioproducts Facility (04-2-940)

Reappropriation:

State Taxable Building Construction Account--State	.....	\$1,500,000
Prior Biennia (Expenditures)	.....	\$23,250,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$24,750,000

NEW SECTION. Sec. 5051. FOR WASHINGTON STATE UNIVERSITY

Campus Infrastructure (06-1-073)

Reappropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$6,000,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$7,000,000

NEW SECTION. Sec. 5052. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Improvements (06-2-002)

Reappropriation:

Washington State University Building Account--State	.....	\$1,100,000
Prior Biennia (Expenditures)	.....	\$4,900,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,000,000

NEW SECTION. Sec. 5053. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Facility Preservation (06-1-001)

Reappropriation:

State Building Construction Account--State	....	\$3,500,000
Washington State University Building Account--State	.....	\$500,000
Subtotal Reappropriation	.....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$26,500,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$30,500,000

NEW SECTION. Sec. 5054. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Health, Safety, and Code (06-1-002)

Reappropriation:

Washington State University Building Account--State	.....	\$500,000
Prior Biennia (Expenditures)	.....	\$1,500,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,000,000

NEW SECTION. Sec. 5055. FOR WASHINGTON STATE UNIVERSITY

Center for Precision Agriculture (06-2-850)

Reappropriation:

State Building Construction Account--State	....	\$800,000
Prior Biennia (Expenditures)	.....	\$2,000,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,800,000

NEW SECTION. Sec. 5056. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Undergraduate Classroom Building (06-2-951)

Reappropriation:

State Building Construction Account--State	\$1,200,000
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Appropriation:

State Building Construction Account--State	\$24,350,000
Prior Biennia (Expenditures)	\$2,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,000,000

NEW SECTION. Sec. 5057. FOR WASHINGTON STATE UNIVERSITY

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Intermediate Preservation Projects (08-1-702)
 Appropriation:
 State Building Construction Account--State . . . \$3,119,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$31,240,000
 TOTAL \$34,359,000

NEW SECTION. Sec. 5058. FOR WASHINGTON STATE UNIVERSITY

Library Road Infrastructure (08-1-703)
 Appropriation:
 State Building Construction Account--State . . . \$12,000,000
 Washington State University Building Account--State \$3,000,000
 Subtotal Appropriation \$15,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$15,000,000

NEW SECTION. Sec. 5059. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Facility Preservation (08-1-001)
 Appropriation:
 State Building Construction Account--State . . . \$18,900,000
 Washington State University Building Account--State \$20,000,000
 Subtotal Appropriation \$38,900,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$155,900,000
 TOTAL \$194,800,000

NEW SECTION. Sec. 5060. FOR WASHINGTON STATE UNIVERSITY

Infrastructure Savings (08-1-151)
 The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:
 State Building Construction Account--State \$1
 Gardner-Evans Higher Education Construction Account--State \$1
 Subtotal Appropriation \$2
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2

NEW SECTION. Sec. 5061. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Program (08-2-002)
 Appropriation:
 Washington State University Building Account--State \$17,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$73,000,000
 TOTAL \$90,000,000

NEW SECTION. Sec. 5062. FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline

conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:
 Education Construction Account--State \$10,115,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,115,000

NEW SECTION. Sec. 5063. FOR WASHINGTON STATE UNIVERSITY

University Wide Infrastructure (08-1-701)
 Appropriation:
 State Building Construction Account--State \$8,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$72,500,000
 TOTAL \$80,500,000

NEW SECTION. Sec. 5064. FOR WASHINGTON STATE UNIVERSITY

Utilities Extension (08-1-100)
 Appropriation:
 Washington State University Building Account--State \$11,536,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,536,000

NEW SECTION. Sec. 5065. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver: Applied Technology and Classroom Building (06-2-950)
 Appropriation:
 State Building Construction Account--State \$4,770,000
 Prior Biennia (Expenditures) \$150,000
 Future Biennia (Projected Costs) \$35,300,000
 TOTAL \$40,220,000

NEW SECTION. Sec. 5066. FOR EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (06-2-002)
 Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$40,000

Appropriation:
 State Building Construction Account--State \$2,000,000
 Prior Biennia (Expenditures) \$160,000
 Future Biennia (Projected Costs) \$28,000,000
 TOTAL \$30,200,000

NEW SECTION. Sec. 5067. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)
 Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$800,000
 Prior Biennia (Expenditures) \$377,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,177,000

NEW SECTION. Sec. 5068. FOR EASTERN WASHINGTON UNIVERSITY

Hargreaves Hall Renovation (06-1-701)
 Reappropriation:
 State Building Construction Account--State \$500,000
 Appropriation:
 State Building Construction Account--State . . . \$10,821,000
 Prior Biennia (Expenditures) \$914,000
 Future Biennia (Projected Costs) \$0

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TOTAL \$12,235,000

NEW SECTION, Sec. 5069. FOR EASTERN WASHINGTON UNIVERSITY

Martin Williamson Hall Renovation (06-1-706)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State \$40,000
Prior Biennia (Expenditures) \$160,000
Future Biennia (Projected Costs) \$26,000,000
TOTAL \$26,200,000

NEW SECTION, Sec. 5070. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-710)

Reappropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$5,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,000,000

NEW SECTION, Sec. 5071. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health Safety and Code Compliance (06-1-711)

Reappropriation:

State Building Construction Account--State \$2,500,000
Prior Biennia (Expenditures) \$3,200,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,700,000

NEW SECTION, Sec. 5072. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-712)

Reappropriation:

State Building Construction Account--State \$2,500,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION, Sec. 5073. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works Program (06-2-006)

Reappropriation:

State Building Construction Account--State \$3,500,000
Eastern Washington University Capital Projects
Account--State \$3,500,000
Subtotal Reappropriation \$7,000,000
Prior Biennia (Expenditures) \$8,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$15,600,000

NEW SECTION, Sec. 5074. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (08-1-001)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$3,500,000
State Building Construction Account--State \$500,000
Subtotal Appropriation \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,000,000
TOTAL \$28,000,000

NEW SECTION, Sec. 5075. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,000,000
TOTAL \$28,000,000

NEW SECTION, Sec. 5076. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (08-1-003)

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$22,000,000

TOTAL \$26,000,000

NEW SECTION, Sec. 5077. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (08-2-001)

Appropriation:

State Building Construction Account--State \$4,000,000

Eastern Washington University Capital Projects

Account--State \$7,000,000

Subtotal Appropriation \$11,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$62,400,000

TOTAL \$73,400,000

NEW SECTION, Sec. 5078. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Gardner-Evans Higher Education Construction

Account--State \$1

Subtotal Appropriation \$2

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2

NEW SECTION, Sec. 5079. FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State \$2,217,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,217,000

NEW SECTION, Sec. 5080. FOR CENTRAL WASHINGTON UNIVERSITY

Dean Hall Renovation (06-1-004)

Reappropriation:

State Building Construction Account--State \$924,000

Appropriation:

State Building Construction Account--State ... \$23,200,000

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Prior Biennia (Expenditures)	\$1,276,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,400,000

NEW SECTION. Sec. 5081. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-003)

Reappropriation:

Central Washington University Capital Projects	
Account--State	\$250,000
Prior Biennia (Expenditures)	\$1,808,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,058,000

NEW SECTION. Sec. 5082. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-002)

Reappropriation:

Central Washington University Capital Projects	
Account--State	\$27,000
Prior Biennia (Expenditures)	\$1,073,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,100,000

NEW SECTION. Sec. 5083. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works Program (06-2-005)

Reappropriation:

Central Washington University Capital Projects	
Account--State	\$669,000
Prior Biennia (Expenditures)	\$3,721,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,390,000

NEW SECTION. Sec. 5084. FOR CENTRAL

WASHINGTON UNIVERSITY

Nicholson Pavilion Indoor Air/Asbestos (06-1-008)

Reappropriation:

State Building Construction Account--State	\$375,000
Prior Biennia (Expenditures)	\$3,725,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,100,000

NEW SECTION. Sec. 5085. FOR CENTRAL

WASHINGTON UNIVERSITY

Combined Utilities (08-1-011)

Appropriation:

State Building Construction Account--State	\$6,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,000,000
TOTAL	\$21,800,000

NEW SECTION. Sec. 5086. FOR CENTRAL

WASHINGTON UNIVERSITY

Hogue Hall Renovation and Addition (08-2-003)

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$35,000,000
TOTAL	\$38,000,000

NEW SECTION. Sec. 5087. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	\$3,175,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,700,000
TOTAL	\$15,875,000

NEW SECTION. Sec. 5088. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (08-1-009)

Appropriation:

State Building Construction Account--State	\$660,000
Central Washington University Capital Projects	
Account--State	\$2,675,000

Subtotal Appropriation	\$3,335,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,340,000
TOTAL	\$16,675,000

NEW SECTION. Sec. 5089. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (08-1-010)

Appropriation:

State Building Construction Account--State	\$2,165,000
Central Washington University Capital Projects	
Account--State	\$1,125,000
Subtotal Appropriation	\$3,290,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,160,000
TOTAL	\$16,450,000

NEW SECTION. Sec. 5090. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Program (08-2-002)

Appropriation:

State Building Construction Account--State	\$4,000,000
Central Washington University Capital Projects	
Account--State	\$3,800,000
Subtotal Appropriation	\$7,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$17,500,000
TOTAL	\$25,300,000

NEW SECTION. Sec. 5091. FOR CENTRAL

WASHINGTON UNIVERSITY

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction	
Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5092. FOR CENTRAL

WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:
 Education Construction Account--State \$2,422,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,422,000

NEW SECTION. Sec. 5093. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)
 Reappropriation:
 The Evergreen State College Capital Projects
 Account--State \$150,000
 Prior Biennia (Expenditures) \$47,350,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$47,500,000

NEW SECTION. Sec. 5094. FOR THE EVERGREEN STATE COLLEGE

Daniel J. Evans Building - Modernization (04-2-006)
 The reappropriation in this section is subject to the following conditions and limitations: Should updated bids related to this project exceed the reappropriation due to unexpected inflation in the cost of construction, the office of financial management may authorize a transfer or transfers of appropriations from the minor works -infrastructure preservation project in section 5103 of this act; from the minor works - preservation project in section 5105 of this act; or from the minor works - program project in section 5107 of this act. The appropriations transferred from one or more of these three minor works projects shall not exceed \$2,500,000 in total. Prior to approval of the transfer, The Evergreen State College shall report to the office of financial management, the house of representatives capital budget committee, and the senate committee on ways and means on alternatives examined to negotiate a reduction in the bid price pursuant to RCW 39.04.105, and on the specific minor works projects that would be deferred as a result of the transfer.

Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$20,250,000
 Prior Biennia (Expenditures) \$24,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$44,750,000

NEW SECTION. Sec. 5095. FOR THE EVERGREEN STATE COLLEGE

Health, Safety, and Code Requirements (06-1-002)
 Reappropriation:
 The Evergreen State College Capital Projects
 Account--State \$300,000
 Prior Biennia (Expenditures) \$1,700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 5096. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Preservation (06-1-004)
 Reappropriation:
 The Evergreen State College Capital Projects
 Account--State \$175,000
 Prior Biennia (Expenditures) \$825,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5097. FOR THE EVERGREEN STATE COLLEGE

Lab I First Floor Class/Laboratory Renovation (06-2-001)
 Reappropriation:
 State Building Construction Account--State \$1,950,000
 Prior Biennia (Expenditures) \$1,150,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,100,000

NEW SECTION. Sec. 5098. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Facility Preservation (06-1-003)
 Reappropriation:
 The Evergreen State College Capital Projects

Account--State \$1,100,000
 Prior Biennia (Expenditures) \$2,900,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5099. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program (06-2-005)
 Reappropriation:
 The Evergreen State College Capital Projects
 Account--State \$75,000
 Prior Biennia (Expenditures) \$425,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 5100. FOR THE EVERGREEN STATE COLLEGE

College Activities Building Renovation (08-2-009)
 Appropriation:
 State Building Construction Account--State \$4,900,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,900,000

NEW SECTION. Sec. 5101. FOR THE EVERGREEN STATE COLLEGE

Longhouse Expansion (08-2-007)
 Appropriation:
 State Building Construction Account--State \$1,700,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,700,000

NEW SECTION. Sec. 5102. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Infrastructure Preservation (08-1-004)
 Appropriation:
 State Building Construction Account--State \$700,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$700,000

NEW SECTION. Sec. 5103. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Health, Safety, and Code Requirements (08-1-002)
 Appropriation:
 State Building Construction Account--State \$3,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 5104. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation (08-1-001)
 Appropriation:
 The Evergreen State College Capital Projects
 Account--State \$5,300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,300,000

NEW SECTION. Sec. 5105. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Savings (08-1-151)
 The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:
 State Building Construction Account--State \$1
 Gardner-Evans Higher Education Construction
 Account--State \$1
 Subtotal Appropriation \$2
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

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TOTAL \$2
NEW SECTION. Sec. 5106. FOR THE EVERGREEN STATE COLLEGE
 Minor Works - Program (08-2-003)
 Appropriation:
 State Building Construction Account--State \$930,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$930,000

NEW SECTION. Sec. 5107. FOR THE EVERGREEN STATE COLLEGE
 Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:
 Education Construction Account--State \$760,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$760,000

NEW SECTION. Sec. 5108. FOR WESTERN WASHINGTON UNIVERSITY
 Academic Instructional Center (02-2-026)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$48,000,000

Appropriation:
 State Building Construction Account--State \$5,895,000
 Western Washington University Capital Projects Account--State \$1,178,000
 Subtotal Appropriation \$7,073,000
 Prior Biennia (Expenditures) \$9,171,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$64,244,000

NEW SECTION. Sec. 5109. FOR WESTERN WASHINGTON UNIVERSITY
 Miller Hall Renovation (04-1-953)

Appropriation:
 State Building Construction Account--State \$5,523,000
 Prior Biennia (Expenditures) \$250,000
 Future Biennia (Projected Costs) \$52,227,000
 TOTAL \$58,000,000

NEW SECTION. Sec. 5110. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Facility Preservation (06-1-083)

Reappropriation:
 State Building Construction Account--State \$1,850,000
 Prior Biennia (Expenditures) \$2,440,000
 Future Biennia (Projected Costs) \$0

TOTAL \$4,290,000
NEW SECTION. Sec. 5111. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code (06-1-082)
 Reappropriation:
 State Building Construction Account--State \$850,000
 Prior Biennia (Expenditures) \$1,240,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,090,000

NEW SECTION. Sec. 5112. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Infrastructure Preservation (06-1-084)

Reappropriation:
 State Building Construction Account--State \$850,000
 Prior Biennia (Expenditures) \$1,375,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,225,000

NEW SECTION. Sec. 5113. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Program (06-2-085)

Reappropriation:
 Western Washington University Capital Projects Account--State \$2,200,000
 Prior Biennia (Expenditures) \$5,522,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,722,000

NEW SECTION. Sec. 5114. FOR WESTERN WASHINGTON UNIVERSITY
 Academic Facilities Modernization Projects (08-2-099)

Appropriation:
 State Building Construction Account--State \$11,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,000,000

NEW SECTION. Sec. 5115. FOR WESTERN WASHINGTON UNIVERSITY
 Carver Academic Renovation (08-1-060)

Appropriation:
 State Building Construction Account--State \$400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$51,587,000
 TOTAL \$51,987,000

NEW SECTION. Sec. 5116. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Facility Preservation (08-1-091)

Appropriation:
 State Building Construction Account--State \$5,051,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$18,000,000
 TOTAL \$23,051,000

NEW SECTION. Sec. 5117. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Health, Safety, and Code Requirements (08-1-090)

Appropriation:
 State Building Construction Account--State \$2,933,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,000,000
 TOTAL \$14,933,000

NEW SECTION. Sec. 5118. FOR WESTERN WASHINGTON UNIVERSITY
 Minor Works - Infrastructure Preservation (08-1-092)

Appropriation:
 State Building Construction Account--State \$2,016,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,000,000
 TOTAL \$10,016,000

NEW SECTION. Sec. 5119. FOR WESTERN WASHINGTON UNIVERSITY
 Infrastructure Savings (08-1-151)

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The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5120. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (08-2-093)

Appropriation:

State Building Construction Account--State	\$3,000,000
Western Washington University Capital Projects Account--State	\$7,000,000
Subtotal Appropriation	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 5121. FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,614,000

NEW SECTION. Sec. 5122. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Pacific - Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State	\$666,000
Prior Biennia (Expenditures)	\$1,885,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,551,000

NEW SECTION. Sec. 5123. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant (02-4-001)

Reappropriation:

State Building Construction Account--State	\$1,081,000
Prior Biennia (Expenditures)	\$646,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,727,000

NEW SECTION. Sec. 5124. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (04-4-004)

Reappropriation:

State Building Construction Account--State	\$1,947,000
Prior Biennia (Expenditures)	\$2,053,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5125. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia - State Capital Museum: Building Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State	\$17,000
Prior Biennia (Expenditures)	\$314,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$331,000

NEW SECTION. Sec. 5126. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 733, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State	\$3,821,000
Prior Biennia (Expenditures)	\$843,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,664,000

NEW SECTION. Sec. 5127. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - State History Museum: Building Preservation (06-1-001)

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$381,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$481,000

NEW SECTION. Sec. 5128. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - Research Center: Building Preservation (06-1-002)

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$82,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$182,000

NEW SECTION. Sec. 5129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma Research Center Building Preservation (07-1-002)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$537,000
TOTAL	\$737,000

NEW SECTION. Sec. 5130. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma State History Museum Building Preservation (07-1-001)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$1,500,000

NEW SECTION. Sec. 5131. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (07-4-004)

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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommended
Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
Pacific county historical society	\$186,000
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	\$859,000
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
Total	\$10,000,000

Appropriation:

State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 5132. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Women's History Preservation Grants (07-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 5133. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Building Management System (08-1-003)

Appropriation:

State Building Construction Account--State	\$196,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$196,000

NEW SECTION. Sec. 5134. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House Long-Term Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely

to repair the foundation, sandstone, mortar, brick, chimney, and roof of state-owned National Register property "Campbell house" and its carriage house.

Appropriation:

State Building Construction Account--State	\$402,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$293,000
TOTAL	\$695,000

NEW SECTION. Sec. 5135. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Computer Catalog System (08-2-010)

Appropriation:

State Building Construction Account--State	\$63,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$63,000

NEW SECTION. Sec. 5136. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,154,000
TOTAL	\$1,304,000

NEW SECTION. Sec. 5137. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Security System and Technology Infrastructure (08-1-005)

Appropriation:

State Building Construction Account--State	\$408,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$408,000

NEW SECTION. Sec. 5138. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Storage and Exhibit Equipment for Collections (08-2-012)

Appropriation:

State Building Construction Account--State	\$42,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$114,000
TOTAL	\$156,000

NEW SECTION. Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Clark Center at WSU Vancouver (00-2-680)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$19,624,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,774,000

NEW SECTION. Sec. 5140. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$24,335,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,335,000

NEW SECTION. Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Science Building (01-2-688)

Reappropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$25,804,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,804,000

NEW SECTION. Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Science Building (01-2-687)

Reappropriation:
 State Building Construction Account--State . . . \$10,500,000
 Prior Biennia (Expenditures) \$21,496,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$31,996,000

NEW SECTION. Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Learning Resource Center/Vocational (02-2-684)

Reappropriation:
 State Building Construction Account--State \$1,300,000
 Prior Biennia (Expenditures) \$15,760,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$17,060,000

NEW SECTION. Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/UW Bothell: Phase 2B Off Ramp (02-2-999)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$320,000
 Prior Biennia (Expenditures) \$1,430,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,750,000

NEW SECTION. Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Instructional Lab Building - Construction (02-2-685)

Reappropriation:
 State Building Construction Account--State \$8,000,000
 Prior Biennia (Expenditures) \$9,488,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$17,488,000

NEW SECTION. Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:
 State Building Construction Account--State \$450,000
 Prior Biennia (Expenditures) \$15,280,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$15,730,000

NEW SECTION. Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$3,000,000
 Prior Biennia (Expenditures) \$4,178,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,178,000

NEW SECTION. Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: Science and Technology (04-2-690)

Reappropriation:
 State Building Construction Account--State \$1,400,000

Appropriation:
 State Building Construction Account--State . . . \$31,332,000
 Prior Biennia (Expenditures) \$1,066,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$33,398,000

NEW SECTION. Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Reappropriation:
 State Building Construction Account--State \$600,000
 Gardner-Evans Higher Education Construction Account--State \$2,600,000

Subtotal Reappropriation \$3,200,000
 Prior Biennia (Expenditures) \$13,638,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$16,838,000

NEW SECTION. Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College: Center for Arts, Technology, and Communications (04-2-693)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$2,100,000

Appropriation:
 Gardner-Evans Higher Education Construction Account--State \$32,636,000
 Prior Biennia (Expenditures) \$1,091,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$35,827,000

NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College: Science Building (04-2-850)

Reappropriation:
 State Building Construction Account--State \$1,700,000

Appropriation:
 Gardner-Evans Higher Education Construction Account--State \$28,716,000
 Prior Biennia (Expenditures) \$1,697,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$32,113,000

NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: East County Satellite (04-1-689)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$2,000,000

Appropriation:
 Gardner-Evans Higher Education Construction Account--State \$27,184,000
 Prior Biennia (Expenditures) \$693,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$29,877,000

NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Reappropriation:
 State Building Construction Account--State \$230,000
 Prior Biennia (Expenditures) \$8,596,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,826,000

NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Pilchuck/Glacier (04-1-205)

Reappropriation:
 State Building Construction Account--State \$130,000
 Prior Biennia (Expenditures) \$18,815,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,945,000

NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Replacement - Monte Cristo Hall (04-1-305)

Reappropriation:
 State Building Construction Account--State \$45,000
 Prior Biennia (Expenditures) \$7,307,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,352,000

NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: University Center - North Puget Sound (04-2-692)

Reappropriation:

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State Building Construction Account--State . . . \$1,900,000
 Gardner-Evans Higher Education Construction
 Account--State \$3,844,000
 Subtotal Reappropriation \$5,744,000

Appropriation:

State Building Construction Account--State . . . \$40,604,000
 Prior Biennia (Expenditures) \$5,590,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$51,938,000

NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 6003 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State . . . \$12,000,000
 Prior Biennia (Expenditures) \$52,298,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$64,298,000

NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$420,000
 Prior Biennia (Expenditures) \$20,314,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$20,734,000

NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Riverview Education Center (07-1-850)

Reappropriation:

State Building Construction Account--State \$498,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$498,000

NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State \$580,000
 Prior Biennia (Expenditures) \$11,419,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,999,000

NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.

(2) State funds must be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects
 Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Reappropriation:

State Building Construction Account--State \$150,000
 Prior Biennia (Expenditures) \$4,271,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,421,000

NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional Fine Arts Building (04-1-214)

Reappropriation:

State Building Construction Account--State \$300,000
 Gardner-Evans Higher Education Construction
 Account--State \$13,500,000
 Subtotal Reappropriation \$13,800,000
 Prior Biennia (Expenditures) \$10,861,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$24,661,000

NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (Minor Improvements) (04-2-130)

Reappropriation:

State Building Construction Account--State \$730,000
 Community/Technical College Capital Projects
 Account--State \$1,400,000
 Subtotal Reappropriation \$2,130,000
 Prior Biennia (Expenditures) \$12,850,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$14,980,000

NEW SECTION. Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Science and Technology Building Replacement (04-1-202)

Reappropriation:

State Building Construction Account--State \$2,000,000
 Prior Biennia (Expenditures) \$11,998,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,998,000

NEW SECTION. Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$3,000,000
 Prior Biennia (Expenditures) \$20,640,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$23,640,000

NEW SECTION. Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Fort Steilacoom: Science and Technology (04-2-694)

Reappropriation:

State Building Construction Account--State \$850,000

Appropriation:

State Building Construction Account--State . . . \$30,407,000
 Prior Biennia (Expenditures) \$1,327,000
 Future Biennia (Projected Costs) \$0

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TOTAL \$32,584,000
NEW SECTION. Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Childcare Center (04-2-401)
Reappropriation:
Community/Technical College Capital Projects
Account--State \$40,000
Prior Biennia (Expenditures) \$460,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Communication Arts/Health Building (04-2-691)
Reappropriation:
Gardner-Evans Higher Education Construction
Account--State \$900,000

Appropriation:
Gardner-Evans Higher Education Construction
Account--State \$25,303,000
Prior Biennia (Expenditures) \$1,196,000
Future Biennia (Projected Costs) \$0
TOTAL \$27,399,000

NEW SECTION. Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Portable Replacement (04-1-215)
Reappropriation:
State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$2,396,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,396,000

NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (04-1-010)
Reappropriation:
State Building Construction Account--State \$640,000
Prior Biennia (Expenditures) \$6,626,000
Future Biennia (Projected Costs) \$0
TOTAL \$7,266,000

NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (04-1-090)
Reappropriation:
State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$5,006,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,306,000

NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)
Reappropriation:
State Building Construction Account--State \$1,500,000
Gardner-Evans Higher Education Construction
Account--State \$325,000
Subtotal Reappropriation \$1,825,000

Appropriation:
State Building Construction Account--State ... \$28,068,000
Prior Biennia (Expenditures) \$1,217,000
Future Biennia (Projected Costs) \$0
TOTAL \$31,110,000

NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Science Complex (04-2-695)
Reappropriation:
Gardner-Evans Higher Education Construction
Account--State \$2,000,000

Appropriation:
State Building Construction Account--State ... \$25,867,000
Prior Biennia (Expenditures) \$1,253,000

Future Biennia (Projected Costs) \$0
TOTAL \$29,120,000

NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Instructional Technology Center (04-2-681)
Reappropriation:
State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$18,711,000
Future Biennia (Projected Costs) \$0
TOTAL \$18,861,000

NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Science Building Replacement (04-1-212)
Reappropriation:
State Building Construction Account--State \$1,200,000
Prior Biennia (Expenditures) \$14,521,000
Future Biennia (Projected Costs) \$0
TOTAL \$15,721,000

NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Replacement - Portable Buildings (04-1-206)
Reappropriation:
State Building Construction Account--State \$175,000
Prior Biennia (Expenditures) \$2,447,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,622,000

NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)
Reappropriation:
State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$2,988,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,988,000

NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Health Science Facility (04-1-211)
Reappropriation:
Community/Technical College Capital Projects
Account--State \$500,000
Prior Biennia (Expenditures) \$6,762,000
Future Biennia (Projected Costs) \$0
TOTAL \$7,262,000

NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)
Reappropriation:
Gardner-Evans Higher Education Construction
Account--State \$8,000,000
Prior Biennia (Expenditures) \$20,645,000
Future Biennia (Projected Costs) \$0
TOTAL \$28,645,000

NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)
Reappropriation:
State Building Construction Account--State \$50,000
Prior Biennia (Expenditures) \$7,950,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,000,000

NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Training Facility (05-1-854)
Reappropriation:

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Gardner-Evans Higher Education Construction
 Account--State \$8,000,000
 Prior Biennia (Expenditures) \$1,752,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,752,000

NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$8,000,000
 Prior Biennia (Expenditures) \$12,312,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$20,312,000

NEW SECTION. Sec. 5184. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$7,000,000
 Prior Biennia (Expenditures) \$17,660,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$24,660,000

NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend Community College: Performing Arts and Fine Arts (06-1-309)

Reappropriation:

State Building Construction Account--State \$3,300,000
 Prior Biennia (Expenditures) \$398,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,698,000

NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Gaiser Hall Renovation (06-1-302)

Reappropriation:

State Building Construction Account--State \$3,000,000
 Prior Biennia (Expenditures) \$5,374,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,374,000

NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: O'Connell Sports Center Improvements (06-2-403)

Reappropriation:

State Building Construction Account--State \$480,000
 Prior Biennia (Expenditures) \$170,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$650,000

NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Allied Health Care Facility (06-2-699)

Reappropriation:

State Building Construction Account--State \$20,000

Appropriation:

State Building Construction Account--State \$2,285,000
 Prior Biennia (Expenditures) \$115,000
 Future Biennia (Projected Costs) \$24,340,000
 TOTAL \$26,760,000

NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Personal Care Services Facility (06-1-310)

Reappropriation:

State Building Construction Account--State \$5,900,000
 Prior Biennia (Expenditures) \$599,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,499,000

NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Brier Hall Renovation (06-1-307)

Reappropriation:

State Building Construction Account--State \$4,700,000
 Prior Biennia (Expenditures) \$433,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,133,000

NEW SECTION. Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Paine Field Technical Center (06-2-408)

Reappropriation:

State Building Construction Account--State \$980,000
 Prior Biennia (Expenditures) \$20,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (06-1-050)

Reappropriation:

Community/Technical College Capital Projects
 Account--State \$12,400,000
 Prior Biennia (Expenditures) \$9,927,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$22,327,000

NEW SECTION. Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Vocational Education Renovation (06-1-303)

Reappropriation:

State Building Construction Account--State \$4,710,000
 Prior Biennia (Expenditures) \$661,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,371,000

NEW SECTION. Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Humanities and Classroom Building (06-1-205)

Reappropriation:

State Building Construction Account--State \$40,000

Appropriation:

State Building Construction Account--State \$2,744,000
 Prior Biennia (Expenditures) \$97,000
 Future Biennia (Projected Costs) \$25,427,000
 TOTAL \$28,308,000

NEW SECTION. Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Physical Education Renovation (06-1-313)

Reappropriation:

State Building Construction Account--State \$477,000

Appropriation:

State Building Construction Account--State \$3,818,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,295,000

NEW SECTION. Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Water System Replacement (06-1-501)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$1,951,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,951,000

NEW SECTION. Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

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Green River Community College: Skills Support Center Addition (06-2-405)

North Seattle Community College: Wellness Center Repairs (06-1-330)

Reappropriation:

State Building Construction Account--State	.....	\$640,000
Prior Biennia (Expenditures)	.....	\$160,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$800,000

Reappropriation:

State Building Construction Account--State	.....	\$970,000
Prior Biennia (Expenditures)	.....	\$2,030,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,000,000

NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Marine Science and Technology (06-2-406)

Olympic College: Humanities and Student Services (06-1-204)

Reappropriation:

State Building Construction Account--State	.....	\$490,000
Prior Biennia (Expenditures)	.....	\$10,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	\$500,000

Reappropriation:

State Building Construction Account--State	\$2,500,000
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NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Appropriation:

State Building Construction Account--State	...	\$37,889,000
Prior Biennia (Expenditures)	.....	\$999,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$41,388,000

Infrastructure Savings (06-1-751)

NEW SECTION. Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	.....	\$2,600,000
Prior Biennia (Expenditures)	.....	\$116,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,716,000

Reappropriation:

State Building Construction Account--State	.....	\$30,000
Prior Biennia (Expenditures)	.....	\$570,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$600,000

NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Allied Health Building (06-2-697)

Olympic College: Bremer Student Center (06-2-411)

Appropriation:

State Building Construction Account--State	.....	\$1,732,000
Prior Biennia (Expenditures)	.....	\$197,000
Future Biennia (Projected Costs)	.....	\$26,085,000
TOTAL	.....	\$28,014,000

Reappropriation:

State Building Construction Account--State	...	\$11,000,000
Prior Biennia (Expenditures)	.....	\$3,000,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$14,000,000

NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Science Lab Renovation (06-1-308)

Peninsula College: Library Renovation (06-1-305)

Reappropriation:

State Building Construction Account--State	.....	\$290,000
Prior Biennia (Expenditures)	.....	\$1,469,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,759,000

Reappropriation:

State Building Construction Account--State	.....	\$250,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$250,000

NEW SECTION. Sec. 5202. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works Preservation (RMI) (06-1-001)

Pierce College Fort Steilacoom: Cascade Core Phase I (06-1-326)

Reappropriation:

Community/Technical College Capital Projects Account--State	.....	\$6,300,000
Prior Biennia (Expenditures)	.....	\$7,700,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	\$14,000,000

Reappropriation:

State Building Construction Account--State	\$1,000,000
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Appropriation:

State Building Construction Account--State	...	\$14,602,000
Prior Biennia (Expenditures)	\$2,350,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$17,952,000

NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Program (06-2-130)

Roof Repairs (06-1-010)

Reappropriation:

State Building Construction Account--State	...	\$11,900,000
Prior Biennia (Expenditures)	.....	\$8,363,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$20,263,000

Reappropriation:

Community/Technical College Capital Projects Account--State	.....	\$3,900,000
Prior Biennia (Expenditures)	.....	\$4,940,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$8,840,000

NEW SECTION. Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

NEW SECTION. Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Employment Resource Center (06-2-851)

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Reappropriation:

State Building Construction Account--State	.....	\$325,000
Prior Biennia (Expenditures)	.....	\$195,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$520,000

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$268,000
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NEW SECTION. Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Appropriation:

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Gardner-Evans Higher Education Construction
 Account--State \$1,688,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,956,000

NEW SECTION. Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Greenhouse/Educational Center (06-2-410)

Reappropriation:
 State Building Construction Account--State \$240,000
 Prior Biennia (Expenditures) \$10,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$250,000

NEW SECTION. Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Information Technology and Visual Communications (06-1-304)

Reappropriation:
 State Building Construction Account--State \$7,400,000
 Prior Biennia (Expenditures) \$696,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,096,000

NEW SECTION. Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College: Annex Renovation (06-1-312)

Reappropriation:
 State Building Construction Account--State \$840,000
 Prior Biennia (Expenditures) \$1,899,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,739,000

NEW SECTION. Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College: Automotive Building (Phase I) (06-2-951)

Reappropriation:
 State Building Construction Account--State \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (06-1-090)

Reappropriation:
 Community/Technical College Capital Projects
 Account--State \$2,300,000
 Prior Biennia (Expenditures) \$1,537,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,837,000

NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$230,000
 Prior Biennia (Expenditures) \$1,404,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,634,000

NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Learning Resource Center (06-2-698)

Appropriation:
 State Building Construction Account--State \$3,268,000
 Prior Biennia (Expenditures) \$197,000
 Future Biennia (Projected Costs) \$35,382,000
 TOTAL \$38,847,000

NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Automotive Collision Technology (06-1-306)

Reappropriation:
 State Building Construction Account--State \$1,700,000
 Prior Biennia (Expenditures) \$272,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,972,000

NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)

Reappropriation:
 State Building Construction Account--State \$490,000
 Prior Biennia (Expenditures) \$67,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$557,000

NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Campus Classrooms (06-2-696)

Appropriation:
 State Building Construction Account--State \$1,802,000
 Prior Biennia (Expenditures) \$82,000
 Future Biennia (Projected Costs) \$18,686,000
 TOTAL \$20,570,000

NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)

Reappropriation:
 State Building Construction Account--State \$940,000
 Prior Biennia (Expenditures) \$1,060,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Clarkston Health Science Facility (06-2-402)

Reappropriation:
 State Building Construction Account--State \$490,000
 Prior Biennia (Expenditures) \$510,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Brown Library Renovation (06-1-311)

Reappropriation:
 State Building Construction Account--State \$760,000
 Prior Biennia (Expenditures) \$1,644,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,404,000

NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Center for Workforce Education (06-2-407)

Reappropriation:
 State Building Construction Account--State \$690,000
 Prior Biennia (Expenditures) \$310,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Raymond Hall Renovation (06-1-325)

Reappropriation:
 State Building Construction Account--State \$3,800,000
 Prior Biennia (Expenditures) \$369,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,169,000

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NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Mohler Communications Technology Center (08-2-703)

Appropriation:

State Building Construction Account--State	.....	\$173,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$22,567,000
TOTAL	.....	\$22,740,000

NEW SECTION. Sec. 5229. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: Health Science Building (08-2-702)

Appropriation:

State Building Construction Account--State	.....	\$144,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$38,893,000
TOTAL	.....	\$39,037,000

NEW SECTION. Sec. 5230. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Instructional Resource Center (08-1-223)

Appropriation:

State Building Construction Account--State	.....	\$1,824,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$28,065,000
TOTAL	.....	\$29,889,000

NEW SECTION. Sec. 5231. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College: Health and Wellness Education Center (08-2-414)

Appropriation:

State Building Construction Account--State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5232. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Child and Family Studies Center (08-2-417)

Appropriation:

State Building Construction Account--State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5233. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Health and Advanced Technologies Building (08-2-705)

Appropriation:

State Building Construction Account--State	.....	\$250,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$32,982,000
TOTAL	.....	\$33,232,000

NEW SECTION. Sec. 5234. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Business Education Building (08-1-315)

Appropriation:

State Building Construction Account--State	.....	\$5,020,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,020,000

NEW SECTION. Sec. 5235. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Social Science Center (08-2-704)

Appropriation:

State Building Construction Account--State	.....	\$111,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$12,299,000
TOTAL	.....	\$12,410,000

NEW SECTION. Sec. 5236. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Vocational Building (08-1-217)

Appropriation:

State Building Construction Account--State	.....	\$1,802,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$20,498,000
TOTAL	.....	\$22,300,000

NEW SECTION. Sec. 5237. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Primary Electrical Replacement (08-1-508)

Appropriation:

State Building Construction Account--State	.....	\$2,466,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,466,000

NEW SECTION. Sec. 5238. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Meadowdale Hall Renovation (08-1-318)

Appropriation:

State Building Construction Account--State	.....	\$9,256,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$9,256,000

NEW SECTION. Sec. 5239. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Index Hall Replacement (08-1-221)

Appropriation:

State Building Construction Account--State	.....	\$2,800,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$41,005,000
TOTAL	.....	\$43,805,000

NEW SECTION. Sec. 5240. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Child Care Facility (08-2-416)

Appropriation:

State Building Construction Account--State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5241. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Science and Math Building (08-1-226)

Appropriation:

State Building Construction Account--State	.....	\$276,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$40,026,000
TOTAL	.....	\$40,302,000

NEW SECTION. Sec. 5242. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Primary Electrical Replacement (08-1-506)

Appropriation:

State Building Construction Account--State	.....	\$1,870,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,870,000

NEW SECTION. Sec. 5243. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Trades and Industry Building (08-1-222)

Appropriation:

State Building Construction Account--State	.....	\$138,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$29,833,000
TOTAL	\$29,971,000

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NEW SECTION. Sec. 5244. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Health and Science Building (08-1-225)

Appropriation:

State Building Construction Account--State	....	\$2,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$39,915,000
TOTAL	.....	\$42,415,000

NEW SECTION. Sec. 5245. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation (08-1-050)

Appropriation:

Community/Technical College Capital Projects		
Account--State	.....	\$21,243,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$80,000,000
TOTAL	.....	\$101,243,000

NEW SECTION. Sec. 5246. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation - Roof Repairs (08-1-010)

Appropriation:

State Building Construction Account--State	....	\$6,676,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$24,000,000
TOTAL	.....	\$30,676,000

NEW SECTION. Sec. 5247. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Infrastructure Preservation (08-1-090)

Appropriation:

Community/Technical College Capital Projects		
Account--State	.....	\$2,082,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$16,000,000
TOTAL	.....	\$18,082,000

NEW SECTION. Sec. 5248. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation - Repairs and Minor Improvements (08-1-001)

Appropriation:

Community/Technical College Capital Projects		
Account--State	.....	\$16,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$70,000,000
TOTAL	.....	\$86,000,000

NEW SECTION. Sec. 5249. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (08-2-130)

Appropriation:

Community/Technical College Capital Projects		
Account--State	.....	\$20,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$80,000,000
TOTAL	.....	\$100,000,000

NEW SECTION. Sec. 5250. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Business and Humanities Center (08-1-218)

Appropriation:

State Building Construction Account--State	....	\$2,300,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$33,938,000
TOTAL	.....	\$36,238,000

NEW SECTION. Sec. 5251. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Cascade Core Phase II (08-1-321)

Appropriation:

State Building Construction Account--State	....	\$2,242,000
Prior Biennia (Expenditures)	.....	\$0

Future Biennia (Projected Costs)	.....	\$22,353,000
TOTAL	.....	\$24,595,000

NEW SECTION. Sec. 5252. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6003 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	.....	\$1
Gardner-Evans Higher Education Construction		
Account--State	.....	\$1
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2

NEW SECTION. Sec. 5253. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at the state board's discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6003 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	.....	\$22,802,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$22,802,000

NEW SECTION. Sec. 5254. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Edison North Renovation (08-1-314)

Appropriation:

State Building Construction Account--State	... ..	\$18,284,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$18,284,000

NEW SECTION. Sec. 5255. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Wood Construction Center (08-1-216)

Appropriation:

State Building Construction Account--State	....	\$2,549,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$23,734,000
TOTAL	\$26,283,000

NEW SECTION. Sec. 5256. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

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Shoreline Community College: Automotive Training Center (08-2-413)

Appropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5257. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Academic and Student Services Building (08-1-224)

Appropriation:

State Building Construction Account--State	....	\$136,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$26,763,000
TOTAL	.....	\$26,899,000

NEW SECTION. Sec. 5258. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Building 22 Renovation (08-1-316)

Appropriation:

State Building Construction Account--State	...	\$10,359,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$10,001,000
TOTAL	.....	\$20,360,000

NEW SECTION. Sec. 5259. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Building 7 Renovation (08-1-319)

Appropriation:

State Building Construction Account--State	....	\$1,009,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$9,331,000
TOTAL	.....	\$10,340,000

NEW SECTION. Sec. 5260. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Technical Education Building (08-1-220)

Appropriation:

State Building Construction Account--State	....	\$2,393,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$30,391,000
TOTAL	.....	\$32,784,000

NEW SECTION. Sec. 5261. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Chemistry and Life Science Building (08-1-219)

Appropriation:

State Building Construction Account--State	....	\$2,520,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$27,044,000
TOTAL	.....	\$29,564,000

NEW SECTION. Sec. 5262. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Magnuson Building Remodel (08-2-415)

Appropriation:

State Building Construction Account--State	.....	\$941,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$941,000

NEW SECTION. Sec. 5263. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Music Building 15 Renovation (08-1-320)

Appropriation:

State Building Construction Account--State	....	\$1,142,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,094,000
TOTAL	\$14,236,000

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NEW SECTION. Sec. 5264. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Early Childhood Education/Childcare Center (08-2-418)

Appropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5265. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Health Careers Center (08-2-701)

Appropriation:

State Building Construction Account--State	....	\$255,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$36,514,000
TOTAL	.....	\$36,769,000

NEW SECTION. Sec. 5266. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Culinary Arts/Student Development Center (08-2-419)

Appropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5267. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Brown Dental Hygiene Building (08-1-317)

Appropriation:

State Building Construction Account--State	....	\$5,675,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,675,000

NEW SECTION. Sec. 5268. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Higher Education Cost Escalation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to establish a process for allocating funds to projects that have experienced unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from nonstate resources. The board shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. The board will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State	....	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

(End of part)

PART 6 MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

NEW SECTION. Sec. 6001. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and

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the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

NEW SECTION. Sec. 6002. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 6003. (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of

work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 6004. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

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NEW SECTION. Sec. 6005. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 6006. The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The higher education coordinating board's biennial budget guidelines and the prioritization process shall place greater emphasis on:

(a) Early critical review of project proposals at the predesign phase, rather than deferring critical review and prioritization to the design or construction phases of a project; and

(b) The capital budget bow wave for a six-year period, beginning with the 2009-2011 biennium through the 2013-2015 biennium.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to section 6003(2)(a) of this act. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

(a) Implement a specific legislatively authorized program or planning priority;

(b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;

(c) Provide additional capacity or adaptation of space for high demand instructional or research programs;

(d) Provide additional instructional program capacity for under-served geographic regions or populations; and

(e) Reflect institutional planning priorities and areas of emphasis.

(7) The higher education coordinating board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

(8) The council of presidents, in consultation with the board, shall report by September 1, 2007, to the appropriate legislative fiscal committees on the use of a proportionality factor in the scoring and ranking of projects. The report shall include:

(a) A definition of proportionality as it has been used in the scoring and ranking of projects for funding in the 2007-2009 biennium and may be used for subsequent biennia;

(b) A method for measuring proportionality in a valid and consistent manner; and

(c) An explanation of how proportionality relates to the statewide priorities established in subsection (6) of this section, including an assessment of the extent to which it promotes the achievement of these statewide priorities.

NEW SECTION. Sec. 6007. The Washington state auditor shall perform an audit of the Seattle public library and the secretary of state with regard to expenditures related to the facility located at 2021 9th Avenue, Seattle, Washington that houses the Washington talking book and braille library and city of Seattle functions. The audit shall be completed and results available to the legislature by September 1, 2007.

NEW SECTION. Sec. 6008. Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon the sale of the center and with regard to expenditure of the proceeds.

NEW SECTION. Sec. 6009. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

NEW SECTION. Sec. 6010. The effective use of state-supported space in higher education is an important factor in assessing both effective management and priorities for capital funding. It is also recognized that the facilities of the state vary significantly among the community colleges, the comprehensive

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regional universities, and the research universities. It is further recognized that the existing higher education coordinating board space study does a good job of highlighting the use of a portion of the space for a specific chosen set of uses.

In order for the legislature to have a better awareness of all uses of all state-supported space, the council of presidents shall prepare an assessment of facilities use that covers the full scope of uses for all types of state-funded spaces. This assessment should start with the higher education coordinating board report and build upon this to include additional uses, space types, and methodologies, including methodologies and practices used by other higher education institutions.

To the extent possible, it would be helpful for this assessment to use the same definitions of space types and uses. Based upon the differences in mission and function, the assessment may be divided to look at the comprehensive regional universities along with The Evergreen State College in one group and the research universities as a second group.

The council of presidents shall coordinate this effort with the office of financial management, staff from the appropriate fiscal and higher education committees of the legislature, and the higher education coordinating board. The assessment shall be completed and delivered to the legislature by January 1, 2008.

NEW SECTION. Sec. 6011. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 6012. Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2007-2009 biennium.

NEW SECTION. Sec. 6013. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 6014. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the

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dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed the appraised fair market value. A purchase agreement shall include the following requirements: (a) Upon completion of the purchase of the property, the buyer shall put \$5,750,000 of the purchase price in an interest-bearing escrow account that shall be released to the seller after the seller has raised sixty-five percent of the funds required to develop a museum within the city of Seattle and has executed a development agreement with the city of Seattle; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2013, the entire amount in the escrow account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department of general administration. In addition to the department of information services, state agency

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tenants shall include the state patrol and other state agencies specified in LEAP capital document No. 2007-xx. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (10) have been met. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state, and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to \$112,942,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter ... ([House] [Senate] Bill No. (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration: Enter into a financing contract for up to \$75,863,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter ... ([House] [Senate] Bill No. (Z-0290/07, providing funding for the heritage building project)), Laws of 2007 is enacted by June 30, 2007.

NEW SECTION. Sec. 6015. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2007-2009 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

NEW SECTION. Sec. 6016. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this

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act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2009-2011 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 6017. (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2007, from the 2005-2007 biennial appropriations for each project.

(2) "Reappropriations" from the water quality capital account in this act shall be limited to the unexpended balance remaining as of the end of fiscal year 2007 from the water quality account in the 2005-2007 biennial appropriations for each project in this act.

(3) "Reappropriations" in sections 5001, 5002, 5003, and 5005 of this act shall be reduced in this act to the unexpended balances remaining as of the end of fiscal year 2007 for the 2005-2007 biennial appropriation in sections 602, 604, and 607, chapter 488, Laws of 2005, and section 194, chapter 371, Laws of 2006.

NEW SECTION. Sec. 6018. The water quality capital account is created in the state treasury pursuant to chapter ... ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account). In this act, appropriations from the water quality capital account are defined as appropriations from that account. If chapter . . . ([House][Senate] Bill No. . . . (Z-0356.3/07)), Laws of 2007 (water quality capital account) is not enacted by June 30, 2007, appropriations in this act either from that account or into that account shall lapse.

NEW SECTION. Sec. 6019. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 6020. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 6021. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 6022. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

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NEW SECTION. Sec. 6023. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account, or any other account receiving bond proceeds, to the state taxable building construction account is necessary.

NEW SECTION. Sec. 6024. (1) A study committee on public infrastructure programs and funds is established. The study committee shall consist of eight members, as follows:

(a) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives; and

(b) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(2) The study committee members shall, by an affirmative vote of at least five members, select a chair from among its membership.

(3) The study committee may consult with individuals from the public and private sectors and other interested parties, as may be appropriate, for technical advice and assistance and may request such individuals to establish advisory committees or work groups that report to the study committee.

(4) The study committee shall make recommendations regarding a comprehensive funding structure and systematic approach to support the integration, consolidation, and standardization of processes, procedures, and infrastructure programs. In order to make recommendations, the study committee shall:

(a) Review state public infrastructure programs and funds and the purposes each serve using the November 29, 2006, inventory of state infrastructure programs compiled by the joint legislative audit and review committee;

(b) Review program or fund implementation;

(c) Consider the types of public infrastructure projects supported by the program or fund; and

(d) Identify overlaps or gaps in types of public infrastructure projects supported through state programs or funds.

(5) The study committee shall use staff from the house of representatives office of program research and senate committee services, in consultation with the department of community, trade, and economic development and the office of financial management.

(6) The study committee shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2008.

(7) The study committee expires January 1, 2008.

NEW SECTION. Sec. 6025. The Washington state historical society shall review its competitive process to solicit proposals for heritage capital projects for potential funding in the state capital budget. The Washington state historical society shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

NEW SECTION. Sec. 6026. The interagency committee for outdoor recreation shall review its competitive process to solicit proposals for the wildlife and recreation grant program for potential funding in the state capital budget. The interagency committee for outdoor recreation shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

NEW SECTION. Sec. 6027. The office of financial management may authorize a value engineering study of a project's predesign report prior to beginning the design phase for

the project. The allotment of the design phase may be delayed to accommodate the study.

NEW SECTION. Sec. 6028. FOR THE STATE TREASURER--TRANSFERS. The transfer in this section is subject to the following conditions and limitations: The amount transferred shall be added to the irreducible principal of the common school permanent fund. The state investment board shall invest the amount transferred in various types of allowable investments in order to achieve a balance of long-term growth and current income. The treasurer shall calculate the irreducible principal in accordance with the state constitution and state law. The irreducible principal shall not include investment gains on the principal of the amount transferred, and the fund may retain or distribute income and investment earnings attributable to this amount in order to achieve the appropriate balance between growth and income.

Natural Resources Real Property Replacement

Account: For transfer to the Common School

Permanent Fund \$30,000,000

Sec. 6029. RCW 79.17.210 and 2003 c 334 s 118 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2007-2009 biennium, balances in the account may be transferred to the appropriate permanent funds as directed in the capital budget appropriations act.

NEW SECTION. Sec. 6030. FOR THE STATE TREASURER--TRANSFERS

Education Construction Account: For transfer to

the Common School Construction, an amount

not to exceed \$124,200,000

Education Savings Account: For transfer to the

Common School Construction Account, an

amount not to exceed \$43,400,000

Sec. 6031. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

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(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary

purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

Sec. 6032. RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and

(c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may appropriate funds from this account for ~~((school fire prevention activities within the Washington state patrol))~~ additional sanitary wastewater treatment capacity at the state fire service training center.

Sec. 6033. RCW 43.135.045 and 2005 c 518 s 931, 2005 c 314 s 401, and 2005 c 72 s 6 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall transfer an amount from the state general fund to the emergency reserve fund. The amount transferred shall equal the amount by which total state revenue for the general fund and related funds exceeds the state expenditure limit, multiplied by the percentage that general fund expenditures are of total expenditures from the general fund and related funds. Transfers shall be made at the end of each fiscal quarter based on projections of state revenues, expenditures, and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all

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sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

Sec. 6034. RCW 43.155.050 and 2005 c 488 s 925 and 2005 c 425 s 4 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

Sec. 6035. RCW 43.155.050 and 2005 c 488 s 925 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033 of this act.

NEW SECTION. Sec. 6036. For appropriations under this act that contribute to Puget Sound protection and recovery, the department of ecology, the department of fish and wildlife, the department of natural resources, the state conservation commission, the state parks and recreation commission, the department of health, and the interagency committee for outdoor recreation shall sign performance agreements with the Puget Sound partnership as described in chapter . . . ([House] [Senate] Bill No. . . .) Laws of 2007 (Z-0369 Puget Sound partnership).

NEW SECTION. Sec. 6037. Section 6034 of this act expires June 30, 2011.

Sec. 6038. 2005 c 488 s 955 (uncodified) is amended to read as follows:

~~((Sections))~~ (1) Section 920 ~~((and 921))~~ of this act expires June 30, 2007.

(2) Section 921 of this act expires June 30, 2009.

Sec. 6039. 2006 c 371 s 106 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000

Alder creek pioneer association carousel museum	\$450,000	Filipino community center	\$200,000
Asian counseling and referral service	\$2,000,000	Financial assistance to the town of Hamilton	\$150,000
Auburn veterans' memorial park improvements	\$50,000	Food bank refrigeration projects	\$365,000
Bailey Gatzert children's play area	\$75,000	Foster creek	\$150,000
Bridge for kids	\$850,000	Fox theater	\$2,398,000
Brookside school ADA playground equipment	\$25,000	Garfield county agricultural museum	\$150,000
Buena library	\$50,000	GC health clinic	\$12,000
Camp prime time repairs-- families with terminally ill children	\$100,000	Grand Army of the Republic cemetery	\$5,000
Cannon house	\$250,000	Granite Falls museum expansion	\$50,000
Central area motivation program (CAMP)	\$250,000	Greenbridge plaza in White Center	\$200,000
Cesar Chavez park	\$150,000	Habitat park south hill	\$400,000
Chambers creek footbridge	\$177,000	Hanford reach interpretive center <u>preconstruction activities</u>	\$2,000,000
Childhaven	\$150,000	Hidden river environmental education center	\$50,000
Clark Lake park and retreat center	\$500,000	ICL education center	\$200,000
Colman school preconstruction activities	\$1,200,000	Japanese cultural and community center	\$200,000
Colored women's association meeting house	\$60,000	Joel Pritchard park	\$2,500,000
Columbia breaks fire interpretive center	\$150,000	Joe's creek project	\$856,000
Community center at Greenbridge	\$400,000	Juanita creek channel and riparian restoration	\$500,000
Covington aquatics center phase 1	\$350,000	Juanita highlands	\$275,000
Crossroads community center and park	\$250,000	Julia Butler Hansen home restoration	\$10,000
Cutter theater	\$71,000	Kettle falls park	\$100,000
Deming library	\$85,000	Kirkland nonmotorized facilities	\$200,000
Des Moines beach park historic buildings	\$300,000	LeRoi smelter smokestack monument	\$3,000
Discovery park	\$1,000,000	Lewis and Clark confluence project	\$2,000,000
East Whatcom regional resource center	\$1,750,000	McCaw hall	\$2,000,000
Eatonville family park	\$50,000	Meridian habitat park	\$400,000
El Centro de la Raza	\$900,000	Miners' memorial	\$36,500
		Miracle league handicapped baseball	\$57,000

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MOBIUS/Inland Northwest science and technology center	\$1,500,000	Ruth Dykeman children's center	\$27,000
Mt. Baker theater	\$200,000	Sandman historical tug restoration	\$10,000
Mt. Vernon Jasper Gates statue	\$12,000	Seattle Aquarium	\$2,000,000
Multicultural center of Kitsap county	\$250,000	Seattle community center (1115 E. Pike street)	\$13,000
Nathaniel Orr home site museum interpretive center	\$29,000	Seattle mental health emerald house	\$28,000
Neighborhood house rainier vista	\$200,000	Seward park environmental and audubon center	\$400,000
New Lakewood clinic	\$350,000	Snohomish senior center	\$150,000
Northeast community center expansion	\$250,000	Sno-Valley senior activity center kitchen	\$50,000
Northshore performing arts center	\$1,000,000	Sound way property preservation	\$500,000
Northwest communities education center	\$1,000,000	Spokane river whitewater course	\$400,000
Oak Harbor multi-purpose community and sports facility	\$50,000	Sumas ballpark	\$250,000
Omak grandstand	\$250,000	Synthetic sportsfield partnership at Robinswood park	\$400,000
Orting fire station	\$250,000	Tall ships moorage	\$300,000
Pacific Northwest salmon center	\$1,000,000	Tukwila kayak and canoe launching facility	\$20,000
Pacific science center	\$900,000	Undeveloped woodlands linked to interurban nature trail	\$150,000
Performing arts center (PACE)	\$500,000	Vancouver museum	\$125,000
Pike Place Market health center emergency repairs	\$1,000,000	Vancouver national historical reserve west barracks	\$1,000,000
Port of Quincy	\$400,000	Veterans memorial museum	\$100,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000	Wapato Lake renovations and water quality	\$250,000
Puyallup river walking trail	\$200,000	West Seattle community resource center	\$500,000
Rainier historical heating system	\$75,000	West central community center	\$500,000
Red mountain	\$200,000	West Hylebos wetlands boardwalk	\$100,000
Relocation of Sieke Japanese gardens	\$250,000	Wilson playfield land acquisition	\$200,000
River walk and Sammamish river restoration	\$200,000	Wing Luke Asian art museum	\$2,000,000
Roslyn city hall	\$150,000	Youth housing/drop-in center	\$400,000

Total	\$49,949,500
Appropriation:	
State Building Construction Account--State . . .	\$49,949,500
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,949,500

Sec. 6040. 2005 c 488 s 165 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Construct Spokane Readiness Center (04-2-003)	
Reappropriation:	
General Fund--Federal	\$7,800,000
State Building Construction Account--State	(\$3,300,000)
	<u>\$2,250,000</u>
Subtotal Reappropriation	(\$11,100,000)
	<u>\$10,050,000</u>
Prior Biennia (Expenditures)	\$2,468,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$13,568,000)
	<u>\$12,518,000</u>

NEW SECTION. Sec. 6041. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Modular Building Reutilization (08-2-001)	
Appropriation:	
State Building Construction Account--State	\$1,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,850,000

Sec. 6042. 2005 c 488 s 347 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach - New Destinations (06-2-011)	
Appropriation:	
State Building Construction Account--State	(\$2,820,000)
	<u>\$4,320,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,700,000
TOTAL	(\$4,520,000)
	<u>\$6,020,000</u>

NEW SECTION. Sec. 6043. A new section is added to 2006 c 371 (uncodified) to read as follows:

STATE CONSERVATION COMMISSION FOR THE STATE CONSERVATION COMMISSION

Land Restoration (07-1-001)	
Appropriation:	
State Building Construction Account--State	\$587,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$587,000

NEW SECTION. Sec. 6044. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sinlahekin Creek Dams - Floods Damage Repair (2007-1-004)	
Appropriation:	
State Building Construction Account--State	\$70,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000

NEW SECTION. Sec. 6045. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Complete Phase 1 (2007-2-009)	
Appropriation:	
State Building Construction Account--State	\$588,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$588,000

NEW SECTION. Sec. 6046. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Loomis Natural Resources Conservation Area Restoration (2007-1-004)	
Appropriation:	
State Building Construction Account--State	\$271,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$271,000

NEW SECTION. Sec. 6047. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Storm Damage (07-1-850)	
Appropriation:	
State Building Construction Account--State	\$282,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$282,000

NEW SECTION. Sec. 6048. A new section is added to 2006 c 371 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Riverview Education Center (07-1-850)	
Appropriation:	
State Building Construction Account--State	\$498,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$498,000

Sec. 6049. 2006 c 371 s 192 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)
The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane Conservation district	(\$2,000,000) <u>\$1,779,000</u>
Port of Warden	\$2,500,000
Odessa public development authority	(\$2,500,000) <u>\$3,500,000</u>
(Port of Columbia county	\$2,500,000) <u>\$0</u>
Port of Sunnyside	\$750,000
<u>A public subdivision working with the DeRuyter Farms anaerobic digester project</u>	<u>\$1,973,000</u>
Total	(\$10,250,000) <u>\$10,502,000</u>

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(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

(11) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State	(((10,250,000)))
	<u>\$10,502,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((10,250,000)))
	<u>\$10,502,000</u>

Sec. 6050. 2006 c 371 s 191 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed

Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

(3) If chapter . . . (House Bill No. 1303/Senate Bill No. 5586 (cleaner energy)), Laws of 2007 is enacted, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State	(((6,750,000)))
	<u>\$3,998,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(((6,750,000)))
	<u>\$3,998,000</u>

NEW SECTION. Sec. 6051. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 6052. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6053. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 6033 of this act which takes effect July 1, 2007, and section 6035 of this act which takes effect June 30, 2011.

(End of Part)

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MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Brandland to the committee striking amendment be adopted.

On page 23, after 24 insert the following:

"The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the city of Republic to acquire the Pine Grove water system."

On page 25, after line 27, insert the following:

"Columbia Springs Environmental Learning Center \$200,000"

On page 27, on line 37, increase the amount by \$200,000

Adjust the totals accordingly.

Senators Fraser and Brandland spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Brandland on page 23, after line 24 to the committee striking amendment to Engrossed Substitute House Bill No. 1092.

The motion by Senator Fraser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1092.

The motion by Senator Fraser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 70.105D.070, 43.43.944, 43.155.050, and 79.17.210; amending 2005 c 488 ss 165, 347, and 955 (uncodified); amending 2006 c 371 ss 106, 191, and 192 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; adding new sections to 2006 c 371 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Substitute House Bill No. 1092 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fraser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1092 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1092 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-

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Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Stevens - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2394, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Jarrett, Kenney and Moeller)

Requesting the issuance and sale of general obligation bonds for transportation improvements.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.10.812 and 1999 sp.s. c 2 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of state highway improvements that are identified as special category C improvements, there shall be issued and sold upon the request of the Washington state secretary of transportation (~~(commission)~~) a total of ~~((three))~~ six hundred ~~((thirty))~~ million dollars of general obligation bonds of the state of Washington.

Sec. 2. RCW 47.10.813 and 1993 c 431 s 2 are each amended to read as follows:

Upon the request of the secretary of transportation (~~(commission)~~), the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.812 through 47.10.817 in accordance with chapter 39.42 RCW. Bonds authorized by RCW 47.10.812 through 47.10.817 shall be sold in such manner, at such time or times, in such amounts, and at such price as the state finance committee shall determine. No such bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

Sec. 3. RCW 47.10.861 and 2006 c 334 s 31 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the secretary of the department of transportation a total of ~~((two))~~ three billion ~~((six))~~ two hundred million dollars of general obligation bonds of the state of Washington.

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Sec. 4. RCW 47.10.873 and 2005 c 315 s 1 are each amended to read as follows:

In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as 2005 transportation partnership projects or improvements in the omnibus transportation budget (~~((2005 c 313))~~) chapter 313, Laws of 2005, there shall be issued and sold upon the request of the department of transportation a total of five billion ~~((one))~~ three hundred million dollars of general obligation bonds of the state of Washington.

Sec. 5. RCW 47.10.877 and 2005 c 315 s 5 are each amended to read as follows:

Both principal and interest on the bonds issued for the purposes of RCW 47.10.873 through 47.10.878 shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the transportation partnership account in the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by RCW 47.10.873 through 47.10.878 shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the transportation partnership account in the motor vehicle fund. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the transportation ~~((2005 partnership))~~ partnership account proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the transportation partnership account not required for bond retirement or interest on the bonds.

Sec. 6. RCW 47.26.420 and 1981 c 315 s 5 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there are hereby authorized for issuance general obligation bonds of the state of Washington, the first authorization of which shall be in the sum of two hundred fifty million dollars, and the second authorization of which, to be known as series II bonds, shall be in the sum of sixty million dollars, and the third authorization of which, to be known as series III bonds, shall be in the sum of one hundred million dollars, which shall be issued and sold in such amounts and at such times as determined to be necessary by the ~~((state))~~ transportation ((commission)) improvement board. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale, and retirement of

said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the ~~((state))~~ transportation ((commission)) improvement board, shall provide for the issuance, sale, and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the ~~((state))~~ transportation ((commission)) improvement board.

Sec. 7. RCW 47.26.425 and 1999 sp.s. c 1 s 609 are each amended to read as follows:

Any funds required to repay the first authorization of two hundred fifty million dollars of bonds authorized by RCW 47.26.420, as amended by section 18, chapter 317, Laws of 1977 ex. sess. or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle and special fuels and which is distributed to the urban arterial trust account in the motor vehicle fund pursuant to RCW 46.68.090~~((+g))~~ (2)(c), and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities, and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle and special fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds."

Senator Haugen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 2394.

The motion by Senator Haugen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "requesting the issuance and sale of general obligation bonds for highway improvements; and amending RCW 47.10.812, 47.10.813, 47.10.861, 47.10.873, 47.10.877, 47.26.420, and 47.26.425."

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2394 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2394 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2394 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

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McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Honeyford and Schoesler - 3

Excused: Senators Fairley and Stevens - 2

SUBSTITUTE HOUSE BILL NO. 2394 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Miloscia, O'Brien, Ericks, Hunt, Sells, Green, Flannigan, Williams, Kenney, Appleton, Ormsby, Quall, Haigh, Hasegawa and Lantz)

Addressing manufactured/mobile home community registrations and dispute resolution.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there are factors unique to the relationship between a manufactured/mobile home tenant and a manufactured/mobile home community landlord. Once occupancy has commenced, the difficulty and expense in moving and relocating a manufactured/mobile home can affect the operation of market forces and lead to an inequality of the bargaining position of the parties. Once occupancy has commenced, a tenant may be subject to violations of the manufactured/mobile home landlord-tenant act without an adequate remedy at law. This chapter is created for the purpose of protecting the public, fostering fair and honest competition, and regulating the factors unique to the relationship between the manufactured/mobile home tenant and the manufactured/mobile home community landlord.

(2) The legislature finds that taking legal action against a manufactured/mobile home community landlord for violations of the manufactured/mobile home landlord-tenant act can be a costly and lengthy process, and that many people cannot afford to pursue a court process to vindicate statutory rights. Manufactured/mobile home community landlords will also benefit by having access to a process that resolves disputes quickly and efficiently.

(3)(a) Therefore, it is the intent of the legislature to provide an equitable as well as a less costly and more efficient way for manufactured/mobile home tenants and manufactured/mobile home community landlords to resolve disputes, and to provide a mechanism for state authorities to quickly locate manufactured/mobile home community landlords.

(b) The legislature intends to authorize the department of licensing to register manufactured/mobile home communities and collect a registration fee.

(c) The legislature intends to authorize the attorney general to:

(i) Produce and distribute educational materials regarding the manufactured/mobile home landlord-tenant act and the

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manufactured/mobile home dispute resolution program created in section 3 of this act;

(ii) Administer the dispute resolution program by taking complaints, conducting investigations, making determinations, issuing fines and other penalties, and participating in administrative dispute resolutions, when necessary, when there are alleged violations of the manufactured/mobile home landlord-tenant act; and

(iii) Collect and annually report upon data related to disputes and violations, and make recommendations on modifying chapter 59.20 RCW, to the appropriate committees of the legislature.

NEW SECTION. Sec. 2. For purposes of this chapter:

(1) "Complainant" means a landlord, community owner, or tenant, who has a complaint alleging a violation of chapter 59.20 RCW;

(2) "Department" means the department of licensing;

(3) "Director" means the director of licensing;

(4) "Landlord" or "community owner" means the owner of a mobile home park or a manufactured housing community and includes the agents of a landlord;

(5) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(6) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(7) "Manufactured/mobile home" means either a manufactured home or a mobile home;

(8) "Manufactured/mobile home lot" means a portion of a manufactured/mobile home community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

(9) "Mobile home park," "manufactured housing community," or "manufactured/mobile home community" means any real property that is rented or held out for rent to others for the placement of two or more mobile homes, manufactured homes, park models, or recreational vehicles for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purposes only and is not used for year-round occupancy;

(10) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or part of the legal title to the real property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the real property;

(11) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation and is used as a permanent residence;

(12) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily used as a permanent residence located in a mobile home park or manufactured housing community;

(13) "Respondent" means a landlord, community owner, or tenant, alleged to have committed violation of chapter 59.20 RCW;

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(14) "Tenant" means any person, except a transient as defined in RCW 59.20.030, who rents a mobile home lot.

NEW SECTION. Sec. 3. (1) The attorney general shall administer a manufactured/mobile home dispute resolution program.

(2) The purpose of the manufactured/mobile home dispute resolution program is to provide manufactured/mobile home community landlords and tenants with a cost-effective and time-efficient process to resolve disputes regarding alleged violations of the manufactured/mobile home landlord-tenant act.

(3) The attorney general under the manufactured/mobile home dispute resolution program shall:

(a) Produce educational materials regarding chapter 59.20 RCW and the manufactured/mobile home dispute resolution program, including a notice in a format that a landlord can reasonably post in a manufactured/mobile home community that summarizes tenant rights and responsibilities, includes information on how to file a complaint with the attorney general, and includes a toll-free telephone number and web site address that landlords and tenants can use to seek additional information and communicate complaints;

(b) Distribute the educational materials described in (a) of this subsection to all known landlords and information alerting landlords that:

(i) All landlords must post the notice provided by the attorney general that summarizes tenant rights and responsibilities and includes information on how to file complaints, in a clearly visible location in all common areas of manufactured/mobile home communities, including in each clubhouse;

(ii) The attorney general may visually confirm that the notice is appropriately posted; and

(iii) The attorney general may issue a fine or other penalty if the attorney general discovers that the landlord has not appropriately posted the notice or that the landlord has not maintained the posted notice so that it is clearly visible to tenants;

(c) Distribute the educational materials described in (a) of this subsection to any complainants and respondents, as requested;

(d) Perform dispute resolution activities, including investigations, negotiations, determinations of violations, and imposition of fines or other penalties as described in section 4 of this act;

(e) Create and maintain a database of manufactured/mobile home communities that have had complaints filed against them. For each manufactured/mobile home community in the database, the following information must be contained, at a minimum:

- (i) The number of complaints received;
- (ii) The nature and extent of the complaints received;
- (iii) The violation of law complained of; and
- (iv) The manufactured/mobile home dispute resolution program outcomes for each complaint;

(f) Provide an annual report to the appropriate committees of the legislature on the data collected under this section, including program performance measures and recommendations regarding how the manufactured/mobile home dispute resolution program may be improved, by December 31st, beginning in 2007.

(4) The manufactured/mobile home dispute resolution program, including all of the duties of the attorney general under the program as described in this section, shall be funded by the collection of fines, other penalties, and fees deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act, and all other sources directed to the manufactured/mobile home dispute resolution program.

NEW SECTION. Sec. 4. (1) An aggrieved party has the right to file a complaint with the attorney general alleging a violation of chapter 59.20 RCW.

(2) Upon receiving a complaint under this act, the attorney general must:

(a) Inform the complainant of any notification requirements under RCW 59.20.080 for tenant violations or RCW 59.20.200 for landlord violations and encourage the complainant to appropriately notify the respondent of the complaint; and

(b) If a statutory time period is applicable, inform the complainant of the time frame that the respondent has to remedy the complaint under RCW 59.20.080 for tenant violations or RCW 59.20.200 for landlord violations.

(3) After receiving a complaint under this act, the attorney general shall initiate the manufactured/mobile home dispute resolution program by investigating the alleged violations at its discretion and, if appropriate, facilitating negotiations between the complainant and the respondent.

(4)(a) Complainants and respondents shall cooperate with the attorney general in the course of an investigation by (i) responding to subpoenas issued by the attorney general, which may consist of providing access to papers or other documents, and (ii) providing access to the manufactured/mobile home facilities relevant to the investigation. Complainants and respondents must respond to attorney general subpoenas within thirty days.

(b) Failure to cooperate with the attorney general in the course of an investigation is a violation of this chapter.

(5) If after an investigation the attorney general determines that an agreement cannot be negotiated between the parties, the attorney general shall make a written determination on whether a violation of chapter 59.20 RCW has occurred.

(a) If the attorney general finds by a written determination that a violation of chapter 59.20 RCW has occurred, the attorney general shall deliver a written notice of violation to the respondent who committed the violation by certified mail. The notice of violation must specify the violation, the corrective action required, the time within which the corrective action must be taken, the penalties including fines, other penalties, and actions that will result if corrective action is not taken within the specified time period, and the process for contesting the determination, fines, penalties, and other actions included in the notice of violation through an administrative hearing. The attorney general must deliver to the complainant a copy of the notice of violation by certified mail.

(b) If the attorney general finds by a written determination that a violation of chapter 59.20 RCW has not occurred, the attorney general shall deliver a written notice of nonviolation to both the complainant and the respondent by certified mail. The notice of nonviolation must include the process for contesting the determination included in the notice of nonviolation through an administrative hearing.

(6) Corrective action must take place within fifteen business days of the respondent's receipt of a notice of violation, except as required otherwise by the attorney general, unless the respondent has submitted a timely request for an administrative hearing to contest the notice of violation as required under subsection (8) of this section. If a respondent, which includes either a landlord or a tenant, fails to take corrective action within the required time period and the attorney general has not received a timely request for an administrative hearing, the attorney general may impose a fine, up to a maximum of two hundred fifty dollars per violation per day, for each day that a violation remains uncorrected. The attorney general must consider the severity and duration of the violation and the violation's impact on other community residents when determining the appropriate amount of a fine or the appropriate penalty to impose on a respondent. If the respondent shows upon timely application to the attorney general that a good faith effort to comply with the corrective action requirements of the notice of violation has been made and that the corrective action has not been completed because of mitigating factors beyond the respondent's control, the attorney general may delay the imposition of a fine or penalty.

(7) The attorney general may issue an order requiring the respondent, or its assignee or agent, to cease and desist from an

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unlawful practice and take affirmative actions that in the judgment of the attorney general will carry out the purposes of this chapter. The affirmative actions may include, but are not limited to, the following:

(a) Refunds of rent increases, improper fees, charges, and assessments collected in violation of this chapter;

(b) Filing and utilization of documents that correct a statutory or rule violation; and

(c) Reasonable action necessary to correct a statutory or rule violation.

(8) A complainant or respondent may request an administrative hearing before an administrative law judge under chapter 34.05 RCW to contest:

(a) A notice of violation issued under subsection (5)(a) of this section or a notice of nonviolation issued under subsection (5)(b) of this section;

(b) A fine or other penalty imposed under subsection (6) of this section; or

(c) An order to cease and desist or an order to take affirmative actions under subsection (7) of this section.

The complainant or respondent must request an administrative hearing within fifteen business days of receipt of a notice of violation, notice of nonviolation, fine, other penalty, order, or action. If an administrative hearing is not requested within this time period, the notice of violation, notice of nonviolation, fine, other penalty, order, or action constitutes a final order of the attorney general and is not subject to review by any court or agency.

(9) If an administrative hearing is initiated, the respondent and complainant shall each bear the cost of his or her own legal expenses.

(10) The administrative law judge appointed under chapter 34.12 RCW shall:

(a) Hear and receive pertinent evidence and testimony;

(b) Decide whether the evidence supports the attorney general finding by a preponderance of the evidence; and

(c) Enter an appropriate order within thirty days after the close of the hearing and immediately mail copies of the order to the affected parties.

The order of the administrative law judge constitutes the final agency order of the attorney general and may be appealed to the superior court under chapter 34.05 RCW.

(11) When the attorney general imposes a fine, refund, or other penalty against a respondent, the respondent may not seek any recovery or reimbursement of the fine, refund, or other penalty from a complainant or from other manufactured/mobile home tenants.

(12) All receipts from the imposition of fines or other penalties collected under this section other than those due to a complainant must be deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act.

(13) This section is not exclusive and does not limit the right of landlords or tenants to take legal action against another party as provided in chapter 59.20 RCW or otherwise. Exhaustion of the administrative remedy provided in this chapter is not required before a landlord or tenants may bring a legal action. This section does not apply to unlawful detainer actions initiated under RCW 59.20.080 prior to the filing and service of an unlawful detainer court action; however, a tenant is not precluded from seeking relief under this chapter if the complaint claims the notice of termination violates RCW 59.20.080 prior to the filing and service of an unlawful detainer action.

NEW SECTION. Sec. 5. The attorney general, director, or individuals acting on behalf of the attorney general or director are immune from suit in any action, civil or criminal, based upon any disciplinary actions or other official acts performed in the course of their duties under this chapter, except their intentional or willful misconduct.

NEW SECTION. Sec. 6. (1) The department shall annually register all manufactured/mobile home communities. Each

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community must be registered separately. The department must deliver by certified mail registration notifications to all known manufactured/mobile home community landlords. Registration information packets must include:

(a) Registration forms; and

(b) Registration assessment information, including registration due dates and late fees, and the collections procedures, liens, and charging costs to tenants.

(2) To apply for registration, the landlord of a manufactured/mobile home community must file with the department an application for registration on a form provided by the department and must pay a registration fee as described in subsection (3) of this section. The department may require the submission of information necessary to assist in identifying and locating a manufactured/mobile home community and other information that may be useful to the state, which must include, at a minimum:

(a) The names and addresses of the owners of the manufactured/mobile home community;

(b) The name and address of the manufactured/mobile home community;

(c) The name and address of the landlord and manager of the manufactured/mobile home community;

(d) The number of lots within the manufactured/mobile home community that are subject to chapter 59.20 RCW; and

(e) The addresses of each manufactured/mobile home lot within the manufactured/mobile home community that is subject to chapter 59.20 RCW.

(3) Each manufactured/mobile home community landlord shall pay to the department:

(a) A one-time master application fee for the first year of registration and, in subsequent years, an annual master renewal application fee, as provided in RCW 19.02.075; and

(b) An annual registration assessment of ten dollars for each manufactured/mobile home that is subject to chapter 59.20 RCW within a manufactured/mobile home community. Manufactured/mobile home community landlords may charge a maximum of five dollars of this assessment to tenants. Nine dollars of the registration assessment for each manufactured/mobile home shall be deposited into the manufactured/mobile home dispute resolution program account created in section 8 of this act to fund the costs associated with the manufactured/mobile home dispute resolution program. The remaining one dollar shall be deposited into the master license fund created in RCW 19.02.210. The annual registration assessment must be reviewed once each biennium by the department and the attorney general and may be adjusted to reasonably relate to the cost of administering this chapter. The registration assessment may not exceed ten dollars, but if the assessment is reduced, the portion allocated to the manufactured/mobile home dispute resolution program account and the master license fund shall be adjusted proportionately.

(4) Initial registrations of mobile/manufactured housing communities must be filed with the department before November 1, 2007, or within three months of the availability of mobile home lots for rent within the community. The manufactured/mobile home community is subject to a delinquency fee of two hundred fifty dollars for late initial registrations. The delinquency fee shall be deposited in the master license fund. Renewal registrations that are not renewed by the expiration date as assigned by the department are subject to delinquency fees under RCW 19.02.085.

(5) Thirty days after sending late fee notices to a noncomplying landlord, the department may refer the past due account to a collection agency. If there is no response from a noncomplying landlord after sixty days in collections, the department may file an action to enforce payment of unpaid registration assessments and late fees in the superior court for Thurston county or in the county in which the manufactured/mobile home community is located. If the department prevails, the manufactured/mobile home community

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landlord shall pay the department's costs, including reasonable attorneys' fees, for the enforcement proceedings.

(6) Registration is effective on the date determined by the department, and the department shall issue a registration number to each registered manufactured/mobile home community. The department must provide an expiration date, assigned by the department, to each manufactured/mobile home community who registers.

NEW SECTION. Sec. 7. The department must have the capability to compile, update, and maintain the most accurate database possible of all the manufactured/mobile home communities in the state, which must include all of the information collected under section 6 of this act, except for the addresses of each manufactured/mobile home lot within the manufactured/mobile home community that is subject to chapter 59.20 RCW, which must be made available to the attorney general and the department of community, trade, and economic development in a format to be determined by a collaborative agreement between the department of licensing and the attorney general.

NEW SECTION. Sec. 8. The manufactured/mobile home dispute resolution program account is created in the custody of the state treasurer. All receipts from sources directed to the manufactured/mobile home dispute resolution program must be deposited in the account. Expenditures from the account may be used only for the costs associated with administering the manufactured/mobile home dispute resolution program. Only the attorney general or the attorney general's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 9. A new section is added to chapter 34.12 RCW to read as follows:

When requested by the attorney general, the chief administrative law judge shall assign an administrative law judge to conduct proceedings under Title 59 RCW.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 11. The attorney general may take the necessary steps to ensure that this act is implemented on its effective date."

MOTION

Senator Kastama moved that the following amendment by Senator Kastama to the committee striking amendment be adopted.

On page 11, after line 25 of the amendment, insert the following:

"**Sec. 10.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

~~((This office))~~ The department will provide ~~((an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide))~~ technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office of mobile home affairs will keep records of its activities in this area.

(2) The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 2 of the title amendment, after "insert" insert "amending RCW 59.22.050;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Kastama, the amendment by Senator Kastama on page 11, line 25 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1461 was withdrawn.

MOTION

Senator Kastama moved that the following amendment by Senator Kastama to the committee striking amendment be adopted.

On page 11, after line 25 of the amendment, insert the following:

"**Sec. 10.** RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department ~~((shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.~~

~~—This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to))~~ will provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The ~~((office))~~ department will keep records of its activities in this area.

(2) The ~~((office))~~ department shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

(3) The ~~((office))~~ department shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Kastama spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 11, after line 25 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1461.

The motion by Senator Kastama carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing as amended to Engrossed Second Substitute House Bill No. 1461.

The motion by Senator Kastama carried and the committee

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striking amendment as amended was adopted by voice vote.

colorectal cancer examinations and laboratory tests.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "resolution;" strike the remainder of the title and insert "adding a new section to chapter 34.12 RCW; adding a new chapter to Title 59 RCW; creating a new section; and prescribing penalties."

On page 12, line 2 of the title amendment, after "insert" insert "amending RCW 59.22.050;"

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Second Substitute House Bill No. 1461as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1461 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1461 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 18; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel and Weinstein - 28

Voting nay: Senators Benton, Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Shin, Swecker, Tom and Zarelli - 18

Excused: Senators Carrell, Fairley and Stevens - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1337, by House Committee on Health Care & Wellness (originally sponsored by Representatives Kenney, Skinner, Hunter, Priest, Darneille, Ericks, Pettigrew, Hankins, Lantz, Fromhold, Walsh, Williams, Kessler, Haler, Morrell, Barlow, McCoy, Appleton, Ormsby, Springer, Campbell, Moeller, Lovick, Rolfes, Hasegawa, Flannigan, Hudgins, Hunt, Green, Chase, Dunshee, Simpson, Roberts, O'Brien, Rodne, Dickerson, Quall, Goodman, Linville, Hurst, Santos and Wallace)

Requiring insurance coverage for colorectal cancer screening. Revised for 1st Substitute: Regarding coverage for

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Clements and Prentice spoke in favor of passage of the bill.

Senator Pflug spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1337 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Stevens - 2

SUBSTITUTE HOUSE BILL NO. 1337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, by House Committee on Commerce & Labor (originally sponsored by Representatives Eddy, Conway, Campbell, Hankins, Sells, Ormsby, Moeller, Ericks, Roberts, Darneille, Hunt, Blake, Kessler, Rolfes, Flannigan, O'Brien, Hurst, Buri, Williams, Grant, Chandler, Hasegawa, Simpson, Santos, Barlow, Morrell, Fromhold, Priest, Lantz, Strow, B. Sullivan, Cody, Hinkle, Eickmeyer, Haigh, Anderson, Appleton, Kenney, Chase, McCoy, Walsh, Haler, Kelley, Springer, Newhouse, Dunshee, Linville, McIntire, Lovick, Sump, Kirby, Schual-Berke, Kagi, Quall, Ahern, Pettigrew, VanDeWege, Condotta, Green, Seaquist, Dickerson, P. Sullivan and Sommers)

Regarding crane safety.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 5, line 35, after "(b)", strike "The" and insert "Beginning on January 1, 2012, the"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

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The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 5, line 35 to Engrossed Substitute House Bill No. 2171.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 17; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Marr, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Swecker and Zarelli - 17

Voting nay: Senators Benton, Berkey, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Excused: Senators Fairley and Stevens - 2

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Clements: "Would Senator Kohl-Welles yield to a question? It's my understanding that this bill applies only to cranes used in construction and that activities involving routine maintenance are exempt from this bill. So, for example, a private railroad performing routine maintenance on its rail lines would be exempt. Is that correct?"

Senator Kohl-Welles: "Yes, thank you Senator for that question. That is correct, the bill establishes certification requirements for construction cranes and qualifications for construction crane operators only. We've had staff attorneys look into this at length and routine maintenance does not constitute construction and your example, a private railroad that uses a crane to replace ties or rails in order to maintain and establish track is not subject to regulation under this bill because that activity is considered maintenance. However, if the private railroad were to use a crane to replace structural members on a railroad bridge for example to build a new spur or railway or to build a structure, it would be subject to regulation under the bill because those activities would be considered construction activities."

Senator Clements and Franklin spoke in favor of passage of the bill.

Senators Delvin, Morton and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2171.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2171 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 39

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler and Swecker - 8

Absent: Senator Hargrove - 1

Excused: Senator Stevens - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I request that the Journal reflect that I support Engrossed Substitute House Bill No. 2171. I inadvertently missed the vote on final passage because I was working on other legislation. I would have voted "Yes" on final passage of the bill.

SENATOR JIM HARGROVE, 24th Legislative District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Jarrett and O'Brien)

Making transportation appropriations for 2007-2009. Revised for 1st Substitute: Making transportation appropriations for the 2005-07 and 2007-09 fiscal biennia.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"2007-09 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2009.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full-time equivalent.

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(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation \$505,000
The appropriation in this section is subject to the following conditions and limitations: Per current law, funds will be transferred from the public service revolving fund's miscellaneous fees and penalties accounts to the grade crossing protection account--state as needed to implement the commission's railroad safety program.

NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$3,054,000
Puget Sound Ferry Operations Account--State
Appropriation \$100,000
TOTAL APPROPRIATION \$3,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account state appropriation is to address transportation budget and reporting requirements.

NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation \$422,000

NEW SECTION. Sec. 104. THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation \$985,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation \$1,358,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,007,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biodiesel fuel. The department must test fuel quality at the biodiesel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation \$223,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$1,596,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) \$795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the transportation executive information system (TEIS) to LEAP.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation \$2,613,000
Highway Safety Account--Federal Appropriation . . \$15,884,000
School Zone Safety Account--State Appropriation . . \$3,300,000
TOTAL APPROPRIATION \$21,797,000

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . . \$907,000
Motor Vehicle Account--State Appropriation \$2,077,000
County Arterial Preservation Account--State
Appropriation \$1,402,000
TOTAL APPROPRIATION \$4,386,000

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation . . \$1,796,000
Transportation Improvement Account--State
Appropriation \$1,798,000
TOTAL APPROPRIATION \$3,594,000

NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$1,157,000

NEW SECTION. Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$2,853,000
Multimodal Transportation Account--State Appropriation
. \$1,650,000
TOTAL APPROPRIATION \$4,503,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 of the motor vehicle account--state appropriation is provided solely to establish a workgroup to implement Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 (regarding state ferries) and look at other matters relating to Washington state ferries. The cochairs of the committee shall establish the workgroup comprising committee members, or their designees; an appointee by the governor; and other stakeholders as appointed by the cochairs; to assist in the committee's work. The workgroup shall report the progress of its tasks to the transportation committees of the legislature by December 15, 2007. The workgroup is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute Senate Bill No. 6127 or Engrossed

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Substitute House Bill No. 2358, the committee workgroup shall participate in and provide a review of the following:

(i) The Washington transportation commission's development and interpretation of a market survey of ferry customers;

(ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;

(iii) The department's development of operational strategies;

(iv) The department's development of pricing strategies. In developing these strategies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;

(v) The department's development of terminal design standards; and

(vi) The department's development of a long-range capital plan;

(b) Reviewing the following Washington state ferry programs:

(i) Ridership demand forecast;

(ii) Updated life cycle cost model, as directed by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358; and

(iii) Administrative operating costs; nonlabor and nonfuel operating costs; Eagle Harbor maintenance facility program and maintenance costs; administrative and systemwide capital costs; and vessel preservation costs; and

(c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's project of developing a plan for codevelopment and public private partnership opportunities at public ferry terminals.

(2) \$50,000 of the motor vehicle account--state appropriation is provided solely to contract with the joint legislative audit and review committee to:

(a) Review the Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, and report regarding its review to the legislature not later than January, 2008.

(b) Review the Washington state ferries' assignment of preservation costs as required by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, for fiscal year 2008, to determine whether costs are capital costs and whether they meet the statutory requirements for preservation activities, and report its findings to the legislature not later than December 15, 2009.

(c) Review the Washington state ferries' implementation of the life cycle cost model, as required by Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358, and report to the legislature not later than June 30, 2009, on whether the model:

(i) Complies with available industry standards or department-adopted standards when industry standards are not available;

(ii) Is maintained and updated when asset inspections are made;

(iii) Excludes utilities and other systems that are not replaced on a standard life cycle; and

(iv) Provides that all assets in the life-cycle cost model are inspected and updated for asset condition at least every three years.

(3) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are provided solely for the administration of a consultant study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors for deposit in the freight congestion relief account created under chapter 46.68 RCW. The findings and recommendations of the report must be submitted to the transportation committees of the legislature by December 1, 2007. Although the scope of work for the study may be expanded to include analysis of other issues relevant to the imposition of container port-related user fees, at a minimum the study must:

(a) Assess the imposition of a shipping container based fee, port-related user fees, and other funding mechanisms on the demand elasticity of the movement of freight goods through Washington's container ports at various rates as well as forecast diversion of marine cargo at various price points;

(b) Measure the return on investment in freight rail and highway-based infrastructure supported by the user fee and its impact on forecast growth in shipping container traffic and the movement of freight goods;

(c) Recommend the structure of a future project recommendation body including its membership, process, and selection criteria; and

(d) Examine existing data on the health and environmental cost impacts of maritime shipping and the movement of freight goods on air quality near Washington's container ports.

(4) \$300,000 of the multimodal transportation account--state appropriation is provided solely to implement Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$100,000 of the multimodal transportation account--state appropriation is provided solely for a study of the consolidation of those transportation related functions, currently delegated to the utilities and transportation commission, within other state agencies, which the committee shall report to the legislature by December 15, 2007.

NEW SECTION. Sec. 206. THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$2,177,000
Multimodal Transportation Account--State Appropriation	
.....	\$262,000
TOTAL APPROPRIATION	\$2,439,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a market survey of ferry customers as described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee workgroup established in section 205(1) of this act.

(2) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the commission to convene a forum of key transportation and environmental stakeholders to identify ways in which the state can directly impact the reduction of greenhouse gas emissions due to transportation, and begin to identify the impacts such policy and operational changes may have on long-term transportation revenues. The result of the forum should be to identify the major issues regarding transportation's impact on climate change and to submit recommendations to the legislature prior to the 2008 regular session regarding the next steps needed to address this issue.

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NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD
Motor Vehicle Account--State Appropriation \$697,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

(2) The freight mobility strategic investment board and the department of transportation shall develop a list of freight highway and rail projects funded by the board and the department. The board and the department shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2007, describing how the freight projects address state freight priorities. The criteria used for selecting among competing projects shall be clearly identified.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State	
Appropriation	\$224,659,000
State Patrol Highway Account--Federal	
Appropriation	\$10,602,000
State Patrol Highway Account--Private/Local	
Appropriation	\$410,000
TOTAL APPROPRIATION . . .	\$235,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) During the fiscal year 2008, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads, and shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

(6) \$558,000 of the state patrol highway account--state appropriation is provided solely for one-time bonuses of \$5,000 for troopers who completed trooper basic training after July 1, 2003, and who have served a continuous commission of four years within the districts to which they are assigned by the Washington state patrol without accepting a transfer, other than

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a transfer granted for promotion or hardship. This one-time bonus is: Not subject to collective bargaining; available only at the discretion of the chief, who shall consider the trooper's record of service when deciding whether to award the bonus; and is not to be included as compensation for any retirement, pension, or disability purpose.

(7) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation	\$1,597,000
NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU	
State Patrol Highway Account--State Appropriation	
State Patrol Highway Account--Private/Local	
Appropriation	\$2,008,000
TOTAL APPROPRIATION . . .	\$105,930,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$12,641,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--CRIMINAL HISTORY AND BACKGROUND CHECKS.

In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform criminal history and background checks for state and local agencies and nonprofit and other private entities and disseminate the records resulting from these activities. The Washington state patrol is required to charge a fee for these activities, for which it is the policy of the state of Washington that the fees cover the direct and indirect costs of performing the criminal history and background checks and disseminating the information. For each type of criminal history and background check and dissemination of these records, the Washington state patrol shall, as nearly as practicable, set fees at levels sufficient to cover the direct and indirect costs. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

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Marine Fuel Tax Refund Account--State Appropriation	\$4,000
Motorcycle Safety Education Account--State Appropriation	\$156,000
Wildlife Account--State Appropriation	\$100,000
Highway Safety Account--State Appropriation	\$14,625,000
Motor Vehicle Account--State Appropriation	\$9,019,000
Motor Vehicle Account--Federal Appropriation	\$15,000
Department of Licensing Services Account--State Appropriation	\$126,000
TOTAL APPROPRIATION	\$24,045,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$45,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$434,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$2,000
State Patrol Highway Account--State Appropriation	\$1,126,000
Motorcycle Safety Education Account--State Appropriation	\$72,000
Wildlife Account--State Appropriation	\$47,000
Highway Safety Account--State Appropriation	\$27,583,000
Motor Vehicle Account--State Appropriation	\$13,068,000
Motor Vehicle Account--Private/Local Appropriation	\$500,000
Department of Licensing Services Account--State Appropriation	\$2,510,000
TOTAL APPROPRIATION	\$44,908,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$153,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this

subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$34,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$6,014,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

(4) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$1,126,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation	\$26,000
State Patrol Highway Account--State Appropriation	\$19,000
Wildlife Account--State Appropriation	\$694,000
Highway Safety Account--State Appropriation	\$460,000
Motor Vehicle Account--State Appropriation	\$57,106,000
Motor Vehicle Account--Federal Appropriation	\$102,000
Motor Vehicle Account--Private/Local Appropriation	\$872,000
Department of Licensing Services Account--State Appropriation	\$902,000
TOTAL APPROPRIATION	\$60,181,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) The department shall, working with the legislature, develop a proposal to streamline title and registration statutes to specifically address apparent conflicts, fee distribution, and other recommendations by the department that are revenue neutral and which do not change legislative policy. The department shall report the results of this review to the transportation committees of the legislature by December 1, 2007.

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NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State	
Appropriation	\$3,675,000
Highway Safety Account--State Appropriation . . .	\$99,198,000
Highway Safety Account--Federal Appropriation . . .	\$233,000
TOTAL APPROPRIATION . . .	\$103,106,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,606,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$637,000 of the motorcycle safety education account--state appropriation is provided solely for implementing Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$2,424,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Account--State	
Appropriation	\$2,596,000
Motor Vehicle Account--State Appropriation	\$5,600,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$29,004,000
TOTAL APPROPRIATION . . .	\$37,200,000

The appropriations in this section are subject to the following conditions and limitations: \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State	
Appropriation	\$4,556,000
Motor Vehicle Account--State Appropriation	\$66,002,000
Motor Vehicle Account--Federal Appropriation . . .	\$1,096,000
Puget Sound Ferry Operations Account--State	
Appropriation	\$9,188,000
Multimodal Transportation Account--State	
Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$4,000,000
TOTAL APPROPRIATION . . .	\$85,205,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$2,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, and develop an implementation plan for transition to the state government network.

(4) \$1,000,000 of the motor vehicle account--state appropriation, \$4,566,000 of the transportation partnership account--state appropriation, and \$4,000,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation	\$34,553,000
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NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	\$6,890,000
Aeronautics Account--Federal Appropriation	\$2,150,000
Multimodal Transportation Account--State Appropriation	
.....	\$631,000
TOTAL APPROPRIATION	\$9,671,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation is provided solely for the aviation planning council as provided for in RCW 47.68.410.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

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Transportation Partnership Account--State

Appropriation	\$2,921,000
Motor Vehicle Account--State Appropriation	\$50,486,000
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account--State	
Appropriation	\$250,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,921,000
TOTAL APPROPRIATION	\$57,078,000

The appropriations in this section are subject to the following conditions and limitations: \$2,921,000 of the transportation partnership account--state appropriation and \$2,921,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION -- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	\$954,000
Multimodal Transportation Account--State Appropriation	
.....	\$300,000
TOTAL APPROPRIATION	\$1,254,000

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation . . .	\$321,684,000
Motor Vehicle Account--Federal Appropriation . . .	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation	
.....	\$5,797,000
TOTAL APPROPRIATION . . .	\$329,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$1,500,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed March 27, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Substitute Senate Bill No. 5080 (waste tire fees) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$52,017,000
Motor Vehicle Account--Federal Appropriation . . .	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION	\$54,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions

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generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$28,439,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,321,000
Multimodal Transportation Account--State Appropriation	\$1,223,000
TOTAL APPROPRIATION	\$31,013,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the office of financial management, the legislative evaluation and accountability program committee, and the transportation committees of the legislature to develop a common approach to state transportation budgeting and to develop a strategy to meet identified information needs. At a minimum, that effort must provide comprehensive schematic diagrams of the current and proposed transportation capital budget process, information flows, and data exchanges; common, agreed-upon data definitions and business rules; detailed transportation capital budget data and system requirements; and a strategy that includes a description of a phased implementation approach as well as associated cost and timeframe estimates. The results of this review are due to the office of financial management and the transportation committees of the legislature by September 1, 2007.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$30,691,000
Motor Vehicle Account--Federal Appropriation	\$19,163,000
Multimodal Transportation Account--State Appropriation	\$1,178,000
Multimodal Transportation Account--Federal Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000

TOTAL APPROPRIATION \$53,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.

(2) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030(3). The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards. Additionally, in consultation with the department of community, trade, and economic development, counties, and cities, the department shall by December 1, 2008, develop model guidelines regarding standard descriptions of proposed land use activities along state highway corridors for incorporation into county and city comprehensive plans.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$66,342,000
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account--State Appropriation	\$259,000
TOTAL APPROPRIATION	\$67,001,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES \$1,520,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$1,150,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES \$4,157,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL \$4,033,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$36,665,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,838,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$647,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES \$1,070,000

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . . \$930,000

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES \$1,138,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE \$8,859,000

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION \$158,000

NEW SECTION. Sec. 227.FOR THE DEPARTMENT OF TRANSPORTATION -- PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State Appropriation \$40,000,000

Multimodal Transportation Account--State Appropriation \$85,205,000

Multimodal Transportation Account--Federal Appropriation \$2,582,000

Multimodal Transportation Account--Private/Local Appropriation \$291,000

TOTAL APPROPRIATION . . . \$128,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of

service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2006 as reported in the "Summary of Public Transportation - 2006" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2006 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed March 27, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed March 27, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed March 27, 2007,

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or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$136,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State	
Appropriation	\$410,495,000
Multimodal Transportation Account--State	
Appropriation	\$1,830,000
TOTAL APPROPRIATION . . .	\$412,325,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,525,000 of the total appropriation is for ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

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(4) \$1,830,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the Pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) The department shall file an alternative compliance plan with the department of ecology, as allowed by rule, regarding the transfer of oil on or near state waters.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation	
.....	\$37,036,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour. When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.

(3) No Amtrak Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation	\$8,641,000
Motor Vehicle Account--Federal Appropriation . . .	\$2,567,000
TOTAL APPROPRIATION . . .	\$11,208,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation	\$1,550,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$863,000 is provided solely for the following minor works projects: \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for communication site building replacements at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.

(2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton Academy of the Washington state patrol.

NEW SECTION. Sec. 301. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$64,000,000
Motor Vehicle Account--State Appropriation	..... \$2,368,000
County Arterial Preservation Account--State Appropriation	..... \$32,861,000
TOTAL APPROPRIATION	..... \$99,229,000

The appropriations in this section are subject to the following conditions and limitations: \$2,069,000 of the motor vehicle account--state appropriation is provided solely for county ferries, as set forth in RCW 47.56.725(4), for the following projects: Pierce county replacement ferry, \$754,000; Whatcom county replacement ferry, \$815,000; and Wahkiakum county ferry ramp reconstruction, \$500,000.

NEW SECTION. Sec. 302. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State Appropriation	..... \$4,500,000
Urban Arterial Trust Account--State Appropriation	\$129,600,000
Transportation Improvement Account--State Appropriation	..... \$90,643,000
TOTAL APPROPRIATION	..... \$224,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation \$6,202,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) \$750,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

(4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1,

2008, the department shall report to the joint transportation committee on the findings of this study.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State Appropriation	..... \$1,073,581,000
Motor Vehicle Account--State Appropriation	..... \$78,727,000
Motor Vehicle Account--Federal Appropriation	..... \$357,023,000
Motor Vehicle Account--Private/Local Appropriation	..... \$41,372,000
Special Category C Account--State Appropriation	..... \$18,245,000
Tacoma Narrows Toll Bridge Account--State Appropriation	..... \$142,484,000
Transportation 2003 Account (Nickel Account)--State Appropriation	..... \$615,302,000
Freight Congestion Relief Account--State Appropriation	..... \$40,000,000
TOTAL APPROPRIATION	..... \$2,366,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Improvement Program (I) as developed March 27, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The motor vehicle account--state appropriation includes up to \$11,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to \$131,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation. However, the department shall not use agricultural lands of long-term commercial significance, as that term is used under chapter 36.70A RCW, for mitigation banking.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(7) \$250,000 of the motor vehicle account--state appropriation is provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support

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safety, capacity development, and economic development within the corridor.

(8) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(9) The SR 519/I-90 to SR 99 intermodal access project is anticipated to cost not more than \$74,000,000, with \$19,433,000 from the freight congestion relief account and remaining amounts funded from other state, federal, and local sources.

(10) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

(11) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(12) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

(13) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

(14) \$10,000,000 of motor vehicle account--state appropriation is planned to be expended in the 2011-13 biennium on SR 161/36th to Vicinity 24th St. E. (316118C) to secure right of way for the project, and the appropriate LEAP Transportation Document 2007-1 lines and totals shall be adjusted accordingly.

(15) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30,

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2009, the entire freight congestion relief account--state appropriation shall lapse.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I SPECIAL APPROPRIATIONS

Transportation Partnership Account--State	
Appropriation	\$489,705,000
Motor Vehicle Account--State Appropriation	\$3,437,000
Motor Vehicle Account--Federal Appropriation	\$67,203,000
Motor Vehicle Account--Private/Local Appropriation	
.	\$5,564,000
Special Category C Account--State Appropriation	\$28,723,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$902,239,000
TOTAL APPROPRIATION	\$1,496,871,000

The entire appropriations in this section are subject to the following conditions and limitations: The total appropriation provided in this section includes funding for the total project costs, and not just for the anticipated expenditures for the 2007-09 biennium, for the projects listed below. If projects listed in this section are completed at a rate faster than anticipated, the appropriation authority provided remains available for the projects to continue without delay. However, the transfer authority provided in section 603 of this act shall not apply to the projects listed in this section.

(1) \$27,436,000 of the transportation partnership account--state appropriation and \$2,000 of the motor vehicle account--private/local appropriation are provided solely for the I-5/172nd St NE (SR 531) Interchange project (100553N);

(2) \$15,464,000 of the transportation partnership account--state appropriation and \$241,535,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the I-5/SR 16 Interchange project (300567A);

(3) \$81,303,000 of the transportation 2003 account (nickel account)--state appropriation and \$278,000 of the motor vehicle account--federal appropriation are provided solely for the I-5/Grand Mound to Maytown Stage One project (300581A);

(4) \$37,406,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the I-5/SR 502 Interchange project (400599R);

(5) \$36,912,000 of the transportation partnership account--state appropriation, \$18,000 of the motor vehicle account--state appropriation, and \$1,081,000 of the motor vehicle account--federal appropriation are provided solely for the SR 9/SR 96 to Marsh Rd project (100914G);

(6) \$82,614,000 of the transportation 2003 account (nickel account)--state appropriation, \$172,000 of the motor vehicle account--state appropriation, \$190,000 of the motor vehicle account--private/local appropriation, and \$1,192,000 of the motor vehicle account--federal appropriation are provided solely for the SR 20/Fredonia to I-5 project (102039A);

(7) \$8,343,000 of the transportation 2003 account (nickel account)--state appropriation, \$1,991,000 of the transportation partnership account--state appropriation, and \$1,656,000 of the motor vehicle account--federal appropriation are provided solely for the I-90/Two Way Transit project (109040T). Expenditure of these funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may have access to the center lanes only when alternative R8A is complete;

(8) \$78,450,000 of the transportation partnership account--state appropriation is provided solely for the SR 167/8th St E Vic to S 277th St project (816701C);

(9) \$90,234,000 of the transportation 2003 account (nickel account)--state appropriation, \$28,723,000 of the special category C account--state appropriation, and \$112,000 of the

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motor vehicle account--private/local appropriation are provided solely for the 395/NSC-US 2 to Wandemere and US 2 Lowering project (600003A);

(10) \$46,070,000 of the transportation 2003 account (nickel account)--state appropriation, \$52,501,000 of the transportation partnership account--state appropriation, and \$1,118,000 of the motor vehicle account--private/local appropriation are provided solely for the I-405/SR 181 to SR 167 project (840502B);

(11) \$105,839,000 of the transportation partnership account--state appropriation and \$796,000 of the motor vehicle account--federal appropriation are provided solely for the I-405/SR 515 project (840505A);

(12) \$143,757,000 of the transportation 2003 account (nickel account)--state appropriation and \$1,171,000 of the motor vehicle account--private/local appropriation are provided solely for the I-405/I-90 to SE 8th St project (840541F). No funds may be expended from this project for the purpose of funding improvements, construction, or the movement of a rail bridge across the cedar river;

(13) \$22,917,000 of the transportation partnership account--state appropriation and \$5,479,000 of the motor vehicle account--federal appropriation are provided solely for the I-405/NE 10th St project (840552A);

(14) \$90,956,000 of the transportation 2003 account (nickel account)--state appropriation and \$72,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 520/W Lake Sammamish Parkway to SR 202, Stage 3 project (152040A);

(15) \$3,134,000 of the motor vehicle account--state appropriation, \$38,350,000 of the motor vehicle account--federal appropriation, and \$2,899,000 of the motor vehicle account--private/local appropriation are provided solely for the SR 539/Horton Road to Tenmile Road project (153902B);

(16) \$80,020,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for the SR 539/Tenmile Road to SR 546 project (153910A); and

(17) \$148,196,000 of the transportation partnership account--state appropriation, \$109,000 of the motor vehicle account--state appropriation, and \$18,311,000 of the motor vehicle account--federal appropriation are provided solely for the SR 104/Hood Canal Bridge project (310407B).

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State	
Appropriation	\$81,989,000
Motor Vehicle Account--State Appropriation	\$71,382,000
Motor Vehicle Account--Federal Appropriation . .	\$412,508,000
Motor Vehicle Account--Private/Local Appropriation	
.	\$15,285,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$5,122,000
Puyallup Tribal Settlement Account--State	
Appropriation	\$11,000,000
TOTAL APPROPRIATION	\$597,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Preservation Program (P) as developed March 27, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$295,000 of the motor vehicle account--federal appropriation and \$5,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current

Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) \$5,513,000 of the transportation partnership account--state appropriation is provided solely for settlement of all claims by the Lower Elwha Klallam tribe relating to the Port Angeles graving dock property, including all claims raised in *Lower Elwha Klallam Tribe et al. v. State*, Thurston county superior court cause no. 05-2-01595-8. No moneys may be expended from the amount provided in this subsection unless the Lower Elwha Klallam tribe has executed a full and unconditional release of all claims against the state.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) \$2,604,501 of the motor vehicle account--federal appropriation and \$3,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation	\$9,212,000
Motor Vehicle Account--Federal Appropriation . .	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation .	\$74,000
TOTAL APPROPRIATION	\$25,237,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$7,700,000 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation	\$131,800,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$51,742,000
Multimodal Transportation Account--State	
Appropriation	\$5,600,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$76,525,000
TOTAL APPROPRIATION	\$265,667,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$938,000 of the Puget Sound capital construction account--state appropriation is provided solely for implementing Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee workgroup established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a market survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the market survey has been implemented;

(iii) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the market survey or after the market survey has been implemented;

(iv) Development of pricing strategies. In developing these strategies, the policy, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing strategies must be developed in conjunction with or after the market survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be developed after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be developed after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute Senate Bill No. 6127 or Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint legislative audit and review committee and the joint transportation committee no later than August 1, 2007.

(2) \$6,432,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(3) \$9,325,000 of the Puget Sound capital construction account--state appropriation is provided solely for the terminal projects listed:

(a) Anacortes ferry terminal - electrical work, upland parking, interim terminal costs, interim kitchen trailer costs, and demolition costs;

(b) Bremerton ferry terminal - move terminal agent's office and overhead loading control system;

(c) Edmonds ferry terminal - right-of-way acquisition costs and federal match requirements;

(d) Port Townsend ferry terminal - wingwall preservation costs;

(e) Kingston ferry terminal - transfer span retrofit, overhead vehicle holding control system modifications;

(f) Clinton ferry terminal - septic system replacement; and

(g) Friday Harbor ferry terminal - parking resurfacing.

(4) \$5,600,000 of the multimodal transportation account--state appropriation is provided solely for right-of-way acquisition costs and tribal mitigation and archeological work costs associated with the Mukilteo ferry terminal.

(5) \$76,525,000 of the transportation 2003 account (nickel account)--state appropriation and \$62,473,000 of the Puget Sound capital construction account--state appropriation are provided solely for the procurement of four 144-vehicle auto-passenger ferry vessels.

(6) \$18,116,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

(7) \$80,000 of the Puget Sound capital construction account--state appropriation is provided solely to research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

(8) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

(9) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**

Essential Rail Assistance Account--State Appropriation	\$500,000
Freight Congestion Relief Account--State Appropriation	\$25,000,000
Transportation Infrastructure Account--State Appropriation	\$14,500,000
Multimodal Transportation Account--State Appropriation	\$150,678,000
Multimodal Transportation Account--Federal Appropriation	\$30,450,000
Multimodal Transportation Account--Private/Local Appropriation	\$7,894,000
TOTAL APPROPRIATION	\$229,022,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Rail Capital Program (Y) as developed March 27, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this section, \$14,500,000 of the transportation infrastructure account--state appropriation is for low-interest loans for rail capital projects through the freight rail investment bank program. However, until June 30, 2009, \$12,000,000 of the amount provided under this subsection (1)(b), which includes proceeds from the sale of ancillary property pursuant to subsection (5) of this section, must be made available as a no interest loan to any public entity

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seeking to provide operating service on a state-owned rail line where the loan proceeds are used to refurbish the rail line. With respect to the remaining \$2,500,000 of the amount provided under this subsection (1)(b), the department shall issue a call for projects based upon the legislative priorities specified in Engrossed Substitute Senate Bill No. 6120. Application must be received by the department by November 1, 2007. By December 1, 2007, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(c) Within the amounts provided in this section, \$3,335,000 of the multimodal transportation account--state appropriation is for statewide - emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities regarding public benefits specified in Engrossed Substitute Senate Bill No. 6120, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); Rail - Port of Longview rail loop construction (\$291,000); and Rail - Port of Chehalis (\$774,000). If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.

(d) Within the amounts provided in this section, \$9,000,000 of the multimodal transportation account--state appropriation is for the replacement of the rail bridge across the Cedar river.

(e) Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars.

(f) Within the amounts provided in this section, \$200,000 of the multimodal transportation account--state appropriation is for rescoping the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

(2) The multimodal transportation account--state appropriation includes up to \$137,620,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The Palouse River and Coulee City (PCC) rail line system is made up of the CW, P&L and PV Hooper rail lines. The state has purchased the right-of-ways to the PCC rail line system. Watco will continue to operate the PV Hooper line, as required by contract. The department shall select operator(s) for the CW and P&L rail lines for the 2007 and 2008 harvest seasons through a competitive bid process, unless no bid is submitted in response to the department's request for bids. The operating agreement(s) for the CW and P&L rail lines shall not

include provision for a state operating or capital subsidy. If, upon expiration of any of the operating agreements, any intergovernmental entity or local rail district expresses interest in the operating rights to the CW, P&L and PV Hooper rail lines, then the department shall give the intergovernmental entity or local rail district the right of first refusal to the long-term operating rights of the line(s), provided however that the long-term operating rights shall be available without state operating or capital subsidy. The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account for use according to the provisions of subsection (1)(b) of this section.

(6) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation	\$12,500,000
Freight Congestion Relief Account--State	
Appropriation	\$51,720,000
Transportation Partnership Account--State	
Appropriation	\$6,906,000
Motor Vehicle Account--State Appropriation	\$6,504,000
Motor Vehicle Account--Federal Appropriation	\$52,900,000
Freight Mobility Multimodal Account--State	
Appropriation	\$12,100,000
Multimodal Transportation Account--State	
Appropriation	\$27,658,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,706,000
Passenger Ferry Account--State Appropriation	\$8,500,000
TOTAL APPROPRIATION	\$183,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for the establishment of a ferry grant program to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate a passenger-only ferry system.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or

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in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) \$7,000,000 of the multimodal transportation account--state appropriation, \$7,000,000 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 27, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

NEW SECTION. Sec. 310. (1) Up to \$881,646,000 in proceeds from the sale of bonds authorized in RCW 47.10.873

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is available to support both of the transportation partnership account--state appropriations in sections 305 and 306 of this act.

(2) Up to \$858,724,000 in proceeds from the sale of bonds authorized by RCW 47.10.861 is available to support both of the transportation 2003 account (nickel account)--state appropriations in sections 305 and 306 of this act.

(3) Up to \$22,080,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394 is available to support both of the special category C account--state appropriations in sections 305 and 306 of this act. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$548,852,000
Ferry Bond Retirement Account Appropriation . . .	\$38,059,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$26,844,000
Nondebt-Limit Reimbursable Account Appropriation	\$15,477,000
Transportation Partnership Account--State Appropriation	\$6,612,000
Motor Vehicle Account--State Appropriation	\$563,000
Transportation Improvement Account--State Appropriation	\$68,000
Multimodal Transportation Account--State Appropriation	\$1,307,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$6,440,000
Urban Arterial Trust Account--State Appropriation . .	\$473,000
Special Category C Account Appropriation	\$278,000
TOTAL APPROPRIATION . . .	\$644,973,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	\$2,204,000
Motor Vehicle Account--State Appropriation	\$188,000
Transportation Improvement Account--State Appropriation	\$5,000
Multimodal Transportation Account--State Appropriation	\$130,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,147,000
Urban Arterial Trust Account--State Appropriation . . .	\$38,000
Special Category C Account--State Appropriation	\$30,000
TOTAL APPROPRIATION	\$4,742,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation: For transfer to the Tacoma Narrows Toll Bridge Account \$131,016,000

The department of transportation is authorized to sell up to \$131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

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(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction
Account \$75,000,000

The department of transportation is authorized to sell up to \$75,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$526,320,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers \$937,181,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers \$346,657,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$3,005,000

(2) License Plate Technology Account--State Appropriation: For the Highway Safety Account--State \$4,500,000

(3) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--State Account \$3,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State \$30,000,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State \$35,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$30,000,000

(7) Waste Tire Removal Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$5,600,000

(8) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State \$28,000,000

(9) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State \$7,000,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature

recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

NEW SECTION. Sec. 502. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008,

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through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

NEW SECTION. Sec. 503. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION. Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

NEW SECTION. Sec. 504. COMPENSATION--PENSION CONTRIBUTIONS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are provided to fund employer contributions to state pension funds at the rates adopted by the pension funding council.

NEW SECTION. Sec. 505. COMPENSATION--REVISE PENSION GAIN SHARING. The appropriations for (schools) state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in House Bill No. 2391.

NEW SECTION. Sec. 506. NONREPRESENTED EMPLOYEE COMPENSATION. The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective July 1, 2007, and for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective July 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(3) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW,

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funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under the personnel system reform act of 2002.

(4) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan.

(5) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(6) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. Sec. 507. COLLECTIVE BARGAINING AGREEMENTS. Provisions of the collective bargaining agreements contained in sections 508 through 519 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 506 through 516 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

NEW SECTION. Sec. 508. COLLECTIVE BARGAINING AGREEMENT--IBU. Appropriations in this act contain funding for the collective bargaining agreement reached between the governor and the inlandboatmen's union of the pacific under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1.5% to 4% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 509. COLLECTIVE BARGAINING AGREEMENT--MEBA-LICENSED. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1% to 6% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 510. COLLECTIVE BARGAINING AGREEMENT--MEBA-UNLICENSED. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine

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engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008.

NEW SECTION. Sec. 511. COLLECTIVE BARGAINING AGREEMENT--MM&P. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 2.5% to 7.5% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 512. COLLECTIVE BARGAINING AGREEMENT--MM&P-WATCH SUPERVISORS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, watch supervisors, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 3% increase to address this specific classification which is below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 513. COLLECTIVE BARGAINING AGREEMENT--METAL TRADES COUNCIL. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Puget Sound metal trades council under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a \$0.95/hour salary adjustment to all classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENT--FASPAA. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the ferry agents, supervisors, & project administrators association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 10% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT--OPEIU. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the office & professional employees international union, local 8, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective

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July 1, 2008, and a one salary range (5%) increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT--SEIU. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employees international union, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 5% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008.

NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008.

NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT--IFPTE. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the

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impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the

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investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 603. FUND TRANSFERS.(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2007-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year balanced plan. Unless otherwise provided in this act, the director of financial management may authorize a transfer of spending allocation within the appropriation provided and between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

(d) Transfers to a project may be made without an offsetting project reduction if the office of financial management finds there is sufficient appropriation authority to accommodate the allocation increase;

(e) Transfers of less than \$500,000 may be made by the department without approval from the office of financial management;

(f) Transfers may not occur to projects not identified on the applicable project list; and

(g) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature. The request must include how the fund transfer requests will be accommodated in a balanced financial plan, consistent with legislative intent. A report of all approved transfers made under this section shall be submitted on October 1st of each fiscal year to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees and the legislative evaluation and accountability program committee to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the last legislative session, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or

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groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way Viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia River Crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature.

NEW SECTION. Sec. 605. Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the following projects, and that a managed lane concept be applied in their design and implementation: State Route 520 Bridge replacement and HOV project, and widening of Interstate 405.

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Sec. 701. RCW 46.68.170 and 1996 c 237 s 2 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

Sec. 702. RCW 47.29.170 and 2006 c 370 s 604 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~(June 30, 2007)~~ July 1, 2009.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation

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improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 fiscal biennium, the legislature may transfer from the license plate technology account to the highway safety fund such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.390 and 2006 c 311 s 27 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

Sec. 706. RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

(iv)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

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(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and ranked in a manner specified by the board based on their experience, other qualifications as may be set by the board, performance on a written examination or examinations established by the board, and performance in such other evaluation exercises as may be required by the board, for entry into a board-specified training program.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may appoint a special independent committee or may contract with a firm knowledgeable and experienced in the development of professional tests and evaluations for development and grading of the examinations and other evaluation methods. Active licensed state pilots may be consulted for the general development of any examinations and evaluation exercises but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination or evaluation development committee it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee ~~((of three thousand dollars))~~ in an amount set by the board by rule. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 through the fiscal year ending June 30, 2009. The fees must be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(7) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The

physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or applicant is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 707. RCW 47.12.244 and 1991 c 291 s 2 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

(4) During the 2007-09 fiscal biennium, the legislature may transfer from the advance right of way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right of way revolving fund.

Sec. 708. RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

NEW SECTION. Sec. 709. The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34 including a complete inventory and valuation of the state's highway system. The financial reporting value of the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's

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assistance must establish an asset replacement value for the entire state's highway system. During 2007, the speaker of the house of representatives must select one member from each caucus to work with the office of financial management and the department of transportation. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management and asset preservation. The office of financial management will coordinate and manage the inventory and the valuation. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2008.

2005-07 BIENNIUM

TRANSPORTATION AGENCIES--OPERATING

Sec. 801. 2006 c 53 s 2 (uncodified) is amended to read as follows:

FOR THE BOARD OF PILOTAGE COMMISSIONERS
 Pilotage Account--State Appropriation ~~(\$1,017,000)~~
\$1,317,000

~~((The appropriation in this section is subject to the following conditions and limitations:—\$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.))~~

NEW SECTION. Sec. 802. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE DEPARTMENT OF LICENSING. The appropriations to the department of licensing in chapter 370, Laws of 2006 shall be expended for the programs and in the amounts specified herein. However, after May 1, 2007, unless specifically prohibited, the department may transfer motor vehicle account--state appropriations for the 2005-2007 fiscal biennium, highway safety account--state appropriations for the 2005-2007 fiscal biennium, and department of licensing services account--state appropriations for the 2005-2007 fiscal biennium between programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 803. A new section is added to 2005 c 313 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION. (1) The appropriations to the department of transportation in this act shall be expended for the programs and in the amounts specified in this act. However, in order to meet extraordinary expenses in snow and ice removal, after May 1, 2007, unless specifically prohibited by this act, the department may transfer state appropriations among operating programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose.

(2) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate transportation committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

Sec. 804. 2006 c 370 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$1,679,000
 The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

- (i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and
- (ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

~~(4) (\$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.~~

~~(a) At a minimum, the study must examine the following:~~
 (i) The short and long-term viability of the motor fuel tax (both

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state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.

—(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.

—(5)) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.

((6)) (5) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.

Sec. 805. 2006 c 370 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation	((\$201,063,000))
	<u>\$197,234,000</u>
State Patrol Highway Account--Federal Appropriation	\$10,544,000
State Patrol Highway Account--Private/Local Appropriation	\$169,000
TOTAL APPROPRIATION	((\$211,776,000))
	<u>\$207,947,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that

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are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

Sec. 806. 2006 c 370 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--
INVESTIGATIVE SERVICES BUREAU**
State Patrol Highway Account--State Appropriation
..... ~~(\$1,358,000)~~
\$778,000

Sec. 807. 2006 c 370 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--
TECHNICAL SERVICES BUREAU**
State Patrol Highway Account--State Appropriation
..... ~~(\$91,359,000)~~
\$91,742,000

State Patrol Highway Account--Private/Local
Appropriation \$2,008,000
TOTAL APPROPRIATION . ~~(\$93,367,000)~~
\$93,750,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the

agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 808. 2006 c 370 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**
Tacoma Narrows Toll Bridge Account--State Appropriation
..... ~~(\$8,294,000)~~
\$5,288,000

Sec. 809. 2006 c 370 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
AVIATION--PROGRAM F**
Aeronautics Account--State Appropriation ~~(\$7,137,000)~~
\$6,925,000
Aeronautics Account--Federal Appropriation \$2,150,000
Multimodal Transportation Account--State Appropriation
..... \$100,000
Multimodal Transportation Account--Federal Appropriation
..... \$900,000
TOTAL APPROPRIATION . ~~(\$10,287,000)~~
\$10,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 810. 2006 c 370 s 224 (uncodified) is amended to read as follows:

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**FOR THE DEPARTMENT OF TRANSPORTATION--
TRANSPORTATION PLANNING, DATA, AND
RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation . . .	(\$24,052,000)
	<u>\$23,053,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$16,756,000
Multimodal Transportation Account--State Appropriation	
.....	\$2,279,000
Multimodal Transportation Account--Federal	
Appropriation	\$2,829,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$100,000
Transportation Partnership Account--State	
Appropriation	\$2,300,000
TOTAL APPROPRIATION . . .	(\$48,316,000)
	<u>\$47,317,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill

No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$700,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as

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compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

Sec. 811. 2006 c 370 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	(\$46,874,000)
	<u>\$47,334,000</u>
Motor Vehicle Account--Federal Appropriation	\$400,000
TOTAL APPROPRIATION	(\$47,274,000)
	<u>\$47,734,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$31,749,000)~~ \$32,209,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES \$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR \$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL \$4,548,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

~~(\$31,749,000)~~

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE

. \$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT

. \$545,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS

ENTERPRISES \$1,124,000

(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL

HRMS PAYROLL SYSTEM \$817,000

(j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES

\$12,000

(k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

CAPITAL BUDGET SYSTEM CHARGES \$15,000

(l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES

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RATE INCREASES \$5,000

Sec. 812. 2006 c 370 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State

Appropriation ~~(\$87,233,000)~~

\$70,005,000

Multimodal Transportation Account--Federal

Appropriation \$2,603,000

Multimodal Transportation Account--Private/Local

Appropriation \$155,000

TOTAL APPROPRIATION ~~(\$89,991,000)~~

\$72,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds

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currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union.

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) (~~(\$20,000,000)~~) \$2,832,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) (~~(\$200,000)~~) \$140,000 of the multimodal account appropriation is provided solely for up to three low-income car ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 813. 2006 c 370 s 227 (uncodified) is amended to read as follows:

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FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State
Appropriation (~~(\$372,254,000)~~)
\$388,101,000

Multimodal Transportation Account--State
Appropriation \$3,660,000

TOTAL APPROPRIATION (~~(\$375,914,000)~~)
\$391,761,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$75,280,000)~~) \$80,476,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed (~~(\$226,455,000)~~) \$235,325,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements and \$8,870,000 in full satisfaction of the arbitration awards and the negotiated collective bargaining agreements for the 2003-2005 and 2005-2007 biennia. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules.

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(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 814. 2006 c 370 s 228 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State
Appropriation ((~~\$36,876,000~~))
\$35,626,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) ((~~\$2,750,000~~)) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

Sec. 815. 2006 c 370 s 229 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation . . ((~~\$8,500,000~~))
\$8,836,000

Motor Vehicle Account--Federal Appropriation . . . \$2,597,000

Multimodal Transportation Account--State
Appropriation ((~~\$411,000~~))
\$200,000

TOTAL APPROPRIATION . ((~~\$11,508,000~~))
\$11,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ((~~\$411,000~~)) \$200,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood

hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) ((~~\$525,000~~)) \$861,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 901. 2005 c 313 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation
. ((~~\$2,801,000~~))
\$4,138,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,535,000 of the appropriation is provided solely for the Shelton training academy domestic water and wastewater treatment project.

(2) \$1,266,000 of the appropriation is provided solely for minor works projects.

Sec. 902. 2006 c 370 s 301 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation
. ((~~\$64,933,000~~))
\$38,046,000

Motor Vehicle Account--State Appropriation \$355,000

County Arterial Preservation Account--State
Appropriation ((~~\$32,697,000~~))
\$31,882,000

TOTAL APPROPRIATION . ((~~\$97,985,000~~))
\$70,283,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 903. 2006 c 370 s 302 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation
. ((~~\$101,425,000~~))
\$93,425,000

Small City Preservation and Sidewalk
Account--State Appropriation ((~~\$2,000,000~~))
\$1,696,000

Transportation Improvement Account--State
Appropriation ((~~\$94,401,000~~))
\$82,258,000

TOTAL APPROPRIATION ((~~\$197,826,000~~))
\$177,379,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to ((~~\$14,143,000~~)) \$7,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) ((~~\$2,000,000~~)) \$1,696,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 904. 2006 c 370 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation . . ((~~\$2,328,000~~))

TOTAL APPROPRIATION ~~((\$2,391,946,000))~~
\$2,124,469,000

\$1,911,000
The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is provided solely for statewide administration.

(2) ~~((\$632,000))~~ \$561,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ~~((\$305,000))~~ \$40,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ~~((\$239,000))~~ \$158,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.

(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.

Sec. 905. 2006 c 370 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation . . .	((<u>\$17,555,000</u>))
	<u>\$11,162,000</u>
Motor Vehicle Account--Federal Appropriation ((<u>\$15,068,000</u>))	
	<u>\$10,308,000</u>
Motor Vehicle Account--Local Appropriation . . .	((<u>\$108,000</u>))
	<u>\$50,000</u>
TOTAL APPROPRIATION . . .	((<u>\$32,731,000</u>))
	<u>\$21,520,000</u>

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ~~((\$11,255,000))~~ \$11,162,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 906. 2006 c 370 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State Appropriation	((<u>\$1,190,511,000</u>))
	<u>\$1,079,697,000</u>
Motor Vehicle Account--State Appropriation	((<u>\$85,165,000</u>))
	<u>\$84,385,000</u>
Motor Vehicle Account--Federal Appropriation ((<u>\$395,043,000</u>))	
	<u>\$352,856,000</u>
Motor Vehicle Account--Private/Local Appropriation	((<u>\$58,522,000</u>))
	<u>\$46,807,000</u>
Special Category C Account--State Appropriation	((<u>\$3,479,000</u>))
	<u>\$3,152,000</u>
Tacoma Narrows Toll Bridge Account Appropriation	\$274,038,000
Transportation Partnership Account--State Appropriation	((<u>\$384,186,000</u>))
	<u>\$282,784,000</u>
Multimodal Transportation Account--State Appropriation	((<u>\$1,002,000</u>))
	<u>\$750,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~((fund,))~~ project ~~((and amount))~~ in LEAP Transportation Document 2006-1, Highway Improvement Program (I) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(b) Within the amounts provided in this subsection, \$6,835,000 of the transportation partnership account--state appropriation, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project 109040T: I-90/Seattle to Mercer Island - Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, \$6,000,000 of the transportation partnership account--state appropriation is for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The transportation partnership account--state appropriation includes up to \$150,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

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(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003. The Tacoma Narrows toll bridge account--state appropriation includes up to \$17,022,000 in unexpended proceeds from the March 2005 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

~~((+7))~~ (16) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project

implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

~~((+8))~~ (17)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.

(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

Sec. 907. 2006 c 370 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P

Transportation 2003 Account (Nickel Account)--State	
Appropriation	((1,687,000))
	\$1,690,000
Motor Vehicle Account--State Appropriation . . .	((94,799,000))
	\$88,954,000
Motor Vehicle Account--Federal Appropriation	
.....	((435,310,000))
	\$426,297,000
Motor Vehicle Account--Private/Local Appropriation	
.....	((8,485,000))
	\$6,194,000
((Puallup Tribal Settlement Account--State	

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Appropriation	\$11,000,000)
Transportation Partnership Account--State	
Appropriation	((\$24,540,000))
	\$20,180,000
TOTAL APPROPRIATION ((\$575,821,000))	
	\$543,315,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by (~~fund,~~) project (~~and amount~~) in LEAP Transportation Document 2006-1, Highway Preservation Program (P) as developed March 8, 2006. (~~However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.~~)

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) \$740,000 of the motor vehicle account--state appropriation, \$106,149,000 of the motor vehicle account--federal appropriation, and \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) (~~(\$4,000,000))~~ \$3,200,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation, as specified in subsection (8) of this section, are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

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Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

Sec. 908. 2006 c 370 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION-- PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation	((\$122,324,000))
	\$100,254,000

Puget Sound Capital Construction Account--Federal	
Appropriation	((\$73,590,000))
	\$62,842,000

Puget Sound Capital Construction Account--Private/Local	
Appropriation	\$26,000

Multimodal Transportation Account--State	
Appropriation	((\$13,249,000))
	\$10,749,000

Transportation 2003 Account (Nickel Account)--State	
Appropriation	((\$34,991,000))
	\$18,275,000

TOTAL APPROPRIATION ((\$244,180,000))	
	\$192,146,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes up to (~~(\$40,950,000))~~ \$40,288,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries.

(2) The multimodal transportation account--state appropriation includes up to (~~(\$10,249,000))~~ \$9,079,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Ferries Construction Program (W) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

Sec. 909. 2006 c 370 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

((Essential Rail Assistance Account--State Appropriation

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.....	(\$250,000)
Motor Vehicle Account--Federal Appropriation . . .	\$1,485,000
Multimodal Transportation Account--State	
Appropriation	(\$68,176,000)
	\$57,814,000
Multimodal Transportation Account--Private/Local	
Appropriation	(\$8,287,000)
	\$551,000
Multimodal Transportation Account--Federal	
Appropriation	(\$17,268,000)
	\$10,198,000
TOTAL APPROPRIATION	(\$93,981,000)
	\$70,048,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to ~~(\$33,435,000)~~ \$1,422,000 in proceeds from the sale of bonds ~~(and up to \$830,000 in unexpended bond proceeds authorized by RCW 47.10.867)).~~

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ~~(\$68,176,000)~~ \$57,714,000 of the multimodal transportation account--state appropriation, ~~(\$17,268,000)~~ \$10,198,000 of the multimodal transportation account--federal appropriation, ~~(\$8,287,000)~~ \$551,000 of the multimodal transportation account--local appropriation, and ~~(\$250,000 of the essential rail assistance account)~~ \$1,485,000 of the motor vehicle account--federal appropriation are provided solely for the projects and activities as listed by ~~(fund)~~ project ~~(and amount)~~ in LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006. ~~(However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.)~~

(b) Within the amounts provided in this subsection, ~~(\$6,500,000)~~ \$5,000,000 of the multimodal transportation account--state appropriation is for the ~~(two)~~ commuter rail project~~(s)~~ listed in the LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006.

(c) Within the amounts provided in this subsection, \$10,937,000 of the multimodal transportation account--state appropriation is for the cost of the memorandum of understanding for the acquisition of the Palouse River Coulee City (PCC) rail lines.

(i) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line for the 2007 and 2008 harvest seasons, in consultation with local governments and other stakeholders.

~~((+))~~ (ii) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. The office of financial management shall also negotiate new operational agreement(s) for the P&L and PV Hooper lines, for the 2007 and 2008 harvest seasons, in consultation with local governments and other stakeholders.

~~((=))~~ (iii) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance

loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(iv) Following acquisition of the PCC rail lines, the department shall not expend funds provided in (a) of this subsection to refurbish the lines or provide an operating subsidy for the lines.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

Sec. 910. 2006 c 370 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

(Highway Infrastructure Account--State Appropriation)	\$207,000
Highway Infrastructure Account--Federal Appropriation	
.....	\$1,602,000)
Motor Vehicle Account--Federal Appropriation	(\$48,998,000)
	\$16,734,000
Motor Vehicle Account--State Appropriation	(\$8,340,000)
	\$1,900,000
Transportation Partnership Account--State	
Appropriation	(\$2,008,000)
	\$694,000
(Freight Mobility Investment Account--State	
Appropriation	\$6,000,000)
Passenger Ferry Account--State Appropriation	\$9,000,000)
Multimodal Transportation Account--State	
Appropriation	(\$39,403,000)
	\$21,860,000
Transportation 2003 Account (nickel account)--State	
Appropriation	(\$557,000)
	\$145,000
Freight Mobility Multimodal Account--State	
Appropriation	(\$9,700,000)
	\$1,150,000
Freight Mobility Multimodal Account--	
Private/Local Appropriation	\$3,050,000)
TOTAL APPROPRIATION	(\$125,815,000)
	\$45,533,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists distributed with this act, and on any

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additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) Up to \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided ((~~solely~~)) for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) Up to \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided ((~~solely~~)) to support the safe routes to school program.

(8) (~~(\$16,110,000)~~) Up to \$7,488,000 of the motor vehicle account--federal appropriation is provided ((~~solely~~)) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ((~~solely~~)) for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,992,000; Colville Alternate Truck Route, \$1,746,000; (~~(S. 228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$122,000;)~~) and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) (~~(\$2,898,000)~~) Up to \$1,011,000 of the motor vehicle account--state appropriation is provided ((~~solely~~)) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ((~~solely~~)) for the respective projects: Duwamish Intelligent Transportation Systems (ITS), (~~(\$2,382,000)~~) \$495,000; Port of Kennewick/Piert Road, \$516,000.

(10) Up to \$6,000,000 of the multimodal account--state appropriation is provided ((~~solely~~)) for the local freight 'D' street grade separation project.

(11) The department shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the department by November 1, 2005, and November 1, 2006. The

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department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference shall be given to projects that provide a local match.

(12) (~~(\$18,370,000)~~) Up to \$12,000,000 of the multimodal transportation account--state appropriation, (~~(\$6,000,000)~~) up to \$2,440,000 of the freight mobility multimodal account--state appropriation, and up to \$2,008,000 of the transportation partnership account--state appropriation (~~(, and \$6,000,000 of the freight mobility investment account--state appropriation)~~) are provided ((~~solely~~)) for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Local Programs (Z) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) Up to \$5,000,000 of the multimodal transportation account--state appropriation and up to \$2,000,000 of the motor vehicle account--federal appropriation are provided ((~~solely~~)) for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) Up to \$9,700,000 of the motor vehicle account--federal appropriation is provided ((~~solely~~)) for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) Up to \$19,500,000 of the motor vehicle account--federal appropriation is provided ((~~solely~~)) for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) Up to \$2,500,000 of the motor vehicle account--state appropriation is provided ((~~solely~~)) for the Yakima downtown futures initiative.

(18) Up to \$810,000 of the multimodal transportation account--state appropriation is provided ((~~solely~~)) for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

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~~((20))~~ (19) Up to \$688,000 of the motor vehicle account--federal appropriation is provided (~~solely~~) for completion of the Coal Creek Parkway project.

~~((21) \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse:)~~

(20) \$827,000 of the motor vehicle account--federal appropriation is provided solely for the projects identified in this subsection: The Franklin county slide project, \$800,000; and the Loomis-Oroville Road guardrail replacement project, \$27,000.

(21) \$252,000 of the multimodal transportation account--state appropriation is provided solely for the Winthrop pedestrian and bike path project.

TRANSFERS AND DISTRIBUTIONS

Sec. 1001. 2006 c 370 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	((\$334,313,000))
	<u>\$329,713,000</u>
Nondebt-Limit Reimbursable Account Appropriation	((\$6,091,000))
	<u>\$5,791,000</u>
Ferry Bond Retirement Account Appropriation	\$38,241,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$30,923,000
Motor Vehicle Account--State Appropriation	((\$682,000))
	<u>\$782,000</u>
Transportation Improvement Account--State Appropriation	\$120,000
Multimodal Transportation Account--State Appropriation	((\$370,000))
	<u>\$390,000</u>
Transportation 2003 Account (Nickel Account) Appropriation	\$6,600,000
Transportation Partnership Account--State Appropriation	((\$1,125,000))
	<u>\$975,000</u>
TOTAL APPROPRIATION	((\$418,465,000))
	<u>\$413,535,000</u>

Sec. 1002. 2006 c 370 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	\$248,000
Transportation Improvement Account--State Appropriation	((\$13,000))
	<u>\$18,000</u>
Multimodal Transportation Account--State Appropriation	\$35,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,200,000
Transportation Partnership Account--State Appropriation	\$375,000
TOTAL APPROPRIATION	((\$2,871,000))
	<u>\$2,876,000</u>

Sec. 1003. 2006 c 370 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties	((\$487,612,000))
	<u>\$468,391,000</u>

Sec. 1004. 2006 c 370 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers	((\$1,037,342,000))
	<u>\$1,031,321,000</u>

Sec. 1005. 2006 c 370 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

- (1) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State ((~~\$2,000,000~~))
\$2,104,000
- (2) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account--State ((~~\$73,000,000~~))
\$70,223,000
- (3) Highway Safety Account--State Appropriation:
For transfer to the Motor Vehicle Account--State .. \$5,000,000
- (4) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Ferry Operations Account--State ((~~\$31,000,000~~))
\$50,680,000
- (5) Motor Vehicle Account--State Appropriation:
For transfer to the Transportation Partnership Account--State .. \$33,127,000
- (6) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation Account--State .. \$25,980,000
- (7) Transportation Partnership Account--State Appropriation:
For transfer to the Small City Pavement and Sidewalk Account--State .. \$1,000,000
- (8) Transportation Partnership Account--State Appropriation:
For transfer to the Transportation Improvement Account--State .. \$2,500,000
- (9) Transportation Partnership Account--State Appropriation:
For transfer to the County Arterial Preservation Account--State .. \$1,500,000
- (10) License Plate Technology Account--State Appropriation:
For transfer to the Motor Vehicle Account--State .. \$2,500,000
- (11) Multimodal Transportation Account--State Appropriation:
For transfer to the Transportation Partnership Account--State .. \$29,417,000
- (12) Motor Vehicle Account--State Appropriation:
For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of ((~~\$3,700,000~~))
\$3,537,000
- (13) Multimodal Transportation Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge Account--State .. \$1,300,000
- (14) Multimodal Transportation Account--State Appropriation:
For transfer to the Freight Mobility Multimodal Account--State .. \$4,610,000
- (15) Motor Vehicle Account--State Appropriation:
For transfer to the Tacoma Narrows Toll Bridge

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Account--State \$5,288,000
(16) Multimodal Transportation Account--State
Appropriation: For transfer to the Transportation
Infrastructure Account--State \$11,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

(d) The amount transferred in subsection (13) of this section is appropriated as a nonreimbursable state financial contribution to the project and does not require repayment.

MISCELLANEOUS

Sec. 1101. RCW 46.68.060 and 1969 c 99 s 11 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the 2005-2007 fiscal biennium, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

NEW SECTION. Sec. 1102. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1103. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

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MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker to the committee striking amendment be adopted.

On page 9, line 6, strike "\$224,659,000", and insert "\$227,384,000"

On page 9, line 11, strike "\$235,671,000", and insert "\$238,396,000"

On page 10, beginning on line 9, strike all of subsection (6)

On page 10, line 30, strike "\$103,922,000", and insert "\$104,004,000"

On page 10, line 33, strike "\$105,930,000", and insert "\$106,012,000"

On page 62, line 25, after "2008." insert "Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay."

On page 62, line 32, after "2008." insert "Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay."

Re-number the subsections consecutively and correct any internal references accordingly.

Senator Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 9, line 6 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Murray moved that the following amendment by Senators Murray, Poulsen and Swecker to the committee striking amendment be adopted.

On page 19, line 20, strike "\$954,000" and insert "\$1,454,000"

On page 19, line 22, strike "\$1,254,000" and insert "\$1,754,000"

On page 19, line 24, after "limitations:" insert "(1)"

On page 19, after line 27, insert the following:

"(2) The department shall conduct an analysis and, if

determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way."

Senators Murray, Swecker and Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Murray, Poulsen and Swecker on page 19, line 20 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Murray carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 21, line 27, strike all of section 4.

Senators Benton and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Haugen, Murray and Sheldon spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 21, line 27 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements to the committee striking amendment be adopted.

On page 32, after line 13, insert the following:

NEW SECTION. Sec. 231 For the State Auditor

Transportation Partnership Account--State Appropriation \$1,500,000

The appropriation of this section is subject to the following conditions and limitations:

(1) \$1,500,000 is provided solely for the purpose of auditing transportation related agencies. These funds may be combined with additional funds provided for auditing transportation related agencies. Any funds remaining in an amount insufficient to conduct further transportation related agency audits shall be returned to the transportation partnership account.

On page 73, after line 20, insert the following:

Sec. 1104. RCW 46.68.290 and 2006 c 337 s 5 are each amended to read as follows:

(1) The transportation partnership account is hereby created in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as 2005 transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) The legislature finds that:

(a) Citizens demand and deserve accountability of transportation-related programs and expenditures. Transportation-related programs must continuously improve in quality, efficiency, and effectiveness in order to increase public trust;

(b) Transportation-related agencies that receive tax dollars must continuously improve the way they operate and deliver services so citizens receive maximum value for their tax dollars; and

(c) Fair, independent, comprehensive performance audits of

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transportation-related agencies overseen by the elected state auditor are essential to improving the efficiency, economy, and effectiveness of the state's transportation system.

(3) For purposes of chapter 314, Laws of 2005:

(a) "Performance audit" means an objective and systematic assessment of a state agency or agencies or any of their programs, functions, or activities by the state auditor or designee in order to help improve agency efficiency, effectiveness, and accountability. Performance audits include economy and efficiency audits and program audits.

(b) "Transportation-related agency" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies. The Washington state patrol and the department of licensing shall not be considered transportation-related agencies under chapter 314, Laws of 2005.

(4) Within the authorities and duties under chapter 43.09 RCW, the state auditor shall establish criteria and protocols for performance audits. Transportation-related agencies shall be audited using criteria that include generally accepted government auditing standards as well as legislative mandates and performance objectives established by state agencies. Mandates include, but are not limited to, agency strategies, timelines, program objectives, and mission and goals as required in RCW 43.88.090.

(5) Within the authorities and duties under chapter 43.09 RCW, the state auditor may conduct performance audits for transportation-related agencies. The state auditor shall contract with private firms to conduct the performance audits.

(6) The audits may include:

(a) Identification of programs and services that can be eliminated, reduced, consolidated, or enhanced;

(b) Identification of funding sources to the transportation-related agency, to programs, and to services that can be eliminated, reduced, consolidated, or enhanced;

(c) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

(d) Analysis and recommendations for pooling information technology systems used within the transportation-related agency, and evaluation of information processing and telecommunications policy, organization, and management;

(e) Analysis of the roles and functions of the transportation-related agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;

(f) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the transportation-related agency carry out reasonably and properly those functions vested in the agency by statute;

(g) Verification of the reliability and validity of transportation-related agency performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090;

(h) Identification of potential cost savings in the transportation-related agency, its programs, and its services;

(i) Identification and recognition of best practices;

(j) Evaluation of planning, budgeting, and program evaluation policies and practices;

(k) Evaluation of personnel systems operation and

management;

(l) Evaluation of purchasing operations and management policies and practices;

(m) Evaluation of organizational structure and staffing levels, particularly in terms of the ratio of managers and supervisors to nonmanagement personnel; and

(n) Evaluation of transportation-related project costs, including but not limited to environmental mitigation, competitive bidding practices, permitting processes, and capital project management.

(7) Within the authorities and duties under chapter 43.09 RCW, the state auditor must provide the preliminary performance audit reports to the audited state agency for comment. The auditor also may seek input on the preliminary report from other appropriate officials. Comments must be received within thirty days after receipt of the preliminary performance audit report unless a different time period is approved by the state auditor. The final performance audit report shall include the objectives, scope, and methodology; the audit results, including findings and recommendations; the agency's response and conclusions; and identification of best practices.

(8) The state auditor shall provide final performance audit reports to the citizens of Washington, the governor, the joint legislative audit and review committee, the appropriate legislative committees, and other appropriate officials. Final performance audit reports shall be posted on the internet.

(9) The audited transportation-related agency is responsible for follow-up and corrective action on all performance audit findings and recommendations. The audited agency's plan for addressing each audit finding and recommendation shall be included in the final audit report. The plan shall provide the name of the contact person responsible for each action, the action planned, and the anticipated completion date and shall be reported to the joint transportation committee. If the audited agency does not agree with the audit findings and recommendations or believes action is not required, then the action plan shall include an explanation and specific reasons.

The office of financial management shall require periodic progress reports from the audited agency until all resolution has occurred. The office of financial management is responsible for achieving audit resolution. The office of financial management shall annually report by December 31st the status of performance audit resolution to the appropriate legislative committees and the state auditor. The legislature shall consider the performance audit results in connection with the state budget process.

The auditor may request status reports on specific audits or findings.

(10) For the period from July 1, 2005, until June 30, 2007, the amount of \$4,000,000 is appropriated from the transportation partnership account to the state auditors office for the purposes of subsections (2) through (9) of this section. It is the intent of the legislature that transportation related agency audits be a priority and that the state auditor's audit schedule should reflect their priority status.

Senators Clements and Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Haugen spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 32, after line 13 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

amendment to the committee striking amendment.

Senator Haugen spoke against adoption of the amendment to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Clements to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 15; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler and Zarelli - 15

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 33

Excused: Senator Stevens - 1

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 34, line 24 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator McAuliffe failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others to the committee striking amendment be adopted.

On page 34, lines 34 and 35 , strike: "Freight Congestion Relief Account--State Appropriation . . . \$40,000,000"

On page 34, line 36, reduce the total by \$40,000,000

On page 36, line 30, strike all of subsection (9)

On page 37, line 29, strike all of subsection (15)

On page 45, lines 33 and 34, strike: "Freight Congestion Relief Account--State Appropriation . . . \$25,000,000"

On page 46, line 6, reduce the total by \$25,000,000

On page 47, line 17, strike all of subsection (e)

On page 48, line 26, strike all of section (6)

On page 49, lines 4 and 5, strike: "Freight Congestion Relief Account--State Appropriation . . . \$51,720,000"

On page 49, line 17, reduce the total by \$51,720,000

On page 51, line 18, strike all of subsection (9).

Senator McCaslin moved that the following amendment by Senator McCaslin to the committee striking amendment be adopted.

On page 34, line 21, reduce the total by \$250,000

On page 35, line 37, after "(7)" delete everything through "Washington".

On page 37, line 22, increase the total by \$250,000

On page 40, after line 7, Insert "\$250,000 of the motor vehicle account--state appropriation is for the I-90/Harvard Road Interchange in Liberty Lake."

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Swecker and Marr spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 34, line 34 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

Senator McCaslin spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Marr spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McCaslin on page 34, line 21 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator McCaslin failed and the amendment to the committee striking amendment was not adopted by voice vote.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Holmquist and others to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 16; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon and Zarelli - 16

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 32

Excused: Senator Stevens - 1

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On Page 34, line 24, strike "\$1,073,581,000" and insert "\$1,079,781,000"

On page 34, line 36, strike "\$2,366,734,000" and insert "\$2,372,934,000"

On page 35, line 7, after "2007" insert the following:

" , except that \$6,200,000 of the transportation partnership account -- state appropriation, in addition to the amount indicated on the Document, is for the SR 522/University of Washington Bothell Interchange project(152219A)"

MOTION

Senator Holmquist moved that the following amendment by

Senator McAuliffe spoke in favor of adoption of the

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Senator Holmquist and others to the committee striking amendment be adopted.

On page 34, after line 35, insert the following: "one Washington Road Fund--State Appropriation \$1,050,000,000"

On page 34, line 36, increase the total by \$1,050,000,000

On page 37, after line 36, insert the following:

"(16) \$1,050,000,000 from the one Washington road fund--state appropriation is provided solely for the following projects:

- (a) \$250,000,000 for the North South Freeway in Spokane;
- (b) \$250,000,000 for the Columbia River Crossing;
- (c) \$250,000,000 for United States highway 2;
- (d) \$250,000,000 for interchange and highway improvements in northwest Washington in Whatcom and Skagit counties; and
- (e) \$50,000,000 for state route no. 17 widening from Ephrata to Othello.

(17) The one Washington road fund--state appropriation includes up to \$1,050,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394 (bonds for transportation)."

On page 67, after line 17, insert the following:

NEW SECTION. Sec. 1105. A new section is added to chapter 43.79 RCW to read as follows:

(1) The one Washington road fund is created in the state treasury. All receipts from taxes imposed under RCW 82.08.020 and 82.12.020 on materials, labor, equipment, contracts, and components used for constructing any state transportation project must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to pay for the bonds authorized in Section 8, chapter ..., Laws of 2007 (Substitute House Bill No. 2394).

(2) The department of revenue shall provide the state treasurer with information regarding the amount of sales and use taxes available for deposit into the account on a quarterly basis. The department of revenue shall report annually on the account balance to the transportation committees of the legislature by March 1st."

Correct the Title

Senators Holmquist, Benton and Swecker spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Haugen, Prentice and Marr spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 34, after line 35 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 31, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 31, 2007.

MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Swecker to the committee striking amendment be adopted.

On page 35, line 7, after "March", strike "27" and insert "30"

On page 41, line 9, after "March", strike "27" and insert "30"

On page 46, line 12, after "March", strike "27" and insert "30"

Senator Haugen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Swecker on page 35, line 7 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Haugen carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 35, line 7, after "2007", insert "except as provided in subsection (16)".

On page 37, after line 36, insert the following: "(16) Forty million from the transportation partnership account currently allocated for the I-5 Columbia river crossing in 07-09 and 09-11 shall be reallocated to I-5/NE 134th St. Interchange."

Renummer the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 35, line 7 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist and others to the committee striking amendment be adopted.

On page 37, line 16, strike everything after "(c)" through "2008." on line 16, and insert the following:

"A final project design alternative decision shall be made by June 30, 2007 . No funds may be expended on the Alaskan Way Viaduct project until a final project design is selected. If no decision is made by June 30, 2007, all funds appropriated for this project must be reallocated by the legislature in the 2008

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session to existing projects around the state that are ready for construction."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Murray and Kohl-Welles spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist and others on page 37, line 16 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following amendment by Senator Kastama to the committee striking amendment be adopted.

On page 37, beginning on line 24, strike all of subsection (14)

Re-number subsections consecutively and correct internal references accordingly.

Senator Kastama spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 37, line 24 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Kastama carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the committee striking amendment be adopted.

On page 37, after line 36, insert the following: (16) The department shall contract for an independent study conducted by a recognized expert in the field to determine if cable barriers are appropriate for use on Washington highways. The department shall not construct or install any cable barriers until this study is reviewed, approved, and, if necessary, implemented by the legislature."

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Haugen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 37, after line 36 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 67, line 12, strike all of section 605.

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Murray spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

Senator Kilmer spoke against adoption of the amendment to the committee striking amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 67, line 12 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 12; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Roach, Schoesler and Zarelli - 12

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 35

Excused: Senators Carrell and Stevens - 2

MOTION

Senator Spanel moved that the following amendment by Senators Haugen, Spanel and Swecker to the committee striking amendment be adopted.

On page 92, line 34, strike "\$388,101,000", and insert "\$390,049,000"

On page 93, line 1, strike "\$391,761,000", and insert "\$393,709,000"

On page 93, line 4, strike "\$80,476,000", and insert "\$81,664,000"

On page 93, line 9, strike "\$235,325,000", and insert "\$236,085,000"

Senator Spanel spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Spanel and Swecker on page 92, line 34 to the committee striking amendment to Engrossed Substitute House Bill No. 1094.

The motion by Senator Spanel carried and the amendment to the committee striking amendment was adopted by voice vote.

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed Substitute House Bill No. 1094.

The motion by Senator Haugen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090, 47.12.244, 70.95.521, and 46.68.060; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 205, 208, 209, 210, 215, 218, 224, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 404, 405, and 406 (uncodified); amending 2005 c 313 s 301 (uncodified); adding new sections to 2005 c 313 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 1094 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Kilmer: "Would Senator Haugen yield to a question? In committee there was an amendment to provide a \$5 million appropriation of the Tacoma Narrows Bridge. Is it your understanding that this funding is to serve as a backstop which would allow the Transportation Commission to provide discounted tolls for transponder users during the first year when the existing bridge is at limited capacity while it is being retrofitted?"

Senator Haugen: "Yes."

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1094 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1094 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Holmquist, Pflug and Schoesler - 3

Excused: Senators Carrell and Stevens - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 as amended by the Senate, having received the constitutional

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majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 30, 2007

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5011,
ENGROSSED SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5191,
SENATE BILL NO. 5253,
SENATE BILL NO. 5620,
SUBSTITUTE SENATE BILL NO. 5625,
SENATE BILL NO. 5635,
SENATE BILL NO. 5759,
SUBSTITUTE SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5952,
SENATE BILL NO. 5957,
SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5011,
ENGROSSED SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5191,
SENATE BILL NO. 5253,
SENATE BILL NO. 5620,
SUBSTITUTE SENATE BILL NO. 5625,
SENATE BILL NO. 5635,
SENATE BILL NO. 5759,
SUBSTITUTE SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5952,
SENATE BILL NO. 5957,
SENATE JOINT MEMORIAL NO. 8008,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1128, by House Committee on Appropriations (originally sponsored by Representative Sommers)

Making operating appropriations for 2007-2009. Revised for 1st Substitute: Making operating appropriations for the 2005-07 and 2007-09 fiscal biennia.

The measure was read the second time.

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MOTION

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Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2007, and ending June 30, 2009, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008) . . . \$33,397,000
General Fund--State Appropriation (FY 2009) . . . \$33,470,000
Pension Funding Stabilization Account

Appropriation \$560,000

TOTAL APPROPRIATION \$67,427,000

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is for a joint legislative task force on the underground economy in the construction industry. For purposes of this subsection, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes. The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies to increase the oversight and regulation of the underground economy practices in the construction industry. For this purpose, the task force shall contract with the institute for public policy.

(1) The task force shall consist of: (a) The chair and ranking minority member of the senate labor, commerce, research and development committee; (b) the chair and ranking minority member of the house of representatives commerce and labor committee; (c) four members representing the construction industry, selected from nominations submitted by statewide construction industry organizations and appointed jointly by the president of the senate and the speaker of the house of representatives; and (d) four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives. The

employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative as a nonvoting member of the task force. The departments shall provide information and data as the task force or the institute may reasonably request.

(2) The task force shall choose its chair or cochairs from among its legislative membership and shall use legislative facilities and staff support. The task force may hire additional staff with specific technical expertise. Legislative members shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee. The task force shall report its findings and recommendations to the legislature by January 1, 2008.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2008) . . . \$25,710,000
General Fund--State Appropriation (FY 2009) . . . \$27,723,000
Pension Funding Stabilization Account

Appropriation \$467,000

TOTAL APPROPRIATION \$53,900,000

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is for a joint legislative task force on the underground economy in the construction industry as described in section 101 of this act.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2008) . . . \$3,200,000
General Fund--State Appropriation (FY 2009) . . . \$2,866,000
Pension Funding Stabilization Account

Appropriation \$36,000

TOTAL APPROPRIATION \$6,102,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with

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information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) The joint legislative audit and review committee shall conduct an analysis of performance measures used for housing programs targeted for specific populations, including farm workers, homeless families, and vulnerable and special needs populations. The analysis shall include: (a) An evaluation of existing performance measures as they relate to statutory requirements and the goals and mission of the program; and (b) a determination of the validity of performance measure data. The committee shall provide a report to the legislature by January 1, 2009.

(6) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section. The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

(7) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children in families administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(8) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2008)	\$1,771,000
General Fund--State Appropriation (FY 2009)	\$1,932,000
Pension Funding Stabilization Account	
Appropriation	\$41,000
TOTAL APPROPRIATION	\$3,744,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--	
State Appropriation	\$3,373,000

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2008)	\$8,854,000
General Fund--State Appropriation (FY 2009)	\$8,878,000

Pension Funding Stabilization Account	
Appropriation	\$92,000
TOTAL APPROPRIATION	\$17,824,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$4,680,000
General Fund--State Appropriation (FY 2009)	\$5,050,000
Pension Funding Stabilization Account	
Appropriation	\$75,000
TOTAL APPROPRIATION	\$9,805,000

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2008)	\$6,972,000
General Fund--State Appropriation (FY 2009)	\$6,995,000
TOTAL APPROPRIATION	\$13,967,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2008)	\$2,113,000
General Fund--State Appropriation (FY 2009)	\$2,107,000
TOTAL APPROPRIATION	\$4,220,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008)	\$15,372,000
General Fund--State Appropriation (FY 2009)	\$16,027,000
TOTAL APPROPRIATION	\$31,399,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Senate Bill No. 5351 (judges' travel reimbursement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2008)	\$1,088,000
General Fund--State Appropriation (FY 2009)	\$1,090,000
TOTAL APPROPRIATION	\$2,178,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008)	\$26,141,000
General Fund--State Appropriation (FY 2009)	\$26,240,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$29,333,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$25,982,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.	\$2,695,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.	\$2,785,000
Judicial Information Systems Account--State	
Appropriation	\$38,500,000

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Public Benefit and Research Services Account--State
 Appropriation \$3,500,000
 TOTAL APPROPRIATION . . . \$155,176,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,800,000 of the public safety and education account appropriation is provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of mailing petitions via certified mail or personal service as required by RCW 28A.225.030(5).

(3)(a) \$17,244,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. By accepting these funds, the county juvenile court administrators shall not require any public agency or political subdivision of the state to serve by certified mail or by personal service notification of a contempt or show cause hearing related to a petition filed by a school district pursuant to RCW 28A.225.030(5) unless reimbursement for the cost of certified mail or personal service is provided by the court. The administrator for the courts shall not retain any portion of these funds to cover administrative costs. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs. These funds are sufficient to cover the cost of implementing Engrossed Senate Bill No. 5983 (truancy hearing notices).

(b) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(c) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(5) \$3,500,000 of the public benefit and research services account--state appropriation is provided solely for the provision of interpreter services. If Senate Bill No. 5902 (Sunday sales) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,845,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$1,950,000 is for distribution to the county superior courts to fund and train twenty full-time equivalent family court liaisons, starting January 1, 2008;

(b) \$86,000 is for distribution to the county clerks for reimbursement costs related to the family law handbook;

(c) \$700,000 is for distribution to the counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$600,000 is for distribution to the counties for predecree and postdecree mediation services for a reduced or waived fee, starting January 1, 2009; and

(e) Funding is sufficient to cover costs associated with sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(7)(a) \$22,003,000 of the judicial information systems account appropriation is provided solely for the development and implementation of the core case management system. The amount provided in this subsection may not be expended until the following conditions have been met:

(i) Completion of a feasibility study detailing a linkage between the objectives of the core case management system, the technology efforts required, and the impacts of the new investments on existing infrastructure and business functions including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts and the specific requirements and business processes needs of varying size courts at the municipal, district, and superior level, and the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility study.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2008) . . .	\$18,904,000
General Fund--State Appropriation (FY 2009) . . .	\$18,884,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$6,649,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$6,588,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.	\$1,911,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.	\$1,975,000
TOTAL APPROPRIATION . . .	\$54,911,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

(2) The office of public defense shall cooperate with the Washington state institute for public policy in facilitating access to data in order for the institute to conduct a cost-benefit analysis of the program providing legal representation to indigent parents in dependency proceedings.

NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2008) . . .	\$11,882,000
General Fund--State Appropriation (FY 2009) . . .	\$12,992,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	
.....	\$787,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	
.....	\$813,000
TOTAL APPROPRIATION . . .	\$26,474,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to enhance funding for qualified legal aid programs for legal representation of indigent persons in matters relating to domestic violence in domestic relations and family law matters. If Second Substitute Senate Bill No. 5470 (dissolution) is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 116. FOR THE OFFICE OF PUBLIC GUARDIANSHIP

General Fund--State Appropriation (FY 2008)	\$1,000,000
General Fund--State Appropriation (FY 2009)	\$1,000,000
TOTAL APPROPRIATION	\$2,000,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5320 (office of public guardianship). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2008)	\$6,477,000
General Fund--State Appropriation (FY 2009)	\$6,506,000
General Fund--Federal Appropriation	\$5,000
Economic Development Strategic Reserve Account--State Appropriation	\$4,000,000
Oil Spill Prevention Account--State Appropriation . .	\$205,000
TOTAL APPROPRIATION	\$17,193,000

NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2008)	\$776,000
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General Fund--State Appropriation (FY 2009)	\$793,000
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	\$1,659,000

NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,432,000
General Fund--State Appropriation (FY 2009)	\$2,335,000
TOTAL APPROPRIATION	\$4,767,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008) . . .	\$32,495,000
General Fund--State Appropriation (FY 2009) . . .	\$19,974,000
General Fund--Federal Appropriation	\$7,132,000
General Fund--Private/Local Appropriation	\$114,000
Archives and Records Management Account--State Appropriation	\$8,170,000
Department of Personnel Service Account--State Appropriation	\$732,000
Local Government Archives Account--State Appropriation	\$13,511,000
Election Account--Federal Appropriation	\$39,003,000
TOTAL APPROPRIATION . . .	\$121,131,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,104,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,421,000 of the general fund--state appropriation for fiscal year 2008 and \$3,893,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment

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once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$9,687,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the costs of the presidential primary, including a voters' pamphlet.

NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$318,000
General Fund--State Appropriation (FY 2009)	\$333,000
TOTAL APPROPRIATION	\$651,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$251,000
General Fund--State Appropriation (FY 2009)	\$243,000
TOTAL APPROPRIATION	\$494,000

NEW SECTION. Sec. 123. FOR THE STATE TREASURER

State Treasurer's Service Account--State	
Appropriation	\$14,661,000

NEW SECTION. Sec. 124. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008)	\$750,000
General Fund--State Appropriation (FY 2009)	\$762,000
State Auditing Services Revolving Account--State	
Appropriation	\$14,323,000
TOTAL APPROPRIATION	\$15,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported

to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008)	\$156,000
General Fund--State Appropriation (FY 2009)	\$225,000
TOTAL APPROPRIATION	\$381,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008)	\$5,534,000
General Fund--State Appropriation (FY 2009)	\$5,775,000
General Fund--Federal Appropriation	\$3,911,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$1,093,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$1,133,000
New Motor Vehicle Arbitration Account--State	
Appropriation	\$1,244,000
Legal Services Revolving Account--State	
Appropriation	\$206,590,000
Tobacco Prevention and Control Account--State	
Appropriation	\$270,000
TOTAL APPROPRIATION	\$225,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$6,200,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

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(4) The office of the attorney general shall cooperate with the Washington state institute for public policy in facilitating access to data in order for the institute to conduct a cost-benefit analysis of the program providing legal representation to indigent parents in dependency proceedings.

NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$730,000
General Fund--State Appropriation (FY 2009)	\$763,000
TOTAL APPROPRIATION	\$1,493,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2008) . . .	\$56,934,000
General Fund--State Appropriation (FY 2009) . . .	\$56,909,000
General Fund--Federal Appropriation	\$251,014,000
General Fund--Private/Local Appropriation	\$14,180,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,756,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,705,000
Public Works Assistance Account--State Appropriation	\$2,949,000
Tourism Promotion and Development Account--State Appropriation	\$1,000,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$356,000
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	\$1,142,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,365,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008)	\$3,621,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009)	\$3,630,000
Manufactured Home Installation Training Account-- State Appropriation	\$147,000
Community and Economic Development Fee Account--State Appropriation	\$1,824,000
Washington Housing Trust Account--State Appropriation	\$32,074,000
Homeless Families Service Account--State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$612,000
TOTAL APPROPRIATION	\$440,524,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) 3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2008 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program; and

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs.

The amounts in this subsection represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of the amounts in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(4) \$345,000 of the general fund--state appropriation for fiscal year 2008 and \$345,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(5) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(6) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(7) \$1,545,000 of the general fund--state appropriation for fiscal year 2008 and \$1,546,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(9) \$2,250,000 of the general fund--state appropriation for fiscal year 2008 and \$2,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5090 (innovation partnership zones). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an

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interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$608,000 of the general fund--state appropriation for fiscal year 2008 and \$605,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5643 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided solely for Substitute Senate Bill No. 5116 (creating a public/private tourism partnership). Of this amount, \$815,000 is for distribution of 125,000 copies per year of the Washington state visitors' guide for the 2007-09 fiscal biennium. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.

(17) \$226,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(18) \$3,970,000 of the general fund--state appropriation for fiscal year 2008 and \$3,858,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5070 (offenders who are leaving confinement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant to the Amer-I-Can program to reduce gang violence.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(21) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal

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services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state economic development commission as an independent state agency consistent with Second Substitute Senate Bill No. 5995 (economic development commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(28) \$12,000 of the general fund--state appropriation for fiscal year 2008 and \$13,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Synergy Group to coordinate the resources of Lake Stevens area nonprofit organizations to prevent redundancy in charitable efforts.

(29)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the

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Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.

(b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:

- (i) Two members from financial institutions;
- (ii) One member of the Washington association of county prosecutors;
- (iii) One member of the Washington association of sheriffs and police chiefs;
- (iv) One member of the Washington state association of municipal attorneys; and
- (v) One law enforcement officer.

(c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.

(30) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(31) \$85,000 of the public works assistance account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(32) The legislature finds that funds for the arts generated by Senate Bill No. 5986 will expand access to the biennial Building for the Arts competitive grant program. The department shall propose modifications to requirements for projects in counties receiving tax revenues specifically provided for the arts.

(33) \$237,000 of the general fund--state appropriation for fiscal year 2008 and \$237,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(34) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(35) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(36) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$589,000
General Fund--State Appropriation (FY 2009)	\$598,000
TOTAL APPROPRIATION	\$1,187,000

NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008)	\$22,704,000
General Fund--State Appropriation (FY 2009)	\$22,001,000
General Fund--Federal Appropriation	\$23,525,000
General Fund--Private/Local Appropriation	\$1,265,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
TOTAL APPROPRIATION	\$69,520,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$115,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to develop options for a new K-12 pupil transportation funding formula. The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory

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assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation \$31,610,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State
Appropriation \$28,421,000
Higher Education Personnel Services Account--State
Appropriation \$1,726,000
TOTAL APPROPRIATION \$30,147,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation \$25,051,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2008) \$256,000
General Fund--State Appropriation (FY 2009) \$267,000
TOTAL APPROPRIATION \$523,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008) \$252,000
General Fund--State Appropriation (FY 2009) \$258,000
TOTAL APPROPRIATION \$510,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund--State Appropriation (FY 2008) \$200,000
General Fund--State Appropriation (FY 2009) \$250,000
Dependent Care Administrative Account--State
Appropriation \$423,000
Department of Retirement Systems Expense Account--
State Appropriation \$47,547,000
TOTAL APPROPRIATION \$48,420,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,207,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute Senate Bill No. 5779 or House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008) . . . \$92,671,000
General Fund--State Appropriation (FY 2009) . . . \$93,944,000
Timber Tax Distribution Account--State Appropriation
. \$5,451,000
Waste Reduction/Recycling/Litter Control--State
Appropriation \$109,000
Waste Tire Removal Account--State Appropriation . . . \$2,000
Real Estate Excise Tax Grant Account--State
Appropriation \$3,900,000
State Toxics Control Account--State Appropriation . . \$73,000
Oil Spill Prevention Account--State Appropriation . . . \$14,000
Pension Funding Stabilization Account
Appropriation \$2,370,000
TOTAL APPROPRIATION . . . \$198,534,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$98,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute Senate Bill No. 5007 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (2) \$66,000 of the general fund--state appropriation for fiscal year 2008 and \$56,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Engrossed Second Substitute Senate Bill No. 5070 (offenders

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leaving confinement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2008 is for the department to study the effects of Senate Bill No. 5434 (taxation of tangible personal property originating from or destined to foreign countries). Senate Bill No. 5434 is not intended to create any barriers in the importation or exportation of goods to or from Washington. The department shall analyze the taxation of businesses engaged in the importation and exportation of goods to or from Washington and determine if there are any unintended consequences resulting from the bill for both state and local taxes. The department shall report the findings to the senate ways and means committee and the house of representatives finance committee by December 1, 2007.

NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State
Appropriation \$18,460,000

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2008) \$1,409,000
General Fund--State Appropriation (FY 2009) \$1,268,000
TOTAL APPROPRIATION \$2,677,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation
. \$847,000
City and Town Research Services--State Appropriation
. \$4,458,000
Public Benefit and Research Services Account--State
Appropriation \$400,000
TOTAL APPROPRIATION \$5,705,000

The appropriations in this section are subject to the following conditions and limitations: \$400,000 of the public benefit and research services account--state appropriation is contingent on enactment of Senate Bill No. 5902 (Sunday sales). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation \$3,294,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008) \$569,000
General Fund--State Appropriation (FY 2009) \$568,000
General Fund--Federal Appropriation \$3,642,000
General Administration Service Account--State
Appropriation \$33,770,000
TOTAL APPROPRIATION \$38,549,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall negotiate on behalf of the office of minority and women's business enterprises with the office's landlord to ensure enforcement of the improved building agreements stipulated in section 22 of the office's current lease dated June 8, 2005.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2008) \$4,590,000
General Fund--State Appropriation (FY 2009) \$2,250,000
General Fund--Federal Appropriation \$700,000
Health Services Account--State Appropriation (FY 2008)
. \$1,000,000
Health Services Account--State Appropriation (FY 2009)
. \$1,000,000
Public Safety and Education Account--State

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Appropriation (FY 2008) \$2,223,000
Public Safety and Education Account--State
Appropriation (FY 2009) \$2,078,000
Data Processing Revolving Account--State
Appropriation \$6,288,000
TOTAL APPROPRIATION . . . \$20,129,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,340,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely for a feasibility study and pilot project to develop an emergency medical response health management record system. The department shall contract for or conduct a feasibility study to determine whether the project can be done within the funds appropriated. If remaining funds are sufficient for implementation, the department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties and the city of Vancouver. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.

(4) The department of information services shall form an interagency work group to conduct a review of the opportunities to improve access to online databases at lower costs for institutions of higher education and state agencies by utilizing the combined purchasing power of the state. In addition to the department of information services, the work group shall include representatives from the higher education coordinating board, the state board for community and technical colleges, the state library, the office of financial management, a research university, a regional university, a community college, the house of representatives, the senate, and at least two members of the public. The work group shall review approaches used in other states to provide cost efficient and equitable access to digital resources for faculty and students at public institutions of higher education, state employees, and the public, including review of the extent to which other states centrally fund group licenses. Based on this analysis, the department shall report its recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of corrections, in consultation with the state health care authority, the association of sheriffs and police chiefs, the association of county officials, the state association of counties, and the association of Washington cities to conduct a demonstration project that facilitates and expedites the transfer of inmate health information between state and local correctional facilities. The demonstration project shall include at least one county jail, one city jail, and one state correctional

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facility. The department shall use technology that could be expanded to include all correctional facilities in the state. Prior to December 31, 2008, the department shall complete an evaluation study of the demonstration project to include information on the costs necessary to implement a statewide program, anticipated savings created to state and local governments, the benefits of such a system, any relevant data from other states that have implemented similar statewide programs, and whether any statutory changes are necessary to implement a statewide system. The department may contract for development, implementation, and evaluation of the demonstration project.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$1,525,000
Insurance Commissioners Regulatory Account--State Appropriation	\$42,342,000
TOTAL APPROPRIATION	\$43,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Substitute House Bill No. 1532 or Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of Senate Bill No. 5930 (recommendations of the blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	\$2,512,000
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NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation . . \$277,000
 The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation	\$5,361,000
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The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008)	\$1,715,000
General Fund--State Appropriation (FY 2009)	\$1,723,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$8,517,000
Liquor Revolving Account--State Appropriation	\$188,179,000
TOTAL APPROPRIATION	\$200,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,277,000 of the liquor revolving account--state appropriation is provided solely for the implementation of

increased information technology service support. The department shall submit a project plan to the department of information services for the implementation of increased information technology service support. Amounts provided in this subsection may not be expended without prior approval of the project plan by the department of information services. In approving the project plan, the department of information services shall ensure that the project is feasible, consistent with the architecture and infrastructure of the state, consistent with a statewide enterprise view of delivering services, and that the agency or state will be able to support the system in the future. The department of information services may require successful completion of each project phase prior to authorizing the agency to proceed with the project phase and may also require quality assurance plans.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Senate Bill No. 5902 (Sunday sales). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation . . \$1,019,000

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$160,000
Public Service Revolving Account--State Appropriation	\$29,461,000
Pipeline Safety Account--State Appropriation	\$2,978,000
Pipeline Safety Account--Federal Appropriation	\$1,535,000
TOTAL APPROPRIATION	\$34,134,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable

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geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008) . . .	\$11,203,000
General Fund--State Appropriation (FY 2009) . . .	\$11,066,000
General Fund--Federal Appropriation	\$103,922,000
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	\$31,972,000
Disaster Response Account--State Appropriation . . .	\$12,852,000
Disaster Response Account--Federal Appropriation	\$55,553,000
Military Department Rent and Lease Account--State	
Appropriation	\$374,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$320,000
Nisqually Earthquake Account--State Appropriation . .	\$556,000
Nisqually Earthquake Account--Federal Appropriation	
.....	\$1,269,000
TOTAL APPROPRIATION . . .	\$229,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,924,000 of the disaster response account--state appropriation and \$55,769,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

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(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2008 and \$1,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,926,000
General Fund--State Appropriation (FY 2009)	\$2,970,000
Department of Personnel Service Account--State	
Appropriation	\$3,081,000
TOTAL APPROPRIATION	\$8,977,000

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2008)	\$1,078,000
General Fund--State Appropriation (FY 2009)	\$1,055,000
General Fund--Federal Appropriation	\$1,593,000
General Fund--Private/Local Appropriation	\$14,000
TOTAL APPROPRIATION	\$3,740,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5542 (barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 154. FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008)	\$1,844,000
General Fund--State Appropriation (FY 2009)	\$1,860,000
TOTAL APPROPRIATION	\$3,704,000

NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State	
Appropriation	\$36,910,000
State Convention and Trade Center Operating	
Account--State Appropriation	\$53,748,000
TOTAL APPROPRIATION . . .	\$90,658,000

(End of part)

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are

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provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 13,000 persons during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN IN FAMILIES ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$308,846,000
General Fund--State Appropriation (FY 2009)	\$316,164,000
General Fund--Federal Appropriation	\$477,500,000
General Fund--Private/Local Appropriation	\$500,000
Domestic Violence Prevention Account--State Appropriation	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$2,934,000
Pension Funding Stabilization Account--State Appropriation	\$2,298,000
TOTAL APPROPRIATION	\$1,118,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a pilot project in Clark county to identify reactive attachment disorder in children and provide them with appropriate and recommended intervention services. The pilot project shall be open to children receiving services from the department's children's administration

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division. The department shall contract with a social service provider in Clark county to deliver a comprehensive and integrated approach to the assessment, diagnosis, and treatment of reactive attachment disorder. The goal of the pilot project is to develop an intake tool and evidence-based intervention services to permit early recognition and treatment of children with reactive attachment disorder served by the department's children's administration division.

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5321 (addressing child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$1,250,000 of the general fund--state appropriation for fiscal year 2008 and \$1,250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5909 (needs of children who have been in foster care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$3,150,000 of the general fund--state appropriation for fiscal year 2008, \$3,200,000 of the general fund--state appropriation for fiscal year 2009, and \$3,600,000 of the general fund--federal appropriation are provided solely to expand the department's provision of court-ordered remedial services to parents and caregivers involved in dependency proceedings who are determined by the court to be unable to pay for services. Remedial services are those defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities. This subsection does not create an entitlement to services.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems.

(18) The department shall cooperate with the Washington state institute for public policy in facilitating access to data in

their administrative systems regarding a cost-benefit analysis of the program providing legal representation to parents involved in dependency or termination proceedings.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth to twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$86,351,000
General Fund--State Appropriation (FY 2009) . . .	\$88,252,000
General Fund--Federal Appropriation	\$5,712,000
General Fund--Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008)	\$19,544,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009)	\$19,737,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,510,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,200,000
TOTAL APPROPRIATION . . .	\$225,404,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$1,425,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$1,425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability

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grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following programs in juvenile rehabilitation administration institutions identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these programs at a limited number of institutions to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to three county juvenile courts, or groups of courts, including the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall:

(a) Develop intermediate client outcomes according to the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and a concluding report by June 30, 2009. The courts shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008) . . .	\$300,175,000
General Fund--State Appropriation (FY 2009) . . .	\$312,172,000
General Fund--Federal Appropriation	\$378,358,000
General Fund--Private/Local Appropriation	\$11,948,000
TOTAL APPROPRIATION	\$1,002,653,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$105,583,000 of the general fund--state appropriation for fiscal year 2008 and \$106,707,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population. Included in these amounts are inflationary increases of 1.6 percent effective July 2007 and an additional 1.0 percent effective July 2008.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program and for use of state hospital beds for short-term commitments.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid

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spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$5,147,000 of the general fund--state appropriation for fiscal year 2008 and \$5,242,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(h) \$1,548,000 of the general fund--state appropriation for fiscal year 2008 and \$1,579,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(i) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(j) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(k) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(l) \$774,000 of the general fund--state appropriation for fiscal year 2008 and \$789,000 of the general fund--state appropriation for fiscal year 2009 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative during the 2003-05 biennium. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(m) \$796,000 of the general fund--state appropriation for fiscal year 2008, \$1,422,000 of the general fund--state appropriation for fiscal year 2009, and \$908,000 of the general fund--federal appropriation are provided solely to phase-in new payment rates for medicaid psychiatric inpatient services. Under the new system, consistent with the way rates are set for the treatment of physical illnesses, payment rates for psychiatric inpatient care are to be set at the statewide industry average per diem cost, adjusted for regional wage differences and for differences in capital costs. To facilitate the transition to this

new system, for hospitals that are expected to provide over 200 patient days of inpatient psychiatric care per year, rates shall not increase by more than an additional 10 percent each year, nor decrease by more than an additional 5 percent each year, until all hospitals are paid at the adjusted statewide average rate.

(n) \$5,077,000 of the general fund--state appropriation for fiscal year 2008 and \$5,077,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase payment rates for nonmedicaid psychiatric inpatient services above fiscal year 2005 levels. The department shall pay a standard statewide per diem rate for nonmedicaid psychiatric inpatient services, adjusted for regional wage differences, and hospital-specific capital and medical education costs, with no provision for phase-in.

(o) \$3,093,000 of the general fund--state appropriation and \$1,902,000 of the general fund--federal appropriation for fiscal year 2008 are provided solely to increase compensation for community mental health direct care staff effective January 2008. \$9,454,000 of the general fund--state appropriation and \$5,905,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely to continue the January 2008 increase, and to provide an additional compensation increase for direct care staff effective January 2009. As used in this subsection, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness. The term excludes employees whose duties are primarily administrative, and contractors. In order to obtain compensation pass-through funding, a community mental health agency must first provide a plan and budget to its regional support network demonstrating how the full amount of the pass-through, except for the appropriate employer share of applicable payroll taxes, will be used to increase wages or benefits for direct care staff. Upon approval of the plan, in order to access the funds, the agency must submit to the regional support network and to the department of social and health services a legally binding written certification that it will increase compensation for its direct care staff as provided in the plan and budget. An agency's plan shall be approved and it shall be deemed to have met the certification requirement by submitting an executed collective bargaining agreement that increases compensation for direct care staff by an amount commensurate with the additional funding provided. If judged appropriate by the regional support network or the department, participating agencies shall be audited to determine whether their certification has been fulfilled.

(p) Within funds provided in this subsection (1), medicaid capitation rates shall be increased by 1.6 percent effective July 2007, and by an additional 1.0 percent effective July 2008.

(q) \$2,071,000 of the general fund--state appropriation for fiscal year 2008 and \$1,733,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) ..	\$128,971,000
General Fund--State Appropriation (FY 2009) ..	\$119,903,000
General Fund--Federal Appropriation	\$142,713,000
General Fund--Private/Local Appropriation	\$52,563,000
Pension Funding Stabilization Account--State	
Appropriation	\$7,058,000
TOTAL APPROPRIATION ..	\$451,208,000

The appropriations in this subsection are subject to the following conditions and limitations:

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(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$1,015,000
General Fund--State Appropriation (FY 2009)	\$1,003,000
General Fund--Federal Appropriation	\$3,047,000
TOTAL APPROPRIATION	\$5,065,000

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,820,000
General Fund--State Appropriation (FY 2009)	\$4,816,000
General Fund--Federal Appropriation	\$7,366,000
TOTAL APPROPRIATION	\$17,002,000

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008) . .	\$346,918,000
General Fund--State Appropriation (FY 2009) . .	\$377,897,000
General Fund--Federal Appropriation	\$635,925,000
TOTAL APPROPRIATION	\$1,360,740,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,799,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$9,268,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,598,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$1,096,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities).

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(f) \$1,380,000 of the general fund--state appropriation for fiscal year 2008, \$3,817,000 of the general fund--state appropriation for fiscal year 2009, and \$1,103,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$218,000 of the general fund--state appropriation for fiscal year 2008 and \$205,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$6,223,000 of the general fund--state appropriation for fiscal year 2008, \$11,665,000 of the general fund--state appropriation for fiscal year 2009, and \$18,917,000 of the general fund--federal appropriation are provided solely for rate increases for community residential providers, including supported living and group homes. Of this amount, \$3,342,000 of the general fund--state appropriation for fiscal year 2009 and \$6,893,000 of the general fund--federal appropriation are provided solely for administrative rates only to those agencies whose average administrative rates are below the rate standard for their programs.

(i) \$1,164,000 of the general fund--state appropriation for fiscal year 2008, \$1,525,000 of the general fund--state appropriation for fiscal year 2009, and \$2,840,000 of the general fund--federal appropriation are provided solely for vendor rate increases for adult family homes and boarding homes, including those currently receiving exceptional rates.

(j) \$24,000 of the general fund--state appropriation for fiscal year 2008, \$25,000 of the general fund--state appropriation for fiscal year 2009, and \$51,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance, as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) . . .	\$73,783,000
General Fund--State Appropriation (FY 2009) . . .	\$73,916,000
General Fund--Federal Appropriation	\$160,884,000
General Fund--Private/Local Appropriation	\$21,613,000
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
TOTAL APPROPRIATION . . .	\$335,810,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$10,000 of the general fund--state appropriation for fiscal year 2008, \$10,000 of the general fund--state appropriation for fiscal year 2009, and \$21,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division

shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$2,207,000
General Fund--State Appropriation (FY 2009)	\$2,266,000
General Fund--Federal Appropriation	\$2,700,000
TOTAL APPROPRIATION	\$7,173,000

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$16,708,000
TOTAL APPROPRIATION	\$16,740,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008) . .	\$700,056,000
General Fund--State Appropriation (FY 2009) . .	\$746,395,000
General Fund--Federal Appropriation	\$1,537,437,000
General Fund--Private/Local Appropriation	\$19,001,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
TOTAL APPROPRIATION .	\$3,004,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$156.73 for fiscal year 2008 and shall not exceed \$165.60 for fiscal year 2009. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007.

(3) In accordance with Substitute Senate Bill No. 5905 (capital authorization), the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010. If Substitute Senate Bill No. 5905 is not enacted by June 30, 2007, the department shall issue certificates of capital authorization in the amounts in this subsection in accordance with chapter 74.46 RCW.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

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(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,804,000 of the general fund--state appropriation for fiscal year 2008 and \$1,804,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9)(a) \$14,250,000 of the fiscal year 2009 general fund--state appropriation and \$15,145,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.

(b) \$250,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with an outside entity to review the current payment methodologies for nursing homes, boarding homes, and adult family homes and make recommendations for revisions to, restructuring of, or replacement of existing payment methodologies no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.

A joint legislative task force on long-term care residential facility payment systems is established to review the report and make recommendations to the legislature no later than December 31, 2007. The task force shall consist of eight legislators. The president of the senate shall appoint two members of the majority caucus and two members of the minority caucus. The speaker of the house of representatives shall appoint two members of the majority caucus and two members of the minority caucus. Each body shall select members of committees with jurisdiction over health and long-term care and fiscal matters. The task force shall give strong consideration to the report of the outside entity, as well as the following principles in the course of its deliberation:

(i) A continuum of residential care settings should be available to medicaid-eligible adults so as to honor consumer choice;

(ii) Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;

(iii) Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;

(iv) Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and

(v) Payment methodologies should be simplified, with greater ease of administration for the department and providers, and greater predictability and stability in payments.

The task force expires December 31, 2007.

(10) \$7,998,000 of the general fund--state appropriation for fiscal year 2008, \$10,736,000 of the general fund--state appropriation for fiscal year 2009, and \$19,561,000 of the general fund--federal appropriation are provided solely for vendor rate increases for adult family homes and boarding homes, including those currently receiving exceptional rates.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2008, \$223,000 of the general fund--state appropriation for fiscal year 2009, and \$462,000 of the general fund--federal appropriation are provided solely for an annual increase in the personal needs allowance as required by Substitute Senate Bill No. 5517 (personal needs allowance). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$52,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$95,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5285 or Substitute House Bill No. 1246 (residential services). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities and adult family homes that specialize in caring for such conditions by up to 50 beds each, for a total of 100 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$587,993,000
General Fund--State Appropriation (FY 2009) . . .	\$620,753,000
General Fund--Federal Appropriation	\$988,317,000
General Fund--Private/Local Appropriation	\$27,920,000
Pension Funding Stabilization Account--State	
Appropriation	\$4,592,000
TOTAL APPROPRIATION	\$2,229,575,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,252,000 of the general fund--state appropriation for fiscal year 2008, \$369,691,000 of the general fund--state appropriation for fiscal year 2009, and \$782,540,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a post-TANF work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be

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reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

(e) Within the amounts provided, increase the spending for the limited English proficiency pathway by \$3,000,000 above the amounts allotted by the department for the program for the 2005-2007 biennium; and

(f) Within the amounts provided, increase the spending for naturalization services by \$1,500,000 above the amounts allotted by the department for the program for the 2005-2007 biennium.

(2) \$5,401,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 5244 (implementing the deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$69,986,000
General Fund--State Appropriation (FY 2009) . . .	\$70,060,000
General Fund--Federal Appropriation	\$138,881,000
General Fund--Private/Local Appropriation	\$632,000
Criminal Justice Treatment Account--State Appropriation	\$17,743,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$24,538,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$24,538,000
Problem Gambling Account--State Appropriation	\$1,567,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,044,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,043,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
TOTAL APPROPRIATION . . .	\$350,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,153,000 of the general fund--state appropriation for fiscal year 2008 and \$3,152,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$6,150,000 of the general fund--state appropriation for fiscal year 2008, \$7,755,000 of the general fund--state appropriation for fiscal year 2009, and \$3,724,000 of the general

fund--federal appropriation are provided solely for vendor rate increases for outpatient treatment providers.

(3) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients, including a report to the office of financial management and the appropriate policy and fiscal committees of the legislature on a quarterly basis with the following information by treatment modality, category of person treated (general assistance-unemployable, SSI-eligible, other medicaid, youth, priority populations etc.), and by county for both the expansion and nonexpansion target populations:

(a) Total funds spent and number of clients treated and services provided;

(b) Total assumed cost offsets in medical assistance on a total and per client basis for the expansion population; and

(c) Outcome or success rate data, if available.

(4) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$698,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$1,584,606,000
General Fund--State Appropriation (FY 2009) . . .	\$1,659,518,000
General Fund--Federal Appropriation	\$4,300,327,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	\$356,441,000
Health Services Account--State Appropriation (FY 2009)	\$388,186,000
Pension Funding Stabilization Account--State Appropriation	\$646,000
TOTAL APPROPRIATION . . .	\$8,306,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in

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any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit a report to the governor and legislature by November 1, 2007, which evaluates whether savings continue to exceed costs for this program. If the certified public expenditures program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008 and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and is subject to an interim cost settlement within eleven months after the end of the fiscal year. A final cost settlement shall be performed within two years after the end of the related fiscal year. To the extent that a final cost settlement determines that a

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hospital has received funds in excess of what it would have received under the methodology in place in fiscal year 2008 as described in this subsection, the hospital must repay these amounts to the state when requested. \$74,477,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and \$70,668,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$7,314,000 of the general fund--state appropriation for fiscal year 2008, \$7,800,000 of the general fund--state appropriation for fiscal year 2009, and \$48,995,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5305 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$6,529,000 of the general fund--state appropriation for fiscal year 2008 and \$6,651,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(16) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. A report is due to the legislative fiscal committees by December 1, 2007.

(17) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the

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contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(18) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in accordance with chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093). By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

- (a) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;
- (b) Development of data linkages with the office of superintendent of public instruction for free and reduced price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;
- (c) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;
- (d) Outreach contracts with local governmental entities, community based organizations, and tribes;
- (e) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;
- (f) Results of efforts to maximize federal matching funds, wherever possible; and
- (g) Plans for sustaining outreach programs proven to be successful.

(19) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

- (a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006, as well as any persons who age in or otherwise qualify for continuous enrollment in such a plan on or after November 2006; and
- (b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature on or before December 1, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(20) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2007.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008) . . . \$11,631,000
General Fund--State Appropriation (FY 2009) . . . \$12,348,000

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General Fund--Federal Appropriation \$90,885,000
Telecommunications Devices for the Hearing and
Speech Impaired--State Appropriation \$1,793,000
Pension Funding Stabilization Account--State
Appropriation \$116,000
TOTAL APPROPRIATION . . . \$116,773,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008) . . . \$48,899,000
General Fund--State Appropriation (FY 2009) . . . \$51,382,000
TOTAL APPROPRIATION . . . \$100,281,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2008) . . . \$31,206,000
General Fund--State Appropriation (FY 2009) . . . \$30,687,000
General Fund--Federal Appropriation \$63,399,000
General Fund--Private/Local Appropriation \$810,000
Public Safety and Education Account--State
Appropriation (FY 2008) \$1,226,000
Public Safety and Education Account--State
Appropriation (FY 2009) \$1,226,000
Pension Funding Stabilization Account--State
Appropriation \$1,408,000
TOTAL APPROPRIATION . . . \$129,962,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.
- (2) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.
- (3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding for evidence-based programs through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and two additional community networks supporting counties or groups of counties in evaluating programs funding through a block grant by the juvenile rehabilitation administration. If counties or groups of counties do not request decategorized funding, the amounts proportionate to grants of \$50,000 per year per community network shall lapse.
- (4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008) . . . \$56,492,000
General Fund--State Appropriation (FY 2009) . . . \$56,611,000
General Fund--Federal Appropriation \$54,635,000
TOTAL APPROPRIATION . . . \$167,738,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation \$4,664,000
State Health Care Authority Administrative Account--

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State Appropriation	\$54,136,000
Medical Aid Account--State Appropriation	\$521,000
Health Services Account--State Appropriation (FY 2008)	\$273,385,000
Health Services Account--State Appropriation (FY 2009)	\$299,131,000
TOTAL APPROPRIATION	\$631,837,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund--federal appropriation, and \$22,480,000 of the state health care authority administrative account appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,137,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for the implementation of the health insurance connector, in accordance with section 19 of Engrossed Second Substitute Senate Bill No.

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5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amount provided in this subsection shall lapse.

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 8 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the health services account--state appropriation for fiscal year 2008 and \$600,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the state employee health pilot, pursuant to section 36 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$500,000 of the health services account--state appropriation for fiscal year 2008 and \$500,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$1,000,000 of the health services account--state appropriation for fiscal year 2008 and \$1,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for community clinics to provide dental services to the low-income and uninsured.

NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,177,000
General Fund--State Appropriation (FY 2009)	\$2,976,000
General Fund--Federal Appropriation	\$1,328,000
TOTAL APPROPRIATION	\$7,481,000

NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	\$16,789,000
Medical Aid Account--State Appropriation	\$16,790,000
TOTAL APPROPRIATION	\$33,599,000

NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State Appropriation (FY 2008)	\$13,774,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$13,787,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$460,000
TOTAL APPROPRIATION	\$28,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$1,014,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,015,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for four additional basic law enforcement academies in fiscal year 2008 and four additional basic law enforcement academies in fiscal year 2009. Continued

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funding for these additional academies is contingent upon the result of an office of financial management forecast for future student demand for basic law enforcement academies at the criminal justice training centers in Burien and Spokane.

(3) \$1,146,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,219,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to implement a crime mapping enhancement to the national incident-based reporting system (NIBRS), and the continued development, maintenance, and operation of the jail booking and reporting system (JBRS), and the statewide automated victim information and notification system (SAVIN).

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$7,973,000
General Fund--State Appropriation (FY 2009)	\$7,961,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$15,190,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$16,327,000
Public Safety and Education Account--Federal	
Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$848,000
Electrical License Account--State Appropriation . .	\$37,970,000
Farm Labor Revolving Account--Private/Local	
Appropriation	\$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$1,844,000
Public Works Administration Account--State	
Appropriation	\$3,728,000
Accident Account--State Appropriation	\$212,218,000
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	\$225,414,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,562,000
Pressure Systems Safety Account--State Appropriation	
.	\$3,417,000
Family Leave Account--State Appropriation	\$18,665,000
TOTAL APPROPRIATION	\$579,953,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 or Engrossed Substitute House Bill No. 2073 (vocational rehabilitation services). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 or Engrossed Substitute House Bill No. 2073 (vocational rehabilitation services). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety

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and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$182,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (claims suppression). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (worker's compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$18,665,000 of the family leave account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5659 (family and medical leave insurance). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$75,000 of the accident account--state appropriation and \$75,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$69,000 of the general fund--state appropriation for fiscal year 2008, \$62,000 of the general fund--state appropriation for fiscal year 2009, \$145,000 of the electrical license account--state appropriation, and \$15,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6106 (trade regulation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2008)	\$1,797,000
General Fund--State Appropriation (FY 2009)	\$1,795,000
TOTAL APPROPRIATION	\$3,592,000

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general

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fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008) \$2,029,000
 General Fund--State Appropriation (FY 2009) \$2,043,000
 Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$10,000
 Veterans Innovations Program Account Appropriation \$1,437,000
TOTAL APPROPRIATION \$5,519,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008) \$4,987,000
 General Fund--State Appropriation (FY 2009) \$5,090,000
 General Fund--Federal Appropriation \$972,000
 General Fund--Private/Local Appropriation \$2,988,000
 Veteran Estate Management Account--Private/Local Appropriation \$1,062,000
TOTAL APPROPRIATION \$15,099,000

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) \$5,623,000
 General Fund--State Appropriation (FY 2009) \$5,175,000
 General Fund--Federal Appropriation \$41,331,000
 General Fund--Private/Local Appropriation \$30,197,000
TOTAL APPROPRIATION \$82,326,000

NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2008) \$1,708,000
 General Fund--State Appropriation (FY 2009) \$1,718,000
TOTAL APPROPRIATION \$3,426,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008) . . . \$77,428,000
 General Fund--State Appropriation (FY 2009) . . . \$76,093,000
 General Fund--Federal Appropriation \$474,041,000
 General Fund--Private/Local Appropriation \$108,238,000
 Hospital Commission Account--State Appropriation . \$1,190,000
 Health Professions Account--State Appropriation . \$57,772,000
 Aquatic Lands Enhancement Account--State Appropriation \$600,000
 Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$12,579,000
 Safe Drinking Water Account--State Appropriation . \$2,939,000
 Drinking Water Assistance Account--Federal Appropriation \$16,272,000
 Waterworks Operator Certification--State Appropriation \$1,493,000
 Drinking Water Assistance Administrative Account--State Appropriation \$326,000
 Water Quality Account--State Appropriation (FY 2008) \$1,866,000
 Water Quality Account--State Appropriation (FY 2009) \$1,870,000
 State Toxics Control Account--State Appropriation . \$2,912,000
 Medical Test Site Licensure Account--State Appropriation \$1,988,000
 Youth Tobacco Prevention Account--State Appropriation \$1,512,000
 Public Health Supplemental Account--Private/Local

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Appropriation \$2,472,000
 Accident Account--State Appropriation \$280,000
 Medical Aid Account--State Appropriation \$46,000
 Health Services Account--State Appropriation (FY 2008) \$42,067,000
 Health Services Account--State Appropriation (FY 2009) \$46,596,000
 Tobacco Prevention and Control Account--State Appropriation \$52,709,000
 Oyster Reserve Land Account--State Appropriation . \$302,000
TOTAL APPROPRIATION . . . \$983,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) By January 1, 2008, the department shall submit to the appropriate policy and fiscal committees of the legislature an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the evaluation shall determine whether these economic benefits exceed the state expenditures to subsidize the cost of the licensing and regulatory program.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$302,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$62,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894

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(on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(9) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program. Of the amounts appropriated in this subsection, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary to offset reductions in federal funding.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through December 2007. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(11) \$17,000 of the general fund--state appropriation for fiscal year 2008, \$17,000 of the general fund--state appropriation for fiscal year 2009, and \$1,501,000 of the health professions account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 5509 (health care providers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(14) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(15) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(16) \$580,000 of the general fund--state appropriation for fiscal year 2008, \$420,000 of the general fund--state appropriation for fiscal year 2009, and \$700,000 of the general fund--federal appropriation are provided solely for implementation of prescription drug monitoring under Engrossed Second Substitute Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop rules for approving drainfield remediation technologies as part of the Puget Sound recovery efforts towards environmentally responsible septic use.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008) . . .	\$55,050,000
General Fund--State Appropriation (FY 2009) . . .	\$48,490,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$1,393,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$1,404,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,280,000
TOTAL APPROPRIATION . . .	\$107,643,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$75,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Substitute Senate Bill No. 5980 (sex offender notification). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$208,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Senate Bill No. 5332 (victim notification). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

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(e) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$93,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5643 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(f) In making expenditures for appropriations made in this section for contracts for chemical dependency treatment for offenders in corrections facilities, including corrections centers and community supervision facilities, the department shall seek vendors that have demonstrated effectiveness in the treatment of offenders, where at least 50 percent of those offenders treated remain drug-free for at least two years.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008) ..	\$572,372,000
General Fund--State Appropriation (FY 2009) ..	\$606,963,000
General Fund--Federal Appropriation	\$3,455,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000
TOTAL APPROPRIATION .	\$1,197,574,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008) ..	\$122,634,000
General Fund--State Appropriation (FY 2009) ..	\$131,598,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$8,526,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$8,629,000
Pension Funding Stabilization Account--State Appropriation	\$2,800,000
TOTAL APPROPRIATION .	\$274,187,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$966,000
General Fund--State Appropriation (FY 2009)	\$2,513,000
TOTAL APPROPRIATION	\$3,479,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008) ...	\$34,326,000
General Fund--State Appropriation (FY 2009) ...	\$34,495,000
TOTAL APPROPRIATION	\$68,821,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$2,312,000
General Fund--State Appropriation (FY 2009)	\$2,356,000
General Fund--Federal Appropriation	\$17,003,000
General Fund--Private/Local Appropriation	\$20,000
TOTAL APPROPRIATION	\$21,691,000

NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation	\$261,495,000
General Fund--Private/Local Appropriation	\$32,413,000
Unemployment Compensation Administration Account-- Federal Appropriation	\$241,802,000
Administrative Contingency Account--State Appropriation	\$30,716,000
Employment Service Administrative Account--State Appropriation	\$30,656,000
TOTAL APPROPRIATION ...	\$597,082,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) \$12,348,000 of the unemployment compensation administration account--federal appropriation is provided from

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amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions.

(4) \$447,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$276,000 of the administrative contingency account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5070 (offender re-entry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(7) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(8) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(End of part)

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008)	\$506,000
General Fund--State Appropriation (FY 2009)	\$520,000
General Fund--Federal Appropriation	\$9,000
General Fund--Private/Local Appropriation	\$1,010,000
TOTAL APPROPRIATION	\$2,045,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008) . . .	\$46,999,000
General Fund--State Appropriation (FY 2009) . . .	\$46,163,000
General Fund--Federal Appropriation	\$80,586,000
General Fund--Private/Local Appropriation	\$13,316,000
Special Grass Seed Burning Research	
Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$3,872,000
Flood Control Assistance Account--State Appropriation	
.	\$3,891,000
State Emergency Water Projects Revolving	
Account--State Appropriation	\$390,000
Waste Reduction/Recycling/Litter	
Control--State Appropriation	\$19,224,000
State Drought Preparedness--State Appropriation . . .	\$117,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation . .	\$382,000
Vessel Response Account--State Appropriation . . .	\$1,438,000
Freshwater Aquatic Algae Control Account--State	
Appropriation	\$509,000
Site Closure Account--State Appropriation	\$661,000
Water Quality Account--State Appropriation	
(FY 2008)	\$16,314,000
Water Quality Account--State Appropriation	
(FY 2009)	\$15,523,000
Wood Stove Education and Enforcement Account--State	

Appropriation	\$360,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$2,162,000
State Toxics Control Account--State Appropriation	\$91,511,000
State Toxics Control Account--Private/Local	
Appropriation	\$381,000
Local Toxics Control Account--State Appropriation	\$18,212,000
Water Quality Permit Account--State Appropriation	\$36,488,000
Underground Storage Tank Account--State Appropriation	
.	\$3,605,000
Environmental Excellence Account--State Appropriation	
.	\$504,000
Biosolids Permit Account--State Appropriation	\$1,290,000
Hazardous Waste Assistance Account--State	
Appropriation	\$5,462,000
Air Pollution Control Account--State Appropriation	\$6,211,000
Oil Spill Prevention Account--State Appropriation	\$12,035,000
Air Operating Permit Account--State Appropriation	\$2,967,000
Freshwater Aquatic Weeds Account--State Appropriation	
.	\$1,649,000
Oil Spill Response Account--State Appropriation . .	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation	\$440,000
Water Pollution Control Revolving Account--Federal	
Appropriation	\$2,145,000
TOTAL APPROPRIATION . . .	\$441,913,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided for wetland mitigation. If Substitute Senate Bill No. 5145 is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate fiscal committees of the legislature.

(4) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(6) \$1,206,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(7) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(8) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish

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Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(9) \$490,000 of the state toxics control account and \$1,290,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department of ecology shall provide a progress report on implementing this plan to the appropriate committees of the legislature by December 31, 2008.

(12) \$435,000 of the general fund--state appropriation for fiscal year 2008 and \$360,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to clarify Spokane area water rights by mapping and documenting rights, assessing information system needs, enhancing water source metering and reporting, and consulting with local interests to determine whether to proceed with a general water right adjudication.

(13) \$53,000 of the oil spill prevention account--state appropriation for fiscal year 2009 is provided solely for the implementation of Senate Bill No. 5552 (discharges of oil). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5745 (solid fuel burning devices). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(15) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal for the west Seattle Fauntleroy community and Federal Way's Dumas bay. The department may only use up to \$50,000 of these amounts for its costs associated with administering this activity.

(17) \$149,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(18) \$65,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, \$152,000 of the water quality account--state appropriation for fiscal year 2008, and \$103,000 of the water quality account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is

provided solely for the department to contract with northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008) . . .	\$46,362,000
General Fund--State Appropriation (FY 2009) . . .	\$47,494,000
General Fund--Federal Appropriation	\$4,450,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State	
Appropriation	\$1,111,000
Off Road Vehicle Account--State Appropriation	\$224,000
Snowmobile Account--State Appropriation	\$4,811,000
Aquatic Lands Enhancement Account--State Appropriation	
.	\$347,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State	
Appropriation	\$34,636,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
TOTAL APPROPRIATION . . .	\$139,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$600,000 of the general fund--federal appropriation for fiscal year 2008 and \$1,100,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the state parks and recreation commission to establish an outdoor education and recreation grant program. Priority for the grants shall be programs for students who qualify for free and reduced-price lunch, who are most likely to fail academically, or who have the greatest potential to drop out of school.

(11) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

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implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2008)	\$1,546,000
General Fund--State Appropriation (FY 2009)	\$1,580,000
General Fund--Federal Appropriation	\$18,236,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$257,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	\$2,506,000
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	\$1,004,000
TOTAL APPROPRIATION	\$25,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2008)	\$1,102,000
General Fund--State Appropriation (FY 2009)	\$1,105,000
TOTAL APPROPRIATION	\$2,207,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,783,000
General Fund--State Appropriation (FY 2009)	\$2,797,000
General Fund--Federal Appropriation	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	\$7,335,000
Water Quality Account--State Appropriation (FY 2009)	\$7,350,000
TOTAL APPROPRIATION	\$21,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

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(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008)	\$53,004,000
General Fund--State Appropriation (FY 2009)	\$49,132,000
General Fund--Federal Appropriation	\$51,024,000
General Fund--Private/Local Appropriation	\$36,379,000
Off Road Vehicle Account--State Appropriation	\$405,000
Aquatic Lands Enhancement Account--State Appropriation	\$5,859,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$266,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$322,000
Recreational Fisheries Enhancement--State Appropriation	\$3,495,000
Warm Water Game Fish Account--State Appropriation	\$2,876,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$751,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	\$62,397,000
Wildlife Account--Federal Appropriation	\$33,324,000
Wildlife Account--Private/Local Appropriation	\$12,872,000
Game Special Wildlife Account--State Appropriation	\$1,943,000
Game Special Wildlife Account--Federal Appropriation	\$8,877,000
Game Special Wildlife Account--Private/Local Appropriation	\$475,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$2,750,000
Oil Spill Prevention Account--State Appropriation	\$1,048,000
Oyster Reserve Land Account--State Appropriation	\$412,000
Wildlife Rehabilitation Account--State Appropriation	\$352,000
TOTAL APPROPRIATION	\$329,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

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(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$633,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of a ballast water management program as described in Second Substitute Senate Bill No. 5923 (aquatic invasive species enforcement and control). The department shall coordinate with the department of ecology and the office of financial management to evaluate the feasibility of synchronizing ballast water program and spills program inspections. The department will submit recommendations to the office of financial management by November 1, 2007.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$880,000 of the general fund--state appropriation for fiscal year 2008 and \$881,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$113,000 of the general fund--state appropriation for fiscal year 2008, \$113,000 of the general fund--state appropriation for fiscal year 2009, and \$204,000 of the aquatic invasive species enforcement account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(21) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(22) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property. Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site.

(23) Within existing funds, the department of fish and wildlife in coordination with department of ecology shall evaluate environmental impacts of proposed sinking vessels in Puget Sound for dive attractions.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008) . . .	\$47,326,000
General Fund--State Appropriation (FY 2009) . . .	\$48,399,000
General Fund--Federal Appropriation	\$24,991,000
General Fund--Private/Local Appropriation	\$1,235,000
Forest Development Account--State Appropriation	\$55,290,000
Off-Road Vehicle Account--State Appropriation . . .	\$4,114,000
Surveys and Maps Account--State Appropriation . .	\$2,440,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$7,338,000
Resources Management Cost Account--State	
Appropriation	\$91,759,000
Surface Mining Reclamation Account--State	
Appropriation	\$3,235,000
Disaster Response Account--State Appropriation . .	\$5,000,000
Forest and Fish Support Account--State Appropriation	
.	\$4,000,000
Water Quality Account--State Appropriation (FY 2008)	
.	\$1,328,000
Water Quality Account--State Appropriation (FY 2009)	
.	\$1,331,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	\$1,325,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000

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State Toxics Control Account--State Appropriation . . \$80,000
 Air Pollution Control Account--State Appropriation . \$557,000
 Derelict Vessel Removal Account--State Appropriation
 \$3,641,000
 Agricultural College Trust Management Account--State
 Appropriation \$1,984,000
TOTAL APPROPRIATION . . . \$305,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund--state appropriation for fiscal year 2008 and \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,463,000 of the general fund--state appropriation for fiscal year 2008, \$13,792,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$2,500,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal

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agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$52,000 of the general fund--state appropriation for fiscal year 2008 and \$52,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$143,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$182,000 of the resources management cost account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 6011 (Maury island reserve). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the removal of two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(18) \$762,000 of the general fund--state appropriation for fiscal year 2008 and \$1,011,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) \$48,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for implementation of Substitute Senate Bill No. 5844 (specialized forest products). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(20) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(21) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$500,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of

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Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An assessment by the center for international trade in forest products of the highest valued markets for timber products and recommendations for forest management approaches that would improve the position of Washington's forest and timber products industry in those high-valued markets. The college and the department shall also develop a pilot project on the Olympic experimental forest to test the economic viability of selective harvest of certain high-valued trees at such low intensity and with minimal-impact harvest techniques such that the forest ecosystem values are not diminished.

(b) The development of silvicultural and forest management techniques and technology that maintain and restore forest conditions that are resistant and resilient to fire, insects, disease, and other damaging agents. Recommendations for a research approach that will determine the long-term efficacy of different forest health treatments shall also be included.

(c) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(d) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(22) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2008) . . . \$12,560,000
 General Fund--State Appropriation (FY 2009) . . . \$12,354,000
 General Fund--Federal Appropriation \$10,853,000
 General Fund--Private/Local Appropriation \$413,000

Aquatic Lands Enhancement Account--State
 Appropriation \$2,022,000
 Energy Freedom Account--State Appropriation \$500,000
 Water Quality Account--State Appropriation (FY 2008)
 \$574,000
 Water Quality Account--State Appropriation (FY 2009)
 \$575,000
 State Toxics Control Account--State Appropriation \$4,016,000
 Water Quality Permit Account--State Appropriation . . \$52,000
 TOTAL APPROPRIATION \$43,919,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$307,000 of the general fund--state appropriation for fiscal year 2008 and \$280,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust
 Account--State Appropriation \$772,000

NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008) \$500,000
 General Fund--State Appropriation (FY 2009) \$500,000
 General Fund--Federal Appropriation \$1,155,000
 General Fund--Private/Local Appropriation \$2,500,000
 Aquatic Lands Enhancement Account--State Appropriation
 \$500,000
 Water Quality Account--State Appropriation (FY 2008)
 \$3,458,000
 Water Quality Account--State Appropriation (FY 2009)
 \$3,459,000
 TOTAL APPROPRIATION \$12,072,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the water quality account--state appropriation for fiscal year 2008, \$1,000,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are appropriated to the office of the governor for operation of the Puget Sound action team, and \$500,000 of the general fund--state appropriation for fiscal year 2008 and

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\$500,000 of the general fund--state appropriation for fiscal year 2009 of the amounts provided in this subsection shall lapse.

(End of part)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008)	\$1,667,000
General Fund--State Appropriation (FY 2009)	\$1,915,000
Architects' License Account--State Appropriation . . .	\$720,000
Cemetery Account--State Appropriation	\$222,000
Professional Engineers' Account--State Appropriation	\$3,277,000
Real Estate Commission Account--State Appropriation	\$8,317,000
Master License Account--State Appropriation	\$13,165,000
Uniform Commercial Code Account--State Appropriation	\$2,925,000
Real Estate Education Account--State Appropriation	\$275,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,564,000
Business Professions Account--State Appropriation	\$10,203,000
Real Estate Research Account--State Appropriation	\$319,000
Funeral Directors And Embalmers Account--State Appropriation	\$542,000
Geologists' Account--State Appropriation	\$56,000
Data Processing Revolving Account--State Appropriation	\$29,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
Home Inspector's Account--State Appropriation	\$624,000
TOTAL APPROPRIATION	\$45,851,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$624,000 of the home inspector's account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5788 (licensing of home inspectors). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008)	\$39,849,000
General Fund--State Appropriation (FY 2009)	\$38,490,000
General Fund--Federal Appropriation	\$5,094,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	\$5,306,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,377,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,385,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$3,040,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,242,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$7,557,000

Aquatic Invasive Species Enforcement Account--State Appropriation	\$248,000
State Toxics Control Account--State Appropriation	\$472,000
Fingerprint Identification Account--State Appropriation	\$6,517,000
DNA Data Base Account--State Appropriation	\$170,000
TOTAL APPROPRIATION . . .	\$112,675,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh act -- the children's safety and violent crime reduction act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection exclusively to review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this subsection to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$21,000 of the general fund--state appropriation for fiscal year 2008 and \$21,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time bonuses of \$5,000 for troopers who completed trooper basic training after July 1, 2003, and who have served a continuous commission of four years within the districts to which they are assigned by the Washington state patrol without accepting a transfer, other than a transfer granted for promotion or hardship. This one-time bonus is: Not subject to collective bargaining; available only at the discretion of the chief, who shall consider the trooper's record of service when deciding whether to award the bonus; and is not to be included as compensation for any retirement, pension, or disability purpose.

(End of part)

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2008)	\$20,831,000
General Fund--State Appropriation (FY 2009)	\$21,190,000
General Fund--Federal Appropriation	\$21,527,000
TOTAL APPROPRIATION	\$63,548,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,965,000 of the general fund--state appropriation for fiscal year 2008 and \$12,351,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning

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requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall (i) develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(c) \$4,543,000 of the general fund--state appropriation for fiscal year 2008 and \$5,803,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(i) \$930,000 in fiscal year 2008 and \$1,070,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; and (E) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and

(ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):

(A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas; and

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs;

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established Engrossed Second Substitute Senate Bill No. 5813 (relating to improving mathematics, technology, English as a second language, special education, and science education); and

(iv) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Engrossed Second Substitute Senate Bill No. 5813 (relating to improving mathematics, technology, English as a second language, special education, and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for increased attorney general fees related to education litigation.

(e) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(g) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(i) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(j) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(k) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5102 (legislative youth advisory council) or Substitute House Bill No. 1052

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(legislative youth advisory council). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(l) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5643 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(m) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(n) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(o) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$15,072,000
General Fund--State Appropriation (FY 2009) . . .	\$15,748,000
General Fund--Federal Appropriation	\$55,890,000
TOTAL APPROPRIATION	\$86,710,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a

school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5097 (school safety). Specifically, the funding is provided for the educational service districts to collaborate with the office of superintendent of public instruction's school safety center and the school safety advisory committee to award grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) TECHNOLOGY

\$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$641,000 of the general fund--state appropriation for fiscal year 2008 and \$1,318,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the special services pilot projects authorized in House Bill No. 2136 or Senate Bill No. 6094 (core subject instruction). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state

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appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5497 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

(xiii) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The

specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including, the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.

(xiv) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5714 (Spanish and Chinese language instruction). Within the amounts specifically appropriated for this purpose, the amounts are provided for a pilot program in two school districts to provide sequentially articulated Spanish and Chinese language instruction in elementary schools. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xv) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008)	\$4,485,724,000
General Fund--State Appropriation (FY 2009)	\$4,556,783,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$4,714,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$4,673,000
Pension Funding Stabilization Account Appropriation	
.....	\$226,624,000
TOTAL APPROPRIATION	\$9,278,518,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

- (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
- (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;
- (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
- (iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory

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minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

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(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

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(4) Fringe benefit allocations shall be calculated at a rate of 14.63 percent in the 2007-08 school year and 16.40 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.24 percent in the 2007-08 school year and 18.54 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$9,907 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,331 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$18,877 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$16,622,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$558,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$390,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$4,714,000 of the education legacy trust account appropriation for fiscal year 2008 and \$4,673,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 5.1 percent from the 2007-08 school year to the 2008-09 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.63 percent for school year 2007-08 and 16.40 percent for school year 2008-09 for certificated staff and for classified staff 17.24 percent for school year 2007-08 and 18.54 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2008-09 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002

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9	40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10		43,443	45,047	48,310	50,688	48,509	51,773	54,150
11			46,566	49,900	52,326	50,028	53,363	55,787
12			48,036	51,533	54,030	51,606	54,995	57,493
13				53,205	55,777	53,240	56,667	59,239
14				54,885	57,589	54,922	58,457	61,052
15				56,313	59,088	56,350	59,977	62,639
16 or more				57,439	60,269	57,476	61,176	63,892

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180- day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school- wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR

SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2008) ..	\$160,575,000
General Fund--State Appropriation (FY 2009) ..	\$344,618,000
General Fund--Federal Appropriation	\$771,000
TOTAL APPROPRIATION ...	\$505,964,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$439,468,000 is provided solely for the following:
 - (a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another 2.8 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule. These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to thirteen in the 2008-09 school year.

(c) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and \$57,097 in the 2008-09 school year.

(d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$29,960 in the 2007-08 school year and \$31,175 in the 2008-09 school year.

(e) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.99 percent for the 2007-08 school year and 15.76 percent for the 2008-09 school year for certificated staff and 13.74 percent for the 2007-08 school year and 15.04 percent for the 2008-09 school year for classified staff.

(f) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for

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general apportionment salaries and benefits in sections 502 and 503 of this act.

(g) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$1.03	\$1.93
Highly Capable (per formula student)	\$11.18	\$20.93
Transitional Bilingual Education (per eligible bilingual student)	\$29.94	\$56.05
Learning Assistance (per formula student)	\$7.59	\$14.22

(h) The appropriations in this section include \$925,000 for fiscal year 2008 and \$1,940,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) \$66,185,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.50	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.97	\$8.01
Learning Assistance (per formula student)	\$0.93	\$1.89

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2008) ..	\$262,882,000
General Fund--State Appropriation (FY 2009) ..	\$264,573,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$12,500,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$12,500,000
TOTAL APPROPRIATION ...	\$552,455,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$866,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent

practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.88 per weighted mile in the 2007-08 school year and \$45.44 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$12,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$12,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction, in consultation with the joint legislative audit and review committee, to develop an equitable funding methodology to provide additional assistance to school districts for their pupil transportation costs beyond the levels otherwise provided in this section. The allocation methodology for the amounts provided in this subsection shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2008)	\$3,159,000
General Fund--State Appropriation (FY 2009)	\$3,159,000
General Fund--Federal Appropriation	\$280,398,000
TOTAL APPROPRIATION ...	\$286,716,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the 2009 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2008 and \$59,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program

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pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008) . .	\$548,413,000
General Fund--State Appropriation (FY 2009) . .	\$566,972,000
General Fund--Federal Appropriation	\$435,735,000
TOTAL APPROPRIATION .	\$1,551,120,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) All districts shall use the excess cost methodology first developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from

nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$30,690,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) Pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities), the office of superintendent of public instruction shall review and streamline the application process to access safety net funds,

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provide technical assistance to school districts, and annually survey school districts regarding improvement to the process. The safety net oversight committee shall study the excess cost accounting method and explore options for a possible replacement, including an option that reflects the full amount of special education funding and the legislative direction to ensure that as a class, special education students are entitled to the full basic education allocation.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2008)	\$5,647,000
General Fund--State Appropriation (FY 2009)	\$7,375,000
TOTAL APPROPRIATION	\$13,022,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,665,000 of the general fund--state appropriation in fiscal year 2008 and \$3,351,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2008) . .	\$202,394,000
General Fund--State Appropriation (FY 2009) . .	\$212,310,000
TOTAL APPROPRIATION . . .	\$414,704,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$18,343,000
General Fund--State Appropriation (FY 2009) . . .	\$18,510,000
TOTAL APPROPRIATION	\$36,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2008 and \$196,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for

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developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2008)	\$7,385,000
General Fund--State Appropriation (FY 2009)	\$7,468,000
TOTAL APPROPRIATION	\$14,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$373.36 per funded student for the 2007-08 school year and \$377.49 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$43,450,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$56,507,000
General Fund--State Appropriation (FY 2009) . . .	\$65,567,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$67,713,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$59,610,000
General Fund--Federal Appropriation	\$152,610,000
TOTAL APPROPRIATION . . .	\$402,007,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,966,000 of the general fund--state appropriation for fiscal year 2008, \$19,946,000 of the general fund--state appropriation for fiscal year 2009, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$6,000,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$6,000,000 of the education legacy trust account--state appropriation for fiscal

year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act, or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science). If neither bill is enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:

(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(b) The funding may also be used for reviewing, developing, and implementing end of course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(c) The funding may be used for increased costs associated with additional full-time equivalent students directly resulting from additional course taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science).

(d) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) or Second Substitute House Bill No. 2327 (regarding a system of standards, instruction, and assessments for mathematics and science) and amounts spent of each aspect of the legislation.

(3) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.

(4) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(5) \$100,000 of the general fund--state appropriation in fiscal year 2008 is provided solely to support the development of state standards in mathematics that reflect international content and performance levels. Activities include collecting appropriate research, consulting with mathematics standards experts, and convening state education practitioners and community members in an inclusive process to recommend new standards.

(6) \$1,664,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,664,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of science standards and curriculum as follows:

(a) \$100,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development and communication of state standards in

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science that reflect international content and performance levels. Activities include collecting appropriate research, consulting with mathematics standards experts, and convening state education practitioners and community members in an inclusive process to recommend new standards.

(b) \$677,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$677,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the evaluation of science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state's international standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students learn and teachers teach the content of the international standards.

(c) \$887,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$887,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 and Level 2 in science.

(7) \$5,711,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$7,366,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for allocations to districts for salaries and benefits for three additional professional development days for middle and high school math teachers and three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. The allocations shall be used in coordination with and to augment the learning improvement days in section 503(7) of this act. The allocations shall be used as follows:

(a) For middle school teachers during the 2007-08 school year, the three math professional development days shall focus on development of basic mathematics knowledge and instructional skills and the three science professional development days shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year, the three math professional development days shall focus on skills related to implementing the new international mathematics standards and the three science professional development days shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the three math professional development days shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills and the three science professional development days shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year, the three math professional development days shall focus on skills related to implementing the new international mathematics standards and the three science professional development days shall focus on skills related to implementing the new international science standards.

(8) \$1,649,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$3,727,000 of the general

fund--state appropriation for fiscal year 2009 are provided solely for a math and science instructional coaches demonstration project. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science. The Washington institute for public policy will evaluate the effectiveness of the demonstration projects as provided in part VI of this act.

(9) \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Engrossed Second Substitute Senate Bill No. 5813 (creating educational opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(10) \$453,000 of the general fund--state appropriation for fiscal year 2008 and \$453,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of superintendent of public instruction to identify no more than three mathematics basic curricula as well as diagnostic and supplemental materials for elementary, middle, junior high, and high school that align with the new international math standards.

(11) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5528 (review of the essential academic learning requirements in mathematics). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The funding provided in this subsection, combined with the other amounts provided in sections 501 and 513 of this act, are assumed to support the state board of education's responsibilities in reviewing and recommending revised mathematics essential academic learning requirement and grade level expectations, including costs associated with contracting for an expert consultant and the convening of a mathematics advisory panel. Additionally, the funding is intended to support costs associated with the office of superintendent of public instruction's responsibilities pursuant to state board of education and legislative direction.

(12) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) \$3,382,000 of the general fund--state appropriation for fiscal year 2008 and \$3,382,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for in-

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service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.

(15) \$12,897,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$28,846,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for grants for voluntary all-day kindergarten at the highest poverty schools students. To qualify, recipient schools must review the quality of their programs and make appropriate changes, use a kindergarten assessment tool, and demonstrate strong connections and communication with early learning providers and parents. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who is eligible for the federal free and reduced price lunch program and who is enrolled in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide all-day kindergarten programs for 10 percent of kindergarten enrollment eligible for free and reduced price lunch in the 2007-08 school year and 20 percent of kindergarten enrollment eligible for free and reduced price lunch in the 2008-09 school year.

(16) \$1,201,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,852,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to establish a middle and high school math and science class size pilot program. The funding is intended to fund at least ten schools in establishing actual average class sizes of 25 in mathematics and science classes in grades 6 through 12. The office of superintendent of public instruction, in direct collaboration with the Washington institute for public policy to ensure a research valid sample, will select the schools to participate in the pilot program. To the maximum extent possible, schools participating in the grant program shall also be selected to ensure adequate representation based on school district size and geographic location throughout the state.

(17) \$1,770,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,292,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for grants for four demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5843 (enhancing student learning opportunities).

(18) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development

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of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(19) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills. Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Washington institute for public policy shall evaluate the effectiveness of the practices supported by the grants as provided in section 608(4) of this act. Recipients of these grants shall cooperate with the institute for public policy in the collection of program data.

(20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement of diagnostic assessments pursuant to RCW 28A.655.200.

(21) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(22) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(23) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(24) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(25)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state

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appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(26) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(27) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(28) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(29) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning

and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(30) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(31) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(32) \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,500,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award after-school program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(33) \$1,629,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,638,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for

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students in grades kindergarten through third grade that are eligible for reduced price lunch.

(34) \$200,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$200,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the development of mathematics support activities provided by community organizations in after school programs. The office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(35) \$4,500,000 of the general fund--state appropriation for fiscal year 2008, \$4,500,000 of the general fund--state appropriation for fiscal year 2009, \$722,000 of the education legacy trust account--state appropriation for fiscal year 2008, and \$785,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(36) \$1,010,000 of the general fund--state appropriation for fiscal year 2008 and \$1,010,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(37) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(38) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(39) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(40) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(41) \$24,800,000 of the education legacy trust account--state appropriation for fiscal year 2008 is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$6,000 for each elementary school, \$12,000 for each middle or junior high school, and \$22,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(42) \$125,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$125,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Engrossed Second Substitute Senate Bill No. 5813 (creating educational opportunities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(43)(a) \$6,055,000 of the general fund--state appropriation for fiscal year 2008, \$8,191,000 of the general fund--state appropriation for fiscal year 2009, \$3,095,000 of the education legacy trust account--state appropriation for fiscal year 2008, and \$4,256,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and \$5,100 per teacher in fiscal year 2009;

(ii) For national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. The annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "schools where at least 70 percent of the student headcount enrollment is eligible for the federal free or reduced price lunch program" shall be defined as:

(i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program was at least 70 percent; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(44) \$1,250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,250,000 of the education legacy trust account--state appropriation for fiscal year 2009 are provided solely to cover costs associated with certificated instructional staff who have met the eligibility requirements and have successfully received their certification from the national board for professional teaching standards after

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September 1, 2007. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. The fee payment shall not be considered earnable compensation as defined in RCW 41.32.010 or compensation earnable as defined in RCW 41.40.010 and 41.35.010. Within the amounts provided in this subsection, the office of superintendent of public instruction may provide the assessment fee for up to one thousand national board for professional teaching standards recipients. If more than one thousand certified instructional staff seek funding assistance for national board certification, the office of superintendent of public instruction will develop a method of prioritizing to stay within the amounts provided in this subsection.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$65,520,000
General Fund--State Appropriation (FY 2009) . . .	\$69,139,000
General Fund--Federal Appropriation	\$45,243,000
TOTAL APPROPRIATION . . .	\$179,902,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$827.37 per eligible bilingual student in the 2007-08 school year and \$838.44 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.
- (6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of superintendent of public instruction shall not make changes to the requirements in effect as of January 1, 2007, for entry or exit to the transitional bilingual program without prior legislative approval.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$70,994,000
General Fund--State Appropriation (FY 2009) . . .	\$73,011,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$28,034,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$31,731,000
TOTAL APPROPRIATION . . .	\$564,430,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
 - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
 - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$238.75 per funded student for the 2007-08 school year and \$242.20 per funded

student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

- (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and
- (ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2008) . . .	\$23,884,000
General Fund--State Appropriation (FY 2009) . . .	\$25,135,000
TOTAL APPROPRIATION . . .	\$49,019,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out- of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.
- (2) School district allocations for promoting academic success programs shall be calculated as follows:
 - (a) Allocations shall be made to districts only for students actually served in a promoting academic success program.
 - (b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and

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mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.

(c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.86 in school year 2007-08 and \$13.11 in school year 2008-09 for maintenance, operations, and transportation;
- (ii) \$12.35 in school year 2007-08 and \$12.58 in school year 2008-09 for pre- and post-remediation assessments;
- (iii) \$17.49 in school year 2007-08 and \$17.83 in school year 2008-09 per reading remediation student unit;
- (iv) \$8.23 in school year 2007-08 and \$8.39 in school year 2008-09 per mathematics remediation student unit; and
- (v) \$8.23 in school year 2007-08 and \$8.39 in school year 2008-09 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation	
(FY 2008).....	\$423,414,000
Student Achievement Account--State Appropriation	
(FY 2009).....	\$446,357,000
TOTAL APPROPRIATION . . .	\$869,771,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$459.45 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

(1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2008, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2008 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 519. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.

State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

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NEW SECTION. Sec. 520. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff.

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical

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colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2006-07 academic year.

For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2007-08 academic year.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and

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employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to provide average salary increases of 3.2% effective July 1, 2007, and of 2.0% effective July 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

NEW SECTION. Sec. 602. (1) The appropriations in sections 603 through 609 of this act provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
University of Washington		
Main campus	33,722	34,077
Bothell campus	1,790	2,040
Tacoma campus	2,139	2,409
Washington State University		
Main campus	19,112	19,272

Tri-Cities campus	820	895
Vancouver campus	1,888	2,113
Central Washington University	8,952	9,322
Eastern Washington University	9,046	9,284
The Evergreen State College	4,165	4,213
Western Washington University	12,022	12,175
State Board for Community and Technical Colleges	136,097	139,127

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2008)	.. \$639,652,000
General Fund--State Appropriation (FY 2009)	.. \$655,556,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	..... \$50,832,000
Appropriation (FY 2009)	..... \$39,417,000
Pension Funding Stabilization Account	
Appropriation	..... \$49,800,000
TOTAL APPROPRIATION	.. \$1,435,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 1,020 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

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(3) \$560,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,400,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$4,575,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$9,150,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 750 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase by at least these amounts relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$2,450,000 of the education legacy trust account appropriation for fiscal year 2008 and \$4,900,000 of the education legacy trust account appropriation for fiscal year 2009 are to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$630,000 of the education legacy trust account appropriation for fiscal year 2008 and \$1,260,000 of the education legacy trust account appropriation for fiscal year 2009 are to increase enrollment in apprenticeship training programs by 100 student FTEs in each fiscal year.

(10) \$2,000,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,000,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65% for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical

colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by 3.7% effective July 1, 2007, and by 2.8% effective July 1, 2008.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2% effective July 1, 2007, and by an average of 2.0% effective July 1, 2008.

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NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008) . . .	\$372,427,000
General Fund--State Appropriation (FY 2009) . . .	\$384,086,000
General Fund--Private/Local Appropriation	\$300,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$17,359,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$26,572,000
Accident Account--State Appropriation	\$6,621,000
Medical Aid Account--State Appropriation	\$6,449,000
TOTAL APPROPRIATION . . .	\$813,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,248,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$10,496,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$2,325,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$4,650,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$250,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(8) \$1,095,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,735,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, check points, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The check points previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7%;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0%;

(f) Improve the freshman retention rate to 93.0%;

(g) Improve time to degree for baccalaureate students to 92% at the Seattle campus and 92.5% at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$165,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Puget Sound conservation and recovery plan, Puget Sound partnership early implementation items, and the agency action items UW-01 and UW-02. The department shall consult and sign performance agreements with the leadership council of the Puget Sound partnership created by Engrossed Substitute Senate Bill No. 5372 regarding these items.

(11) \$750,000 of the education legacy trust account appropriation for fiscal year 2008 and \$750,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have such the chance to study, work, or volunteer outside the United States.

(12) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(14) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

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increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(15) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(16) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

- (i) Variable costs such as fuel, etc;
- (ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2008) ..	\$233,016,000
General Fund--State Appropriation (FY 2009) ..	\$239,755,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$16,640,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$18,648,000
Pension Funding Stabilization Account	
Appropriation	\$2,450,000
TOTAL APPROPRIATION . . .	\$510,509,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,913,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$3,826,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 310 student FTEs in fiscal

year 2008 and by an additional 310 student FTEs in fiscal year 2009.

(2) \$1,125,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,550,000 of the education legacy trust account--state appropriation for fiscal year 2009 are to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$885,000 of the education legacy trust account appropriation for fiscal year 2008 and \$1,471,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the center for bio-products and bio-energy. The center is to draw upon and focus resources from throughout the university on research into the identification of Washington-grown crops most suitable to bio-energy production, the bio-fuel production process, and the development of coproducts from bio-fuel crops.

(6) \$250,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$250,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(7) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

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(8) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(11) \$4,294,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$2,066,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(13) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;
- (d) Improve the six-year graduation rate for baccalaureate students to 63.2%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4%;
- (f) Improve the freshman retention rate to 84.8%;
- (g) Improve time to degree for baccalaureate students to 92%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(14) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(15) \$210,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for implementation of the Puget Sound conservation and recovery plan, Puget Sound partnership early implementation items, and agency action item WSU-01. The department shall consult and sign performance agreements with the leadership council of the Puget Sound partnership created by Engrossed Substitute Senate Bill No. 5372 regarding these items.

(16) \$1,400,000 of the general fund--state appropriation for fiscal year 2008 and \$1,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two competitive grant pools that will fund small research projects that will produce immediate practical outcomes for the state's agriculture industry. To assure that funds are allocated to issues of greatest relevance to producers, priorities for the grant competition will be established by an advisory board comprised of food and agriculture industry representatives. One of the two research pools will specifically address topics such as organic and sustainable production, and greenhouse gas mitigation.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(18) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . .	\$48,497,000
General Fund--State Appropriation (FY 2009) . . .	\$49,794,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$7,007,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$8,646,000
Pension Funding Stabilization Account	
Appropriation	\$4,758,000
TOTAL APPROPRIATION . . .	\$118,702,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$1,530,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand general enrollments by 50 student FTEs in fiscal year 2008 and by an additional 180 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$390,000 of the education legacy trust account--state appropriation for fiscal year 2008 and \$780,000 of the education legacy trust account appropriation for fiscal year 2009 are to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on

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the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2035;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;

(c) Increase the number of advanced degrees conferred per year at all campuses to 550;

(d) Improve the six-year graduation rate for baccalaureate students to 50.0%;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0%;

(f) Improve the freshman retention rate to 76.0%;

(g) Improve time to degree for baccalaureate students to 81.0%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . .	\$47,433,000
General Fund--State Appropriation (FY 2009) . . .	\$48,924,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$7,481,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$10,338,000
Pension Funding Stabilization Account	
Appropriation	\$4,330,000
TOTAL APPROPRIATION . . .	\$118,506,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to

state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85% for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2,050;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;

(c) Increase the number of advanced degrees conferred per year at all campuses to 196;

(d) Improve the six-year graduation rate for baccalaureate students to 51.1%;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3%;

(f) Improve the freshman retention rate to 78.2%;

(g) Improve time to degree for baccalaureate students to 86.6%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board on the progress of the comprehensive "wildcat transitions" student outreach and retention program funded in this budget, and of its other efforts to develop and implement outreach programs designed to increase awareness of higher education to K-12 populations.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2008) . . .	\$30,269,000
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General Fund--State Appropriation (FY 2009) . . .	\$30,044,000
Education Legacy Trust Account--State	
Appropriation (FY 2008)	\$2,033,000
Education Legacy Trust Account--State	
Appropriation (FY 2009)	\$2,725,000
TOTAL APPROPRIATION . . .	\$65,071,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account-state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account-state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account-state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80% for students served in this program, with a goal of reaching a retention rate in excess of 85%.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 1182;

(b) Increase the number of advanced degrees conferred per year at all campuses to 92;

(c) Improve the six-year graduation rate for baccalaureate students to 57.0%;

(d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8%;

(e) Improve the freshman retention rate to 73.9%;

(f) Improve time to degree for baccalaureate students to 97.0%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Second Substitute Senate Bill No. 5627 (basic education funding). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state

institute for public policy to evaluate the effectiveness of the schools selected to implement middle and high school math and science class size reduction demonstration pilots in part V of this act. By March 1, 2008, the Washington state institute for public policy shall submit a preliminary report to the office of financial management and the appropriate policy and fiscal committees of the legislature identifying its proposed method and timeline for evaluating the class size demonstration schools.

(9) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to evaluate the effectiveness of the LASER program funded in part V of this act. By June 30, 2008, the Washington state institute for public policy shall submit a final report to the office of financial management and the appropriate policy and fiscal committees of the legislature.

(10) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to conduct evaluations of the K-3 demonstration projects and the math and science instructional coach pilot program.

(11) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are for the Washington state institute for public policy to review chapter 207, Laws of 2002 (bullying in schools), and the outcomes resulting from the legislation and to make recommendations for continued improvement. The study shall, at a minimum, determine: (a) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (b) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (c) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (d) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, the institute shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of superintendent of public instruction by September 1, 2008.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(14) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy to conduct a cost-benefit analysis of the office of public defense's program providing legal representation to indigent parents involved in dependency or termination cases. The institute shall consult with the department of social and health services, the attorney general's office, and the office of public defense. The study shall include an analysis of the length of time a child spends in the foster care system, reunification rates, and subsequent removals from the home, and reentry into the foster care system.

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NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . .	\$65,603,000
General Fund--State Appropriation (FY 2009) . . .	\$67,606,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$5,110,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$6,735,000
TOTAL APPROPRIATION . . .	\$145,054,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80% for students served in this program, with a goal of reaching a retention rate in excess of 85%.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8%;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4%;
- (f) Improve the freshman retention rate to 85.0%;

(g) Improve time to degree for baccalaureate students to 95.6%, measured by the percent of admitted students who graduate within 125% of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$7,405,000
General Fund--State Appropriation (FY 2009)	\$7,446,000
General Fund--Federal Appropriation	\$4,315,000
TOTAL APPROPRIATION	\$19,166,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5155 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to contract with the college success foundation to assist current or former foster care youth who are attending or who are interested in attending college or other postsecondary training.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008) . .	\$162,779,000
General Fund--State Appropriation (FY 2009) . .	\$182,295,000

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General Fund--Federal Appropriation	\$13,085,000
Education Legacy Trust Account--State Appropriation (FY 2008)	\$59,779,000
Education Legacy Trust Account--State Appropriation (FY 2009)	\$57,655,000
TOTAL APPROPRIATION	\$475,593,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$153,740,000 of the general fund--state appropriation for fiscal year 2008, \$171,734,000 of the general fund--state appropriation for fiscal year 2009, \$55,579,000 of the education legacy trust account appropriation for fiscal year 2008, \$51,119,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below seventy-five percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 75 percent of the state median shall be fifty percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$3,700,000 of the education legacy trust account appropriation for fiscal year 2008 and \$3,700,000 of the education legacy trust account appropriation for fiscal year 2009 are provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the gaining early awareness and readiness for undergraduate programs project to up to 30 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to award additional future teacher conditional scholarships to students preparing to teach in shortage areas such as mathematics, bilingual, and special education.

(7) \$2,336,000 of the education legacy trust account appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 5155 (passport to college) to support scholarships for eligible students and incentive payments to their colleges. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for community scholarship matching grants. To be eligible for the matching grant, a nonprofit group organized under section 501(c)(3) of the federal internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. State matching grants of \$2,000 each shall be provided, up to a total of \$46,000 per organization per year, with preference given to organizations affiliated with scholarship America.

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(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2008)	\$1,634,000
General Fund--State Appropriation (FY 2009)	\$1,610,000
General Fund--Federal Appropriation	\$53,938,000
TOTAL APPROPRIATION	\$57,182,000

The appropriations in this section are subject to the following conditions and limitations: \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(1) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(2) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2008)	\$1,656,000
General Fund--State Appropriation (FY 2009)	\$1,679,000
TOTAL APPROPRIATION	\$3,335,000

NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008)	\$62,710,000
General Fund--State Appropriation (FY 2009)	\$71,648,000
General Fund--Federal Appropriation	\$217,546,000
General Fund--Private/Local Appropriation	\$6,000
TOTAL APPROPRIATION	\$351,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,477,000 of the general fund--state appropriation for fiscal year 2008 and \$61,296,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of this amount, \$10,284,000 is part of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided, the department shall increase the number of children receiving early childhood education and assistance program services by 3,000 slots.

(c) Within the amounts provided, the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the early learning advisory committee.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop a detailed implementation proposal for the voluntary quality rating and improvement system. The department shall work with the early learning advisory committee to develop a rating system for child care providers in the state. An interim report on the proposal will be provided to

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the education and fiscal committees of the legislature by December 1, 2007. After development of the interim proposal, the department shall randomly sample eligible child care centers and licensed family home providers to determine the following: (a) Interest in participating in the voluntary rating system; (b) the rating of the center or provider on the proposed rating scale; and (c) improvements the center or provider would need to make in order to participate in the voluntary system. The department shall compile the survey reports to develop its final implementation proposal, to be reported to the education and fiscal committees of the legislature by October 1, 2008. The department shall include implementation costs in its 2009-2011 biennial budget request.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the education and fiscal committees of the legislature by October 1, 2008.

(6) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(7) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning with the 2007-09 biennium, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008) \$5,726,000
General Fund--State Appropriation (FY 2009) \$5,854,000
General Fund--Private/Local Appropriation \$1,458,000
TOTAL APPROPRIATION \$13,038,000

NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008) \$8,438,000
General Fund--State Appropriation (FY 2009) \$8,570,000
General Fund--Private/Local Appropriation \$232,000
TOTAL APPROPRIATION \$17,240,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008) \$2,434,000
General Fund--State Appropriation (FY 2009) \$2,447,000
General Fund--Federal Appropriation \$1,382,000

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General Fund--Private/Local Appropriation \$153,000
TOTAL APPROPRIATION \$6,416,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008) \$3,621,000
General Fund--State Appropriation (FY 2009) \$3,488,000
TOTAL APPROPRIATION \$7,109,000

NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008) \$1,771,000
General Fund--State Appropriation (FY 2009) \$1,838,000
TOTAL APPROPRIATION \$3,609,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2008) . . \$724,362,000
General Fund--State Appropriation (FY 2009) . . \$764,561,000
State Building Construction Account--State
Appropriation \$8,970,000
Columbia River Basin Water Supply Development
Account--State Appropriation \$148,000
Hood Canal Aquatic Rehabilitation Bond
Account--State Appropriation \$23,000
State Taxable Building Construction
Account--State Appropriation \$168,000
Gardner-Evans Higher Education Construction
Account--State Appropriation \$1,790,000
Debt-Limit Reimbursable Bond Retire
Account--State Appropriation \$2,624,000
TOTAL APPROPRIATION . \$1,502,646,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State
Appropriation \$22,553,000
Accident Account--State Appropriation \$5,204,000
Medical Aid Account--State Appropriation \$5,204,000
TOTAL APPROPRIATION \$32,961,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2008) . . . \$27,068,000
General Fund--State Appropriation (FY 2009) . . . \$27,825,000
Nondebt-Limit Reimbursable Bond Retirement
Account--State Appropriation \$136,332,000
TOTAL APPROPRIATION . . . \$191,225,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

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General Fund--State Appropriation (FY 2008)	\$1,357,000
General Fund--State Appropriation (FY 2009)	\$1,357,000
State Building Construction Account--State Appropriation	\$1,546,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$17,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$3,000
State Taxable Building Construction Account--State Appropriation	\$122,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
TOTAL APPROPRIATION	\$4,854,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation . . \$4,000,000
The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2008)	\$2,000,000
General Fund--State Appropriation (FY 2009)	\$2,000,000
TOTAL APPROPRIATION	\$4,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2008)	\$6,729,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2008)	\$850,000
General Fund--State Appropriation (FY 2009)	\$850,000
TOTAL APPROPRIATION	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2008)	\$1,188,000
General Fund--State Appropriation (FY 2009)	\$1,509,000
TOTAL APPROPRIATION	\$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation (FY 2008)	\$24,000,000
Health Services Account--State Appropriation (FY 2009)	\$24,000,000
TOTAL APPROPRIATION	\$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development

shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2008	FY 2009	FY 2007-09 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564

Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494	Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Bremerton- Kitsap County Health District	\$554,669	\$554,669	\$1,109,338	Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Kittitas County Health Department	\$92,499	\$92,499	\$184,998	Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Klickitat County Health Department	\$62,402	\$62,402	\$124,804	Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Lewis County Health Department	\$105,801	\$105,801	\$211,602	Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Lincoln County Health Department	\$29,705	\$29,705	\$59,410	Whitman County Health Department	\$78,733	\$78,733	\$157,466
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976	Yakima Health District	\$623,797	\$623,797	\$1,247,594
Okanogan County Health District	\$63,458	\$63,458	\$126,916	TOTAL APPROPRI ATIONS	\$24,000,000	\$24,000,000	\$48,000,000
Pacific County Health Department	\$77,427	\$77,427	\$154,854	<u>NEW SECTION. Sec. 711. BELATED CLAIMS.</u> The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.			
Tacoma- Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180	<u>NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.</u> The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.			
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062	(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system: General Fund--State Appropriation (FY 2008) . . . \$46,200,000 General Fund--State Appropriation (FY 2009) . . . \$50,400,000 TOTAL APPROPRIATION . . . \$96,600,000			
Skagit County Health Department	\$223,927	\$223,927	\$447,854	(2) There is appropriated for contributions to the judicial retirement system: General Fund--State Appropriation (FY 2008) \$9,600,000 General Fund--State Appropriation (FY 2009) \$10,200,000 TOTAL APPROPRIATION \$19,800,000			
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414	<u>NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS</u> General Fund--State Appropriation (FY 2008) \$2,200,000 General Fund--State Appropriation (FY 2009) \$2,300,000 Health Services Account--State Appropriation (FY 2008) \$2,000 Health Services Account--State Appropriation (FY 2009) \$1,000 Public Safety and Education Account--State Appropriation (FY 2008) \$5,000			
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858				

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Public Safety and Education Account--State

Appropriation (FY 2009)	\$1,000
Water Quality Account--State Appropriation (FY 2008)	\$2,000
General Fund--Federal Appropriation	\$400,000
General Fund--Private/Local Appropriation	\$100,000
Special Account Retirement Contribution Increase	
Revolving Appropriation	\$589,000
TOTAL APPROPRIATION	\$5,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect increased employer contributions to the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system as a result of modifications to benefit eligibility pursuant to Senate Bill No. 5175 (annual increases in certain retirement allowances). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008)	(\$800,000)
General Fund--State Appropriation (FY 2009)	(\$800,000)
TOTAL APPROPRIATION	(\$1,600,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce school district funding allocations to reflect lower employer contribution rates in the teachers' retirement system due to savings resulting from Substitute House Bill No. 1262 (public employment of retirees). If the bill is not enacted by June 30, 2007, the appropriations in this section shall lapse.

(2) From the appropriations provided in this act to school districts for retirement system contributions, the director of financial management shall reduce allotments from the general fund--state by \$800,000 in fiscal year 2008 and \$800,000 in fiscal year 2009. The allotment reductions shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008)	\$50,000
General Fund--State Appropriation (FY 2009)	\$50,000
TOTAL APPROPRIATION	\$100,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase school district funding allocations to reflect higher employer contribution rates in the school employees' retirement system resulting from Substitute House Bill No. 1264 (portability of retirement benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this section shall lapse.

(2) From the appropriations provided in this act to school districts for contributions to the school employees' retirement system, the director of financial management shall increase allotments from the general fund--state by \$50,000 in fiscal year 2008 and \$50,000 in fiscal year 2009.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008)	(\$67,000,000)
General Fund--State Appropriation (FY 2009)	(\$88,000,000)
Pension Funding Stabilization Account--State	
Appropriation (FY 2008)	\$67,000,000

Pension Funding Stabilization Account--State

Appropriation (FY 2009)	\$88,000,000
TOTAL APPROPRIATION	\$0

The appropriations in this section are subject to the following conditions and limitations:

(1) From the appropriations provided in this act to state agencies for retirement system contributions, the director of financial management shall reduce allotments from the general fund--state by \$67,000,000 in fiscal year 2008 and \$88,000,000 in fiscal year 2009. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The pension funding stabilization account--state appropriations in this section are provided solely to replace general fund--state appropriations to state agencies for the purpose of retirement system contributions.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2008)	\$10,097,000
General Fund--State Appropriation (FY 2009)	\$10,098,000
TOTAL APPROPRIATION	\$20,195,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 718. FOR THE GOVERNOR--COMPENSATION--PENSION RATE CHANGES

General Fund--State Appropriation (FY 2008)	\$755,000
General Fund--State Appropriation (FY 2009)	\$1,747,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$97,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$222,000
Judicial Information Systems Account--State	
Appropriation	\$163,000
Department of Retirement Systems Account--State	
Appropriation	\$31,000
TOTAL APPROPRIATION	\$3,015,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be expended solely for pension rate changes for legislative and judicial employees, as adopted by the pension funding council. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document number H17 - 2007, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT

General Fund--State Appropriation (FY 2008)	\$525,000
General Fund--State Appropriation (FY 2009)	\$525,000
TOTAL APPROPRIATION	\$1,050,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reading achievement account.

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	\$25,135,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. If House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

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NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER POLLUTION CONTROL REVOLVING ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	
.....	\$7,027,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$7,027,000
TOTAL APPROPRIATION	\$14,054,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

NEW SECTION. Sec. 722. INCENTIVE SAVINGS--FY 2008. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 723. INCENTIVE SAVINGS--FY 2009. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 724. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2008)	\$908,000
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The appropriation in this section is subject to the following conditions and limitations: Of the amount in this section the director of financial management shall distribute \$746,000 to Yakima county and \$162,000 to Grant county for extraordinary criminal justice costs.

NEW SECTION. Sec. 725. FOR THE GOVERNOR-- WORKERS COMPENSATION CHANGES

General Fund--State Appropriation (FY 2008)	(\$1,000)
General Fund--State Appropriation (FY 2009)	\$1,000
Public Safety and Education Account--State Appropriation (FY 2008)	(\$2,000)
Public Safety and Education Account--State Appropriation (FY 2009)	(\$1,000)
Department of Retirement Systems Expense Account--State Appropriation	\$1,000
TOTAL APPROPRIATION	(\$2,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be expended solely for changes to workers compensation charges by the department of labor and industries. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified, and to the state agencies specified in OFM document #2007 -R01, dated

December 19, 2006, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DEVELOPMENTAL DISABILITIES ENDOWMENT TRUST FUND

General Fund--State Appropriation (FY 2008)	\$3,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the developmental disabilities endowment trust fund to serve as state matching funds for private contributions.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FERRY COUNTY PUBLIC UTILITY DISTRICT

General Fund--State Appropriation (FY 2008)	\$25,000
General Fund--State Appropriation (FY 2009)	\$25,000
TOTAL APPROPRIATION	\$50,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to the Ferry county public utility district to provide a demand-responsive special needs transportation program that is compliant with the federal Americans with disabilities act.

NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COUNTY SUBSTANCE ABUSE PROGRAMS

General Fund--State Appropriation (FY 2008)	\$600,000
General Fund--State Appropriation (FY 2009)	\$600,000
TOTAL APPROPRIATION	\$1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$7,325,000
General Fund Appropriation for public utility district excise tax distributions	\$49,656,000
General Fund Appropriation for prosecuting attorney distributions	\$3,999,000
General Fund Appropriation for boating safety and education distributions	\$4,833,000
General Fund Appropriation for other tax distributions	\$42,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$2,192,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$148,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$89,346,000
County Criminal Justice Assistance Appropriation	\$58,906,000
Municipal Criminal Justice Assistance Appropriation	\$23,359,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$45,472,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$93,399,000
City-County Assistance Account Appropriation for local government financial assistance distribution	\$31,272,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	\$31,600,000

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TOTAL APPROPRIATION \$441,549,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . . \$2,174,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . . \$1,449,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution \$2,950,000

General Fund Appropriation for federal flood control funds distribution \$74,000

Forest Reserve Fund Appropriation for federal forest reserve fund distribution \$84,500,000

TOTAL APPROPRIATION \$87,524,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$12,500,000 for fiscal year 2008 and \$7,500,000 for fiscal year 2009 \$20,000,000

General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009 \$24,401,000

Education Legacy Trust Account: For transfer to the student achievement account for

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fiscal year 2009 \$90,800,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed \$25,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$3,600,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009 \$7,200,000

Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009 \$50,000,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account \$165,915,000

Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account \$70,000,000

Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009 \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009 \$6,932,000

Health Services Account: For transfer to the tobacco prevention and control account, \$10,226,552 for fiscal year 2008 and \$10,109,109 for fiscal year 2009 \$20,336,000

General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009 . \$31,600,000
If Substitute Senate Bill No. 5089 (streamlined sales tax) is not enacted by June 30, 2009, this transfer shall lapse.

(End of part)

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2005-07 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

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(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management

plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. INFORMATION TECHNOLOGY ENTERPRISE SERVICES. Agencies shall make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or

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available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 907. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by June 30, 2009.

NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES. Agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2009, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2007-09 biennium.

NEW SECTION. Sec. 910. COMPENSATION--REVISE PENSION GAIN SHARING

General Fund--State Appropriation (FY 2008) . . .	-\$1,260,000
General Fund--State Appropriation (FY 2009) . . .	-\$1,260,000
Health Services Account--State Appropriation (FY 2008)	
.....	-\$9,000
Health Services Account--State Appropriation (FY 2009)	
.....	-\$9,000
Public Safety and Education Account (FY 2008)	-\$24,000
Public Safety and Education Account (FY 2009)	-\$24,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	-\$1,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	-\$1,000
Water Quality Account--State Appropriation (FY 2008)	-\$7,000
Water Quality Account--State Appropriation (FY 2009)	-\$7,000
General Fund--Federal Appropriation	-\$780,000
General Fund--Private/Local Appropriation	-\$98,000
Dedicated Funds and Accounts Appropriation	-\$1,092,000
TOTAL APPROPRIATION	-\$4,572,000

(1) The appropriations in this section are provided solely for adjustments to state agency appropriations to reflect changes to pension gain sharing as provided in Substitute Senate Bill No. 5779 or House Bill No. 2391 (revise pension gain sharing). The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H01 - 2007, and adjust appropriations schedules accordingly.

(2) The appropriations in this act for school districts and institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in Substitute Senate Bill No. 5779 or House Bill No. 2391 (revise pension gain sharing).

NEW SECTION. Sec. 911. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2008)	\$1,785,000
General Fund--State Appropriation (FY 2009)	\$3,714,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$51,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$106,000
Public Safety and Education Account (FY 2008)	\$53,000
Public Safety and Education Account (FY 2009)	\$108,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$3,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$5,000
Water Quality Account--State Appropriation (FY 2008)	\$14,000
Water Quality Account--State Appropriation (FY 2009)	\$31,000
General Fund--Federal Appropriation	\$1,332,000
General Fund--Private/Local Appropriation	\$127,000
Dedicated Funds and Accounts Appropriation	\$3,124,000
TOTAL APPROPRIATION	\$10,453,000

The appropriations in this section shall be expended solely for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe

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benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(4) The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H02 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 912. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 913. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION. Collective bargaining agreements negotiated as part of the super

coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

NEW SECTION. Sec. 914. ACROSS THE BOARD SALARY ADJUSTMENTS

General Fund--State Appropriation (FY 2008) . . .	\$13,277,000
General Fund--State Appropriation (FY 2009) . . .	\$21,997,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$316,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$523,000
Public Safety and Education Account (FY 2008) . . .	\$429,000
Public Safety and Education Account (FY 2009) . . .	\$711,000
Equal Justice Subaccount--State Appropriation (FY 2008)	
.....	\$8,000
Equal Justice Subaccount--State Appropriation (FY 2009)	
.....	\$12,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$21,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$35,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$109,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$180,000
General Fund--Federal Appropriation	\$9,461,000
General Fund--Private/Local Appropriation	\$792,000
Dedicated Funds and Accounts Appropriation	\$21,141,000
TOTAL APPROPRIATION	\$69,012,000

The appropriations for nonrepresented employee compensation adjustments provided in this section are solely for Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective July 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective July 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP

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document number S7J - 2007 dated March 23, 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 915. SALARY SURVEY

General Fund--State Appropriation (FY 2008)	\$3,898,000
General Fund--State Appropriation (FY 2009)	\$3,979,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$202,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$207,000
Public Safety and Education Account (FY 2008)	\$60,000
Public Safety and Education Account (FY 2009)	\$64,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$2,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$2,000
Water Quality Account--State Appropriation (FY 2008)	\$19,000
Water Quality Account--State Appropriation (FY 2009)	\$19,000
General Fund--Federal Appropriation	\$1,586,000
General Fund--Private/Local Appropriation	\$264,000
Dedicated Funds and Accounts Appropriation	\$3,986,000
TOTAL APPROPRIATION	\$14,288,000

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H04 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 916. AGENCY REQUEST CONSOLIDATION

General Fund--State Appropriation (FY 2008)	\$260,000
General Fund--State Appropriation (FY 2009)	\$264,000
Public Safety and Education Account (FY 2008)	\$1,000
Public Safety and Education Account (FY 2009)	\$1,000
General Fund--Private/Local Appropriation	\$2,000
Dedicated Funds and Accounts Appropriation	\$180,000
TOTAL APPROPRIATION	\$708,000

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H05 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 917. CLASSIFICATION CONSOLIDATION

General Fund--State Appropriation (FY 2008)	\$538,000
General Fund--State Appropriation (FY 2009)	\$544,000
Health Services Account--State Appropriation (FY 2008)	\$5,000
Health Services Account--State Appropriation (FY 2009)	\$5,000
Public Safety and Education Account (FY 2008)	\$1,000
Public Safety and Education Account (FY 2009)	\$1,000
General Fund--Federal Appropriation	\$225,000
General Fund--Private/Local Appropriation	\$18,000
Dedicated Funds and Accounts Appropriation	\$4,242,000
TOTAL APPROPRIATION	\$5,579,000

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state

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agencies specified in LEAP document number H06 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 918. ADDITIONAL PAY STEP

General Fund--State Appropriation (FY 2008)	\$2,773,000
General Fund--State Appropriation (FY 2009)	\$2,808,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$154,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$156,000
Public Safety and Education Account (FY 2008)	\$175,000
Public Safety and Education Account (FY 2009)	\$177,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$3,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$3,000
Water Quality Account--State Appropriation (FY 2008)	\$12,000
Water Quality Account--State Appropriation (FY 2009)	\$12,000
General Fund--Federal Appropriation	\$1,529,000
General Fund--Private/Local Appropriation	\$132,000
Dedicated Funds and Accounts Appropriation	\$3,861,000
TOTAL APPROPRIATION	\$11,795,000

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this section are provided solely for a new pay step L for those who have been in step K for at least one year. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H07 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 919. SHIFT DIFFERENTIAL

General Fund--State Appropriation (FY 2008)	\$13,000
General Fund--State Appropriation (FY 2009)	\$21,000
TOTAL APPROPRIATION	\$34,000

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this section are provided solely for shift differential pay. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H08 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 920. RETAIN FISCAL YEAR 2007 PAY INCREASE

General Fund--State Appropriation (FY 2008)	\$6,747,000
General Fund--State Appropriation (FY 2009)	\$6,845,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$157,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$159,000
Public Safety and Education Account (FY 2008)	\$211,000
Public Safety and Education Account (FY 2009)	\$215,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$10,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$10,000
Water Quality Account--State Appropriation (FY 2008)	\$54,000
Water Quality Account--State Appropriation (FY 2009)	\$55,000
General Fund--Federal Appropriation	\$3,352,000
General Fund--Private/Local Appropriation	\$279,000
Dedicated Funds and Accounts Appropriation	\$7,935,000
TOTAL APPROPRIATION	\$26,029,000

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this section are provided solely for continuation of the 1.6% salary increase that was

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provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H09 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 921. COLLECTIVE

BARGAINING AGREEMENTS. (1) Provisions of collective bargaining agreements contained in this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 913 through 948 of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

(2) Some contracts contain implementation of the department of personnel's phase 4 classification consolidation. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v. State/Shroll v. State*.

NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WFSE

General Fund--State Appropriation (FY 2008) . . .	\$55,778,000
General Fund--State Appropriation (FY 2009) . . .	\$74,419,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$175,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$234,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$1,206,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$1,545,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$3,075,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$3,466,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$394,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$514,000
General Fund--Federal Appropriation	\$62,123,000
General Fund--Private/Local Appropriation	\$6,775,000
Dedicated Funds and Accounts Appropriation . . .	\$70,458,000
TOTAL APPROPRIATION . . .	\$280,162,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their salary range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP

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document number H10 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--WPEA

General Fund--State Appropriation (FY 2008) . . .	\$6,151,000
General Fund--State Appropriation (FY 2009) . . .	\$7,933,000
Water Quality Account--State Appropriation (FY 2008)	\$11,000
Water Quality Account--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$1,872,000
General Fund--Private/Local Appropriation	\$196,000
Dedicated Funds and Accounts Appropriation . . .	\$9,337,000
TOTAL APPROPRIATION . . .	\$25,515,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H11 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS

General Fund--State Appropriation (FY 2008) . . .	\$40,992,000
General Fund--State Appropriation (FY 2009) . . .	\$49,019,000
TOTAL APPROPRIATION . . .	\$90,011,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 2.9% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

Also effective July 1, 2007, corrections and custody officers 1s, 2s, and 3s in Franklin, Snohomish, and Walla Walla counties will receive 5% geographic pay. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H12 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--UFCW

Liquor Revolving Account--State Appropriation . . .	\$3,004,000
TOTAL APPROPRIATION . . .	\$3,004,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the united food and commercial workers under the provisions of chapter 41.80 RCW. For employees covered under this

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agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H13 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--IFPTE LOCAL 17

General Fund--State Appropriation (FY 2008)	\$53,000
General Fund--State Appropriation (FY 2009)	\$70,000
TOTAL APPROPRIATION	\$123,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H14 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199

General Fund--State Appropriation (FY 2008)	\$8,189,000
General Fund--State Appropriation (FY 2009)	\$9,353,000
General Fund--Federal Appropriation	\$8,124,000
General Fund--Private/Local Appropriation	\$2,575,000
TOTAL APPROPRIATION	\$28,241,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the service employee's international union, local 1199 NW under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H15 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--COALITION

General Fund--State Appropriation (FY 2008)	\$3,083,000
General Fund--State Appropriation (FY 2009)	\$3,830,000
General Fund--Federal Appropriation	\$426,000
General Fund--Private/Local Appropriation	\$488,000
Dedicated Funds and Accounts Appropriation	\$4,365,000
TOTAL APPROPRIATION	\$12,192,000

Appropriations in this section reflect the collective bargaining agreement reached between the governor and the

coalition under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H16 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION.

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION.

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE.

Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining units A, B, and E. For employees covered under this agreement, provisions include a 3.2% pay increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid;

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and movement of all classified staff at or below pay range 30 to step G of their range, effective July 1, 2007.

NEW SECTION. **Sec. 932. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT PTE.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit PTE. For employees covered under this agreement, the provisions include a 3.2% increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

NEW SECTION. **Sec. 933. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT D.** Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit D. For employees covered under this agreement, the provisions include a 3.2% increase effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25% below market rate; a new 2.5% step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

NEW SECTION. **Sec. 934. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Central Washington University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2006; phase four of the department of personnel's class consolidation project; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

NEW SECTION. **Sec. 935. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 1.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 1. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0%; phase four of the department of personnel's class consolidation project; a new 2.5% step L on the salary grid; and the potential for two \$200 one-time payments.

NEW SECTION. **Sec. 936. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 2.** Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 2. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0%; phase four of the department of personnel's class consolidation project; a new 2.5% step L on the salary grid; and the potential for two \$200 one-time payments.

NEW SECTION. **Sec. 937. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington State University police guild. For employees covered under this agreement, the provisions include a pay increase of 3.2%

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effective July 1, 2007; a second increase of 2.0%; effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

NEW SECTION. **Sec. 938. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE.** Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate; and a new 2.5% step L on the salary grid.

NEW SECTION. **Sec. 939. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE CAMPUS--WIDE BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees campus-wide bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; recruitment and retention adjustments for specific classes; increases for classes more than 80% below market according to a survey by the University of Washington; and an additional pay step in fiscal year 2009.

NEW SECTION. **Sec. 940. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE POLICE MANAGEMENT BARGAINING UNIT.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees police management bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second increase of 2.0% effective July 1, 2008; longevity pay for those with service of 5 years (1%), 10 years (2%), 15 years (3%), 20 years (4%), and 25 years (5%); and a new top step effective fiscal year 2009.

NEW SECTION. **Sec. 941. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--UWPOA.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the University of Washington police officers association. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second pay increase of 2.0% effective July 1, 2008; an additional top step on the pay grid effective fiscal year 2009; and increases in midcareer pay increments.

NEW SECTION. **Sec. 942. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925.** Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the service employees' international union 925. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; a second pay increase of 3.0% effective July 1, 2008; and market rate adjustments for specific job classes.

NEW SECTION. **Sec. 943. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA/UFCW.** Appropriations in this act reflect the collective bargaining agreement reached between the Yakima Valley community college and the Washington public employees' association/united food and commercial workers union local 365. For employees covered under this agreement, the provisions include a pay increase of 3.2% effective July 1, 2007; an increase of 2.0% effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25% below market rate;

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phase four of the department of personnel's class consolidation project; agency requests for reclassification that meet the criteria outlined in RCW 41.06.152; and a new 2.5% step L on the salary grid.

NEW SECTION. Sec. 944. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION

Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$468,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$782,000
TOTAL APPROPRIATION	\$1,250,000

Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008.

NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION

General Fund--State Appropriation (FY 2008)	\$30,000
General Fund--State Appropriation (FY 2009)	\$53,000
TOTAL APPROPRIATION	\$83,000

Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008.

NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS AND LIEUTENANTS ASSOCIATIONS HEALTH BENEFITS

General Fund--State Appropriation (FY 2008)	\$32,000
General Fund--State Appropriation (FY 2009)	\$65,000
TOTAL APPROPRIATION	\$97,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section provide funding solely for the health benefits provided in the collective bargaining agreements negotiated with the Washington state patrol troopers' association and the Washington state patrol lieutenant's association under chapter 41.56 RCW. The agreements include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009.

NEW SECTION. Sec. 947. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 775 HOMECARE WORKERS.

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 775 under the provisions of chapter 74.39 RCW. For those covered under this agreement, provisions include a base wage increase of \$.30 per hour effective July 1, 2007, a base wage increase of \$.30 per hour effective July 1, 2008, an additional step to the wage grid for providers with over 14,000 hours, an additional \$1.00 per hour for mentor and trainer pay, implementation of mileage reimbursement by July 1, 2008, and state payment of the provider's share of workers compensation. In addition, the state will increase the contribution to health care by 10% on July 1, 2008, to \$550 per month, and implement an agreed upon approach to shared living.

NEW SECTION. Sec. 948. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 925 CHILDCARE WORKERS.

Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 925 under the provisions of chapter 74.15 RCW. For those covered under this agreement, provisions include a subsidy rate

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increase of 7% for licensed homes and 4% for exempt providers effective July 1, 2007, a subsidy rate increase of 3% for both licensed and exempt providers on July 1, 2008, elimination of a reduced rate for additional children per family on July 1, 2007, for exempt providers, additional incentive pay for nonstandard hours and infant care, training for providers on licensing requirements, and health care for eligible licensed home providers.

NEW SECTION. Sec. 949. FISCAL GROWTH FACTOR--WASHINGTON STATE GAMBLING COMMISSION. During the 2007-2009 fiscal biennium, the gambling commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 950. RCW 28B.15.910 and 2006 c 229 s 2 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

(a) University of Washington	21 percent
(b) Washington State University	20 percent
(c) Eastern Washington University	11 percent
(d) Central Washington University	((8)) 10 percent
(e) Western Washington University	10 percent
(f) The Evergreen State College	((6)) 10 percent
(g) Community colleges as a whole	35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; and
- (s) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

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- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

Sec. 951. RCW 41.05.065 and 2006 c 299 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(h) During the 2007-2009 fiscal biennium, the board may not make changes to the benefit plans offered to enrollees that increase the net actuarial cost of the plans as compared to the same, or most similar plans, offered for calendar year 2007.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and

to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to

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provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

Sec. 952. RCW 43.08.250 and 2005 c 518 s 926, 2005 c 457 s 8, and 2005 c 282 s 44 are each reenacted and amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons under RCW 2.53.030, winter recreation parking, drug court operations, and state game programs. ~~((During))~~ Through the fiscal biennium ending June 30, ~~((2007))~~ 2009, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the administrative office of the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and

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community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2)(a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in the equal justice subaccount and shall be appropriated only for:

(i) Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;

(ii) Representation of parents in dependency and termination proceedings;

(iii) Civil legal representation of indigent persons; and

(iv) Contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for purposes of (a)(iv) of this subsection. For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection.

Sec. 953. RCW 43.10.180 and 2005 c 518 s 927 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ~~((2005-))~~ 2007-2009 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 954. RCW 46.09.170 and 2004 c 105 s 6 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

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(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2003-05))~~ 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to ~~((the interagency committee for outdoor recreation;))~~ the department of natural resources ~~(; the department of fish and wildlife, and the state parks and recreation commission))~~ for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 955. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

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(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

Sec. 956. RCW 70.146.030 and 2005 c 518 s 940 and 2005 c 514 s 1108 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.24.026(2)(d), ~~((82-26-025))~~ and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2005))~~ 2007, to June 30, ~~((2007))~~ 2009, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for other water resources and water quality activities, for water conveyance projects, shoreline technical assistance, Puget Sound education and outreach and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31st of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 957. RCW 74.08A.340 and 2006 c 265 s 209 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

NEW SECTION. Sec. 958. The governor's committee on disability issues and employment is supported through resources provided by state agencies. Within appropriations contained in this act, the office of financial management shall direct agencies that report directly to the governor to enter into contracts with the governor's committee on disability issues and employment for a total level not to exceed \$377,000 for fiscal year 2008 and \$398,000 for fiscal year 2009.

(End of part)

**PART X
GENERAL GOVERNMENT**

Sec. 1001. 2006 c 372 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2006)	...	\$6,095,000
General Fund--State Appropriation (FY 2007)		(\$6,397,000)
		<u>\$6,401,000</u>
Pension Funding Stabilization Account Appropriation		\$37,000
TOTAL APPROPRIATION		(\$12,529,000)
		<u>\$12,533,000</u>

Sec. 1002. 2006 c 372 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2006)	...	\$13,916,000
General Fund--State Appropriation (FY 2007)		(\$14,393,000)
		<u>\$14,447,000</u>
Pension Funding Stabilization Account Appropriation		\$80,000
TOTAL APPROPRIATION		(\$28,389,000)
		<u>\$28,443,000</u>

Sec. 1003. 2006 c 372 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2006)	...	\$19,834,000
General Fund--State Appropriation (FY 2007)		(\$21,298,000)
		<u>\$21,340,000</u>
Public Safety and Education Account--State		
Appropriation		(\$50,277,000)
		<u>\$50,300,000</u>

Judicial Information Systems Account--State		
Appropriation		\$26,051,000
Pension Funding Stabilization Account Appropriation		\$96,000
TOTAL APPROPRIATION		(\$117,556,000)
		<u>\$117,621,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties

with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

(9) No contract committing judicial information systems account moneys in the 2007-2009 biennium for replacement of the core case management system shall be agreed to until the feasibility study specified in section 113 of this act is completed.

Sec. 1004. 2006 c 372 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2006)	...	\$3,083,000
General Fund--State Appropriation (FY 2007)	...	\$3,232,000
Public Safety and Education Account--State		
Appropriation		\$4,705,000
Violence Reduction and Drug Enforcement Account--		
State Appropriation		\$2,987,000
TOTAL APPROPRIATION	...	\$14,007,000

The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2007 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

Sec. 1005. 2006 c 372 s 118 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2006)	...	\$21,593,000
General Fund--State Appropriation (FY 2007)		(\$18,473,000)
		<u>\$19,028,000</u>
General Fund--Federal Appropriation	...	\$7,099,000
General Fund--Private/Local Appropriation	...	\$207,000
Archives and Records Management Account--State		
Appropriation		\$8,210,000
Department of Personnel Services Account--State		
Appropriation		\$721,000
Local Government Archives Account--State		
Appropriation		\$12,398,000

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Election Account--Federal Appropriation	\$53,010,000
Pension Funding Stabilization Account Appropriation	\$66,000
TOTAL APPROPRIATION	(\$121,777,000)
	<u>\$122,332,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total

settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 1006. 2006 c 372 s 122 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2006)	\$1,258,000
General Fund--State Appropriation (FY 2007)	(\$351,000)
	<u>\$748,000</u>

State Auditing Services Revolving Account--State	
Appropriation	\$14,011,000
Pension Funding Stabilization Account Appropriation .	\$4,000
TOTAL APPROPRIATION	(\$15,624,000)
	<u>\$16,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance).

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 1007. 2006 c 372 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

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General Fund--State Appropriation (FY 2006)	\$5,724,000
General Fund--State Appropriation (FY 2007)	\$5,844,000
General Fund--Federal Appropriation	.....	\$3,428,000
Public Safety and Education Account--State		
Appropriation	.....	\$2,307,000
New Motor Vehicle Arbitration Account--State		
Appropriation	.....	\$1,315,000
Legal Services Revolving Account--State		
Appropriation	.....	(\$191,627,000)
		<u>\$195,307,000</u>
Tobacco Prevention and Control Account--State		
Appropriation	.....	\$270,000
Pension Funding Stabilization Account Appropriation		\$21,000
TOTAL APPROPRIATION		(\$210,536,000)
		<u>\$214,216,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

Sec. 1008. 2006 c 372 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2006)	...	\$67,758,000
General Fund--State Appropriation (FY 2007)		(\$60,229,000)
		<u>\$61,267,000</u>
General Fund--Federal Appropriation	.....	(\$258,085,000)
		<u>\$257,888,000</u>
General Fund--Private/Local Appropriation	.....	\$12,422,000
Public Safety and Education Account--State		
Appropriation	.....	\$5,443,000
Public Works Assistance Account--State		
Appropriation	.....	\$3,430,000
Tourism Development and Promotion Account		
Appropriation	.....	\$300,000
Drinking Water Assistance Administrative Account--		
State Appropriation	.....	\$345,000
Lead Paint Account--State Appropriation	.....	\$6,000
Building Code Council Account--State Appropriation		\$1,133,000
Administrative Contingency Account--State		
Appropriation	.....	\$1,809,000
Low-Income Weatherization Assistance Account--State		
Appropriation	.....	\$8,362,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	\$7,234,000
Manufactured Home Installation Training Account--State		
Appropriation	.....	\$240,000
Community and Economic Development Fee Account--State		
Appropriation	.....	\$1,570,000
Washington Housing Trust Account--State		
Appropriation	.....	\$33,536,000
Homeless Families Services Account--State		
Appropriation	.....	\$300,000
Public Facility Construction Loan Revolving		
Account--State Appropriation	.....	\$616,000
Pension Funding Stabilization Account Appropriation		\$87,000
TOTAL APPROPRIATION		(\$462,905,000)
		<u>\$463,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

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(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education, and \$1,052,000 is provided solely for a targeted vendor rate increase.

(7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional

conservation within King, Kittitas, Pierce, and Snohomish counties.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

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(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of

Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

~~((44))~~ (43) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

~~((45))~~ (44) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

~~((46))~~ (45) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

~~((47))~~ (46) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

~~((48))~~ (47) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

~~((49))~~ (48) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algonia senior center, a nonprofit food program serving low-income seniors.

~~((50))~~ (49) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

~~((51))~~ (50) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest*

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and Fish Report currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

~~((52))~~ (51) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

~~((53))~~ (52) \$200,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

~~((54))~~ (53) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

~~((55))~~ (54) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

~~((56))~~ (55) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

~~((57))~~ (56) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

~~((58))~~ (57) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

~~((59))~~ (58) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

~~((60))~~ (59) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((61))~~ (60) \$200,000 of the general fund--state appropriation for fiscal year 2007 ~~((and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are))~~ is provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

~~((62))~~ (61) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

~~(62)~~ \$275,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the northwest Parkinson's foundation to establish a Parkinson's disease registry.

~~(63)~~ \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Grays Harbor county to conclude activities related to the investigation and demonstration of projects related to coastal erosion.

~~(64)~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Peninsula community health services to satisfy the debt associated with improvements at the Bremerton clinic.

Sec. 1009. 2006 c 372 s 127 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2006)	\$579,000
General Fund--State Appropriation (FY 2007)	(\$523,000)
	\$546,000
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	(\$1,105,000)
	\$1,128,000

Sec. 1010. 2006 c 372 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2006)	\$17,775,000
General Fund--State Appropriation (FY 2007) ((	\$20,080,000))
	\$20,140,000
General Fund--Federal Appropriation	\$23,555,000
General Fund--Private/Local Appropriation	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$246,000
State Auditing Services Revolving Account--State	
Appropriation	\$25,000
Pension Funding Stabilization Account Appropriation	\$100,000
TOTAL APPROPRIATION	(\$63,197,000)
	\$63,257,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses.

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Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington

State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

~~((1+))~~ (10) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

~~((1+))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

~~((1+))~~ (12) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

Sec. 1011. 2006 c 372 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State	
Appropriation	\$413,000
Department of Retirement Systems Expense Account--	
State Appropriation	(\$46,176,000)
	\$46,449,000
TOTAL APPROPRIATION	(\$46,589,000)
	\$46,862,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

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(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$158,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 2391 (gain sharing revisions).

(16) \$43,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(17) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(18) \$16,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases).

If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 1012. 2006 c 372 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2006) . . .	\$90,302,000
General Fund--State Appropriation (FY 2007) ((\$92,647,000))	(\$92,647,000)
	\$92,471,000
Timber Tax Distribution Account--State	
Appropriation	(\$5,627,000)
	\$5,377,000
Real Estate Excise Tax Grant Account--State	
Appropriation	\$3,900,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation	\$108,000
State Toxics Control Account--State Appropriation . .	\$73,000
Oil Spill Prevention Account--State Appropriation . . .	\$14,000
Pension Funding Stabilization Account Appropriation	\$447,000
TOTAL APPROPRIATION ((\$193,118,000))	(\$193,118,000)
	\$192,692,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties).

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are for the department to employ strategies to enhance current revenue enforcement activities.

(5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

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(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1013. 2006 c 372 s 138 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2006)	\$1,362,000
General Fund--State Appropriation (FY 2007)	(\$1,213,000)
	<u>\$1,218,000</u>
Pension Funding Stabilization Account Appropriation	\$6,000
TOTAL APPROPRIATION	(\$2,581,000)
	<u>\$2,586,000</u>

Sec. 1014. 2006 c 372 s 147 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2006)	\$1,739,000
General Fund--State Appropriation (FY 2007)	(\$1,720,000)
	<u>\$1,723,000</u>
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$12,832,000
Liquor Revolving Account--State Appropriation	(\$159,863,000)
	<u>\$160,072,000</u>
Pension Funding Stabilization Account Appropriation	\$7,000
TOTAL APPROPRIATION	(\$176,161,000)
	<u>\$176,373,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The

liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1015. 2006 c 372 s 150 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2006)	\$10,137,000
General Fund--State Appropriation (FY 2007)	(\$15,037,000)
	<u>\$16,249,000</u>
General Fund--Federal Appropriation	(\$214,322,000)
	<u>\$193,846,000</u>
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	\$34,812,000
Disaster Response Account--State Appropriation	(\$1,664,000)
	<u>\$4,611,000</u>
Disaster Response Account--Federal Appropriation	(\$6,297,000)
	<u>\$17,239,000</u>
Worker and Community Right-to-Know Account--State Appropriation	\$315,000
Nisqually Earthquake Account--State Appropriation	(\$6,531,000)
	<u>\$5,350,000</u>
Nisqually Earthquake Account--Federal Appropriation	(\$27,075,000)
	<u>\$23,066,000</u>
Military Department Rental and Lease Account--State Appropriation	(\$378,000)
	<u>\$593,000</u>
Pension Funding Stabilization Account Appropriation	\$44,000
TOTAL APPROPRIATION	(\$316,614,000)
	<u>\$306,264,000</u>

The appropriations in this section are subject to the following conditions and limitations:

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(1) (~~(\$1,664,000)~~) \$4,611,000 of the disaster response account--state appropriation and (~~(\$6,297,000)~~) \$15,239,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) (~~(\$6,531,000)~~) \$5,350,000 of the Nisqually earthquake account--state appropriation and (~~(\$27,075,000)~~) \$23,066,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) (~~(\$173,613,000)~~) \$152,033,573 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administering periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

Sec. 1016. 2006 c 372 s 152 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2006)	. . . . \$1,571,000
General Fund--State Appropriation (FY 2007)	. ((\$1,590,000))
	<u>\$1,605,000</u>
Pension Funding Stabilization Account Appropriation	. \$8,000
TOTAL APPROPRIATION	. . ((\$3,169,000))
	<u>\$3,184,000</u>

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((The appropriations in this section are subject to the following conditions and limitations:))

Sec. 1017. 2006 c 372 s 154 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2006)	.....	\$745,000
General Fund--State Appropriation (FY 2007)	... ((\$728,000))	
		<u>\$845,000</u>
General Fund--Federal Appropriation	.....	\$1,037,000
General Fund--Private/Local Appropriation	.....	\$14,000
Pension Funding Stabilization Account Appropriation	.	\$3,000
TOTAL APPROPRIATION	.. ((\$2,527,000))	
		<u>\$2,644,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$117,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract with the department of information services for information technology operation and maintenance costs.

(End of part)
**PART XI
HUMAN SERVICES**

Sec. 1101. 2006 c 372 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ((2006)) 2007, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2006)) 2007 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ((2006)) 2007 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for

the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, ((and the director of financial management shall not approve the transfer,)) unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds ((and not federal funds)). The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 1102. 2006 c 372 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	..	\$257,266,000
General Fund--State Appropriation (FY 2007)	((\$287,602,000))	
		<u>\$283,560,000</u>
General Fund--Federal Appropriation	.....	((\$433,829,000))
		<u>\$434,495,000</u>
General Fund--Private/Local Appropriation	.....	\$400,000
Domestic Violence Prevention Account--State		
Appropriation	.....	((\$1,345,000))
		<u>\$1,000,000</u>
Public Safety and Education Account--State		
Appropriation	\$6,405,000

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Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$5,860,000
Pension Funding Stabilization Account--State	
Appropriation	(\$699,000)
	\$711,000
TOTAL APPROPRIATION	(\$993,406,000)
	\$989,697,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$4,661,000 of the general fund--state appropriation for fiscal year 2006, \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including improvement in achieving face-to-face contact for children every 30 days, improved timeliness of child protective services investigations, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements,

including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) ~~(\$3,500,000)~~ \$3,386,000 of the general fund--state appropriation for fiscal year 2007 and ~~(\$1,500,000)~~ \$1,449,000 of the general fund--federal appropriation are provided solely for ~~((Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse))~~ chapter 512, Laws of 2005.

(14) ~~(\$1,345,000)~~ \$1,000,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall

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contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

Sec. 1103. 2006 c 372 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006)	...	\$79,031,000
General Fund--State Appropriation (FY 2007)		(\$80,615,000)
		\$81,203,000
General Fund--Federal Appropriation	.....	(\$5,668,000)
		\$6,459,000
General Fund--Private/Local Appropriation	.....	\$1,098,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	\$38,385,000
Juvenile Accountability Incentive Account--Federal		
Appropriation	.....	\$5,516,000
Pension Funding Stabilization Account--State		
Appropriation	.....	(\$449,000)
		\$451,000
TOTAL APPROPRIATION		(\$210,762,000)
		\$212,143,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for

locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(7) \$602,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purposes of settling all claims in *Brown, et. al v. State of Washington, Pierce County*

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Superior Court Cause No. 04-2-11093-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not executed by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 1104. 2006 c 372 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006) ..	\$260,292,000
General Fund--State Appropriation (FY 2007) ((\$283,039,000))	\$283,039,000
	\$278,724,000
General Fund--Federal Appropriation	(\$344,331,000)
	\$338,013,000
General Fund--Private/Local Appropriation	(\$1,970,000)
	\$6,100,000
TOTAL APPROPRIATION ((\$889,632,000))	\$889,632,000
	\$883,129,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for persons and services not covered by the medicaid program. The department shall distribute this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order:

(i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population.

(b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) (~~(\$10,882,000)~~) \$10,512,000 of the general fund--state appropriation for fiscal year 2007 and (~~(\$10,922,000)~~) \$10,550,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) (~~(\$359,000)~~) \$2,175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible

hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments

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to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level

of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training

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providers, providing quality assurance, and monitoring implementation and outcomes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$115,706,000
General Fund--State Appropriation (FY 2007) ((\$137,445,000))	(\$137,445,000)
	<u>\$132,747,000</u>
General Fund--Federal Appropriation	(\$143,693,000)
	<u>\$144,509,000</u>
General Fund--Private/Local Appropriation	(\$30,994,000)
	<u>\$35,290,000</u>
Pension Funding Stabilization Account--State	
Appropriation	\$965,000
TOTAL APPROPRIATION ((\$428,803,000))	(\$428,803,000)
	<u>\$429,217,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006) . . .	\$40,499,000
General Fund--State Appropriation (FY 2007) ((\$45,276,000))	(\$45,276,000)
	<u>\$42,481,000</u>
Pension Funding Stabilization Account--State	
Appropriation	\$129,000
TOTAL APPROPRIATION ((\$85,904,000))	(\$85,904,000)
	<u>\$83,109,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	\$1,726,000
General Fund--Federal Appropriation	\$3,395,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION	<u>\$5,765,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the

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request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$6,577,000
General Fund--State Appropriation (FY 2007)	(\$4,183,000)
	<u>\$4,473,000</u>
General Fund--Federal Appropriation	(\$5,881,000)
	<u>\$6,179,000</u>
Pension Funding Stabilization Account--State	
Appropriation	(\$19,000)
	<u>\$21,000</u>
TOTAL APPROPRIATION ((\$16,660,000))	(\$16,660,000)
	<u>\$17,250,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

Sec. 1105. 2006 c 372 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$296,430,000
General Fund--State Appropriation (FY 2007) ((\$312,856,000))	(\$312,856,000)
	<u>\$318,403,000</u>
General Fund--Federal Appropriation	(\$503,419,000)
	<u>\$513,612,000</u>
Health Services Account--State Appropriation	\$904,000

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Pension Funding Stabilization Account--State

Appropriation	\$138,000
TOTAL APPROPRIATION ((\$1,113,747,000))	<u>\$1,129,487,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$151,000 of the general fund--state appropriation for fiscal year 2006, \$427,000 of the general fund--state appropriation for fiscal year 2007, and \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,917,000)~~) \$3,432,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,433,000)~~) \$3,954,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,735,000)~~) \$2,015,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,315,000)~~) \$2,597,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed (~~(\$300)~~) \$340. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts

estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,802,000)~~) \$12,502,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

(~~(f)~~) The amounts provided in this subsection (~~(\$900,000 of the general fund--state appropriation for fiscal year 2006 and \$1,600,000 of the general fund--state appropriation for fiscal year 2007 are provided solely)~~) are sufficient for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program.

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The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 and \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the

implementation of the mini-assessment tool on clients not currently receiving paid services.

(n) \$6,135,000 of the general fund--state appropriation for fiscal year 2007 and \$4,914,000 of the general fund--federal appropriation are for additional utilization costs in community residential programs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$76,623,000
General Fund--State Appropriation (FY 2007) ((\$78,826,000))	\$78,142,000
General Fund--Federal Appropriation	((\$153,807,000))
	\$158,868,000
General Fund--Private/Local Appropriation . . .	((\$11,237,000))
	\$13,674,000
Pension Funding Stabilization Account--State	
Appropriation	\$457,000
TOTAL APPROPRIATION ((\$320,950,000))	\$327,764,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$2,312,000
General Fund--State Appropriation (FY 2007) . ((\$1,924,000))	\$1,915,000
General Fund--Federal Appropriation	((\$3,014,000))
	\$3,490,000
Pension Funding Stabilization Account--State	
Appropriation	((\$17,000))
	\$19,000
TOTAL APPROPRIATION . . ((\$7,267,000))	\$7,736,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$11,000
((General Fund--State Appropriation (FY 2007))	((\$17,000))
General Fund--Federal Appropriation	((\$17,238,000))
	\$17,227,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,000
TOTAL APPROPRIATION . ((\$17,268,000))	\$17,240,000

Sec. 1106. 2006 c 372 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006) . .	\$610,082,000
General Fund--State Appropriation (FY 2007) ((\$663,865,000))	\$661,402,000
General Fund--Federal Appropriation	((\$1,312,062,000))
	\$1,310,858,000
General Fund--Private/Local Appropriation	\$18,949,000
Health Services Account--State Appropriation	\$4,888,000
Pension Funding Stabilization Account--State	
Appropriation	((\$317,000))
	\$319,000
TOTAL APPROPRIATION ((\$2,610,163,000))	

\$2,606,498,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$6,911,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$11,571,000)~~) \$9,581,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$23,251,000)~~) \$20,410,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$147.57 for fiscal year 2006 and shall not exceed (~~(\$156.41)~~) \$155.99 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and \$5,064,000 of the general fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(13) \$435,000 of the general fund--state appropriation for fiscal year 2006 and \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed

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Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

Sec. 1107. 2006 c 372 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	(\$514,027,000)
	\$513,976,000
General Fund--State Appropriation (FY 2007)	(\$531,957,000)
	\$537,966,000
General Fund--Federal Appropriation	(\$1,245,673,000)
	\$1,225,905,000
General Fund--Private/Local Appropriation	\$27,535,000
Pension Funding Stabilization Account--State	
Appropriation	(\$1,138,000)
	\$1,169,000
TOTAL APPROPRIATION	(\$2,320,330,000)
	\$2,306,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be

reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$77,880,000)~~ \$82,259,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance(~~--unemployable~~) program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$32,000 of the general fund--state appropriation for fiscal year 2007 and \$61,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1329 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 1108. 2006 c 372 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2006) . . .	\$55,136,000
General Fund--State Appropriation (FY 2007)	(\$67,345,000)
	\$58,973,000
General Fund--Federal Appropriation	(\$136,750,000)
	\$156,481,000

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General Fund--Private/Local Appropriation	\$634,000
Criminal Justice Treatment Account--State	
Appropriation	(\$16,500,000)
	<u>\$16,745,000</u>
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$48,842,000
Problem Gambling Account--State	
Appropriation	\$1,350,000
Public Safety and Education Account--State	
Appropriation	\$2,081,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
	(\$328,677,000)
TOTAL APPROPRIATION	<u>\$340,281,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling account appropriation are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development

of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,124,000)~~ \$6,727,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$10,669,000)~~ \$6,997,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$2,523,000)~~ \$469,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,496,000)~~ \$655,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(10) The division shall report to the office of financial management and the appropriate policy and fiscal committees of the legislature not later than June 30, 2007, with the following information by treatment modality, category of person treated (general assistance-unemployable, SSI-eligible, other medicaid, youth, priority populations, etc.), and by county for both the expansion and nonexpansion target populations:

(a) Total funds spent and number of clients treated and services provided;

(b) Total assumed cost offsets in medical assistance on a total and per-client basis for the expansion population; and

(c) Outcome or success rate data, if available.

Sec. 1109. 2006 c 372 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006)	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	
	(\$1,550,541,000)
	<u>\$1,534,799,000</u>
General Fund--Federal Appropriation	(\$4,001,987,000)
	<u>\$3,901,450,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation ((\$677,288,000))	
	<u>\$663,077,000</u>
Pension Funding Stabilization Account--State	
Appropriation	(\$123,000)
	<u>\$124,000</u>
	(\$7,709,386,000)
TOTAL APPROPRIATION	<u>\$7,578,897,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by

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Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$2,221,000 of the health services account appropriation, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$21,092,000 of the health services account appropriation and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make

additional grant payments, not to exceed the amounts specified in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; (~~(\$47,474,000)~~) \$76,527,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and \$11,328,000 from the general fund--federal appropriations in this section.

(10) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$4,847,000)~~) \$3,294,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$70,100,000)~~) \$57,565,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$188,000 of the general fund--state appropriation for fiscal year 2006, \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

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(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a

study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 1110. 2006 c 372 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2006) . . . \$10,694,000
General Fund--State Appropriation (FY 2007) (~~(\$11,014,000)~~)

General Fund--Federal Appropriation (~~(\$89,472,000)~~)
\$10,946,000
\$89,471,000

Telecommunications Devices for the Hearing and
Speech Impaired--State Appropriation \$1,792,000
Pension Funding Stabilization Account--State

Appropriation (~~(\$31,000)~~)
\$33,000

TOTAL APPROPRIATION (~~(\$113,003,000)~~)
\$112,936,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 1111. 2006 c 372 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2006) . . . \$34,675,000
General Fund--State Appropriation (FY 2007) (~~(\$36,860,000)~~)

General Fund--Federal Appropriation (~~(\$62,376,000)~~)
\$41,279,000

General Fund--Private/Local Appropriation (~~(\$810,000)~~)
\$61,788,000

Public Safety and Education Account--State
Appropriation \$2,452,000

Violence Reduction and Drug Enforcement Account--State
Appropriation \$1,793,000

Pension Funding Stabilization Account--State
Appropriation (~~(\$300,000)~~)

\$246,000
TOTAL APPROPRIATION (~~(\$139,266,000)~~)
\$143,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) \$2,245,000 of the general fund--state appropriation for fiscal year 2006, \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

Sec. 1112. 2006 c 372 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2006) . . . \$48,755,000

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General Fund--State Appropriation (FY 2007)	(\$49,277,000)
	\$50,970,000
General Fund--Federal Appropriation	(\$47,248,000)
	\$49,938,000
TOTAL APPROPRIATION	(\$145,280,000)
	\$149,663,000

Sec. 1113. 2006 c 372 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--Federal Appropriation	\$3,710,000
State Health Care Authority Administrative Account-- State Appropriation	(\$33,279,000)
	\$34,034,000

Medical Aid Account--State Appropriation	\$345,000
Health Services Account--State Appropriation	(\$468,286,000)
	\$464,247,000

TOTAL APPROPRIATION	(\$505,620,000)
	\$502,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if

covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

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(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079. If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 1114. 2006 c 372 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2006)	....	\$2,779,000
General Fund--State Appropriation (FY 2007)	..	(\$3,032,000)
		<u>\$3,067,000</u>
General Fund--Federal Appropriation	.....	\$1,321,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$13,000
TOTAL APPROPRIATION	..	(\$7,145,000)
		<u>\$7,180,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 1115. 2006 c 372 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State		
Appropriation	.....	(\$22,231,000)
		<u>\$22,246,000</u>
Death Investigations Account--State Appropriation	..	\$148,000
Municipal Criminal Justice Assistance Account--		
State Appropriation	.....	\$460,000
TOTAL APPROPRIATION	..	(\$22,839,000)
		<u>\$22,854,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The

commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and

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with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1116. 2006 c 372 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2006)	...	\$7,561,000
General Fund--State Appropriation (FY 2007)		(\$7,681,000)
		<u>\$7,671,000</u>
Public Safety and Education Account--State		
Appropriation	.....	\$29,519,000
Public Safety and Education Account--Federal		
Appropriation	.....	\$10,000,000
Asbestos Account--State Appropriation	.....	\$810,000
Electrical License Account--State Appropriation		(\$35,995,000)
		<u>\$36,303,000</u>
Farm Labor Revolving Account--Private/Local		
Appropriation	.....	\$28,000
Worker and Community Right-to-Know Account--State		
Appropriation	.....	\$1,827,000
Public Works Administration Account--State		
Appropriation	.....	\$2,673,000
Accident Account--State Appropriation	.....	(\$211,084,000)
		<u>\$210,804,000</u>
Accident Account--Federal Appropriation	.....	\$13,621,000
Medical Aid Account--State Appropriation	..	(\$208,033,000)
		<u>\$208,036,000</u>
Medical Aid Account--Federal Appropriation	.....	\$3,185,000
Plumbing Certificate Account--State Appropriation		\$1,730,000
Pressure Systems Safety Account--State		
Appropriation	.....	\$3,357,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$31,000
		(\$537,135,000)
		<u>\$537,156,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates;

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

~~((14))~~ (13) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

~~((15))~~ (14) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

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((+6)) (15) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1117. 2006 c 372 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006) \$1,917,000
General Fund--State Appropriation (FY 2007) . ((~~\$1,982,000~~))
\$2,058,000

Charitable, Educational, Penal, and Reformatory
Institutions Account--State Appropriation \$10,000
Pension Funding Stabilization Account--State
Appropriation \$10,000
TOTAL APPROPRIATION . . ((~~\$3,919,000~~))
\$3,995,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006) \$2,811,000
General Fund--State Appropriation (FY 2007) . ((~~\$3,317,000~~))
\$3,309,000
General Fund--Federal Appropriation ((~~\$343,000~~))
\$350,000
General Fund--Private/Local Appropriation ((~~\$1,367,000~~))
\$1,893,000

Veterans Estate Management Account--Local
Appropriation \$651,000
Veterans' Innovations Program Account--State
Appropriation \$2,000,000
Pension Funding Stabilization Account--State
Appropriation \$11,000
TOTAL APPROPRIATION . ((~~\$10,500,000~~))
\$11,025,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by

June 30, 2006, the amount provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006) \$5,283,000
General Fund--State Appropriation (FY 2007) . ((~~\$5,946,000~~))
\$6,490,000
General Fund--Federal Appropriation ((~~\$36,114,000~~))
\$36,507,000
General Fund--Private/Local Appropriation \$28,830,000
Pension Funding Stabilization Account--State
Appropriation \$187,000
TOTAL APPROPRIATION . ((~~\$76,360,000~~))
\$77,297,000

Sec. 1118. 2006 c 372 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2006) . . . \$62,835,000
General Fund--State Appropriation (FY 2007) ((~~\$70,954,000~~))
\$71,390,000
General Fund--Federal Appropriation ((~~\$477,467,000~~))
\$466,007,000
General Fund--Private/Local Appropriation . . ((~~\$104,867,000~~))
\$106,083,000

Hospital Commission Account--State Appropriation
. ((~~\$1,521,000~~))
\$1,522,000

Health Professions Account--State Appropriation
. ((~~\$53,975,000~~))
\$54,695,000

Aquatic Lands Enhancement Account--State
Appropriation \$600,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation \$12,579,000

Safe Drinking Water Account--State Appropriation
. ((~~\$2,917,000~~))
\$2,918,000

Drinking Water Assistance Account--Federal
Appropriation ((~~\$16,179,000~~))
\$16,182,000

Waterworks Operator Certification--State
Appropriation \$1,099,000
Drinking Water Assistance Administrative Account--
State Appropriation \$326,000

Water Quality Account--State Appropriation . . ((~~\$3,693,000~~))
\$3,694,000

State Toxics Control Account--State Appropriation \$2,852,000
Medical Test Site Licensure Account--State
Appropriation ((~~\$1,798,000~~))
\$1,951,000

Youth Tobacco Prevention Account--State Appropriation
. ((~~\$1,806,000~~))
\$1,606,000

Public Health Supplemental Account--Private/Local
Appropriation \$3,306,000
Accident Account--State Appropriation \$277,000
Medical Aid Account--State Appropriation \$46,000

Health Services Account--State Appropriation ((~~\$41,942,000~~))
\$42,107,000

Tobacco Prevention and Control Account--State
Appropriation ((~~\$52,684,000~~))
\$52,685,000

Pension Funding Stabilization Account--State
Appropriation \$144,000
TOTAL APPROPRIATION ((~~\$913,867,000~~))
\$904,904,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic

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shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve over 500 women. The department

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will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If

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Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

~~((26))~~ (25) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((27))~~ (26) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((29))~~ (28) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

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~~((31))~~ (30) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((32))~~ (31) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((33))~~ (32) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((34))~~ (33) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((35))~~ (34) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((36))~~ (35) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

~~((37))~~ (36) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African-American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

~~((38))~~ (37) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provide in this subsection shall lapse.

~~((39))~~ (38) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

~~((40))~~ (39) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

(40) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time funding of federal certification costs for new health care facilities.

Sec. 1119. 2006 c 372 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~(2006)~~ 2007, after approval by the director of financial management and unless specifically

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prohibited by this act, the department may transfer general fund--state appropriations for fiscal year (~~2006~~) 2007 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$46,867,000
General Fund--State Appropriation (FY 2007) ((\$59,681,000))	<u>\$50,645,000</u>
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$26,000
Public Safety and Education Account--State	
Appropriation	\$2,774,000
Pension Funding Stabilization Account--State	
Appropriation	\$245,000
TOTAL APPROPRIATION ((\$110,615,000))	<u>\$101,579,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$5,250,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$17,250,000)~~) \$7,861,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006) . .	\$524,561,000
General Fund--State Appropriation (FY 2007) ((\$555,895,000))	<u>\$558,036,000</u>
General Fund--Federal Appropriation	\$3,447,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$2,984,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,269,000
TOTAL APPROPRIATION ((\$1,089,156,000))	<u>\$1,091,297,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to

chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall (~~(participation)~~) participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006) . . .	\$89,217,000
General Fund--State Appropriation (FY 2007) ((\$92,477,000))	<u>\$99,658,000</u>
Public Safety and Education Account--State	
Appropriation	((\$16,796,000))
	<u>\$16,833,000</u>
Pension Funding Stabilization Account--State	
Appropriation	\$449,000
TOTAL APPROPRIATION ((\$198,939,000))	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006) \$838,000
General Fund--State Appropriation (FY 2007) ((~~\$882,000~~))
\$884,000

Pension Funding Stabilization Account--State
Appropriation \$3,000
TOTAL APPROPRIATION ((~~\$1,723,000~~))
\$1,725,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006) . . . \$37,289,000
General Fund--State Appropriation (FY 2007) . . . ((~~\$38,662,000~~))
\$39,095,000
TOTAL APPROPRIATION ((~~\$75,951,000~~))
\$76,384,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the Farrakhan v. Locke litigation.

Sec. 1120. 2006 c 372 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2006) \$60,000
General Fund--State Appropriation (FY 2007) \$60,000
General Fund--Federal Appropriation ((~~\$260,228,000~~))
\$260,256,000
General Fund--Private/Local Appropriation ((~~\$31,966,000~~))
\$31,974,000

Unemployment Compensation Administration Account--
Federal Appropriation ((~~\$200,541,000~~))

\$206,157,000

Administrative Contingency Account--State
Appropriation ((~~\$16,866,000~~))
\$16,869,000

Employment Service Administrative Account--State
Appropriation ((~~\$24,491,000~~))
\$24,497,000

TOTAL APPROPRIATION ((~~\$534,212,000~~))
\$534,341,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

PART XII
NATURAL RESOURCES

Sec. 1201. 2006 c 372 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2006) . . . \$40,744,000
General Fund--State Appropriation (FY 2007) . . . ((~~\$44,131,000~~))
\$45,836,000

General Fund--Federal Appropriation \$74,678,000
General Fund--Private/Local Appropriation \$13,290,000
Special Grass Seed Burning Research

Account--State Appropriation \$14,000
Reclamation Account--State Appropriation \$2,778,000
Flood Control Assistance Account--State

Appropriation \$3,422,000
State Emergency Water Projects Revolving
Account--State Appropriation \$1,312,000

Waste Reduction/Recycling/Litter Control--State
Appropriation \$15,081,000
State Drought Preparedness Account--State

Appropriation \$225,000
State and Local Improvements Revolving
Account (Water Supply Facilities)--State

Appropriation \$386,000
Vessel Response Account--State Appropriation . . . \$2,876,000
Site Closure Account--State Appropriation \$656,000

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Water Quality Account--State Appropriation	\$28,085,000
Wood Stove Education and Enforcement Account--State Appropriation	\$357,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,153,000
State Toxics Control Account--State Appropriation	(\$84,319,000)
	<u>\$84,426,000</u>
State Toxics Control Account--Private/Local Appropriation	\$380,000
Local Toxics Control Account--State Appropriation	\$5,424,000
Water Quality Permit Account--State Appropriation	\$32,468,000
Underground Storage Tank Account--State Appropriation	\$2,889,000
Environmental Excellence Account--State Appropriation	\$504,000
Biosolids Permit Account--State Appropriation	\$853,000
Hazardous Waste Assistance Account--State Appropriation	\$5,171,000
Air Pollution Control Account--State Appropriation	\$11,206,000
Oil Spill Prevention Account--State Appropriation	\$11,078,000
Air Operating Permit Account--State Appropriation	\$2,922,000
Freshwater Aquatic Weeds Account--State Appropriation	\$2,144,000
Oil Spill Response Account--State Appropriation	\$7,079,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$485,000
Water Pollution Control Revolving Account--Federal Appropriation	\$2,357,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
Pension Funding Stabilization Account--State Appropriation	\$186,000
TOTAL APPROPRIATION (\$400,176,000)	<u>\$401,988,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) ~~(\$2,500,000)~~ \$1,567,552 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,000,000)~~ \$2,932,448 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state

appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

~~((+8))~~ (17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

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~~((19))~~ (18) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

~~((20))~~ (19) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

~~((21))~~ (20) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

~~((22))~~ (21) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

~~((23))~~ (22) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

~~((24))~~ (23) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((25))~~ (24) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

~~((26))~~ (25) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

~~((27))~~ (26) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

(27) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a loan to the Washington materials management and financing authority for necessary start-up costs pursuant to RCW 70.95N.310. The department shall execute an agreement with the authority for repayment of the loan.

Sec. 1202. 2006 c 372 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2006) . . .	\$35,687,000
General Fund--State Appropriation (FY 2007) ((38,334,000))	\$38,986,000
General Fund--Federal Appropriation	((2,738,000))
	\$2,918,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State	
Appropriation	\$1,109,000
Off-Road Vehicle Account--State Appropriation	\$220,000

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Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$345,000
Parks Renewal and Stewardship Account--State	
Appropriation	((38,702,000))
	\$35,425,000
Public Safety and Education Account--State	
Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
Pension Funding Stabilization Account--State	
Appropriation	\$191,000
TOTAL APPROPRIATION ((122,549,000))	\$120,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for employee retirement buyout costs.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for computer network hardware and software, and for backup drives and tapes.

Sec. 1203. 2006 c 372 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2006)	\$2,235,000
General Fund--State Appropriation (FY 2007) . ((2,256,000))	\$2,745,000
General Fund--Federal Appropriation	\$250,000
Water Quality Account--State Appropriation	\$4,178,000
Pension Funding Stabilization Account--State	
Appropriation	\$3,000
TOTAL APPROPRIATION . . ((8,922,000))	\$9,411,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

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(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 1204. 2006 c 372 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2006)	...	\$46,692,000
General Fund--State Appropriation (FY 2007)	...	(\$46,856,000)
		<u>\$48,282,000</u>
General Fund--Federal Appropriation	.....	(\$49,100,000)
		<u>\$50,400,000</u>
General Fund--Private/Local Appropriation	.....	\$36,089,000
Off-Road Vehicle Account--State Appropriation	....	\$392,000
Aquatic Lands Enhancement Account--State		
Appropriation	.....	\$5,820,000
Recreational Fisheries Enhancement--State		
Appropriation	.....	\$3,753,000
Warm Water Game Fish Account--State Appropriation	.....	\$2,904,000
Eastern Washington Pheasant Enhancement		
Account--State Appropriation	.....	\$750,000
Wildlife Account--State Appropriation	.....	(\$61,946,000)
		<u>\$62,406,000</u>
Wildlife Account--Federal Appropriation	.....	\$33,029,000
Wildlife Account--Private/Local Appropriation	.....	(\$10,386,000)
		<u>\$11,586,000</u>
Game Special Wildlife Account--State Appropriation		\$2,883,000
Game Special Wildlife Account--Federal Appropriation	.....	\$8,863,000
Game Special Wildlife Account--Private/Local		
Appropriation	.....	\$469,000
Public Safety and Education Account--State		
Appropriation	.....	\$588,000
Environmental Excellence Account--State Appropriation	.....	\$15,000
Regional Fisheries Salmonid Recovery		
Account--Federal Appropriation	.....	\$2,755,000
Oil Spill Prevention Account--State Appropriation	..	\$1,043,000
Oyster Reserve Land Account--State Appropriation	..	\$411,000
Aquatic Invasive Species Prevention Account--State		
Appropriation	.....	\$528,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$248,000
		<u>\$319,906,000</u>
		(\$315,520,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

(11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(12) \$528,000 of the aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

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(17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund; and

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature(~~(-and)~~).

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 (~~(rs)~~) and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 and 2006 fire season. Funding shall be used for fire suppression, winter feeding, seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or

maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

(31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon

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completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$634,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

Sec. 1205. 2006 c 372 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2006) . . .	\$40,473,000
General Fund--State Appropriation (FY 2007) ((\$53,999,000))	<u>\$89,221,000</u>
General Fund--Federal Appropriation	(\$15,215,000)
	<u>\$25,525,000</u>
General Fund--Private/Local Appropriation	\$1,276,000
Forest Development Account--State Appropriation	(\$54,697,000)
	<u>\$54,842,000</u>
Off-Road Vehicle Account--State Appropriation ((\$4,001,000))	<u>\$4,026,000</u>
Surveys and Maps Account--State Appropriation ((\$2,447,000))	<u>\$2,450,000</u>
Aquatic Lands Enhancement Account--State Appropriation	(\$8,451,000)
	<u>\$8,966,000</u>
Resources Management Cost Account--State Appropriation	(\$86,332,000)
	<u>\$86,537,000</u>
Surface Mining Reclamation Account--State Appropriation	(\$2,828,000)
	<u>\$2,830,000</u>
Disaster Response Account--State Appropriation	\$5,000,000
Water Quality Account--State Appropriation	(\$2,636,000)
	<u>\$2,645,000</u>
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,321,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$2,155,000
Air Pollution Control Account--State Appropriation .	\$556,000
Derelict Vessel Removal Account--State Appropriation	\$1,138,000
Agricultural College Trust Management Account--State Appropriation	(\$1,966,000)
	<u>\$1,972,000</u>
Pension Funding Stabilization Account--State Appropriation	\$136,000
TOTAL APPROPRIATION ((\$284,661,000))	<u>\$331,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$972,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$994,000)~~) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) \$10,689,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,635,000)~~) \$48,571,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2006 and \$4,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work

with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

~~((+7))~~ (16) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

~~((+8))~~ (17) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$504,000 of the aquatic lands enhancement account--state appropriation is provided solely for expenses related to removing the hull of the S.S. Catala, shipwrecked on state-owned aquatic lands at Damon Point state park.

(End of part)

**PART XIII
TRANSPORTATION**

Sec. 1301. 2006 c 372 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2006) . . .	\$37,601,000
General Fund--State Appropriation (FY 2007) ((32,753,000))	\$36,220,000
General Fund--Federal Appropriation	((4,364,000))
	\$4,872,000
General Fund--Private/Local Appropriation	\$596,000
Death Investigations Account--State Appropriation	((4,628,000))
	\$4,591,000
Public Safety and Education Account--State	
Appropriation	((3,388,000))
	\$3,438,000
Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance	
Account--State Appropriation	((2,895,000))
	\$2,923,000
Municipal Criminal Justice Assistance	
Account--State Appropriation	((1,157,000))
	\$1,171,000
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	\$7,560,000
State Toxics Control Account--State Appropriation . .	\$469,000
Violence Reduction and Drug Enforcement	
Account--State Appropriation	\$313,000
Fingerprint Identification	
Account--State Appropriation	((6,270,000))
	\$6,271,000
Disaster Response Account--State Appropriation	\$2,000
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$145,000
Pension Funding Stabilization Account--State	

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Appropriation \$102,000
 TOTAL APPROPRIATION ~~(((\$102,947,000))~~
\$106,978,000

Pension Funding Stabilization Account Appropriation \$165,000
 TOTAL APPROPRIATION ~~(((\$53,693,000))~~
\$54,083,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$145,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of the criminal history and background check activities. Pursuant to RCW 43.135.055, during the 2005-2007 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of criminal history and background check activities.

(End of part)

**PART XIV
 EDUCATION**

Sec. 1401. 2006 c 372 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006) . . . \$13,452,000
 General Fund--State Appropriation (FY 2007) ~~(((\$17,151,000))~~
\$17,376,000
 General Fund--Federal Appropriation ~~(((\$23,090,000))~~

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and ~~(((\$10,980,000))~~ \$10,990,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and ~~(((\$547,000))~~ \$597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and ~~(((\$504,000))~~ \$554,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$607,000 of the general fund--state appropriation for fiscal year 2006 and ~~(((\$592,000))~~ \$92,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7 and other education funding lawsuits.

(e) ~~(((\$1,900,000))~~ \$1,615,000 of the general fund--state appropriation is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work

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group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006) . . . \$12,341,000
General Fund--State Appropriation (FY 2007) . . . \$18,884,000

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General Fund--Federal Appropriation (~~(\$58,112,000)~~)
\$67,358,000
TOTAL APPROPRIATION . . (~~(\$89,337,000)~~)
\$98,583,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

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(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of ~~(\$1,224,000)~~ \$2,448,000 of the general fund--state appropriation ~~((for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of ~~(\$1,079,000)~~ \$2,158,000 of the general fund--state appropriation ~~((for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are))~~ is provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) ~~(\$1,911,000)~~ \$2,119,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) ~~(\$24,490,000)~~ \$33,526,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes and other students as specified below. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to

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school districts with a concentration of students residing in staffed residential homes or other residential facilities where one or more staffed residential homes have closed within the current or preceding fiscal year, greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district or serving high school district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students (~~residing in staffed residential homes~~) for whom a school district receives a pilot grant application and who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic

education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 1402. 2006 c 372 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2006) \$4,193,442,000

General Fund--State Appropriation (FY 2007)

..... (\$4,281,807,000)

Pension Funding Stabilization Account Appropriation

..... \$28,548,000

TOTAL APPROPRIATION (~~\$8,503,797,000~~)

\$8,474,834,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of

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this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty average annual full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.21 percent in the 2005-06 school year and 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.07 percent in the 2005-06 school year and 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~(\$12,992,000)~~ \$12,769,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$369,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this

subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) ~~(\$4,943,000)~~ \$4,719,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 1403. 2006 c 372 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2006) . . .	\$74,336,000
General Fund--State Appropriation (FY 2007) (\$241,576,000)	<u>\$239,233,000</u>
Education Legacy Trust Account--State Appropriation	\$470,000
Pension Funding Stabilization Account Appropriation	
.....	\$1,543,000
General Fund--Federal Appropriation	(\$1,043,000)
	<u>\$1,034,000</u>
TOTAL APPROPRIATION (\$318,968,000)	<u>\$316,616,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$190,375,000)~~ \$187,442,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.57 percent for the 2005-06 school year and 12.38 percent for the 2006-07 school year for certificated staff and 10.57 percent for the 2005-06 school year and 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for

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general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.27	\$1.06
Highly Capable (per formula student)	\$2.96	\$11.40
Transitional Bilingual Education (per eligible bilingual student)	\$7.94	\$30.52
Learning Assistance (per formula student)	\$1.69	\$6.50

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and ~~(\$1,022,000)~~ \$1,015,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) ~~(\$129,905,000)~~ \$129,173,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.91
Highly Capable (per formula student)	\$2.88	\$6.16
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$16.20
Learning Assistance (per formula student)	\$1.49	\$3.21

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1404. 2006 c 372 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2006)	.. \$247,541,000
General Fund--State Appropriation (FY 2007)	(\$252,607,000)
	<u>\$251,831,000</u>
Pension Funding Stabilization Account Appropriation	\$755,000
TOTAL APPROPRIATION	..... (\$500,903,000)
	<u>\$500,127,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent

practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$42.52 per weighted mile in the 2005-06 school year and ~~(\$42.30)~~ \$43.57 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is ~~(a one-time)~~ an increase of \$1.12 and included in the 2006-07 school year rate is an increase of \$1.27 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 1405. 2006 c 372 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2006)	.... \$3,147,000
General Fund--State Appropriation (FY 2007)	.... \$3,159,000
General Fund--Federal Appropriation	..... (\$270,423,000)
	<u>\$313,038,000</u>
TOTAL APPROPRIATION	(\$276,729,000)
	<u>\$319,344,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state

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appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 1406. 2006 c 372 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	.. \$464,812,000
General Fund--State Appropriation (FY 2007)	((\$478,191,000))
	<u>\$470,395,000</u>
General Fund--Federal Appropriation	..... (\$435,664,000)
	<u>\$436,409,000</u>
Pension Funding Stabilization Account Appropriation	..... \$3,234,000
.....	TOTAL APPROPRIATION (\$1,381,901,000)
	<u>\$1,374,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through

two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to

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revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

Sec. 1407. 2006 c 372 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2006)	..	\$173,153,000
General Fund--State Appropriation (FY 2007)	((	\$190,957,000)
		\$188,092,000
TOTAL APPROPRIATION	((	\$364,110,000)
		\$361,245,000

Sec. 1408. 2006 c 372 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2006)	...	\$18,078,000
General Fund--State Appropriation (FY 2007)	((	\$18,237,000)
		\$17,551,000
Pension Funding Stabilization Account Appropriation		\$117,000
TOTAL APPROPRIATION	.	((\$36,432,000)
		\$35,746,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$236,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$236,000~~) \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1409. 2006 c 372 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2006)	...	\$6,900,000
General Fund--State Appropriation (FY 2007)	((	\$6,974,000)
		\$6,918,000
Pension Funding Stabilization Account Appropriation		\$44,000
TOTAL APPROPRIATION	((	\$13,918,000)
		\$13,862,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.93 per funded student for the 2005-06 school year and \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

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(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 1410. 2006 c 372 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2006)	...	\$45,382,000
General Fund--State Appropriation (FY 2007)		(\$51,297,000)
		<u>\$51,536,000</u>
General Fund--Federal Appropriation	.....	\$147,799,000
TOTAL APPROPRIATION		(\$244,478,000)
		<u>\$244,717,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

(a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of

WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$4,358,000)~~ \$4,597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional

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growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

(5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional

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assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

- (i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;
- (ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;
- (iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;
- (iv) Measurable goals and evaluation methodology to determine impact;
- (v) Integration of reading strategies from the Washington state early learning and development benchmarks;
- (vi) A plan for marketing and public relations;
- (vii) Strategies for sustaining the program when grant funding is no longer available; and
- (viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum,

student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

Sec. 1411. 2006 c 372 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2006) . . .	\$58,205,000
General Fund--State Appropriation (FY 2007) ((\$61,608,000))	
	<u>\$58,181,000</u>
General Fund--Federal Appropriation	\$51,741,000
Pension Funding Stabilization Account Appropriation \$504,000	
TOTAL APPROPRIATION ((\$172,058,000))	
	<u>\$168,631,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$759.58 per eligible bilingual student in the 2005-06 school year and \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 1412. 2006 c 372 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2006) . . .	\$65,018,000
General Fund--State Appropriation (FY 2007) ((\$64,626,000))	
	<u>\$64,353,000</u>
Education Legacy Trust Account--State Appropriation	
.....	\$24,605,000
Pension Funding Stabilization Account Appropriation \$553,000	
General Fund--Federal Appropriation	\$348,351,000
TOTAL APPROPRIATION ((\$503,153,000))	
	<u>\$502,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
 - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
 - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.69 per funded student for the 2005-06 school year and \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
 - (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

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(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ten for the 2006-07 school year.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

Sec. 1413. 2006 c 372 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2006) . . . \$3,842,000
 General Fund--State Appropriation (FY 2007) ~~((23,879,000))~~

\$19,067,000

Pension Funding Stabilization Account Appropriation \$189,000

TOTAL APPROPRIATION . ~~((27,910,000))~~

\$23,098,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard

error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and \$3,408,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

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(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 1414. 2006 c 372 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State

Appropriation ((~~\$630,537,000~~))
\$630,313,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

Sec. 1415. 2006 c 372 s 518 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2006) \$100,000
General Fund--State Appropriation (FY 2007) ((~~\$32,504,000~~))
\$32,799,000
General Fund--Federal Appropriation \$180,000
TOTAL APPROPRIATION . ((~~\$32,784,000~~))
\$33,079,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood

education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

(End of part)

**PART XV
HIGHER EDUCATION**

Sec. 1501. 2006 c 372 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2006) . . \$337,629,000
General Fund--State Appropriation (FY 2007) ((~~\$352,714,000~~))
\$352,614,000
General Fund--Private/Local Appropriation \$300,000
Accident Account--State Appropriation \$6,209,000
Medical Aid Account--State Appropriation \$6,143,000
Education Legacy Trust--State Appropriation \$10,748,000
Pension Funding Stabilization Account--State
Appropriation \$604,000
TOTAL APPROPRIATION ((~~\$714,347,000~~))
\$714,247,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

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(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and \$296,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

~~((+9))~~ (18) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

(19) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

Sec. 1502. 2006 c 372 s 604 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2006)	.. \$206,511,000
General Fund--State Appropriation (FY 2007) ((\$213,500,000))	\$213,520,000
Education Legacy Trust--State Appropriation	... \$11,162,000
Pension Funding Stabilization Account--State	

Appropriation	\$293,000
TOTAL APPROPRIATION ((\$431,466,000))	<u>\$431,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident

student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

~~((+5))~~ (14) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

~~((+6))~~ (15) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

(16) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict

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around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

Sec. 1503. 2006 c 372 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY	
General Fund--State Appropriation (FY 2006)	((\$45,671,000))
	<u>\$45,586,000</u>
General Fund--State Appropriation (FY 2007)	((\$47,006,000))
	<u>\$46,980,000</u>
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State Appropriation	\$103,000
TOTAL APPROPRIATION .	((\$99,241,000))
	<u>\$99,130,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 1504. 2006 c 372 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2006)	.. \$156,449,000
General Fund--State Appropriation (FY 2007)	((\$162,843,000))
	<u>\$162,968,000</u>
General Fund--Federal Appropriation	\$13,075,000
Education Legacy Trust--State Appropriation	\$62,910,000
Pension Funding Stabilization Account--State Appropriation	\$1,000
TOTAL APPROPRIATION .	((\$395,278,000))
	<u>\$395,403,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund--state appropriation for fiscal year 2006 and \$308,000 of the general fund--state appropriation for fiscal year 2007 are for the western interstate commission for higher education.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2005-06 and 2006-07 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(4) \$124,901,000 of the general fund--state appropriation for fiscal year 2006, \$134,506,000 of the general fund--state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are for the state need grant program. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the state need grant program may be transferred to the state work study or educational opportunity grant programs and up to one percent may be transferred to the state education trust account as authorized in RCW 28B.92.140.

Of the amounts provided in this subsection, up to \$500,000 is to implement House Bill No. 1345 (part-time student financial aid). The board may not expend more than the amount provided in this subsection to implement the bill.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for the fiscal year 2007 are to support the future teachers' conditional scholarship and loan repayment program. Of this amount, \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the program by up to 70 additional slots for prospective teachers in special education, bilingual education, secondary mathematics, and secondary science.

(7) \$17,048,000 of the general fund--state appropriation for fiscal year 2006, \$17,048,000 of the general fund--state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are for the state work study program. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the state work study program may be transferred to the state need grant or educational opportunity grant programs. In addition to the administrative allowance in section 609(2) of this act, four percent of the general fund--state amount and the

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education legacy trust amounts in this subsection may be transferred to and expended for state work study program administration.

(8) \$2,867,000 of the general fund--state appropriation for fiscal year 2006 and \$2,867,000 of the general fund--state appropriation for fiscal year 2007 are for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.92.140 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. After April 1st of each fiscal year, uncommitted funds from the annual appropriation for the educational opportunity grant program may be transferred to the state work study or state need grant programs.

(9) \$2,384,000 of the general fund--state appropriation for fiscal year 2006 and \$2,361,000 of the general fund--state appropriation for fiscal year 2007 are to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

(10) \$794,000 of the general fund--state appropriation for fiscal year 2006 and \$847,000 of the general fund--state appropriation for fiscal year 2007 are to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(11) \$246,000 of the general fund--state appropriation for fiscal year 2006 and \$246,000 of the general fund--state appropriation for fiscal year 2007 are for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

(12) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$4,325,000 of the general fund--state appropriation for fiscal year 2006 is for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004. Unexpended funds remaining after June 30, 2006, may be transferred to the state education trust account authorized in RCW 28B.92.140.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time costs associated with stabilizing the GEAR-UP scholarship program.

(14) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,100,000 of the general fund--state appropriation for fiscal year 2007 are for the health professions loan repayment and scholarship program.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2006 and \$60,000 of the general fund--state appropriation for fiscal year 2007 are for the Washington center scholarship program.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the board to contract with the Washington leadership 1000 scholarship fund. The funds

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shall be used to support, develop, and implement the leadership 1000 scholarship program which matches private benefactors with selected economically disadvantaged students who would otherwise be unable to attend college after depleting all other sources of scholarship and financial aid.

(17) By December 1st of each fiscal year, the board shall submit a report to the legislature detailing the outcomes from the previous year and a progress report on the current year for each of the student aid programs listed in this section: (a) The number of students served; (b) the award amount provided to students by sector; (c) the total amount spent; and (d) an explanation for any variation between the amount listed in the subsections and the amount expended.

Sec. 1505. 2006 c 372 s 616 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2006)	\$5,149,000
General Fund--State Appropriation (FY 2007)	(\$5,285,000)
	<u>\$5,354,000</u>
General Fund--Private/Local Appropriation	\$1,335,000
Pension Funding Stabilization Account--State	
Appropriation	\$38,000
TOTAL APPROPRIATION	(\$11,807,000)
	<u>\$11,876,000</u>

(End of part)

**PART XVI
SPECIAL APPROPRIATIONS**

Sec. 1601. 2006 c 372 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006)	\$640,544,000
General Fund--State Appropriation (FY 2007) (\$683,019,000)	<u>\$679,329,000</u>
State Building Construction Account--State	
Appropriation	(\$5,924,000)
	<u>\$6,500,000</u>
State Taxable Building Construction	
Account--State Appropriation	\$539,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation	\$1,395,000
Debt-Limit Reimbursable Bond Retirement	
Account--State Appropriation	\$2,583,000
<u>Columbia River Basin Water Supply Development</u>	
Account--State Appropriation	\$24,000
<u>Hood Canal Aquatic Rehabilitation Bond Account--State</u>	
Appropriation	\$21,000
TOTAL APPROPRIATION (\$1,334,004,000)	\$1,330,935,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

Sec. 1602. 2006 c 372 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006)	\$24,588,000
General Fund--State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement	
Account--State Appropriation	(\$130,909,000)

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	\$131,001,000
TOTAL APPROPRIATION	((\$182,240,000))
	\$182,332,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 1603. 2006 c 372 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006)	\$1,357,000
General Fund--State Appropriation (FY 2007)	((\$1,357,000))
	\$957,000

State Building Construction Account--State Appropriation	\$1,080,000
State Taxable Building Construction	Account--State Appropriation
	((\$78,000))
	\$86,000

Gardner-Evans Higher Education Construction	Account--State Appropriation
	\$452,000

Columbia River Basin Water Supply Development	Account--State Appropriation
	\$2,000

Hood Canal Aquatic Rehabilitation Bond Account--State	Appropriation
	\$2,000

TOTAL APPROPRIATION	((\$4,324,000))
	\$3,936,000

Sec. 1604. 2006 c 372 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation	((\$8,000,000))
	\$9,000,000

The sum of (~~(\$8,000,000)~~) \$9,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

Sec. 1605. 2006 c 372 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006)	\$1,600,000
General Fund--State Appropriation (FY 2007)	\$1,000,000
TOTAL APPROPRIATION	\$2,600,000

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations: The appropriations (~~(is)~~) are provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

Sec. 1606. 2006 c 372 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Kirk F. Schultz, claim number SCJ 2006-01 . . . \$12,312
 - (b) Scott A. King, claim number SCJ 2006-02 . . . \$9,922
 - (c) Mark D. Huckaba, claim number SCJ 2006-03 . . . \$10,000
 - (d) James D. Brittain, claim number SCJ 2006-02 . . . \$20,000
 - (e) Jain E. Johnson, claim number SCJ 2007-01 . . . \$7,250
 - (f) Sandra J. Ciske, claim number SCJ 2007-02 . . . \$10,168
 - (g) Matthew R. Young, claim number SCJ 2007-03 \$40,185
 - (h) Kevin J. Flockhart, claim number SCJ 2007-04 \$38,209
 - (i) James J. O'Hagan, claim number SCJ 2007-05 . . . \$25,207

(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:

- (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 . . . \$21,926
- (b) (~~(Venture Farms, claim number SCG 2005-03)~~) ~~(\$57,448)~~
- (~~(c)~~) Patrick O'Hagen, claim number SCG 2006-02 . . . \$1,673
- (~~((f))~~) (c) Patrick O'Hagen, claim number SCG 2006-03 . . . \$2,389
- (~~((e))~~) (d) Swampapple Enterprises, Inc., claim number SCG 2006-04 . . . \$3,574
- (~~((f))~~) (e) Wilbur H. Mundy, claim number SCG 2006-05 . . . \$10,307
- (~~((g))~~) (f) Sam Kayser, claim number SCG 2006-08 . . . \$1,108
- (~~((h))~~) (g) Richard Cordell, claim number SCG 2006-09 . . . \$4,076
- (h) Ralland L. Wallace, claim number SCG 2006-06 . . . \$23,393
- (i) Sulfur Creek Ranches, claim number SCG 2007-01 . . . \$4,602

(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050:

Darrin Erdahl, claim number SCO 2006-01	\$3,000
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Sec. 1607. 2005 c 518 s 707 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2006)	\$45,000
General Fund--State Appropriation (FY 2007)	((\$792,000))
	\$604,000

TOTAL APPROPRIATION	((\$837,000))
	\$649,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

Sec. 1608. 2006 c 372 s 708 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006)	\$32,450,000
General Fund--State Appropriation (FY 2007)	((\$38,750,000))
	\$38,650,000

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:

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General Fund--State Appropriation (FY 2006) \$6,601,000
General Fund--State Appropriation (FY 2007) \$9,539,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006) \$300,000
General Fund--State Appropriation (FY 2007) \$300,000
TOTAL APPROPRIATION . ~~(\$87,940,000)~~
\$87,840,000

Sec. 1609. 2006 c 372 s 712 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT

General Fund--State Appropriation (FY 2007) ~~(\$23,000,000)~~
\$20,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for ~~((deposit))~~ expenditure into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 1610. 2006 c 372 s 715 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--RETROSPECTIVE PAYMENTS

General Fund--State Appropriation (FY 2007) ~~(\$11,813,000)~~
\$11,039,976

Special Personnel Litigation Revolving
Account Appropriation ~~(\$10,689,000)~~
\$9,954,024
TOTAL APPROPRIATION . ~~(\$22,502,000)~~
\$20,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the retrospective payments for the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the ~~((state treasurer))~~ office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with ~~((LEAP))~~ OFM document number ~~((2006-S11))~~ 2007-S01 dated ~~((March 3,))~~ December 19, 2006. Agencies and institutions of higher education with local funds will deposit sufficient money to the special personnel litigation revolving account from their local funds as directed by the office of financial management. The office of financial management will direct the transfer of funds in the amount of the settlement to the administrator of the settlement on the date required by the court order.

NEW SECTION. Sec. 1611. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--PROSPECTIVE PAYMENTS

General Fund--State Appropriation (FY 2007) \$793,000
Special Personnel Litigation Revolving Account
Appropriation \$666,000
TOTAL APPROPRIATION \$1,459,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the prospective provisions in the settlement agreement, settling all claims in the litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) Appropriations or spending authority is provided to agencies in accordance with OFM document number 2007-S02

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dated December 19, 2006. This funding is to be used in each agency's payroll process to pay the increased salaries for specified job classes as required in the settlement agreement.

NEW SECTION. Sec. 1612. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EQUAL JUSTICE SUBACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$3,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the equal justice subaccount.

NEW SECTION. Sec. 1613. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$9,700,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

NEW SECTION. Sec. 1614. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--TOBACCO PREVENTION AND CONTROL ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$50,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the tobacco prevention and control account.

NEW SECTION. Sec. 1615. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION FUNDING STABILIZATION ACCOUNT

General Fund--State Appropriation (FY 2007) . . \$155,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the pension funding stabilization account.

NEW SECTION. Sec. 1616. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT

General Fund--State Appropriation (FY 2007) . . \$215,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

NEW SECTION. Sec. 1617. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--MOBILE HOME PARK RELOCATION ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$2,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the mobile home park relocation account.

NEW SECTION. Sec. 1618. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH SERVICES ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$40,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health services account.

NEW SECTION. Sec. 1619. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PUBLIC SAFETY AND EDUCATION ACCOUNT

General Fund--State Appropriation (FY 2007) . . . \$3,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the public safety and education account.

Sec. 1620. 2005 c 518 s 729 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION

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ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

~~((General Fund--State Appropriation (FY 2007) . . . \$4,400,000))
Special Account Retirement Contribution Increase
Revolving Account Appropriation (((\$3,900,000))
-\$73,000
((TOTAL APPROPRIATION . . . \$500,000))~~

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations:

(1) The appropriation(s) in this section ((are)) is provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 1621. A new section is added to 2005 c 518 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY FUNDING

General Fund--State Appropriation (FY 2007) . . . \$18,301,000
Special Technology Funding Revolving Account
Appropriation (FY 2008) \$33,727,000
TOTAL APPROPRIATION . . . \$52,028,000

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for deposit to the data processing revolving account. These funds, to be known as the "information technology funding pool" are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management.

(2) In exercising this authority, the department of information services and the office of financial management shall:

(a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that promote the sharing of information across agencies whenever possible;

(b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and

(c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.

(3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for

such replacement and that any allocations out of these funds are for extraordinary maintenance costs.

(4) Funds shall not be released for information technology projects with a risk-severity assessment level two or greater under the policies of the information services board until a feasibility study has been completed and approved by the information services board. If the feasibility study indicates a need for funding exceeding that allocated for the current biennium, justification of increased project costs shall be incorporated in an annual report from the department of information services to the information services board, the office of financial management, and the legislative evaluation and accountability program committee. Implementation funds shall not be released until the project is approved by the legislature.

(5) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP document 100, as generated by the legislative evaluation and accountability program committee on March 26, 2007, at 12:00 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.

(6) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.

(7) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and annually thereafter, the status of planned allocations from funds appropriated in this section.

(8) State agencies shall report project performance in consistent and comparable terms using a common methodology such as earned value management (EVM) to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.

(9) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.

(10) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

(End of part)

**PART XVII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1701. 2006 c 372 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions	(\$6,561,000)
	<u>\$6,644,000</u>
General Fund Appropriation for public utility district excise tax distributions	(\$44,292,000)
	<u>\$44,282,000</u>
General Fund Appropriation for prosecuting attorney distributions	(\$3,568,000)
	<u>\$3,757,000</u>
General Fund Appropriation for boating safety and education distributions	(\$4,252,000)
	<u>\$3,979,000</u>
General Fund Appropriation for other tax distributions	(\$38,000)
	<u>\$41,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	(\$1,969,000)
	<u>\$2,044,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	(\$147,000)
	<u>\$133,000</u>
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$83,325,000)
	<u>\$77,023,000</u>
County Criminal Justice Assistance Appropriation	(\$53,650,000)
	<u>\$53,953,000</u>
Municipal Criminal Justice Assistance Appropriation	(\$21,315,000)
	<u>\$21,381,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	(\$40,512,000)
	<u>\$41,525,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution	(\$88,818,000)
	<u>\$68,911,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution	(\$20,100,000)
	<u>\$26,020,000</u>
TOTAL APPROPRIATION	(\$368,547,000)
	<u>\$349,693,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1702. 2006 c 372 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation (\$2,050,000)
\$2,173,601

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1703. 2006 c 372 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation (\$1,367,000)

\$1,499,068

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1704. 2006 c 372 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution

General Fund Appropriation for federal flood control funds distribution

Forest Reserve Fund Appropriation for federal forest reserve fund distribution

TOTAL APPROPRIATION

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1705. 2006 c 372 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:
For transfer to the state general fund,
\$5,150,000 for fiscal year 2006 and \$5,150,000
for fiscal year 2007

General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account

Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006

Health Services Account: For transfer to the

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tobacco prevention and control account . . . ((~~\$25,086,000~~))
\$21,257,000

(End of part)

Health Services Account: For transfer to the water quality account . . . \$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account . . . \$6,932,000
Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007 . . . \$85,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006 . . . \$2,000,000
Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 . . . \$500,000
State Treasurer's Service Account: For transfer to the state general fund, \$9,500,000 for fiscal year 2006 and \$7,000,000 for fiscal year 2007 . . . \$16,500,000
General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007 . . . \$637,000
State Toxics Control Account: For transfer to the water quality account . . . \$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account . ((~~\$16,534,000~~))
\$11,034,000
Pollution Liability Insurance Trust Account: For transfer to the state general fund . . . \$3,750,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed . . . \$21,800,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 . . . \$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 . . . \$4,500,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 . . . \$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006 . . . \$1,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 . . . \$3,000,000
Education Legacy Trust Account: For transfer to the student achievement account, \$35,555,000 for fiscal year 2006 and \$103,046,000 for fiscal year 2007 . . . \$138,601,000

(End of part)

**PART XVIII
MISCELLANEOUS**

NEW SECTION. Sec. 1801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted.

On page 76, after line 34, insert the following:
 "(21) No funds appropriated in this section shall be expended upon gender reassignment surgery or treatment for any person age 18 or older."

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 76, after line 34 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Schoesler failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the committee striking amendment be adopted.

On page 77, line 15, decrease the general fund--state appropriation for fiscal year 2008 by \$1,598,000 and adjust the totals accordingly

On page 77, line 16, decrease the general fund--state appropriation for fiscal year 2009 by \$1,521,000 and adjust the totals accordingly

On page 86, line 11, increase the general fund--state appropriation for fiscal year 2008 by \$1,598,000 and adjust the totals accordingly

On page 86, line 12, increase the general fund--state appropriation for fiscal year 2009 by \$1,521,000 and adjust the totals accordingly

On page 86, after line 30, insert the following:
 "(1)\$1,598,000 of the general fund--state appropriation for fiscal year 2008 and \$1,521,000 of the general-fund state appropriation for fiscal year 2009 is provided solely to provide job training and placement services in coordination with the department of employment security, post-traumatic stress disorder counseling, and housing assistance to veterans from the vietnam-era, the first and second gulf wars, and Operation Enduring freedom."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Swecker spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 77, line 15 to the committee striking amendment to Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Swecker to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman,

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Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 21

Voting nay: Senators Berkeley, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Excused: Senators Haugen and Stevens - 2

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted.

On page 78, line 30, increase the state health care authority administrative account-state appropriation by \$620,000 and adjust the totals accordingly.

On page 81, after line 11, insert the following:

"(13) \$620,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation and maintenance of a health savings account / high deductible health plan as one of the public employees' benefits board medical plan offerings, pursuant to Chapter 299, Laws of 2006 (health savings account). This new offering shall be made available no later than January 1, 2009."

On page 106, line 5, reduce the general fund--state appropriation for fiscal year 2008 by \$307,000 and adjust the totals accordingly.

On page 106, line 6, reduce the general fund--state appropriation for fiscal year 2009 by \$307,000 and adjust the totals accordingly.

On page 193, line 5, reduce the general fund--state appropriation for fiscal year 2008 by \$75,000 and adjust the totals accordingly.

On page 193, line 6, reduce the general fund--state appropriation for fiscal year 2009 by \$75,000 and adjust the totals accordingly.

On page 197, beginning on line 14, strike everything down through and including "center." on line 17.

Re-number the sections consecutively and correct any internal references accordingly.

Senators Schoesler, Parlette and Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 78, line 30 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Schoesler failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 93, after line 7, insert the following,

"(g) For offenders or probationers on community supervision whose risk assessment places the offender or probationer in one of the two highest risk categories, the

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department shall not reduce the classification of the offender or probationer for the duration of the offender or probationer's supervision."

On page 226, after line 10, insert the following:

"NEW SECTION. Sec. 728. A G E N C Y EXPENDITURES FOR TRAVEL. The office of financial management shall reduce allotments for all agencies for travel by \$940,000 from general fund--state appropriations in this act to reflect savings resulting from reducing the private vehicle reimbursement rate for to 44 cents per mile. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hargrove spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 93, after line 7 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 93, after line 7, insert the following:

"(g) Within the funds appropriated in this subsection and limited to the 2007-09 fiscal biennium, the department shall implement the following policy: If an offender or probationer on community supervision as a result of earned early release commits the same crime for which the offender or probationer was originally committed to the department, the department shall return the offender or probationer to total confinement for the remainder of the offender or probationer's original sentence."

Re-number the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senators Hargrove and Prentice spoke against adoption of the amendment to the committee striking amendment.

Senators Zarelli and Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 93, after line 7 to the committee striking amendment to Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 18; Nays, 29; Absent, 0; Excused, 2.

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Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 29

Excused: Senators Haugen and Stevens - 2

WITHDRAWAL OF AMENDMENT

On motion of Senator Schoesler, the amendment by Senator Schoesler on page 110, line 19 to the committee striking amendment to Substitute House Bill No. 1128 was withdrawn.

MOTION

Senator Prentice moved that the following amendment by Senator Prentice to the committee striking amendment be adopted.

On page 120, on line 8, increase the General Fund--State appropriation for fiscal year 2008 by \$97,000.

On page 120, on line 9, increase the General Fund--State appropriation for fiscal year 2009 by \$97,000.

Adjust the total appropriation accordingly.

On page 256, on line 3, after "July 1, 2008.", insert " Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay."

On page 256, on line 14, after "July 1, 2008.", insert " Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay."

Senator Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 120, line 8 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 122, line 6, decrease the general fund--state appropriation for fiscal year 2008 by \$1,935,000.

On page 122, line 7, decrease the general fund--state appropriation for fiscal year 2009 by \$2,026,000.

On page 152, line 17, increase the general fund--state appropriation for fiscal year 2008 by \$1,935,000.

On page 152, line 18, increase the general fund--state appropriation for fiscal year 2009 by \$2,026,000.

Adjust the totals accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment

to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 122, line 6 to the committee striking amendment to Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 21; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Rasmussen, Roach, Rockefeller, Schoesler, Swecker and Zarelli - 21

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Sheldon, Shin, Spanel, Tom and Weinstein - 26

Excused: Senators Haugen and Stevens - 2

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 226, after line 10, insert the following:

"NEW SECTION. Sec. 728. A G E N C Y EXPENDITURES FOR PURCHASED SERVICES. The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$20,000,000 from general fund--state appropriations in this act to reflect savings resulting from implementation of the authority of state agencies to purchase services by contract under RCW 41.06.142. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

On page 19, line 4, increase the general fund--state appropriation (FY 2008) by \$10,000,000

On page 19, line 5, increase the general fund--state appropriation (FY 2009) by \$10,000,000

Correct the total accordingly.

On page 27, after line 19, insert the following:

"(37) \$10,000,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to local governments for jail capacity expansion projects. These may include modifications and improvements to existing facilities that result in licensing capacity as well as design and construction of new facilities. Grants provided in this section shall be limited to up to one million per jurisdiction. The department of corrections, in consultation with the Washington association of sheriffs and police chiefs, shall develop criteria for allocating moneys appropriated in this section to local governments."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hargrove spoke against adoption of the amendment

to the committee striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 226, after line 10 to the committee striking amendment to Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment to the committee striking amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 28

Excused: Senators Haugen and Stevens - 2

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 226, after line 20, insert the following:

"NEW SECTION. Sec. 729. No agency of the state may expend moneys appropriated in this act or nonappropriated moneys under the control of the agency for the purpose of producing or disseminating any advertisement or public service announcement in any broadcast or electronic media that features any person currently serving as a statewide elected official or any person who is a spouse of a person currently serving as a statewide elected official."

Senators Honeyford and Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Fairley spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 226, after line 20 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 235, after line 15, insert the following:

"NEW SECTION. Sec. 908. The office of financial management shall report to the fiscal committees of the legislature on the implementation of the reduction of state government middle management positions assumed in chapter

518, Laws of 2005, the 2005-07 omnibus appropriations act. The report shall be submitted by December 31, 2007. The report shall include the following information for each position eliminated: (1) The job classification; (2) the date the position was eliminated; (3) the amount saved by fund source; (4) whether the savings have continued in the 2007-09 fiscal biennium; and (5) whether the employee who previously held the vacated position still works in another position within the agency; (6) whether the employee who previously held the vacated position still works in any other state agency."

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 235, after line 15 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 237, after line 2, insert the following:

"NEW SECTION. Sec. 911. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008)	....	\$9,285,000
General Fund--State Appropriation (FY 2009)	....	\$9,285,000
Health Services Account--State Appropriation (FY 2008)	.....	\$7,000
Health Services Account--State Appropriation (FY 2009)	.....	\$57,000
Public Safety and Education Account (FY 2008)	...	\$123,000
Public Safety and Education Account (FY 2009)	...	\$123,000
Violence Reduction and Drug Enforcement Account--		
State Appropriation (FY 2008)	.....	\$4,000
Violence Reduction and Drug Enforcement Account--		
State Appropriation (FY 2009)	.....	\$4,000
Water Quality Account--State Appropriation (FY 2008)		\$40,000
Water Quality Account--State Appropriation (FY 2009)		\$40,000
General Fund--Federal Appropriation	.....	\$4,545,000
General Fund--Private/Local Appropriation	.....	\$504,000
Dedicated Funds and Accounts Appropriation	.....	\$6,476,000
TOTAL APPROPRIATION	....	\$30,543,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided solely to increase appropriations to state agencies and institutions of higher education to reflect changes in retirement system contribution rates resulting from the adoption of revised mortality assumptions as recommended to the pension funding council by the state actuary in the preliminary 2005 actuarial valuation report. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies and institutions of higher education specified in LEAP document number SMA - 2007, dated March 31, 2007, and adjust appropriation schedules accordingly.

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POINT OF INQUIRY

NEW SECTION. Sec. 912. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008) . . . \$21,978,000
 General Fund--State Appropriation (FY 2009) . . . \$28,309,000
 TOTAL APPROPRIATION . . . \$50,287,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are provided solely to increase school district funding allocations to reflect changes in retirement system contribution rates resulting from the adoption of revised mortality assumptions as recommended to the pension funding council by the state actuary in the preliminary 2005 actuarial valuation report. From the appropriations provided in this section, the director of financial management shall increase allotments from the general fund--state by \$21,978,000 in fiscal year 2008 and \$28,309,000 in fiscal year 2009.

NEW SECTION. Sec. 913. A G E N C Y EXPENDITURES FOR PURCHASED SERVICES. The office of financial management shall reduce allotments for all agencies for the purchase of goods and services from the general fund--state appropriations in this act by 6 percent. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 237, after line 2 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 429, after line 26, insert the following:

"(11) \$965,000 of the general fund--state appropriation for fiscal year 2007 shall be transferred to the office of crime victims' advocacy within the department of community, trade, and economic development for the purpose of serving victims of domestic violence."

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Regala spoke against adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Schoesler: "Would Senator Regala yield to a question?"

President Owen: "The Senator does not yield."

Senator Schoesler: "Would Senator Pridemore yield to a question?"

President Owen: "The Senator does not yield."

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 429, after line 26 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 475, beginning on line 4, strike all of section 1614.

On page 475, beginning on line 12, strike all of section 1615.

On page 475, beginning on line 20, strike all of section 1616.

On page 476, beginning on line 3, strike all of section 1618.

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Pridemore spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 475, line 4 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the committee striking amendment be adopted.

On page 487, after line 10, insert the following:

"**NEW SECTION. Sec. 1803.** If Senate Bill No. 5001 (relating to reenacting and reaffirming the one hundred one percent levy limit) is not enacted by June 30 2007, this act, is null and void in its entirety."

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Brown spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 487, after line 10 to the committee striking amendment to Substitute House Bill No. 1128.

The motion by Senator Schoesler failed and the amendment to the committee striking amendment was not adopted by a rising vote.

MOTION

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

On page 71, line 5, decrease the health services account-state appropriation by \$561,000

On page 70, line 36, increase the general fund--state account appropriation by \$561,000

On page 76, after line 34, insert the following:

"(21) Effective January 1, 2009, the department shall increase the medically needy income level for medically needy blind and disabled persons by ten percent."

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

Senator Pflug demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 71, line 5 to the committee striking amendment to Substitute House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Pflug to the committee striking amendment and the amendment was not adopted by the following vote: Yeas, 16; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Swecker and Zarelli - 16

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 31

Excused: Senators Haugen and Stevens - 2

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 1128.

The motion by Senator Prentice carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 28B.15.910, 41.05.065, 43.10.180, 46.09.170, 70.105D.070, and 74.08A.340; reenacting and amending RCW 43.08.250 and 70.146.030; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 135, 137, 138, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, 221, 222, 225, 302, 303, 306, 307, 308, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 610, 616, 701, 703, 704, 705, 706, 707, 708, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 ss 707 and 729 (uncodified); adding new sections to 2005 c 518 (uncodified); creating new sections; making appropriations; and declaring an emergency."

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1128 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice, Hargrove, Zarelli, Pridemore, McAuliffe, Kastama, Rasmussen and Shin spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

Senator Schoesler spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1128 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Swecker and Zarelli - 17

Excused: Senators Haugen and Stevens - 2

SUBSTITUTE HOUSE BILL NO. 1128 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:47 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 2, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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confirmed as a Director of the Department of Archaeology & Historic Preservation.

MORNING SESSION

Senate Chamber, Olympia, Monday, April 2, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Carrell, Pflug, Poulsen, Stevens and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Thomas Smith and Heather Williamson, presented the Colors. Mr. Jim Cammack of the Baha'is offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING**CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Haugen moved that Gubernatorial Appointment No. 9091, Allyson Brooks, as a Director of the Department of Archaeology & Historic Preservation, be confirmed.

Senators Haugen and Honeyford spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Murray, Poulsen and Sheldon were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Holmquist, Pflug, Roach, Stevens and Zarelli were excused.

APPOINTMENT OF ALLYSON BROOKS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9091, Allyson Brooks as a Director of the Department of Archaeology & Historic Preservation.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9091, Allyson Brooks as a Director of the Department of Archaeology & Historic Preservation and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 43

Excused: Senators Benton, Carrell, Pflug, Poulsen, Stevens and Zarelli - 6

Gubernatorial Appointment No. 9091, Allyson Brooks, having received the constitutional majority was declared

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION

8677

By Senators Rasmussen, Hatfield, Schoesler, Fraser, McCaslin, Haugen, Jacobsen, Eide, Spanel, Shin, Clements, Morton, Prentice, Delvin, Hargrove, Swecker, Sheldon, Roach, Franklin and Hewitt

WHEREAS, Marlyta Deck has truly spent a lifetime lobbying in the interest of the people and the issues she was passionate about, and is known as the "matriarch" of agricultural lobbyists as she was one of the first and few women to lobby in a traditionally male arena; and

WHEREAS, Dedicated to public service and agricultural education, Marlyta was a long-time leader of 4-H youth education programs; and

WHEREAS, Over the years, by virtue of her love of thoroughbred racing and the influence on fairs, Marlyta became one of the horse racing industry's strongest supporters; and

WHEREAS, As a "citizen lobbyist," Marlyta lobbied for the people's interests; her free gratis support of the agricultural industry as a lobbyist is unprecedented; and

WHEREAS, Marlyta served as the volunteer legislative liaison for the Washington State Fairs Association for 28 years and a lobbyist for the Washington Cattlemen's Association for 14 years; and

WHEREAS, Marlyta served on the Thurston County Fair Board for more than 40 years, was named director emeritus, and was honored in 1968 when the Fair Board named the Deck Building after her in recognition of her dedication; and

WHEREAS, Marlyta was the first woman to be elected president of the Washington State Fairs in 1972 and served again in the position in 1988; and

WHEREAS, She was instrumental in developing the current state fair fund allocation formula; and

WHEREAS, Marlyta influenced both large and small fairs across the state by relentlessly lobbying to maintain the success and financial stability of fairs without remuneration; and

WHEREAS, Washington State Fairs can continue the tradition of showcasing excellence as a direct result of Marlyta Deck's dedication and service to Washington state for 50 years; and

WHEREAS, Marlyta Deck passed away on March 8, 2007, much too young, and will be forever young in the hearts of all the people she touched;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Marlyta Deck for her endless commitment to furthering agricultural issues, her dedication and advocacy work for Washington State Fairs and the cattlemen's industry, and for the noble way she lobbied with her heart; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the family of Marlyta Deck, the Thurston County Fair Board, the Washington State Fairs Association, and the Washington Cattlemen's Association.

Senators Rasmussen, Schoesler, Jacobsen, Swecker, Honeyford and Fraser spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8677.

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The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. David Deck, son of Marlyta Deck, and friends who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050, by House Committee on Education (originally sponsored by Representatives Upthegrove, Quall, Kagi, Pedersen, Morrell, Kenney, P. Sullivan, Jarrett, Simpson, Wallace, Cody, McDermott, Linville, Moeller, Morris, Springer, Wood, Santos, Schual-Berke, Williams, Ormsby and Hasegawa)

Allowing certain students with disabilities to participate in graduation ceremonies.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1803. The legislature finds:

(1) There are students with disabilities throughout the state of Washington who have attended four years of high school, but whose individualized education programs prescribe the continuation of special education and related services beyond the fourth year of high school;

(2) Through their participation in the public schools and the community, students with disabilities have frequently become identified with and connected to a class of typically developing, age-appropriate peers who will graduate in four years and participate in a high school graduation ceremony;

(3) A high school graduation ceremony is an important rite of passage for students regardless of their abilities or limitations; and

(4) There is significant value in recognizing students' attendance and accomplishments in their individualized education programs and in allowing students with disabilities to participate in high school graduation ceremonies and activities with their age-appropriate peers without the forfeiture of their continuing special education and related services.

NEW SECTION. Sec. 1804. A new section is added to chapter 28A.155 RCW to read as follows:

(1) Beginning July 1, 2007, each school district that operates a high school shall establish a policy and procedures that permit any student who is receiving special education or related services under an individualized education program pursuant to state and federal law and who will continue to receive such services between the ages of eighteen and twenty-one to participate in the graduation ceremony and activities after four years of high school attendance with his or her age-appropriate peers and receive a certificate of attendance.

(2) Participation in a graduation ceremony and receipt of a certificate of attendance under this section does not preclude a student from continuing to receive special education and related services under an individualized education program beyond the graduation ceremony.

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(3) A student's participation in a graduation ceremony and receipt of a certificate of attendance under this section shall not be construed as the student's receipt of either:

(a) A high school diploma pursuant to RCW 28A.230.120; or

(b) A certificate of individual achievement pursuant to RCW 28A.155.045.

NEW SECTION. Sec. 1805. This act may be known and cited as Kevin's law.

NEW SECTION. Sec. 1806. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Rasmussen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1050.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "ceremonies;" strike the remainder of the title and insert "adding a new section to chapter 28A.155 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator McCaslin, Senator Morton was excused.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 1050 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Holmquist, Keiser and McAuliffe spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1050 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1050 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Absent: Senator Hargrove - 1

Excused: Senators Benton, Pflug, Poulsen and Zarelli - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050 as amended by the Senate, having received the constitutional

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majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced friends of Mr. Kevin Brit and advocates of Kevin's Law, who were seated in the gallery.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1398, by House Committee on Capital Budget (originally sponsored by Representatives Fromhold, Wallace, Anderson, McDonald, Pedersen and Chase)

Expanding the University of Washington's and Washington State University's local borrowing authority.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1398 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1398.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1398 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Benton, Pflug, Poulsen and Zarelli - 4

SUBSTITUTE HOUSE BILL NO. 1398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1457, by Representatives Lovick, Dunshee, Ericks, Williams, Conway, Wood, Moeller, Crouse, Green and Hunter

Concerning the employment of youth soccer referees.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1457 was deferred and the bill held its place on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1507, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Seaquist, Bailey, Schual-Berke, Green, Kenney, Williams, Conway, Ericks, Lantz, Darneille, Linville, Moeller, Kelley, Morrell and Rolfes)

Creating the uniformed service shared leave pool.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 1507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1507 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Pflug and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 1457 which had been deferred earlier in the day.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.28.060 and 1994 c 62 s 1 are each amended to read as follows:

(1) Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any child under the age of fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

(2) Subsection (1) of this section does not apply to children employed as:

(a) Actors or performers in film, video, audio, or theatrical productions; or

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(b) Youth soccer referees who have been certified by a national referee certification program."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to House Bill No. 1457.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "referees;" strike the remainder of the title and insert "and amending RCW 26.28.060."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1457 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1457 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1457 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Stevens - 1

Excused: Senators Benton, Pflug and Poulsen - 3

HOUSE BILL NO. 1457 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1929, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Hurst, Morris and Kenney)

Authorizing utilities to engage in environmental mitigation efforts.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that section 2 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting municipal utilities the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

NEW SECTION. Sec. 2. A new section is added to chapter 35.92 RCW to read as follows:

(1) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may develop and make publicly available a plan to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the utility owns, leases, uses, contracts for, or otherwise controls.

(2) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with water, with electricity for lighting and other purposes, or with service from sewerage, storm water, surface water, or solid waste handling facilities, may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation, including any power purchases. The mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a utility that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 3. The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that section 4 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting public utility districts the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

NEW SECTION. Sec. 4. A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district may develop and make publicly available a plan for the district to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the district owns, leases, uses, contracts for, or otherwise controls.

(2) A public utility district may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. Mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a public utility district that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 5. The legislature finds and declares that greenhouse gases offset contracts, credits, and other

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greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature also finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized purpose of other county proprietary activities that are funded by users and ratepayers, and that such mitigation efforts confer a direct benefit on such payers. The legislature declares that section 6 of this act is intended to reverse the result of *Okeson v. City of Seattle* (January 18, 2007), by expressly granting counties the statutory authority to engage in mitigation activities to offset the impact on the environment of their utilities and certain other proprietary and user and ratepayer funded activities.

NEW SECTION. Sec. 6. A new section is added to chapter 36.01 RCW to read as follows:

(1) Any county authorized to acquire and operate utilities or conduct other proprietary or user or ratepayer funded activities may develop and make publicly available a plan for the county to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that such county utility or proprietary or user or ratepayer funded activity owns, operates, leases, uses, contracts for, or otherwise controls.

(2) Any county authorized to acquire and operate utilities or conduct other proprietary or user or ratepayer funded activities may, as part of such utility or activity, reduce or mitigate the environmental impacts, such as greenhouse gases emissions, of such utility and other proprietary or user or ratepayer funded activity. The mitigation may include, but is not limited to, all greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of carbon offsets or credits. Ratepayer funds, fees, or other revenue dedicated to a county utility or other proprietary or user or ratepayer funded activity may be spent to reduce or mitigate the environmental impacts of greenhouse gases emitted as a result of that function. If a state greenhouse gases registry is established, the county that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry."

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 1, line 10 of the amendment, after "environment" insert "from electric generation"

On page 1, line 19 of the amendment, after "gases" insert "resulting from power generation"

On page 1, line 25 of the amendment, after "its" strike "utility" and insert "power-generating"

On page 1, line 27 of the amendment, after "its" insert "power-generating"

On page 2, line 14 of the amendment, after "environment" insert "from electric generation"

On page 2, line 20 of the amendment, after "gases" insert "resulting from power generation"

On page 2, line 22 of the amendment, after "its utility" insert "power-generating"

On page 2, line 24 of the amendment, after "its" insert "power-generating"

On page 3, line 10 of the amendment, after "their" insert "power-generating"

On page 3, line 11 of the amendment, after "funded" insert "power-generating"

On page 3, line 14 of the amendment, after "operate" insert "power-generating"

On page 3, line 15 of the amendment, after "funded" insert "power-generating"

On page 3, line 17 of the amendment, after "all" insert

"power-generating"

On page 3, line 21 of the amendment, after "operate" insert "power-generating"

On page 3, line 22 of the amendment, after "funded" insert "power-generating"

On page 3, line 31 of the amendment, after "county" insert "power-generating"

On page 3, line 32 of the amendment, after "funded" insert "power-generating"

Senators Honeyford and Delvin spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Rockefeller and Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 10 to the committee striking amendment to Substitute House Bill No. 1929.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 1929.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "efforts;" strike the remainder of the title and insert "adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 36.01 RCW; and creating new sections."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1929 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

Senators Honeyford and Delvin spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1929 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1929 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, OEMIG, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Tom and Weinstein - 33

Voting nay: Senators Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler,

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Sheldon, Swecker and Zarelli - 13

Excused: Senators Benton, Pflug and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1929 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2103, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Crouse and Wallace)

Modifying the competitive classification of telecommunications services.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2103 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2103.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2103 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Pflug and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 2103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1002, by House Committee on Finance (originally sponsored by Representatives O'Brien, Orcutt, Kessler, Condotta, McIntire, Sommers, Kenney, McDonald, Haler, Simpson, Wallace and Warnick)

Modifying the sales and use taxation of vessels.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1002 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Carrell - 1

Excused: Senators Benton, Pflug and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2335, by House Committee on Finance (originally sponsored by Representatives Priest and Miloscia)

Exempting certain amateur radio repeaters from leasehold excise taxes.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2335.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2335 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Benton, Carrell, Pflug and Poulsen - 4

SUBSTITUTE HOUSE BILL NO. 2335, having received the constitutional majority, was declared passed. There being no

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objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5027, by Senators Kohl-Welles, Murray, Jacobsen and Kline

Providing excise tax relief for zoos.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Benton, Carrell, Pflug and Poulsen - 4

SUBSTITUTE SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5009, by Senators Haugen, Hatfield, Poulsen, Sheldon, Holmquist, Rasmussen, Schoesler, Kline and Shin

Exempting biodiesel fuel used for nonhighway farm use from sales and use tax.

MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 9, after "use." insert "Beginning July 1, 2009, the exemption in this section shall also apply to sales of propane to a farm fuel user for nonhighway use."

On page 2, line 10, after "user." insert "Beginning July 1,

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2009, this chapter shall not apply with respect to the nonhighway use of propane by a farm fuel user."

On page 1, line 1 of the title, after "fuel", insert "and propane"

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

MOTION

On motion of Senator Brandland, Senator Morton was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 9 to Substitute Senate Bill No. 5009.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Haugen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5009.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 42

Voting nay: Senators Tom and Weinstein - 2

Excused: Senators Benton, Carrell, Morton, Pflug and Poulsen - 5

SUBSTITUTE SENATE BILL NO. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5184, by Senators Hatfield, Clements and Rasmussen

Modifying sales and use tax provisions for public facilities districts.

MOTIONS

On motion of Senator Hatfield, Substitute Senate Bill No. 5184 was substituted for Senate Bill No. 5184 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Hatfield, the rules were suspended, Substitute Senate Bill No. 5184 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5184.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5184 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Morton, Pflug and Poulsen - 4
SUBSTITUTE SENATE BILL NO. 5184, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senators Poulsen, Schoesler, Kastama, Zarelli, Prentice, Regala, Benton and Rasmussen

Regarding excise taxation of sales of tangible personal property originating from or destined to foreign countries.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Morton, Pflug and Poulsen - 4

SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5498, by Senators Regala, Clements, Morton, Brandland, Pridemore, Delvin, Prentice, Hatfield and Rasmussen

Revising voter-approved funding sources for local taxing districts.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senators Benton and Regala be adopted.

On page 1, beginning on line 4, strike section 1 and insert the following:

"Sec. 1. RCW 82.14.450 and 2003 1st sp.s. c 24 s 2 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice purposes" means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.

(5) Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county."

On page 3, line 6, following "used", insert "and funds raised under the levy shall not supplant existing funds used for these purposes. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Regala spoke in favor of adoption of

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the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton and Regala on page 1, line 4 to Senate Bill No. 5498.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Senate Bill No. 5498 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5498.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5498 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

ENGROSSED SENATE BILL NO. 5498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5568, by Senators Rasmussen, Clements, Shin, Schoesler, Jacobsen, Morton, Holmquist and Honeyford

Extending the date when counties which have authorized facilities for agriculture promotion must allow a credit for city lodging taxes. Revised for 1st Substitute: Extending the date when counties east of the crest of the Cascade mountains that pledged lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5568 was substituted for Senate Bill No. 5568 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5568 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5568.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5568 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 5568, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5010, by Senators Honeyford and Hewitt

Creating a state park foster home pass.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5010 was substituted for Senate Bill No. 5010 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford and Shin spoke in favor of passage of the bill.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed former Governor Booth Gardner who was present in the wings of the chamber.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5010 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SENATE BILL NO. 5905, by Senators Franklin, Pflug, Keiser, Tom, Zarelli, Marr and Carrell

Concerning certificate of capital authorization.

MOTION

On motion of Senator Franklin, Substitute Senate Bill No. 5905 was substituted for Senate Bill No. 5905 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin and Keiser be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.46.803 and 2001 1st sp.s. c 8 s 16 are each amended to read as follows:

(1) The department shall establish rules for issuing a certificate of capital authorization. ~~((Applications for a certificate of capital authorization shall be submitted and approved on a biennial basis.))~~ The rules shall address the following subjects, among others:

(a) The period of time during which applications for certificates of capital authorization will be accepted;

(b) The period of time for which a certificate of capital authorization will be valid; and

(c) The prioritization of applications for certificates of capital authorization, consistent with the principles set out in this section.

(2) The rules for a certificate of capital authorization shall be consistent with the following principles:

~~((1) The certificate of capital authorization shall be approved on a first-come, first-served basis.~~

~~((2) Those projects that do not receive approval in one authorization period shall have priority the following biennium should the project be resubmitted.))~~

(a) In processing and approving certificates of capital authorization, priority shall be given to construction or major renovation of existing facilities or replacement facilities. Those existing or replacement facilities with the greatest length of time since their last major renovation or construction shall be given first priority.

(b) A certificate of capital authorization is only required for capital expenditures exceeding the expenditure minimum as defined in RCW 70.38.025.

(c) Certificates of capital authorization for new facilities shall receive last priority and be assigned on a first-come, first-served basis.

(d) Within the priorities established by this section, applications for certificates of capital authorization that do not receive approval in one state fiscal year because that year's authorization limit has been reached shall have priority the following year if the applications are resubmitted.

(3) The department shall have the authority to give first priority for a project that is necessitated by an emergency situation even if the project is not submitted in a timely fashion. ~~((The department shall establish rules for determining what constitutes an emergency.))~~ Projects shall be considered on an emergency basis if the construction or renovation must be completed as soon as possible to:

(a) Retain a facility's license or certification;

(b) Protect the health or safety of the facility's residents; or

(c) Avoid closure.

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(4) The department shall establish deadlines for progress and the department shall have the authority to withdraw the certificate of capital authorization where the holder of the certificate has not complied with those deadlines in a good faith manner.

Sec. 2. RCW 74.46.807 and 2001 1st sp.s. c 8 s 15 are each amended to read as follows:

The total capital authorization available for any ~~((biennial))~~ state fiscal year period shall be specified in the biennial appropriations act and shall be calculated on an annual basis. ~~((When setting the capital authorization level, the legislature shall consider both the need for, and the cost of, new and replacement beds.))"~~

Senator Franklin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin and Keiser to Substitute Senate Bill No. 5905.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "authorization;" strike the remainder of the title and insert "and amending RCW 74.46.803 and 74.46.807."

MOTION

On motion of Senator Franklin, the rules were suspended, Engrossed Substitute Senate Bill No. 5905 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5905.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5905 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5454, by Senators Morton and Rasmussen

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Addressing special needs transportation services provided by rural public utility districts.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5454.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5454 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

SENATE BILL NO. 5454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5557, by Senators Hargrove, Prentice, Zarelli, Hatfield, Brandland, Brown, Poulsen, Pridemore and McAuliffe

Authorizing additional sales and use taxation by counties for economic development facilities. Revised for 2nd Substitute: Concerning public facilities for economic development purposes.

MOTION

On motion of Senator Hargrove, Second Substitute Senate Bill No. 5557 was substituted for Senate Bill No. 5557 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kastama moved that the following amendment by Senator Kastama be adopted.

On page 2, line 14, after "(b)", strike all text through line 26 and insert:

"In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ~~((no later than October 1st))~~ within one hundred fifty days after the close of each fiscal

year~~(s)~~: (i) A list of new projects ((from)) begun during the ((prior)) fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection."

Senator Kastama spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 2, line 14 to Second Substitute Senate Bill No. 5557.

The motion by Senator Kastama carried and the amendment was adopted by voice vote.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Kastama be adopted.

On page 2, line 26, after "subsection.", insert "No new projects funded with money collected under this section may be for justice system facilities."

Senator Hargrove spoke in favor of adoption of the amendment.

Senator Sheldon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Kastama on page 2, line 26 to Second Substitute Senate Bill No. 5557.

The motion by Senator Hargrove carried and the amendment was adopted by a rising voice vote.

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5557.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5557 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Morton, Pflug and Poulsen - 3

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ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES

March 30, 2007
SB 6167 Prime Sponsor, Pridemore: Clarifying the director's authority to determine interest in certain public retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
SHB 1091 Prime Sponsor, Committee on Community & Economic Development & Trade: Promoting innovation partnership zones. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Economic Development, Trade & Management. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
2SHB 1096 Prime Sponsor, Committee on Appropriations: Creating postsecondary opportunity programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
SHB 1102 Prime Sponsor, Committee on Finance: Modifying property tax exemption provisions for veterans of the armed forces. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs,

March 30, 2007
ESHB 1131 Prime Sponsor, Committee on Appropriations: Creating the passport to college promise program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
2SHB 1201 Prime Sponsor, Committee on Appropriations: Extending medicaid coverage for foster care youth who reach age eighteen. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
SHB 1276 Prime Sponsor, Committee on Community & Economic Development & Trade: Creating a public-private tourism partnership. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Economic Development, Trade & Management. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007
SHB 1323 Prime Sponsor, Committee on Finance: Providing excise tax relief for certain limited purpose public corporations, commissions, and authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

EIGHTY-FIFTH DAY, APRIL 2, 2007

2007 REGULAR SESSION

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1377 Prime Sponsor, Pettigrew: Changing provisions affecting the placement of children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1407 Prime Sponsor, Committee on Commerce & Labor: Funding the administration of Title 50 RCW, unemployment compensation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1443 Prime Sponsor, Grant: Creating a public utility tax deduction for the transportation of agricultural commodities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1447 Prime Sponsor, Morrell: Providing for temporary management in boarding homes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

SHB 1456 Prime Sponsor, Committee on Appropriations: Providing backup for mental health professionals doing home visits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

ESHB 1497 Prime Sponsor, Committee on Appropriations: Increasing the operating fee waiver authority for Central Washington University. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

HB 1549 Prime Sponsor, Linville: Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

2SHB 1677 Prime Sponsor, Committee on Appropriations: Creating the outdoor education and recreation grant program for schools and others. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 1679 Prime Sponsor, Committee on Appropriations: Determining membership on the law enforcement officers' and firefighters' retirement system plan 2 board. Reported by Committee on Ways & Means

EIGHTY-FIFTH DAY, APRIL 2, 2007

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

E2SHB 1705 Prime Sponsor, Committee on Finance: Creating health sciences and services authorities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

E2SHB 1779 Prime Sponsor, Committee on Appropriations: Creating the GET ready for math and science scholarship program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Carrell, Hatfield, Hobbs, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 2087 Prime Sponsor, Committee on Appropriations: Regarding the certification and recertification of health care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

March 30, 2007

SHB 2115 Prime Sponsor, Committee on Capital Budget: Creating the heritage barn preservation program. Reported by Committee on Ways & Means

2007 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

March 30, 2007

ESHB 2164 Prime Sponsor, Committee on Finance: Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes. Revised for 1st Substitute: Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes. (REVISED FOR ENGROSSED: Requiring approval from certain state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

At 12:11 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:50 p.m. by Senator Fraser.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 2, 2007

SB 5799 Prime Sponsor, Haugen: Reducing business and occupation tax rates for certain fuel distributors. Reported by Committee on Ways & Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 5799 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette,

EIGHTY-FIFTH DAY, APRIL 2, 2007

2007 REGULAR SESSION

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

SB 6168 Prime Sponsor, Berkey: Studying excise tax relief for aerospace product development businesses. Revised for 1st Substitute: Reported by Committee on Ways & Means

HB 1049 Prime Sponsor, Fromhold: Concerning the Vancouver national historic reserve. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6168 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass as amended by Committee on Government Operations & Elections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

E3SHB 1001 Prime Sponsor, Committee on Appropriations: Combating auto theft. Reported by Committee on Ways & Means

HB 1051 Prime Sponsor, Upthegrove: Expanding high school completion programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1009 Prime Sponsor, Committee on Appropriations: Establishing work groups to periodically review and update the child support schedule. Reported by Committee on Ways & Means

ESHB 1052 Prime Sponsor, Committee on State Government & Tribal Affairs: Modifying the legislative youth advisory council. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford, Parlette and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

HB 1038 Prime Sponsor, Morris: Developing regional compacts for siting electric transmission lines. Reported by Committee on Ways & Means

2SHB 1088 Prime Sponsor, Committee on Appropriations: Improving delivery of children's mental health services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Honeyford, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1106 Prime Sponsor, Committee on Appropriations: Requiring reporting of hospital-acquired infections in health care facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Roach

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1124 Prime Sponsor, Committee on Appropriations: Adding the department of natural resources to the definition of "employer" under RCW 41.37.010. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1147 Prime Sponsor, Committee on Agriculture & Natural Resources: Concerning damage to livestock. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

HB 1230 Prime Sponsor, Hurst: Designating state route number 164 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Delvin, Holmquist, Jacobsen, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1256 Prime Sponsor, Committee on Early Learning & Children's Services: Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Carrell

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1267 Prime Sponsor, Committee on Transportation: Modifying commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Delvin, Jacobsen, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Clements and Holmquist

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1277 Prime Sponsor, Committee on Finance: Expanding competitive local infrastructure financing tools projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1287 Prime Sponsor, Committee on Early Learning & Children's Services: Modifying foster children placement provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

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2007 REGULAR SESSION

Passed to Committee on Rules for second reading.

Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

April 2, 2007

SHB 1295 Prime Sponsor, Committee on Select Committee on Puget Sound: Dividing water resource inventory area 14 into WRIA 14a and WRIA 14b. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

April 2, 2007

E2SHB 1359 Prime Sponsor, Committee on Appropriations: Creating an affordable housing for all program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Without recommendation. Signed by Senator Oemig

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Tom. Without recommendation. Signed by Senators Brandland, Carrell, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

E2SHB 1303 Prime Sponsor, Committee on Appropriations: Encouraging the use of cleaner energy. Reported by Committee on Ways & Means

April 2, 2007

SHB 1396 Prime Sponsor, Committee on Transportation: Providing a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Regala, Rockefeller, Tom and Zarelli

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Holmquist, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Brandland, Carrell, Parlette, Roach and Schoesler

MINORITY recommendation: Do not pass. Signed by Senator Benton

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1333 Prime Sponsor, Committee on Early Learning & Children's Services: Concerning child welfare protections. Reported by Committee on Ways & Means

April 2, 2007

2SHB 1401 Prime Sponsor, Committee on Capital Budget: Regarding the acquisition of land for affordable housing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

April 2, 2007

2SHB 1334 Prime Sponsor, Committee on Appropriations: Requiring the petitioner in a child welfare case to provide the court with relevant documentation. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1409 Prime Sponsor, Committee on Agriculture & Natural Resources: Transferring jurisdiction over conversion-related forest practices to local governments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford,

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair,

EIGHTY-FIFTH DAY, APRIL 2, 2007

Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1414 Prime Sponsor, Committee on Health Care & Wellness: Licensing ambulatory surgical facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

E2SHB 1432 Prime Sponsor, Committee on Appropriations: Granting service credit to educational staff associates for nonschool employment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

HB 1450 Prime Sponsor, Sells: Modifying provisions that exempt housing for very low-income households from taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass without amendments by Consumer Protection & Housing. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1472 Prime Sponsor, Committee on Early Learning & Children's Services: Analyzing and remedying racial disproportionality and racial disparity in child welfare. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services & Corrections. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget

2007 REGULAR SESSION

Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1488 Prime Sponsor, Committee on Finance: Enhancing the state's oil spill response program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Brandland, Carrell, Parlette, Roach, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1512 Prime Sponsor, Committee on Finance: Increasing the amount the treasurer may use for the linked deposit program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

E2SHB 1569 Prime Sponsor, Committee on Appropriations: Reforming the health care system in Washington state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Keiser, Kohl-Welles, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Brandland, Carrell, Honeyford, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1573 Prime Sponsor, Committee on Appropriations: Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval. Reported by Committee on Ways & Means

EIGHTY-FIFTH DAY, APRIL 2, 2007

2007 REGULAR SESSION

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Parlette and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1588 Prime Sponsor, Committee on Transportation: Providing mobility education to students in driver training programs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Holmquist

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1624 Prime Sponsor, Committee on Early Learning & Children's Services: Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1636 Prime Sponsor, Committee on Appropriations: Creating a regional transfer of development rights program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1649 Prime Sponsor, Committee on Appropriations: Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees'

retirement system and the teachers' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1651 Prime Sponsor, Committee on Appropriations: Creating the boating activities program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1656 Prime Sponsor, Committee on Appropriations: Establishing the Puget Sound scientific research account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

EHB 1667 Prime Sponsor, Green: Regarding fairness and equity in health professions licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Honeyford and Schoesler

Passed to Committee on Rules for second reading.

April 2, 2007

HB 1747 Prime Sponsor, Simpson: Removing the deadline for regional transit authorities to acquire insurance by bid or by negotiation on certain projects. Reported by Committee on Transportation

EIGHTY-FIFTH DAY, APRIL 2, 2007

2007 REGULAR SESSION

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1761 Prime Sponsor, Committee on Capital Budget: Accelerating the cleanup of Puget Sound and hazardous waste and waste sites in the state. Revised for 1st Substitute: Regarding cleanup of hazardous waste. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Water, Energy & Telecommunications. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1811 Prime Sponsor, Committee on Finance: Regarding automatic sprinkler systems in nightclubs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

HB 1887 Prime Sponsor, Linville: Allowing identicaid renewal by mail or electronic commerce for individuals over the age of seventy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Holmquist, Jacobsen, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 1891 Prime Sponsor, Committee on Finance: Providing a business and occupation tax deduction for the sale of certain prescription drugs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1906 Prime Sponsor, Committee on Appropriations: Improving mathematics and science education. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller, Schoesler and Tom

MINORITY recommendation: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Brandland, Honeyford, Parlette and Roach

Passed to Committee on Rules for second reading.

April 2, 2007

E2SHB 1910 Prime Sponsor, Committee on Finance: Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Brandland and Honeyford. Without recommendation. Signed by Senators Carrell, Fairley and Roach

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 1916 Prime Sponsor, Committee on Commerce & Labor: Applying interest arbitration to certain care providers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Labor, Commerce, Research & Development. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 1922 Prime Sponsor, Committee on Appropriations: Creating an independent youth housing program. Reported by Committee on Ways & Means

EIGHTY-FIFTH DAY, APRIL 2, 2007

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MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

Kohl-Welles, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Fairley and Oemig

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Honeyford, Parlette, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

HB 2004 Prime Sponsor, Rolfes: Providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations. Reported by Committee on Transportation

2SHB 2055 Prime Sponsor, Committee on Appropriations: Concerning traumatic brain injuries. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

April 2, 2007

MINORITY recommendation: Do not pass. Signed by Senator Benton

ESHB 2111 Prime Sponsor, Committee on Commerce & Labor: Making the governor the public employer of adult family home providers. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

April 2, 2007

HB 2032 Prime Sponsor, Takko: Concerning the tax deferral application process for fruit and vegetable processing and storage. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Rockefeller and Tom

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Parlette, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Zarelli. Without recommendation. Signed by Senators Brandland, Carrell, Fairley, Honeyford, Parlette, Roach and Schoesler

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

April 2, 2007

HB 2048 Prime Sponsor, O'Brien: Modifying the requirements for executing assignment and warranty of title when the purchaser or transferee is a dealer. Reported by Committee on Transportation

April 2, 2007

HB 2134 Prime Sponsor, Van De Wege: Authorizing port district fire fighter membership in the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Hobbs, Keiser, Kohl-Welles, Rasmussen, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Fairley, Oemig and Regala

April 2, 2007

E2SHB 2053 Prime Sponsor, Committee on Finance: Providing for improved availability of motor vehicle fuel during power outages or interruptions in electrical service. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

April 2, 2007

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser,

HB 2163 Prime Sponsor, Cody: Creating the public employees' benefits board medical benefits administration account. Reported by Committee on Ways & Means

EIGHTY-FIFTH DAY, APRIL 2, 2007

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Roach, Rockefeller and Tom

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Carrell, Honeyford, Schoesler and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 2220 Prime Sponsor, Committee on Appropriations: Regarding shellfish. Revised for 2nd Substitute: Regarding shellfish aquaculture. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hobbs, Keiser, Kohl-Welles, Rasmussen, Regala, Rockefeller and Tom

MINORITY recommendation: Do not pass. Signed by Senators Hatfield and Honeyford. Without recommendation. Signed by Senators Brandland, Carrell, Parlette, Roach and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

2SHB 2262 Prime Sponsor, Committee on Appropriations: Providing salary bonuses for individuals certified by the national board for professional teaching standards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & K-12 Education. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom

MINORITY recommendation: Without recommendation. Signed by Senator Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 2275 Prime Sponsor, Committee on Agriculture & Natural Resources: Regarding funding of state parks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources, Ocean & Recreation. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Benton, Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon, Spanel and Swecker

Passed to Committee on Rules for second reading.

April 2, 2007

2007 REGULAR SESSION

SHB 2304 Prime Sponsor, Committee on Appropriations: Providing for the issuance of a certificate of need for certain cardiac care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health & Long-Term Care. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

MINORITY recommendation: Do not pass. Signed by Senator Honeyford

Passed to Committee on Rules for second reading.

April 2, 2007

ESHB 2352 Prime Sponsor, Committee on Finance: Exempting persons engaged in farming and certain farming services from business and occupation taxation. Revised for 1st Substitute: Providing excise tax relief for certain farm services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Honeyford, Keiser, Oemig, Parlette, Rasmussen, Roach, Rockefeller, Schoesler and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senator Fairley

Passed to Committee on Rules for second reading.

April 2, 2007

HB 2353 Prime Sponsor, McDermott: Regarding passenger-only ferry service. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kastama, Kilmer, Sheldon, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton and Holmquist

Passed to Committee on Rules for second reading.

April 2, 2007

HB 2357 Prime Sponsor, McIntire: Allowing a school district to transfer certain revenue into the district's capital projects account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

EIGHTY-FIFTH DAY, APRIL 2, 2007

2007 REGULAR SESSION

April 2, 2007

ESHB 2358 Prime Sponsor, Committee on Transportation: Regarding state ferries. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Jacobsen, Kauffman, Spanel and Swecker

MINORITY recommendation: Do not pass. Signed by Senators Benton, Holmquist, Kilmer and Sheldon

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 2361 Prime Sponsor, Committee on Commerce & Labor: Regarding collective bargaining for certain employees of institutions of higher education and related boards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senator Honeyford. Without recommendation. Signed by Senators Carrell and Schoesler

Passed to Committee on Rules for second reading.

April 2, 2007

SHB 2366 Prime Sponsor, Committee on Capital Budget: Requiring oversight of state agency housing decisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 2, 2007

EHB 2388 Prime Sponsor, Alexander: Financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Hatfield, Hobbs, Keiser, Kohl-Welles, Parlette, Rasmussen, Roach, Rockefeller and Zarelli

MINORITY recommendation: Without recommendation. Signed by Senators Fairley, Honeyford, Regala and Schoesler

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Rockefeller, all measures listed on the Supplemental Committee report were referred to the committees as designated.

MOTION

At 7:51 p.m., on motion of Senator Rockefeller, the Senate adjourned until 10:00 a.m. Tuesday, April 3, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

EIGHTY-SIXTH DAY, APRIL 3, 2007

2007 REGULAR SESSION

EIGHTY-SIXTH DAY

March 30, 2007

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 3, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Kline, Pflug, Spanel and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Elana Cortesi and Richard Goetz, presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 14, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

BETH THEW, reappointed March 14, 2007, for the term ending June 30, 2010, as Member of the Work Force Training and Education Coordinating Board.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Wheat Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Barley Commission Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Center for Information Services Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Center for Information Services Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482

Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Indeterminate Sentence Review Board Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Indeterminate Sentence Review Board Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

EIGHTY-SIXTH DAY, APRIL 3, 2007
Olympia, Washington 98504-5000

2007 REGULAR SESSION

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Wheat Commission Financial Statement Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Wheat Commission Financial Statement Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

March 30, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Barley Commission Financial Statements Audit Report.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Barley Commission Financial Statements Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6171 by Senator McCaslin

AN ACT Relating to manufactured housing community development in rural areas; amending RCW 36.70A.030 and 36.70A.070; and creating a new section.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9240, Jean-Luc Devis, as Director of the Department of Printing, be confirmed.

Senator Fairley spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Parlette, Pflug and Swecker were excused.

APPOINTMENT OF JEAN-LUC DEVIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9240, Jean-Luc Devis as a Director of the Department of Printing.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9240, Jean-Luc Devis as a Director of the Department of Printing and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 3; Excused, 3.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 43

Absent: Senators Brown, Kline and Spanel - 3

Excused: Senators Benton, Pflug and Swecker - 3

Gubernatorial Appointment No. 9240, Jean-Luc Devis, having received the constitutional majority was declared confirmed as Director of the Department of Printing.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9236, Patricia Shea, and Gubernatorial Appointment No. 9102, Donald Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17, be confirmed.

Senator Schoesler spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Kline and Spanel were excused.

APPOINTMENT OF PATRICIA SHEA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9236, Patricia Shea and Gubernatorial Appointment No. 9102, Donald Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

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The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9236, Patricia Shea as a member of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 43

Excused: Senators Benton, Brown, Kline, Pflug, Spanel and Swecker - 6

APPOINTMENT OF DONALD COX

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9102, Donald Cox as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 43

Excused: Senators Benton, Brown, Kline, Pflug, Spanel and Swecker - 6

Gubernatorial Appointment No. 9236, Patricia Shea and Gubernatorial Appointment No. 9102, Donald Cox, having received the constitutional majority were declared confirmed as members of the Board of Trustees, Spokane and Spokane Falls Community Colleges District No. 17.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza as members of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ROGER ERSKINE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza; as members of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9018, Roger Erskine as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

APPOINTMENT OF DORA NOBLE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9048, Dora Noble as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

APPOINTMENT OF YVONNE ULLAS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9073, Yvonne Ullas as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

APPOINTMENT OF JUNE CANTY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9094, June Canty as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

APPOINTMENT OF SHANNON ESPINOZA

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9111, Shannon Espinoza as a

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member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Keiser - 1

Excused: Senators Brown, Kline and Swecker - 3

Gubernatorial Appointment No. 9018, Roger Erskine; Gubernatorial Appointment No. 9048, Dora Noble; Gubernatorial Appointment No. 9073, Yvonne Ullas; Gubernatorial Appointment No. 9094, June Canty and Gubernatorial Appointment No. 9111, Shannon Espinoza having received the constitutional majority were declared confirmed as members of the Professional Educator Standards Board.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr; and Gubernatorial Appointment No. 9243, Grant Pelesky as members of the Professional Educator Standards Board, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF SHARON OKAMOTO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr and Gubernatorial Appointment No. 9243, Grant Pelesky as members of the Professional Educator Standards Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9160, Sharon Okamoto as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

APPOINTMENT OF STEPHEN RUSHING

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9176, Stephen Rushing as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

APPOINTMENT OF JILL VAN GLUBT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9187, Jill Van Glubt as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

APPOINTMENT OF DONNA ZICKUHR

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9197, Donna Zickuhr as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

APPOINTMENT OF GRANT PELESKY

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9243, Grant Pelesky as a member of the Professional Educator Standards Board and the appointment was confirmed by the following vote:

Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

Gubernatorial Appointment No. 9160, Sharon Okamoto; Gubernatorial Appointment No. 9176, Stephen Rushing; Gubernatorial Appointment No. 9187, Jill Van Glubt; Gubernatorial Appointment No. 9197, Donna Zickuhr; and Gubernatorial Appointment No. 9243, Grant Pelesky having received the constitutional majority were declared confirmed as members of the Professional Educator Standards Board.

SECOND READING

HOUSE BILL NO. 1000, by Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan, Wood, Warnick and Ormsby

Adding porphyria to the list of disabilities for special parking privileges.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1000.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1000 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

HOUSE BILL NO. 1000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1082, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Takko, Curtis, VanDeWege, Hunt, Eickmeyer, Pettigrew, Morrell, Springer, Flannigan and Simpson)

Requiring that certain shellfish and seaweed harvest license be available for inspection.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 77.32.520 and 2004 c 248 s 1 are each amended to read as follows:

(1) A personal use shellfish and seaweed license is required for all persons other than residents or nonresidents under fifteen years of age to fish for, take, dig for, or possess seaweed or shellfish, including razor clams, for personal use from state waters or offshore waters including national park beaches.

(2) A razor clam license allows a person to harvest only razor clams for personal use from state waters, including national park beaches.

(3) The fees for annual personal use shellfish and seaweed licenses are:

(a) For a resident fifteen years of age or older, seven dollars;

(b) For a nonresident fifteen years of age or older, twenty dollars; and

(c) For a senior, five dollars.

(4) The fee for an annual razor clam license is five dollars and fifty cents for residents and eleven dollars for nonresidents.

(5) The fee for a three-day razor clam license is three dollars and fifty cents for both residents and nonresidents.

(6) A personal use shellfish and seaweed license or razor clam license must be ~~((visible on the licensee))~~ in immediate possession of the licensee and available for inspection while a licensee is harvesting shellfish or seaweed. However, the license does not need to be visible at all times.

NEW SECTION. Sec. 4. The department of fish and wildlife shall monitor the sale of personal use shellfish and seaweed licenses and razor clam licenses for four years from the effective date of this act. If in any of the four years the number of license sales drop more than ten percent from the effective date of this act, then the department of fish and wildlife shall report the sales and revenue data for the licenses along with any relevant information regarding the reasons for the decrease to the legislature."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1082.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "seaweed;" strike the remainder of the title and insert "amending RCW 77.32.520; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1082 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1082 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1082 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

SUBSTITUTE HOUSE BILL NO. 1082 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Kohl-Welles, Clements, Keiser and Parlette

Addressing liquor laws.

MOTION

On motion of Senator Kohl-Welles, Substitute Senate Concurrent Resolution No. 8407 was substituted for Senate Concurrent Resolution No. 8407 and the substitute resolution was placed on the second reading and read the second time.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted.

On page 2, beginning on line 6, strike all material through "Representatives;" on line 11 and insert the following:

"BE IT FURTHER RESOLVED, That the leaders of the two largest caucuses in the Senate shall each appoint two members of their respective caucuses to the committee; and

BE IT FURTHER RESOLVED, That the leaders of the two largest caucuses in the House of Representatives shall each appoint two members of their respective caucuses to the committee;"

Renumber the sections consecutively and correct any internal references accordingly.

Senators Hewitt and Kohl-Welles spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 2, line 6 to Substitute Senate Concurrent Resolution No. 8407.

The motion by Senator Hewitt carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 8407 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Kohl-Welles, Hargrove and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8407.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Concurrent Resolution No. 8407 and the resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8407, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1261, by House Committee on Appropriations (originally sponsored by Representatives Crouse, Fromhold, Conway, Kenney, Ericks, Simpson, McDonald, Moeller, Campbell and Pearson)

Purchasing service credit for periods of temporary duty disability in the law enforcement officers' and fire fighters' retirement system plan 2, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1261 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1261.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1261 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Kline and Swecker - 2

SUBSTITUTE HOUSE BILL NO. 1261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1349, by Representatives Condotta and Wood

Authorizing the sale by spirit, beer, and wine licensees of malt liquor in containers that are capable of holding four gallons or more and are registered in accordance with RCW 66.28.200.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1349.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1349 and the bill passed the Senate by the following

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vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Swecker - 2

HOUSE BILL NO. 1349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1793, by Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller

Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1793.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1793 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

HOUSE BILL NO. 1793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1940, by Representatives Schindler, Simpson, Crouse, McCune, Dunn, Moeller and Ormsby

Requiring state agencies to notify local governments of proposed land dispositions.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1940 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill. The President declared the question before the Senate to be the final passage of House Bill No. 1940.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1940 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Excused: Senator Swecker - 1

HOUSE BILL NO. 1940, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Hunter, Priest, Kessler, B. Sullivan, Dickerson, Jarrett, Hasegawa, Campbell, Rodne, Rolfes, McDermott, McIntire, Chase, Green, Hudgins, Upthegrove, Quall, Conway, Clibborn, Sommers, Morrell, Sells, Kenney, Haigh, Cody, Hunt, Lantz, McCoy, Appleton, Pettigrew, Schual-Berke, Roberts, Fromhold, Takko, Simpson, P. Sullivan, Lovick, Flannigan, Moeller, Miloscia, Williams, Blake, O'Brien, Linville, Wood, Goodman, Seaquist, Springer, Ericks, Kagi, Darneille, Dunshee, Strow, Pedersen, Eickmeyer, McCune and Ormsby)

Phasing out the use of polybrominated diphenyl ethers.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 2, after line 26, insert the following:

"(8) "Meets applicable fire safety standards" means:

(a) That an identified alternative product that does not contain deca-bde will meet applicable fire safety standards for such a product; or

(b) If fire safety standards have not yet been established for an identified alternative product, that the identified alternative product will provide protection from fire that is substantially equivalent to the product containing deca-bde."

Remember the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 26 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

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Senator Carrell moved that the following amendment by Senator Carrell be adopted.

On page 3, line 12 after "that" insert "does not include melamine and"

Senator Carrell spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 3, line 12 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 4, beginning on line 3, strike all of subsections (6) and (7)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 4, line 3 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Delvin moved that the following amendment by Senator Delvin be adopted.

On page 4, beginning on line 22, after "Sec. 4." strike all of subsection (1)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 30, after "deca-bde" insert ", or any mattress containing commercial deca-bde"

Senator Delvin spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Delvin on page 4, line 22 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Delvin failed and the amendment was not adopted by voice vote.

MOTION

Senator Morton moved that the following amendment by Senator Morton be adopted.

On page 5, line 9, after "standards" insert "and provides a level of ignition resistance equivalent to or greater than that provided by deca-bde"

Senator Morton spoke in favor of adoption of the amendment.

Senator Regala spoke against adoption of the amendment.

The President declared the question before the Senate to be

the adoption of the amendment by Senator Morton on page 5, line 9 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Morton failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senators Holmquist and Honeyford be adopted.

On page 8, after line 33, insert the following:

"Sec. 13. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection, in accordance with the policies, objectives, and priorities of the fire protection policy board, shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, the policies, objectives, and priorities of the board and all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW (~~(43-63A-320)~~) 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

(6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

(7) By December 31, 2007, the director of fire protection must adopt by rule:

(a) A fire safety standard for upholstered furniture that is substantially the same as the provisions of the 2002 draft revised technical bulletin, CAL 117+, for "Requirements, Test Procedure and Apparatus for Testing the Flame and Smolder Resistance of Upholstered Furniture," published by the state of California, department of consumer affairs, bureau of home furnishings and thermal insulation;

(b) A fire safety standard for electronic equipment within the field of audio/video information technology and communication technology that is substantially the same as the provisions of the international electrotechnical commission's document entitled "IEC 62368-f3 Ed 1.0: Audio/Video, Information and Communication Technology Equipment - Safety Requirements" (circulation date December 15, 2006), which incorporates external ignition protection as specified in the technical

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specification (IEC TS62441), published December 2006."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "ethers" insert "amending RCW 43.43.938;"

Senators Honeyford and Holmquist spoke in favor of adoption of the amendment.

Senator Pridemore spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Honeyford on page 8, after line 33 to Engrossed Substitute House Bill No. 1024.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following striking amendment by Senator Honeyford be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial decabromo diphenyl ether" or "commercial deca-bde" means the chemical mixture of decabromo diphenyl ether, including associated polybrominated diphenyl ether impurities not intentionally added.

(2) "Department" means the department of ecology.

(3) "Electronic enclosure" means the plastic housing that encloses the components of electronic products, including but not limited to televisions and computers.

(4) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product containing polybrominated diphenyl ethers. A manufacturer does not include a retailer who:

(a) Adds a private label brand or cobrands a product for sale; or

(b) Assembles components to create a single noncomestible product based on an individual consumer preference.

(5) "Mattress" has the same meaning as defined by the United States consumer product safety commission in 16 C.F.R. Part 1633 (2007) as it existed on the effective date of this act, and includes mattress pads, mattress sets, box springs, futons, crib mattresses, and youth mattresses.

(6) "Medical device" means an instrument, machine, implant, or diagnostic test used to help diagnose a disease or other condition or to cure, treat, or prevent disease.

(7) "Polybrominated diphenyl ethers" or "PBDEs" means chemical forms that consist of diphenyl ethers bound with bromine atoms. "Polybrominated diphenyl ethers" include, but are not limited to, the three primary forms of the commercial mixtures known as pentabromo diphenyl ether (penta-bde), octabromo diphenyl ether (octa-bde), and decabromo diphenyl ether (deca-bde).

(8) "Residential upholstered furniture" means residential seating products intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning materials enclosed within a covering consisting of fabric or related materials, if the resilient cushioning materials are sold with the item of upholstered furniture and the upholstered furniture is constructed with a contiguous upholstered seat and back that may include arms.

(9) "Safer and technically feasible alternative" means an

alternative that:

(a) Is available at a cost and in sufficient quantity to permit the manufacturer or user to maintain an economically viable product;

(b) Provides a level of ignition resistance equivalent to or greater than that provided by the product it is intended to replace;

(c) Has been found to have a lower toxicity profile and less environmental impact than the product it is intended to replace.

NEW SECTION. Sec. 2. The department is authorized to adopt rules prohibiting the use of polybrominated diphenyl ethers subject to the conditions of this chapter.

NEW SECTION. Sec. 3. (1) The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in mattresses, residential upholstered furniture, televisions, and computers.

(2) If the department and the department of health jointly find that safer and technically feasible alternatives are available for any of the uses under subsection (1) of this section, the department shall convene the fire safety committee created in subsection (3) of this section to determine if the identified alternatives meet applicable fire safety standards.

(3) The fire safety committee is created for the exclusive purpose of determining whether an alternative identified under subsection (2) of this section meets applicable fire safety standards.

(a) A representative from the department shall chair the fire safety committee and serve as an ex officio nonvoting member.

(b) A majority vote of the fire safety committee members constitutes a finding that an alternative meets applicable fire safety standards.

(c) The fire safety committee shall also include five voting members, appointed by the governor, as follows:

(i) A representative of the office of the state director of fire protection;

(ii) A representative of a statewide association representing the interests of fire chiefs;

(iii) A representative of a statewide association representing the interests of fire commissioners;

(iv) A representative of a statewide association representing the interests of firefighters as defined in chapter 41.26 RCW; and

(v) A representative of a statewide association representing the interests of volunteer firefighters.

(4) If a majority of the voting members of the fire safety committee determines that an alternative identified under subsection (2) of this section meets applicable fire safety standards, the department shall seek public input on their findings, the findings of the fire safety committee, and any evidence of the potential harm posed by deca-bde. By December 15th of the year in which the finding is made, the department must publish the information required by this subsection in the Washington State Register and present it in a report to the appropriate committees of the legislature.

(5) If the department adopts a rule to prohibit the use of polybrominated diphenyl ethers pursuant to section 2 of this act, the effective date of the prohibition shall be two years after the final adoption of the rule.

(6) Before the effective date of the product prohibition, the department shall prepare and distribute information to in-state manufacturers and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this chapter.

NEW SECTION. Sec. 4. The department and the department of health shall review risk assessments, scientific studies, and other relevant findings regarding alternatives to the use of commercial deca-bde in products not directly addressed

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in this chapter. If a flame retardant that is safer and technically feasible becomes available, the department shall convene the fire safety committee created in section 3 of this act. The fire safety committee shall proceed as required in section 3(2) of this act to determine if the identified alternative meets applicable fire safety standards. The department and the department of health shall also review risk assessments, scientific studies, and other findings regarding the potential effect of PBDEs in the waste stream. By December 31st of the year in which the finding is made, the department must publish the information required by this section in the Washington State Register and present it in a report to the appropriate committees of the legislature.

NEW SECTION. Sec. 5. (1) The department may issue a warning letter to a manufacturer that produces, sells, or distributes prohibited products in violation of this chapter. The department shall offer information or other appropriate assistance to the manufacturer in complying with this chapter. If, after one year, compliance is not achieved, penalties may be assessed under subsection (2) of this section.

(2) A manufacturer of products containing PBDEs in violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are liable for a civil penalty not to exceed five thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 6. The department shall adopt rules prohibiting the use of pentabromo diphenyl ether and octabromo diphenyl ether with appropriate exemptions to ensure continued public safety on or before July 1, 2008.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "ethers;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

Senator Honeyford spoke in favor of adoption of the striking amendment.

Senator Regala spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Honeyford to Engrossed Substitute House Bill No. 1024.

The motion by Senator Honeyford failed and the striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Substitute House Bill No. 1024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Swecker, Pridemore, Carrell and Rockefeller spoke in favor of passage of the bill.

Senators Honeyford and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1024.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1024 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 8

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Franklin moved adoption of the following resolution:

SENATE RESOLUTION 8679

By Senators Franklin, Hewitt, Shin and Kohl-Welles

WHEREAS, Sickle cell anemia is a hereditary disorder that most affects people of African ancestry, but also occurs in other ethnic groups, including people of Mediterranean and Middle Eastern descent; and

WHEREAS, More than 70,000 Americans have sickle cell anemia, and about 2 million Americans - and one in 12 African-Americans - have sickle cell trait; and

WHEREAS, People with sickle cell anemia have inherited two sickle cell genes, one from each parent; a child who has inherited the sickle cell from only one parent will not develop the disease, but will have sickle cell trait; people who have sickle cell trait do not have sickle cell anemia or symptoms of the disease, but they can pass the sickle cell gene to their own children; and

WHEREAS, Because people with sickle cell trait do not have the disease, they may never discover that they carry the gene; teens who are unsure of their sickle cell status should ask their doctors about testing; The National Institutes of Health recommends that all newborns be screened for sickle cell disease, and testing at birth is now required in most states; this helps infants with sickle cell anemia get the care and treatment they need as soon as possible; and

WHEREAS, Normal red blood cells are smooth and round like doughnuts and they move easily through blood vessels to carry oxygen to all parts of the body; in sickle cell anemia, the red blood cells change shape; they become hard, sticky, and shaped like sickles or crescents and, instead of moving through the bloodstream easily, these sickle cells can clog blood vessels and deprive the body's tissues and organs of the oxygen they need to stay healthy; and

WHEREAS, Symptoms include anemia, pain when sickle-shaped red blood cells block the flow of blood to an organ, fatigue, jaundice, eye problems, infections, acute chest syndrome (similar to pneumonia), leg ulcers, strokes, and gallstones; and

WHEREAS, One in every 12 African-Americans have the sickle cell trait versus one in every 413 Caucasians; one in every 500 African-Americans have the sickle cell disease, the highest incidence of any group; although there is still no cure for sickle cell anemia, improved medical procedures, innovative pharmaceuticals, and increased knowledge have made life longer, less stressful, and less painful for persons afflicted with the disease;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Metropolitan Seattle Sickle Cell Anemia Task Force for its important contribution in

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educating the citizens of the State of Washington about the serious health problem of sickle cell anemia, particularly the problem it poses in the African-American community, and urge all public and private entities to take every available avenue to educate the public about sickle cell anemia and its effects on the citizens of Washington.

Senators Franklin and Prentice spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8679.

The motion by Senator Franklin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Northwest Sickle Cell Collaborative and the Metropolitan Seattle Sickle Cell Task Force who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Bobby Engram of the Seattle Seahawks who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Engram to address the Senate.

REMARKS BY MR. BOBBY ENGRAM

Mr. Engram: "Thank you and good morning to everyone. First of all, thanks for having us down. I just want to echo what Mrs. Franklin just said. I would like to thank the Northwest Sickle Cell Collaborative which is composed of the Task Force and their work with the Children's Hospital in Seattle and all of their efforts and what they do on a daily basis. My role in this is just to try and help bring awareness, trying to elevate the level of knowledge about the disease. I want to especially acknowledge Bendor, Ken West the guys that I have been working hand in hand with. Last year was our first annual Sickle Cell Walk and we raised over twelve thousand dollars for the kids to go to Sickle Cell camp on Vashon Island. We looked to do at least triple that this year. Moving forward, the thing that we really want to get done in a short term is to get kids of age or adults who are thinking about having a baby, getting them tested, getting them pre screened. As of now which was in my case, we didn't find out that my daughter has sickle cell until after she was born. Had me and my wife had more knowledge, we would have got pre screened. Although it wouldn't of swayed our decision from having a baby, we would have had the time to go out and get that knowledge and get some information to help us better deal with a pain crisis whenever it arose. So the short term goal is get as many of those 2.5 Americans that have the trait, to get them screened and to get them the knowledge that they will need to combat this disease. In the long term, ultimately, trying to eradicate the disease through gene therapy. Thank you for your time and your compassion."

MOTION

At 12:18 p.m., on motion of Senator Eide, the Senate was declared to recessed until 1:45 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:45 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth

order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1508, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Orcutt, Hunter, Blake, Takko, Condotta and Dunn)

Providing an exemption from business and occupation tax for the resale of natural or manufactured gas by consumers.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1508 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Morton, Parlette, Pflug and Stevens were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1508.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1508 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Absent: Senators Brown, Fraser, Poulsen and Tom - 4

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 1508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown, Fraser and Poulsen were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1513, by House Committee on Finance (originally sponsored by Representatives Kessler, Orcutt, Grant, Alexander, Blake, VanDeWege, Kretz, Takko, Linville and Ericks)

Modifying provisions relating to the excise taxation of forest products businesses.

The measure was read the second time.

MOTION

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On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Fraser and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Moeller and B. Sullivan)

Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. Revised for 1st Substitute: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state. (REVISED FOR ENGROSSED: Prohibiting the marketing of estate distribution documents by persons not authorized to practice law in this state or who are not a financial institution.)

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1114 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and McCaslin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Spanel was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1114.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1114 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0;

Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Fraser, Poulsen and Spanel - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1292, by Representatives Barlow, Ahern, Morrell, Hailey, Seaquist, Schindler, Appleton, Skinner, Williams, McDonald, Hurst, Campbell, Haler, Wood, Moeller, VanDeWege, McCune, Conway and Kenney

Establishing the eastern Washington state veterans' cemetery.

The measure was read the second time.

MOTION

On motion of Senator Marr, the rules were suspended, House Bill No. 1292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1292.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1292 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Fraser, Poulsen and Spanel - 4

HOUSE BILL NO. 1292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1543, by Representatives Buri, Grant, Dunshee, Ahern, Hailey, Pettigrew, Kretz, Bailey, Linville and Moeller

Authorizing the use of local retail taxes to finance economic development officers.

The measure was read the second time.

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MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Management be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.08 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ~~((no later than October 1st))~~ within one hundred fifty days after the close of each fiscal year(~~;~~): (i) A list of new projects ~~((from))~~ begun during the ~~((prior))~~ fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection.

(c) ~~((For the purposes of this section;))~~ The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington~~((; and))~~.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

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(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Economic Development, Trade & Management to House Bill No. 1543.

Senator Kastama spoke in favor of adoption of the committee striking amendment.

The motion by Senator Kastama carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

Beginning on line 1 of the title, strike the remainder of the title and insert "AN ACT Relating to financing economic development offices; and amending RCW 82.14.370."

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1543 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1543 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1543 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Benton and Carrell - 2

Excused: Senators Brown and Spanel - 2

HOUSE BILL NO. 1543 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5080 which had been deferred on March 9, 2007.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

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On page 2, after line 3, insert the following: "Wherever this fee is collected, it shall be identified as the tax increase for transportation."

Senator Honeyford spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Honeyford, the amendment by Senator Honeyford on page 2, after line 3 to Substitute Senate Bill No. 5080 was withdrawn.

MOTION

Senator Marr moved that the following striking amendment by Senators Haugen, Marr and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature restates its goal to fully clean up unauthorized waste tire piles in Washington state in an expeditious fashion. In partnership with local governments and the private sector, the legislature encourages ongoing efforts to prevent the creation of future unauthorized waste tire piles. The legislature notes a positive trend in tire recycling in recent years and encourages all parties to continue these strong recycling efforts.

Sec. 2. RCW 70.95.510 and 2005 c 354 s 2 are each amended to read as follows:

(1) There is levied a one dollar per tire fee on the retail sale of new replacement vehicle tires ((for a period of five years, beginning July 1, 2005)). The fee imposed in this section ((shall)) must be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller less the ten percent amount retained by the seller as provided in RCW 70.95.535(1) ((shall)) must be paid to the department of revenue in accordance with RCW 82.32.045.

(2) The department of revenue shall incorporate into the agency's regular audit cycle a reconciliation of the number of tires sold and the amount of revenue collected by the businesses selling new replacement vehicle tires at retail. The department of revenue shall collect on the business excise tax return from the businesses selling new replacement vehicle tires at retail:

- (a) The number of tires sold; and
- (b) The fee levied in this section.

(3) All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section. The department of revenue shall administer this section.

(4) For the purposes of this section, "new replacement vehicle tires" means tires that are newly manufactured for vehicle purposes and does not include retreaded vehicle tires.

Sec. 3. RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. ((All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation.)) Expenditures from the account may be used for the cleanup of unauthorized waste tire piles ((and)), measures that prevent future accumulation of unauthorized waste tire piles, and road wear related maintenance on state and local public highways.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and

measures that prevent future accumulation of unauthorized waste tire piles.

(2) On July 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

Sec. 5. RCW 70.95.530 and 2005 c 354 s 5 are each amended to read as follows:

(1) Moneys in the waste tire removal account may be appropriated to the department of ecology:

(a) To provide for funding to state and local governments for the removal of discarded vehicle tires from unauthorized tire dump sites; and

(b) To accomplish the other purposes of RCW 70.95.020 as they relate to waste tire cleanup under this chapter(~~; and~~

~~(c) To conduct a study of existing tire cleanup sites. The office of financial management shall oversee the study process and approve the completed study. The completed study shall be delivered to the house of representatives and senate transportation committees by November 15, 2005. In conducting the study, the department shall consult on a regular basis with interested parties. The following identified elements at a minimum shall be included in the completed study:~~

~~(i) Identification of existing tire cleanup sites in the state of Washington;~~

~~(ii) The estimated number of tires in each tire cleanup site;~~

~~(iii) A map identifying the location of each one of the tire cleanup sites;~~

~~(iv) A photograph of each one of the tire cleanup sites;~~

~~(v) The estimated cost for cleanup of each tire [cleanup] site by cost component;~~

~~(vi) The estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;~~

~~(vii) Identification of the type of reimbursements for recovery by each of the tire cleanup sites;~~

~~(viii) The estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;~~

~~(ix) An assessment of local government functions relating to unauthorized tire piles, including cleanup, enforcement, and public health;~~

~~(x) Identification of needs in the areas in (c)(ix) of this subsection for each one of the counties; and~~

~~(xi) A statewide cleanup plan based on multiple funding options between twenty cents and sixty cents for each new tire sold at retail in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 legislature shall determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan).~~

(2) In spending funds in the account under this section, the department of ecology shall identify communities with the most severe problems with waste tires and provide funds first to those communities to remove accumulations of waste tires.

(3) ((Immediately after July 1, 2005, the department of ecology shall initiate a pilot project in a city with a population between three and four thousand within a county with a population less than twenty thousand to contract to clean up a formerly licensed tire pile in existence for ten or more years. To begin the project, the department shall seek to use financial assurance funds set aside for clean up of the tire pile. For purposes of this subsection, population figures are the official 2004 population as estimated by the office of financial management for purposes of state revenue allocation.)) On September first of even-numbered years, the department of ecology shall provide a report to the house and senate transportation committees on the progress being made on the

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cleanup of unauthorized waste tire piles in the state and efforts underway to prevent the formation of future unauthorized waste tire piles. The report should detail any additional unauthorized waste tire piles discovered since the last report and present a plan to clean up these new unauthorized waste tire piles if they have not already done so, as well as include a listing of authorized waste tire piles and transporters. The report shall also include the status of funds available to the program and a needs assessment of the program. On September 1, 2008, the department shall also make recommendations to the committees for an ongoing program to prevent the formation of future unauthorized waste tire piles. Such a program, if required, must include joint efforts with local governments and the tire industry.

Sec. 6. RCW 70.95.555 and 2005 c 354 s 6 are each amended to read as follows:

Any person engaged in the business of transporting or storing waste tires shall be licensed by the department. To obtain a license, each applicant must:

(1) Provide assurances that the applicant is in compliance with this chapter and the rules regarding waste tire storage and transportation;

(2) Accept liability for and authorize the department to recover any costs incurred in any cleanup of waste tires transported or newly stored by the applicant in violation of this section, or RCW 70.95.560, 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1, 2005;

~~(3) (Until January 1, 2006, post a bond in the sum of ten thousand dollars in favor of the state of Washington for waste tires transported or stored before July 1, 2005. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;~~

~~(4))~~ After January 1, 2006, for waste tires transported or stored before July 1, 2005, or for waste tires transported or stored after July 1, 2005, post a bond in an amount to be determined by the department sufficient to cover the liability for the cost of cleanup of the transported or stored waste tires, in favor of the state of Washington. In lieu of the bond, the applicant may submit financial assurances acceptable to the department;

~~((5))~~ (4) Be registered in the state of Washington as a business and be in compliance with all state laws, rules, and local ordinances;

~~((6))~~ (5) Have a federal tax identification number and be in compliance with all applicable federal codes and regulations; and

~~((7))~~ (6) Report annually to the department the amount of tires transported and their disposition. Failure to report shall result in revocation of the license."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "extending tire replacement fees; amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section."

Senator Marr spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Regala, Senator Kauffman was excused.

Senator Haugen spoke in favor of the striking amendment.
Senator Clements spoke on adoption of the amendment.

POINT OF ORDER

Senator Honeyford: "My inquiry is, is this bill properly before us? It's past the cut off date and the indication is that this

will be as taking whatever surplus on the tire fee that is going to remove and recycle tires and spill that out into transportation. So, does that really make it necessary to implement the budget?"

Senator Haugen spoke on the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5080 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1870, by Representatives Pedersen, Ross, Lovick, Bailey, Hunt, Hasegawa, Pettigrew, Skinner, Flannigan, Darneille, Roberts, Newhouse, Hankins, Walsh, Appleton, Santos, Lantz, McCoy, Rodne, Schual-Berke, Ormsby, Upthegrove, Morrell, Kessler, Williams, Kenney, McDermott and Chase

Recognizing Juneteenth as a day of remembrance.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1870.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1870 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Kline - 1

HOUSE BILL NO. 1870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1972, by Representatives Ross and Newhouse

Regarding proceeds from irrigation district foreclosure sales.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1972 was advanced to third reading, the second

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reading considered the third and the bill was placed on final passage.

HOUSE BILL NO. 1291, by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson

Senators Fairley and Clements spoke in favor of passage of the bill.

Allowing advance deposit wagering to continue beyond October 1, 2007.

The President declared the question before the Senate to be the final passage of House Bill No. 1972.

The measure was read the second time.

ROLL CALL

MOTION

The Secretary called the roll on the final passage of House Bill No. 1972 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Senator Kohl-Welles spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

HOUSE BILL NO. 1972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Fairley: "Does House Bill No. 1291 require sixty percent vote because it's about gambling?"

MOTION

SECOND READING

HOUSE BILL NO. 1185, by Representatives VanDeWege, Kristiansen, Kretz, Blake, Orcutt, Kessler and Haigh

On motion of Senator Eide, further consideration of House Bill No. 1291 was deferred and the bill held its place on the third reading calendar.

SECOND READING

Extending the expiration date for reporting requirements on timber purchases.

HOUSE BILL NO. 1343, by Representatives Takko and Armstrong

The measure was read the second time.

Adding a physical examination requirement for certificate of ownership applications.

MOTION

The measure was read the second time.

On motion of Senator Prentice, the rules were suspended, House Bill No. 1185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

Senator Prentice spoke in favor of passage of the bill.

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

The President declared the question before the Senate to be the final passage of House Bill No. 1185.

Strike everything after the enacting clause and insert the following:

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1185 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

"Sec. 1. RCW 46.12.030 and 2005 c 173 s 1 are each amended to read as follows:

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

(1) The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(a) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) Such other information as the department may require.

(2) The information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3)(a) A physical examination of the vehicle is mandatory if (i) it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss and (ii) it is not retained by the registered owner at the time of the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the

SECOND READING

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Washington state patrol or other person authorized by the department to make such inspections.

(b)(i) A physical examination of the vehicle is mandatory if the vehicle was declared totaled or salvage under the laws of this state, or the vehicle is presented with documents from another state showing the vehicle was totaled or salvage and has not been reissued a valid registration from that state after the declaration of total loss or salvage.

(ii) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the original documents supporting the vehicle purchase or ownership.

(iii) A Washington state patrol VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuildable vehicle were obtained legally. Original invoices for new and used parts must be from a vendor that is registered with the department of revenue for the collection of retail sales or use taxes or comparable agency in the jurisdiction where the major component parts were purchased. The invoices must include the name and address of the business, a description of the part or parts sold, the date of sale, and the amount of sale to include all taxes paid unless exempted by the department of revenue or comparable agency in the jurisdiction where the major component parts were purchased. Original invoices for used parts must be from a vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased. If the parts or components were purchased from a private individual, the private individual must have title to the vehicle the parts were taken from, except as provided by RCW 46.04.3815, and the bill of sale for the parts must be notarized. The bills of sale must include the names and addresses of the sellers and purchasers, a description of the vehicle, the part or parts being sold, including the make, model, year, and identification or serial number, that date of sale, and the purchase price of the vehicle or part or parts. If the presenter is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described above, an inspection must be completed for ownership-in-doubt purposes as prescribed by WAC 308-56A-210.

(iv) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet RCW and WAC requirements before inspection of the salvage vehicle by the Washington state patrol.

(4) To the extent that the Washington state patrol has a backlog of vehicle inspections that it is to perform under this section, this act shall not be construed to reduce the vehicle inspection workload of the Washington state patrol.

(5) Rebuilt or salvage vehicles licensed in Washington must meet the requirements found under chapter 46.37 RCW to be driven upon public roadways.

~~((5))~~ (6) The application shall be subscribed by the person applying to be the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.

Sec. 2. RCW 46.12.040 and 2004 c 200 s 1 are each amended to read as follows:

(1) The application for an original certificate of ownership accompanied by a draft, money order, certified bank check, or cash for five dollars, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

(2) The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

(3) In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. The proceeds from the

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fee shall be deposited in accordance with RCW 46.68.020. For vehicles requiring a physical examination, the inspection fee shall be ~~((fifty dollars and))~~ sixty-five dollars, fifteen dollars of which shall be deposited into the state patrol highway account created under RCW 46.68.030, and the remainder of which shall be deposited in accordance with RCW 46.68.020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1343.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "46.12.030" insert "and 46.12.040"

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1343 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Haugen spoke in favor of passage of the bill.

Senator Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1343 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1343 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist and Stevens - 2

Absent: Senators Carrell and Clements - 2

HOUSE BILL NO. 1343 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1381, by House Committee on Finance (originally sponsored by Representatives Hasegawa, Orcutt, McIntire and Condotta)

Making changes of a technical nature to tax laws.

The measure was read the second time.

MOTION

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On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1381.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1381 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Honeyford, the point of order by Senator Honeyford on Substitute Senate Bill No. 5080 was withdrawn.

SECOND READING

HOUSE BILL NO. 2161, by Representatives Simpson, Curtis, Eddy and Ormsby

Providing for consistency between code cities and noncode cities in the apportionment of investment funds.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2161.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2161 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

49

HOUSE BILL NO. 2161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1418, by Representatives Lovick, Campbell, Lantz, O'Brien, Upthegrove and Williams

Protecting consumers from the keeping of dangerous wild animals.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the intent of the state of Washington to protect the public against the serious health and safety risks that dangerous wild animals pose to the community.

NEW SECTION. **Sec. 2.** (1) "Animal control authority" means an entity acting alone or in concert with other local governmental units for enforcement of the animal control laws of the city, county, and state and the shelter and welfare of animals.

(2) "Potentially dangerous wild animal" means one of the following types of animals, whether bred in the wild or in captivity, and any or all hybrids thereof:

(a) Class mammalia

(i) Order carnivora

(A) Family felidae, only lions, tigers, captive-bred cougars, jaguars, cheetahs, leopards, snow leopards, and clouded leopards;

(B) Family canidae, wolves, excluding wolf-hybrids;

(C) Family ursidae, all bears;

(D) Family hyaenidae, such as hyenas;

(ii) Order perissodactyla, only rhinoceroses;

(iii) Order primates, all nonhuman primate species;

(iv) Order proboscidae, all elephants species;

(b) Class reptilia

(i) Order squamata

(A) Family atractaspididae, all species;

(B) Family colubridae, only dispholidus typus;

(C) Family elapidae, all species, such as cobras, mambas, kraits, coral snakes, and Australian tiger snakes;

(D) Family hydrophiidae, all species, such as sea snakes;

(E) Family varanidae, only water monitors and crocodile monitors;

(F) Family viperidae, all species, such as rattlesnakes, cottonmouths, bushmasters, puff adders, and gaboon vipers;

(ii) Order crocodilia, all species, such as crocodiles, alligators, caimans, and gavials.

(3) "Person" means any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, or any other legal entity, and any officer, member, shareholder, director, employee, agent, or representative thereof.

(4) "Possessor" means any person who owns, possesses, keeps, harbors, brings into the state, or has custody or control of a potentially dangerous wild animal.

(5) "Wildlife sanctuary" means a nonprofit organization, as described in RCW 84.36.800, that cares for animals defined as potentially dangerous and:

(a) No activity that is not inherent to the animal's nature, natural conduct, or the animal in its natural habitat is conducted;

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(b) No commercial activity involving an animal occurs including, but not limited to, the sale of or trade in animals, animal parts, animal byproducts, or animal offspring, or the sale of photographic opportunities involving an animal, or the use of an animal for any type of entertainment purpose;

(c) No unescorted public visitations or direct contact between the public and an animal; or

(d) No breeding of animals occurs in the facility.

NEW SECTION. Sec. 3. (1) The provisions of this chapter do not apply to:

(a) Institutions authorized by the Washington department of fish and wildlife to hold, possess, and propagate deleterious exotic wildlife pursuant to RCW 77.12.047;

(b) Institutions accredited or certified by the American zoo and aquarium association or a facility with a current signed memorandum of participation with an association of zoos and aquariums species survival plan;

(c) Duly incorporated nonprofit animal protection organizations, such as humane societies and shelters, housing an animal at the written request of the animal control authority or acting under the authority of this chapter;

(d) Animal control authority, law enforcement officers, or county sheriffs acting under the authority of this chapter;

(e) Veterinary hospitals or clinics;

(f) A holder of a valid wildlife rehabilitation permit issued by the Washington department of fish and wildlife;

(g) Any wildlife sanctuary as defined under section 2(5) of this act;

(h) A research facility as defined by the animal welfare act, 7 U.S.C.A. 2131, as amended, for the species of animals for which they are registered. This includes but is not limited to universities, colleges, and laboratories holding a valid class R license under the animal welfare act;

(i) Circuses, defined as incorporated, class C licensees under the animal welfare act, 7 U.S.C.A. 2131, as amended, that are temporarily in this state, and that offer performances by live animals, clowns, and acrobats for public entertainment;

(j) A person temporarily transporting and displaying a potentially dangerous wild animal through the state if the transit time is not more than twenty-one days and the animal is at all times maintained within a confinement sufficient to prevent the animal from escaping;

(k) Domesticated animals subject to this title or native wildlife subject to Title 77 RCW;

(l) A person displaying animals at a fair approved by the Washington department of agriculture pursuant to chapter 15.76 or 36.37 RCW; and

(m) A game farm meeting the requirements of WAC 232-12-027(1).

(2) This chapter does not require a city or county that does not have an animal control authority to create that office.

NEW SECTION. Sec. 4. (1) A person shall not own, possess, keep, harbor, bring into the state, or have custody or control of a potentially dangerous wild animal, except as provided in subsection (3) of this section.

(2) A person shall not breed a potentially dangerous wild animal.

(3) A person in legal possession of a potentially dangerous wild animal prior to the effective date of this act and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to the effective date of this act, and present the paperwork to an animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to the effective date of this act.

NEW SECTION. Sec. 5. (1) The animal control authority or a law enforcement officer may immediately confiscate a potentially dangerous wild animal if:

(a) The animal control authority or law enforcement officer has probable cause to believe that the animal was acquired after the effective date of this act in violation of section 4 of this act;

(b) The animal poses a public safety or health risk;

(c) The animal is in poor health and condition as a result of the possessor; or

(d) The animal is being held in contravention of the act.

(2) A potentially dangerous wild animal that is confiscated under this section may be returned to the possessor only if the animal control authority or law enforcement officer establishes that the possessor had possession of the animal prior to the effective date of this act and the return does not pose a public safety or health risk.

(3) The animal control authority or law enforcement officer shall serve notice upon the possessor in person or by regular and certified mail, return receipt requested, notifying the possessor of the confiscation, that the possessor is responsible for payment of reasonable costs for caring and providing for the animal during the confiscation, and that the possessor must meet the requirements of subsection (2) of this section in order for the animal to be returned to the possessor.

(4) If a potentially dangerous wild animal confiscated under this section is not returned to the possessor, the animal control authority or law enforcement officer may release the animal to a facility such as a wildlife sanctuary or a facility exempted pursuant to section 3 of this act. If the animal control authority or law enforcement officer is unable to relocate the animal within a reasonable period of time, it may euthanize the animal.

(5) An animal control authority or law enforcement officer may euthanize a potentially dangerous wild animal under this section only if all known reasonable placement options, including relocation to a wildlife sanctuary, are unavailable.

(6) This section applies to animal confiscations on or after the effective date of this act.

NEW SECTION. Sec. 6. A city or county may adopt an ordinance governing potentially dangerous wild animals that is more restrictive than this chapter. However, nothing in this chapter requires a city or county to adopt an ordinance to be in compliance with this chapter.

NEW SECTION. Sec. 7. A person who violates section 4 of this act is liable for a civil penalty of not less than two hundred dollars and not more than two thousand dollars for each animal with respect to which there is a violation and for each day the violation continues.

NEW SECTION. Sec. 8. (1) The animal control authority and its staff and agents, local law enforcement agents, and county sheriffs are authorized and empowered to enforce the provisions of this chapter.

(2) If a locality does not have a local animal control authority, the department of fish and wildlife shall enforce the provisions of this chapter.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 16 RCW."

MOTION

Senator Benton moved that the following amendment by Senators Benton, Carrell, Hargrove and Rasmussen to the committee striking amendment be adopted.

On page 3, line 28 of the amendment, after "RCW;" strike "and"

On page 3, line 29 of the amendment, after "WAC 232-12-027(1)" insert "; and"

(n) A person with a valid license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C.A. 2131, as amended"

Renumber the sections consecutively and correct any

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internal references accordingly.

Senators Benton, Rasmussen and Carrell spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Weinstein and Delvin spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Carrell, Hargrove and Rasmussen on page 3, line 28 to the committee striking amendment to House Bill No. 1418.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by rising voice vote.

MOTION

Senator Benton moved that the following amendment by Senators Benton, Carrell, Hargrove and Rasmussen to the committee striking amendment be adopted.

On page 3, line 28 of the amendment, after "RCW;" strike "and"

On page 3, line 29 of the amendment, after "WAC 232-12-027(1)" insert "; and

(n) A person in legal possession of a potentially dangerous wild animal prior to the effective date of this act and who is the legal possessor of the animal. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to the effective date of this act, and present the paperwork to the animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to the effective date of this act"

On page 3, line 34 of the amendment, after "animal" strike "except as provided in subsection (3) of this section"

On page 4, beginning on line 1 of the amendment, strike all of subsection (3)

On page 4, line 16 of the amendment, after "act" strike "in violation of section 4 of this act"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Benton spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Weinstein spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Carrell, Hargrove and Rasmussen on page 3, line 28 to the committee striking amendment to House Bill No. 1418.

The motion by Senator Benton failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to House Bill No. 1418.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "animals;" strike the remainder of the title and insert "adding a new chapter to Title 16 RCW; and prescribing penalties."

MOTION

On motion of Senator Weinstein, the rules were suspended, House Bill No. 1418 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein, Delvin and Jacobsen spoke in favor of passage of the bill.

Senators Hargrove, Rasmussen, Carrell and Honeyford spoke against the passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1418 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1418 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Hargrove, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pridemore, Rasmussen, Roach, Schoesler, Stevens and Zarelli - 15

HOUSE BILL NO. 1418 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute Senate Bill No. 5080 which had been deferred earlier in the day.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Marr and Swecker to Substitute Senate Bill No. 5080.

The motion by Senator Marr carried and the striking amendment was adopted by voice vote.

PARLIAMENTARY INQUIRY

Senator Haugen: "Thank you Mr. President. I rise to ask the President how many votes it will take to pass Substitute Senate Bill No. 5080 if amended with the striking amendment presently before the body. Under the present ruling on this legislation, the President held that an earlier version of the bill converted a dedicated fee into a general tax and that, under Initiative 601, required a two-third vote of the body on final passage. However, the striking amendment presently before the body does not change the nature of the underlying fee. Pursuant to the guidance provided with your previous ruling on March 13, there exists a clear nextus between the money collected in this striking amendment and the narrow proceeds purposes for which it may be spent. In this case, the striking amendment before the body directs proceeds from this be collected on the replacement of tires to first, fund the elimination of unauthorized waste tire

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piles; and, second, if sufficient funds remain, be deposited into the motor vehicle account to fund the limited purpose of state and local government, state and local highway maintenance. Clearly, a fee on tire replacement has a direct nexus to a narrow purpose of maintaining the very highways used to carry the vehicle traffic equipped with those tires. Thank you Mr. President."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5080 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 1217, by Representatives Hinkle, Darneille, Bailey, Cody, Pettigrew, Green, Kenney, Dickerson, Moeller, Schual-Berke, Campbell, Linville, Seaquist and Morrell

Establishing standards for clubhouse rehabilitation services.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.24.025 and 2006 c 333 s 104 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial

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gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(6) "Community mental health program" means all mental health services, activities, or programs using available resources.

((6)) (7) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

((7)) (8) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill ((persons)) being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill ((and)) or severely emotionally disturbed ((children)) discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

((8)) (9) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

((9)) (10) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

((10)) (11) "Department" means the department of social and health services.

((11)) (12) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

((12)) (13) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

((13)) (14) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

((14)) (15) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

((15)) (16) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals

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voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((16))~~ (17) "Mental health services" means all services provided by regional support networks and other services provided by the state for ~~(the)~~ persons who are mentally ill.

~~((17))~~ (18) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((26))~~ (27), and ~~((27))~~ (28) of this section.

~~((18))~~ (19) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((19))~~ (20) "Regional support network" means a county authority or group of county authorities or other nonprofit entity recognized by the secretary in contract in a defined region.

~~((20))~~ (21) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((21))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((22))~~ (23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill (~~(persons)~~), adults who are chronically mentally ill (~~(adults)~~), children who are severely emotionally disturbed (~~(children)~~), or adults who are seriously disturbed (~~(adults)~~) and determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill (~~(persons)~~) in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((23))~~ (24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((24))~~ (25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill (~~(adults and children)~~); (b) adults who are chronically mentally ill (~~(adults)~~); (c) children who are severely emotionally disturbed (~~(children)~~); or (d) adults who are seriously disturbed (~~(adults)~~) and determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding ~~((mentally ill adults and children's))~~ enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((25))~~ (26) "Secretary" means the secretary of social and health services.

~~((26))~~ (27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((27))~~ (28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate (~~(caretaker)~~);

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((28))~~ (29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((29))~~ (30) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((30))~~ (31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 2. RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

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(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; ~~(and)~~

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services; and

(o) Certify clubhouses that meet state minimum standards.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional

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support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The standards for certification of a clubhouse shall at a minimum include:

(a) The facilities may be peer-operated and must be recovery-focused;

(b) Members and employees must work together;

(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(h) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

(14) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

~~((+4))~~ (15) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

~~((+5))~~ (16) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding

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allocations are limited to the remedies provided in the department's contracts with the regional support networks.

~~((+6))~~ (17) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 3. RCW 49.19.010 and 2000 c 94 s 18 are each amended to read as follows:

For purposes of this chapter:

(1) "Health care setting" means:

(a) Hospitals as defined in RCW 70.41.020;

(b) Home health, hospice, and home care agencies under chapter 70.127 RCW, subject to RCW 49.19.070;

(c) Evaluation and treatment facilities as defined in RCW 71.05.020~~((+2))~~; and

(d) Community mental health programs as defined in RCW 71.24.025~~((+5))~~.

(2) "Department" means the department of labor and industries.

(3) "Employee" means an employee as defined in RCW 49.17.020.

(4) "Violence" or "violent act" means any physical assault or verbal threat of physical assault against an employee of a health care setting."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed House Bill No. 1217.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 71.24.025, 71.24.035, and 49.19.010."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed House Bill No. 1217 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala and Stevens spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1217 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1217 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

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Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

ENGROSSED HOUSE BILL NO. 1217 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1262, by House Committee on Appropriations (originally sponsored by Representatives Bailey, Conway, Fromhold, Ericks, Simpson and Moeller)

Addressing the public employment of retirees from the teachers' retirement system plan 1 and the public employees' retirement system plan 1.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1262 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Zarelli, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1262.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1262 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1305, by Representatives Kretz, Warnick, Hailey, McCoy, Newhouse and Haler

Repealing the statutes regulating food lockers.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1305.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1305 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

HOUSE BILL NO. 1305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1458, by House Committee on Judiciary (originally sponsored by Representatives VanDeWege, Kessler, Rodne, Appleton, Ahern, Curtis, Kenney, Clibborn, Morrell, P. Sullivan, Eickmeyer, Armstrong, Buri, Chandler, Ericksen, Hinkle, Condotta, Anderson, Eddy, Goodman, Kelley, Haler, McCune, Kretz, Kagi, Ericks, Warnick, Pedersen, Bailey, Newhouse, McDonald, Priest, Roach, Strow, Green, Campbell, Hunter, Takko, Sells, Springer, McCoy, Upthegrove, Williams, Moeller, Ormsby, Pearson, Haigh, Linville, Conway, Dickerson, Dunn, Hasegawa, Rolfes, Ross and Lantz)

Requiring notice to property owners before condemnation decisions.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Substitute House Bill No. 1458 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1458.

ROLL CALL

The Secretary called the roll on the final passage of

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Substitute House Bill No. 1458 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Wednesday, April 4, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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EIGHTY-SEVENTH DAYSECOND SUBSTITUTE SENATE BILL NO. 5883,
and the same are herewith transmitted.**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 4, 2007

RICHARD NAFZIGER, Chief Clerk

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception Senator Benton.

The Sergeant at Arms Color Guard consisting of Pages Miranda Merchant and Rosa Robertson, presented the Colors. Reverend Dennis Payne of Ebenezer African Methodist Episcopal Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 29, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JERRY HEBERT, reappointed June 18, 2007, for the term ending June 17, 2012, as Member of the Human Rights Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, the appointee listed on the Gubernatorial Appointment report was referred to the committee as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5036,
SENATE BILL NO. 5079,
SENATE BILL NO. 5113,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5264,
SENATE BILL NO. 5351,
SENATE BILL NO. 5382,
ENGROSSED SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5405,
SENATE BILL NO. 5408,
SENATE BILL NO. 5490,
SUBSTITUTE SENATE BILL NO. 5715,
SUBSTITUTE SENATE BILL NO. 5720,
SENATE BILL NO. 5879,

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5231,
SENATE BILL NO. 5918,
SENATE BILL NO. 5953,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5481,
ENGROSSED SENATE BILL NO. 5513,
SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5688,
SENATE BILL NO. 5775,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5011,
ENGROSSED SENATE BILL NO. 5166,
SUBSTITUTE SENATE BILL NO. 5191,
SENATE BILL NO. 5253,
SENATE BILL NO. 5620,
SUBSTITUTE SENATE BILL NO. 5625,
SENATE BILL NO. 5635,
SENATE BILL NO. 5759,
SUBSTITUTE SENATE BILL NO. 5898,
SUBSTITUTE SENATE BILL NO. 5952,
SENATE BILL NO. 5957,
SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1002,
SUBSTITUTE HOUSE BILL NO. 1097,
SUBSTITUTE HOUSE BILL NO. 1337,
SUBSTITUTE HOUSE BILL NO. 1398,
SUBSTITUTE HOUSE BILL NO. 1507,
SUBSTITUTE HOUSE BILL NO. 2103,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
SUBSTITUTE HOUSE BILL NO. 2335,

and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1002,
 SUBSTITUTE HOUSE BILL NO. 1097,
 SUBSTITUTE HOUSE BILL NO. 1337,
 SUBSTITUTE HOUSE BILL NO. 1398,
 SUBSTITUTE HOUSE BILL NO. 1507,
 SUBSTITUTE HOUSE BILL NO. 2103,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2171,
 SUBSTITUTE HOUSE BILL NO. 2335,

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Honeyford moved adoption of the following resolution:

SENATE RESOLUTION
 8655

By Senators Honeyford, Fraser, Rasmussen, Pflug, Stevens, Kohl-Welles and McCaslin

WHEREAS, Almost half of the signers of the Declaration of Independence were of Scottish descent, and nine governors of the original thirteen states were of Scottish ancestry; and

WHEREAS, Many early explorers and settlers of the Pacific Northwest were of Scottish or Scots-Irish ancestry and include: William Clark of Lewis and Clark fame; John McLoughlin, Chief Factor at Fort Vancouver, a fur trader and empire builder; James Douglas, Chief Factor at Fort Vancouver; Archibald McKinley, Factor at Fort Walla Walla; Ulysses S. Grant, Civil War General and President who served at Fort Vancouver and for whom Grant County was named; J.C. Mac Grimmon, a Yakima Valley pioneer and orchardist; Alexander Colin Campbell, farmer, banker, miner, and former mayor of Puyallup; James Dinnie, fur trader and founder of the city of Cathlamet; James Urquart, founder of the city of Napavine and three-term member of the Territorial Legislature; and Abigail Scott Duniway, a suffragette who helped bring passage of the suffrage amendment to the state Constitution; and

WHEREAS, Many current and former legislators and elected officials are of Scottish or Scots-Irish ancestry and include: The late Senator George Sellar and former Senator Dan McDonald; former appointed and elected officials: William Wallace, territorial governor of Washington and Washington's representative to Congress; and Ralph Munro, former Secretary of State. Current elected officials of Scottish or Scots-Irish ancestry are Governor Christine O. Gregoire and Secretary of State Sam Reed; and current members of the Legislature of Scottish or Scots-Irish heritage are: Senators Karen Fraser, Jim Honeyford, Marilyn Rasmussen, Cheryl Pflug, Val Stevens, Bob McCaslin, and Jeanne Kohl-Welles; and Representatives Glen Anderson, Mike Armstrong, Tom Campbell, Bill Hinkle, Joyce McDonald, Ed Orcutt, and Maureen Walsh; and

WHEREAS, The Scots-Irish are Americans of Scottish origin whose ancestors first colonized northern Ireland in the late 1600s before emigrating to the English colonies of North America during the 1700s; and

WHEREAS, The Scots-Irish immigrants to America were devout Presbyterians who dedicated their lives to God and to the ideals of freedom and liberty; and

WHEREAS, The Scots-Irish immigrants to America valued a strong work ethic and embraced a philosophy of common sense; and

WHEREAS, The Scottish Treaty of Arbroath on April 6, 1320, inspired the contents for America's Declaration of Independence; and

WHEREAS, National Tartan Day is observed each year on the sixth day of April; and

WHEREAS, The Scots-Irish played a pivotal role in winning the American Revolution; and

WHEREAS, The Governor of the State of Washington in the vanguard of frontiersman who carved a great civilization out of the American wilderness; and

WHEREAS, According to the United States Census Bureau's 2005 American Community Survey, there are more than 157,000 people of Scots-Irish ancestry in the State of Washington; and

WHEREAS, In April 2006, the Triad St. Andrews Society, the Triad Highland Games, and the Scottish-America Military Society proclaimed and declared April 2006 and every April thereafter as National Scots, Scots-Irish Heritage Month; and

WHEREAS, The Governor of the State of Washington has proclaimed April 2007 as "Scots, Scots-Irish Heritage Month" in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially honor Scots, Scots-Irish Heritage Month and the unique and invaluable contributions of Scots-Irish to America and to the State of Washington.

Senator Honeyford spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8655.

The motion by Senator Honeyford carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
 CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pridemore moved that Gubernatorial Appointment No. 9193, John White, as a member of the Board of Trustees, Clark Community College District No. 14, be confirmed.

Senator Pridemore spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

APPOINTMENT OF JOHN WHITE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9193, John White as a member of the Board of Trustees, Clark Community College District No. 14.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9193, John White as a member of the Board of Trustees, Clark Community College District No. 14 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

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Absent: Senator Clements - 1

Excused: Senator Benton - 1

Gubernatorial Appointment No. 9193, John White, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clark Community College District No. 14.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Weinstein moved that Gubernatorial Appointment No. 9031, Dennis Kloida; Gubernatorial Appointment No. 9039, Karen Miller; Gubernatorial Appointment No. 9051, Tim Otani; Gubernatorial Appointment No. 9066, Faouzi Sefrioui; Gubernatorial Appointment No. 9223, Richard McIver; and Gubernatorial Appointment No. 9226, Raymond Reickers as members of the Housing Finance Commission, be confirmed.

Senator Weinstein spoke in favor of the motion.

APPOINTMENT OF DENNIS KLOIDA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9031, Dennis Kloida; Gubernatorial Appointment No. 9039, Karen Miller; Gubernatorial Appointment No. 9051, Tim Otani; Gubernatorial Appointment No. 9066, Faouzi Sefrioui; Gubernatorial Appointment No. 9223, Richard McIver; and Gubernatorial Appointment No. 9226 Raymond Reickers as members of the Housing Finance Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9031, Dennis Kloida as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF KAREN MILLER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9039, Karen Miller as Chair of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF TIM OTANI

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9051, Tim Otani as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF FAOUZI SEFRIOUI

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9066, Faouzi Sefrioui as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF RICHARD MCIVER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9223, Richard McIver as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF RAYMOND REICKERS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9226, Raymond Reickers as a member of the Housing Finance Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

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Gubernatorial Appointment No. 9031, Dennis Kloida; Gubernatorial Appointment No. 9039, Karen Miller; Gubernatorial Appointment No. 9051, Tim Otani; Gubernatorial Appointment No. 9066, Faouzi Sefrioui; Gubernatorial Appointment No. 9223, Richard McIver; and Gubernatorial Appointment No. 9226, Raymond Reickers having received the constitutional majority were declared confirmed as members of the Housing Finance Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9115, Francois Forgette, and Gubernatorial Appointment No. 9179, Kyle Smith as members of the Board of Regents, Washington State University, be confirmed.

Senators Marr and Delvin spoke in favor of the motion.

APPOINTMENT OF FRANCOIS FORGETTE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9115, Francois Forgette and Gubernatorial Appointment No. 9179, Kyle Smith as members of the Board of Regents, Washington State University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9115, Francois Forgette as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF KYLE SMITH

Senator Schoesler spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9179, Kyle Smith as a member of the Board of Regents, Washington State University and the appointment was confirmed by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9115, Francois Forgette and Gubernatorial Appointment No. 9179, Kyle Smith having received the constitutional majority was declared confirmed as members of the Board of Regents, Washington State University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9085, Anthony Aronica, and Gubernatorial Appointment No. 9150, Patricia Mattsen Notter as members of the Board of Trustees, Central Washington University, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF ANTHONY ARONICA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9085, Anthony Aronica, and Gubernatorial Appointment No. 9150, Patricia Mattsen Notter as members of the Board of Trustees, Central Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9085, Anthony Aronica as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF PATRICIA MATTSSEN NOTTER

Senator Parlette spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9150, Patricia Mattsen Notter as a member of the Board of Trustees, Central Washington University and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9085, Anthony Aronica, and Gubernatorial Appointment No. 9150, Patricia Mattsen Notter having received the constitutional majority were declared confirmed as members of the Board of Trustees, Central Washington University.

MOTION

At 10:38 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Senator Brown moved that Gubernatorial Appointment No. 9135, Tom Karier, as a member of the Northwest Power and Conservation Council, be confirmed.

Senator Brown spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

APPOINTMENT OF TOM KARIER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9135, Tom Karier as a member of the Northwest Power and Conservation Council.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9135, Tom Karier as a member of the Northwest Power and Conservation Council and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Kastama and Kline - 2

Gubernatorial Appointment No. 9135, Tom Karier, having received the constitutional majority was declared confirmed as a member of the Northwest Power and Conservation Council.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fraser moved that Gubernatorial Appointment No. 9095, Jay Carmony, and Gubernatorial Appointment No. 9168, Anne Proffitt as members of the Board of Trustees, The Evergreen State College, be confirmed.

Senator Fraser spoke in favor of the motion.

APPOINTMENT OF JAY CARMONY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9095, Jay Carmony and Gubernatorial Appointment No. 9168, Anne Proffitt as members of the Board of Trustees, The Evergreen State College.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9095, Jay Carmony as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

APPOINTMENT OF ANNE PROFFITT

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9168, Anne Proffitt as a member of the Board of Trustees, The Evergreen State College and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9095, Jay Carmony, and Gubernatorial Appointment No. 9168, Anne Proffitt, having received the constitutional majority were declared confirmed as members of the Board of Trustees, The Evergreen State College.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2008, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives VanDeWege, Kessler, Haigh, Takko and Ericks)

Creating a cooperative agreement relating to the timber harvest excise taxation of timber harvests within the Quinault Indian Reservation.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 2008 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2008.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2008 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Holmquist - 1

SUBSTITUTE HOUSE BILL NO. 2008, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hargrove: "Well, thank you Mr. President. I would like to welcome people from the Quinault Indian Nation, Taholah. This is a reservation that I've worked on for thirty

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years and I really appreciate the community there and the friends I have there. In fact, my son has played baseball with one of the young men up there in the gallery, JC Bringsyellow who is a great baseball player and hits a lot of home runs. I just wanted to point that out."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to make two additional acknowledgments today that are incredibly important. That is the birthdays of Senator Fairley and Senator Franklin. Happy Birthday to you both."

PERSONAL PRIVILEGE

Senator Franklin: "Well, thank you Mr. President and ladies and gentlemen of the Senate. A milestone in my life. I've had many, many mile stones and this mile stone is really a big one. I've had many, many people involved in my life at each mile stone and I learned from each one, each one of those milestones I gained wisdom. Wisdom is something that when you are younger you think you're going to change the world and you take the world on and then at the next point, well, I can change. I'll see what I can do better and form a coalition to try to change the world. The coalition then manages to get some things done but not everything so then another milestone. And with that next milestone of course, Mr. President and members of the Senate, ladies and gentlemen, you keep moving on and making the changes as you move and gathering more wisdom. So, in this August place in which we are today with my twin sitting across the aisle, same birthday that says, 'Ma'am, since you have reached this milestone, you can ask for anything you want and you can get it.' Now that is what my colleagues have said. You can ask for anything. So since I have a few bills stuck, I'd like to have them unstuck. So, really, it's really a great day and all of the beautiful flowers and cards and memories and everything. I'm not going away. I'm going to be around for awhile. So, thank you, I certainly appreciate each and everyone of you and it's been great. Thank you for quite a celebration."

REPLY BY THE PRESIDENT

President Owen: "Senator, this milestone has gathered no moss, that's for sure."

PERSONAL PRIVILEGE

Senator McCaslin: "Thank you Mr. President. Senator Franklin, I want to honor you and admit you to my club. I've been alone for a year and now you joined me. I'm not sure anyone else will join us before you and I, figure this is our last days, but I don't have any bills stuck so I don't have to get down on my knees. It's an honor to serve with you. Welcome to the club. Anyone else can join once you attain the age of eighty, you understand that, and of course none of you are close. When you get there, let us know and we'll honor you also. Welcome to the club."

REMARKS BY THE PRESIDENT

President Owen: "The President thought that discretion was a better part of valor did not mention her age, Senator."

MOTION

At 1:58 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 2:15 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 1331, by Representatives Haigh, Kretz, Wallace, Walsh, Cody, Strow, Hinkle, Pettigrew, Priest and Dunn

Changing veterinary technician credentialing to licensure.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 18.92.015 and 2000 c 93 s 9 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(("Veterinary technician" means a person who has successfully completed an examination administered by the board and who has either successfully completed a post high school course approved by the board in the care and treatment of animals or had five years' practical experience, acceptable to the board, with a licensed veterinarian.))~~

(1) "Board" means the Washington state veterinary board of governors.

(2) "Department" means the department of health.

(3) "Secretary" means the secretary of the department of health.

(4) "Veterinary medication clerk" means a person who has satisfactorily completed a board-approved training program developed in consultation with the board of pharmacy and designed to prepare persons to perform certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine.

(5) "Veterinary technician" means a person who is licensed by the board upon meeting the requirements of section 2 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 18.92 RCW to read as follows:

(1) The board shall issue a veterinary technician license to an individual who has:

(a) Successfully passed an examination administered by the board; and

(b)(i) Successfully completed a posthigh school course approved by the board in the care and treatment of animals; or

(ii) Had five years' practical experience, acceptable to the board, with a licensed veterinarian.

(2) The board shall adopt rules under chapter 34.05 RCW identifying standard tasks and procedures that must be included in the experience of a person who qualifies to take the veterinarian technician examination through the period of practical experience required in subsection (1)(b)(ii) of this section, and requirements for the supervising veterinarian's attestation to completion of the practical experience and that training included the required tasks and procedures.

Sec. 6. RCW 18.92.021 and 1983 c 2 s 2 are each amended to read as follows:

(1) There is created a Washington state veterinary board of governors consisting of ~~((six))~~ seven members, five of whom shall be licensed veterinarians, one of whom shall be a licensed veterinary technician trained in both large and small animal medicine, and one of whom shall be a lay member.

(2)(a) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine,

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surgery, and dentistry, or employed as a licensed veterinary technician, as applicable, and must be citizens of the United States. Not more than one licensed veterinary member shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

(b) The terms of the first licensed members of the board shall be as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

~~((3))~~ (c) The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

~~((4))~~ (d) A member may be appointed to serve a second term, if that term does not run consecutively.

(e) Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

~~((5))~~ (3) The licensed veterinary technician member is a nonvoting member with respect to board decisions related to the discipline of a veterinarian involving standard of care.

(4) Officers of the board shall be a ~~((chairman))~~ chair and a secretary-treasurer to be chosen by the members of the board from among its members.

~~((6))~~ (5) Four members of the board shall constitute a quorum at meetings of the board.

Sec. 7. RCW 18.92.030 and 2000 c 93 s 10 are each amended to read as follows:

(1) The board shall develop and administer, or approve, or both, a licensure examination in the subjects determined by the board to be essential to the practice of veterinary medicine, surgery, and dentistry. The board may approve an examination prepared or administered by a private testing agency or association of licensing authorities.

(2) The board, under chapter 34.05 RCW, may adopt rules necessary to carry out the purposes of this chapter, including:

(a) Standards for the performance of the duties and responsibilities of veterinary technicians and veterinary medication clerks and fixing minimum standards of continuing education for veterinary technicians. The rules shall be adopted in the interest of good veterinary health care delivery to the consuming public and shall not prevent veterinary technicians from inoculating an animal ~~((The board also has the power to adopt by rule)); and~~

(b) Standards prescribing requirements for veterinary medical facilities and fixing minimum standards of continuing veterinary medical education.

(3) The department is the board's official office of record.

Sec. 8. RCW 18.92.013 and 2000 c 93 s 8 are each amended to read as follows:

(1) A veterinarian legally prescribing drugs may delegate to a registered veterinary medication clerk or a ~~((registered))~~ licensed veterinary technician, while under the veterinarian's direct supervision, certain nondiscretionary functions defined by the board and used in the dispensing of legend and nonlegend drugs (except controlled substances as defined in or under chapter 69.50 RCW) associated with the practice of veterinary medicine. Upon final approval of the packaged prescription following a direct physical inspection of the packaged prescription for proper formulation, packaging, and labeling by the veterinarian, the veterinarian may delegate the delivery of the prescription to a registered veterinary medication clerk or ~~((registered))~~ licensed veterinary technician, while under the veterinarian's indirect supervision. Dispensing of drugs by veterinarians, ~~((registered))~~ licensed veterinary technicians, and registered veterinary medication clerks shall meet the applicable requirements of chapters 18.64, 69.40, 69.41, and 69.50 RCW and is subject to inspection by the board of pharmacy investigators.

(2) For the purposes of this section:

(a) "Direct supervision" means the veterinarian is on the premises and is quickly and easily available; and

(b) "Indirect supervision" means the veterinarian is not on the premises but has given written or oral instructions for the delegated task.

Sec. 9. RCW 18.92.140 and 2000 c 93 s 13 are each amended to read as follows:

Each person now qualified to practice veterinary medicine, surgery, and dentistry, ~~((registered))~~ licensed as a veterinary technician, or registered as a veterinary medication clerk in this state or who becomes licensed or registered to engage in practice shall comply with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

Sec. 10. RCW 18.92.145 and 2000 c 93 s 14 are each amended to read as follows:

Administrative procedures, administrative requirements, and fees shall be established as provided in RCW 43.70.250 and 43.70.280 for the issuance, renewal, or administration of the following licenses, certificates of registration, permits, duplicate licenses, renewals, or examination:

(1) For a license to practice veterinary medicine, surgery, and dentistry issued upon an examination given by the examining board;

(2) For a license to practice veterinary medicine, surgery, and dentistry issued upon the basis of a license issued in another state;

(3) For a ~~((certificate of registration))~~ license as a veterinary technician;

(4) For a certificate of registration as a veterinary medication clerk;

(5) For a temporary permit to practice veterinary medicine, surgery, and dentistry. The temporary permit fee shall be accompanied by the full amount of the examination fee; and

(6) For a license to practice specialized veterinary medicine."

Senator Rasmussen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture & Rural Economic Development to House Bill No. 1331.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "technicians;" strike the remainder of the title and insert "amending RCW 18.92.015, 18.92.021, 18.92.030, 18.92.013, 18.92.140, and 18.92.145; and adding a new section to chapter 18.92 RCW."

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1331 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1331 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1331 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

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Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Brown - 1

HOUSE BILL NO. 1331 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1244, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hankins, Clibborn, Wood, Hunt, Haler, Morrell, Kirby, Hasegawa, Moeller, Sells, Strow, McCoy, O'Brien, Ericks, Simpson, Green, Campbell, Williams, Kenney and Ormsby)

Defining wages for industrial insurance purposes.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 2, line 8, after "fuel," strike "health care."

On page 2, starting on line 9, after "hire," strike all material through "Wages" on line 12

On page 2, line 13, after "section." insert "As consideration of like nature to board, housing, and fuel, wages shall also include the employer's payment or contributions, or appropriate portions thereof, for health care benefits unless the employer continues ongoing and current payment or contributions for these benefits at the same level as provided at the time of injury."

Senators Kohl-Welles and Clements spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1244.

The motion by Senator Kohl-Welles carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1244 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1244 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1244 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47;

Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kastama - 1

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 1244 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

While in discussion on other pending legislation, I inadvertently missed the vote on final passage of Substitute House Bill No. 1244, relating to including the cost of health insurance as wages when calculating industrial insurance benefits in some cases. I support the bill and want the Journal to reflect that I would have voted "Yes" on the final passage of Substitute House Bill No. 1244.

SENATOR JIM KASTAMA, 25th Legislative District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1144, by House Committee on Judiciary (originally sponsored by Representatives Williams, Warnick, Rodne, Campbell, O'Brien, Lantz, Goodman and Moeller)

Providing a uniform method of transferring a municipal court judgment into district court.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Rockefeller, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1144.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1144 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Carrell, Holmquist and

Stevens - 4

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 1144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller)

Determining death benefits for public employees. Revised for 1st Substitute: Addressing death benefits for public employees.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee amendment by the Committee on Ways & Means be adopted.

On page 5, after line 33, insert the following:

"Sec. 9. RCW 41.40.700 and 2003 c 155 s 7 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive ~~(either)~~ one of the following:

(a) A retirement allowance computed as provided for in RCW 41.40.630, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and, except under subsection (4) of this section, if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; ~~((or))~~

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of

accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(c) For a member who leaves the employ of an employer to enter the uniformed services of the United States and who dies after January 1, 2007, while honorably serving in the uniformed services of the United States in a conflict identified in RCW 41.04.005, an amount equal to two hundred percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) A member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction under RCW 41.40.630. The member's retirement allowance is computed under RCW 41.40.620."

Senator Prentice spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Ways & Means to Substitute House Bill No. 1266.

The motion by Senator Prentice carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, strike "and 43.43.285", and insert "43.43.285, and 41.40.700".

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1266 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1266 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

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Absent: Senator Fraser - 1

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 1266 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. The leaves are on the cherry trees, or whether the blossoms are out, it's that time of year and I think it's time, since we're going to be here late hours, for all of the members-and I mean on both sides of the aisle-to understand that the what is formerly known as the effete liberal espresso machine is now available. It's coffee hour. In order though to make it more accessible, so that more members than just our good member from the fifth are willing to come over, we now have a larger size cup. So, rather than have a dainty little Seattle-sized espresso cup, where you have to lift your pinky in order to drink it. We have a good, SUV-size cup or rather an ORV-size cup, so all of you can be seen drinking this kind of cup of coffee. Machines open, its bi-partisan, ya all welcome."

REPLY BY THE PRESIDENT

President Owen: "The President would remind the members those are not floor model cups."

MOTION

On motion of Senator Regala, Senator Fraser was excused.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on Transportation (originally sponsored by Representatives Flannigan, Upthegrove and Kenney)

Requiring the agency council on coordinated transportation to coordinate special needs transportation.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.06B.010 and 1999 c 385 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In ~~((some))~~ too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

Sec. 2. RCW 47.06B.020 and 1998 c 173 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The council is composed of ~~((nine))~~ ten voting members and ~~((eight))~~ four nonvoting, legislative members.

(2) The ~~((nine))~~ ten voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((six))~~ seven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) ~~((Two))~~ Three persons who are consumers of special needs transportation services, which must include at least two of the following:

(i) One person designated by the executive director of the governor's committee on disability issues and employment;

(ii) One person who is designated by the executive director of the developmental disabilities council; or

(iii) One person who is designated by the chair of the council on aging;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; and

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association.

(3) The ~~((eight))~~ four nonvoting members are legislators as follows:

(a) ~~((Four))~~ Two members from the house of representatives, ~~((two))~~ one from each of the two largest caucuses, appointed by the speaker of the house of representatives, ~~((two who are members of))~~ including at least one member from the house transportation policy and budget committee ~~((and two who are members of))~~ or the house appropriations committee; and

(b) ~~((Four))~~ Two members from the senate, ~~((two))~~ one from each of the two largest caucuses, appointed by the president of the senate, ~~((two members of))~~ including at least one member from the senate transportation committee ~~((and two members of))~~ or the senate ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

(5) The secretary of transportation or a designee shall serve as the chair.

(6) The department of transportation shall provide necessary staff support for the council.

(7) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(8) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

(9) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

(10) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

Sec. 3. RCW 47.06B.030 and 1999 c 385 s 5 are each reenacted and amended to read as follows:

(1) To assure implementation of ~~((the Program for))~~ an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on

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coordinated transportation(~~(5) the council, in coordination with stakeholders,)) shall:~~

~~((1) Develop guidelines for local planning of coordinated transportation in accordance with this chapter;~~

~~— (2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;~~

~~— (3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;~~

~~— (4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;~~

~~— (5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;~~

~~— (6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;~~

~~— (7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;~~

~~— (8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;~~

~~— (9) Develop guidelines for setting performance measures and evaluating performance;~~

~~— (10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;~~

~~— (11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;~~

~~— (12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;~~

~~— (13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;~~

~~— (14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;~~

~~— (15) Provide technical assistance and support to communities;~~

~~— (16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;~~

~~— (17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;~~

~~— (18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;~~

~~— (19) Recommend to the legislature changes in laws to assist coordination of transportation services;~~

~~— (20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;~~

~~— (21) Report to the legislature by December 1, 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary))~~

(a) Focus its efforts on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs.

(2) The council shall, as necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation.

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(3) To improve the service experienced by persons with special transportation needs, the council shall develop statewide guidelines for customer complaint processes. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council.

(4) The council shall represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning.

Sec. 4. RCW 47.06B.040 and 1999 c 385 s 6 are each amended to read as follows:

((The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:

— (1) Designate a lead organization to facilitate the community planning process on an ongoing basis;

— (2) Identify functional boundaries for the local coordinated transportation system;

— (3) Clarify roles and responsibilities of the various participants;

— (4) Identify community resources and needs;

— (5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;

— (6) Implement the community coordinated transportation plan;

— (7) Develop performance measures consistent with council guidelines;

— (8) Develop a reporting process consistent with council guidelines;

— (9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;

— (10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community-))

The agency council on coordinated transportation shall review and recommend certification of local plans developed by regional transportation planning organizations based on meeting federal requirements. Each regional transportation planning organization must submit to the council an updated plan that includes the elements, consistent with federal planning requirements, identified by the council beginning on July 1, 2007, and every four years thereafter.

Sec. 5. RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

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(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(9) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

The agency council on coordinated transportation shall submit a progress report on council activities to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The information will be reported in a form established by the council.

NEW SECTION. Sec. 7. (1) The joint transportation committee, in consultation with the agency council on coordinated transportation and the joint legislative audit and review committee, as deemed appropriate by the committee, shall conduct a study and review the legal and programmatic changes and best practices necessary for effective coordination of transportation services for persons with special transportation needs.

(2) The study shall:

(a) Include a comprehensive, statewide survey of existing transportation resources for persons with special transportation needs;

(b) Identify opportunities for improving coordination by determining a uniform system of:

- (i) Measuring and reporting trip costs;
- (ii) Provider billing practices;
- (iii) Provider agreements and reporting requirements; and
- (iv) Sharing eligibility information and trip requirements;

and

(c) Make recommendations for:

- (i) Improving access to customer services;
- (ii) Integrating services of transportation service providers and brokers; and
- (iii) Best practices to effectively coordinate transportation services for persons with special transportation needs, including those at the subregional level.

(3) In conducting the study, the committee shall:

(a) Convene one or more meetings to consult with local and regional special needs transportation providers, brokers, users of transit services, representatives of nonprofit organizations that provide related transportation services, including hopelink, and representatives of other agencies and organizations, including the department of social and health services;

(b) Identify federal funding and related program barriers to improved coordination between state and federal programs and to reasonable cost sharing for those programs;

(c) Review and consider other relevant model coordinated special needs transportation systems throughout the nation as a source of best practices for Washington state, including the ACCESS transportation system in Pittsburgh, Pennsylvania;

(d) Evaluate using nontraditional service providers, such as public utility districts;

(e) Evaluate methods to influence facility siting decisions for state agencies serving persons with special transportation needs in order to make facilities accessible; and

(f) Evaluate appropriate standards and strategies for a decentralized broker system, including the state's role in this system.

(4) The committee shall provide a final report to the transportation committees of the senate and the house of representatives by December 1, 2007.

Sec. 8. RCW 47.06B.900 and 1999 c 385 s 7 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2007))~~ 2010, as provided in RCW 47.06B.901.

Sec. 9. RCW 47.06B.901 and 1999 c 385 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2008))~~ 2011:

~~(1) RCW 47.06B.010 and 2007 c ... s 1 (section 1 of this act), 1999 c 385 s 1, & 1998 c 173 s 1;~~

~~(2) RCW 47.06B.012 and 1999 c 385 s 2;~~

~~(3) ((RCW 47.06B.015 and 1999 c 385 s 3;~~

~~—(4)) RCW 47.06B.020 and ((1999 c 385 s 4)) 2007 c ... s 2 (section 2 of this act) & 1998 c 173 s 2;~~

~~((5)) (4) RCW 47.06B.030 and 2007 c ... s 3 (section 3 of this act), 1999 c 385 s 5, & 1998 c 173 s 3; ((and~~

~~—(6)) (5) RCW 47.06B.040 and 2007 c ... s 4 (section 4 of this act) & 1999 c 385 s 6; and~~

~~(6) Section 6 of this act.~~

NEW SECTION. Sec. 10. 1999 c 372 s 13 is repealed.

NEW SECTION. Sec. 11. RCW 47.06B.015 (Program for Agency Coordinated Transportation) and 1999 c 385 s 3 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Substitute House Bill No. 1694.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.040, 47.80.023, 47.06B.900, and 47.06B.901; reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; creating a new section; repealing RCW 47.06B.015; and repealing 1999 c 372 s 13."

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1694 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Murray, Swecker and Haugen spoke in favor of passage of the bill.

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1694 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1694 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Hewitt - 2

SUBSTITUTE HOUSE BILL NO. 1694 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2147, by House Committee on Appropriations (originally sponsored by Representatives Kristiansen, Ericks, Chandler, Blake, Curtis, Morrell, Roberts, Hurst, Pearson, McCune, Moeller, B. Sullivan, Simpson, Santos, Ormsby, Newhouse and Kelley)

Providing vocational rehabilitation services for volunteer firefighters and reserve officers.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 2147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2147 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2147, having received the constitutional majority, was declared passed. There being no

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358, by House Committee on Transportation (originally sponsored by Representatives Rolfes, Strow, Appleton, Seaquist, VanDeWege, Lantz, Flannigan, Roberts, Cody, Green, Eickmeyer, Jarrett and Kessler)

Regarding state ferries.

The measure was read the second time.

MOTION

Senator Spanel moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds from the 2006 Washington state ferries financing study that the state has limited information on state ferry users and markets. Accurate user and market information is vital in order to find ways to maximize the ferry systems' current capacity and to make the most efficient use of citizens' tax dollars. Therefore, it is the intent of the legislature that Washington state ferries be given the tools necessary to maximize existing capacity and to make the most efficient use of existing assets and tax dollars.

Sec. 2. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

(1) The legislature declares the following transportation facilities and services to be of statewide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal plan are essential state public facilities under RCW 36.70A.200.

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

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(2) "Capital plan" means the state ferry system plan as described in RCW 47.06.050(2) and adopted by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct, common characteristics as determined by the department.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall, with the involvement of the department, conduct a survey to gather data on ferry users to help inform level of service, operational, pricing, planning, and investment decisions. The survey must include, but is not limited to:

- (a) Recreational use;
- (b) Walk-on customer use;
- (c) Vehicle customer use;
- (d) Freight and goods movement demand; and
- (e) Reactions to potential operational and pricing strategies described under section 7 of this act and RCW 47.60.290.

(2) Ferry advisory committees may provide suggestions to the commission regarding the survey.

(3) The survey must be updated at least every two years and maintained to support the development and implementation of adaptive management of ferry services.

Sec. 5. RCW 47.60.290 and 1983 c 3 s 136 are each amended to read as follows:

~~((Subject to the provisions of RCW 47.60.326;)) (1) The department ((is hereby authorized and directed to)) shall annually review ((tariffs and charges as)) fares and pricing policies applicable to the operation of the Washington state ferries ((for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries)).~~

(2) Beginning in 2008, the department shall develop fare and pricing policy proposals that must:

(a) Recognize that each travel shed is unique, and might not have the same farebox recovery rate and the same pricing policies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the survey conducted in section 4 of this act;

(d) Generate the amount of revenue required by the biennial transportation budget; and

(e) Keep fare schedules as simple as possible.

(3) While developing fare and pricing policy proposals, the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) In October of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year. The schedule may initially be adopted as an emergency rule if necessary to take effect in, or as near as possible to, the month of October.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop, and the commission shall review, operational strategies to ensure that existing assets are fully utilized and to guide future investment decisions. These operational strategies must, at a minimum:

(a) Recognize that each travel shed is unique and might not have the same operational strategies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be consistent with vehicle level of service standards;

(d) Choose the most efficient balance of capital and operating investments by using a life-cycle cost analysis; and

(e) Use methods of collecting fares that maximize efficiency and achieve revenue management control.

(2) After the commission reviews recommendations by the department, the commission and department shall make joint recommendations to the legislature for the improvement of operational strategies.

(3) In developing operational strategies, the following, at a minimum, must be considered:

(a) The feasibility of using reservation systems;

(b) Methods of shifting vehicular traffic to other modes of transportation;

(c) Methods of improving on-dock operations to maximize efficiency and minimize operating and capital costs;

(d) A cost-benefit analysis of remote holding versus over-water holding;

(e) Methods of reorganizing holding areas and minimizing on-dock employee parking to maximize the dock size available for customer vehicles;

(f) Schedule modifications;

(g) Efficiencies in exit queuing and metering; and

(h) Interoperability with other transportation services.

(4) Operational strategies must be reevaluated periodically and, at a minimum, before developing a new capital plan.

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Sec. 8. RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial change to the service levels provided to ferry users, the department shall consult with affected ferry users by public hearing and by review with the affected ferry advisory committees.

~~(2) Before ((a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges)) adding or eliminating a ferry route, the department ((of transportation)) shall consult with affected ferry users and receive legislative approval. ((The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c).~~

~~Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.~~

~~(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.~~

~~(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 47.60 RCW to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Appropriations made for preservation projects shall be spent only on preservation and only when warranted by asset condition, and shall not be spent on master plans, right-of-way acquisition, or other nonpreservation items.

(3) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan developed by the department. Systemwide and administrative capital program costs shall be identifiable.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future system preservation needs.

NEW SECTION. Sec. 11. A new section is added to chapter 47.60 RCW to read as follows:

(1) Preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

NEW SECTION. Sec. 12. A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop terminal design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in section 7 of this act; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

NEW SECTION. Sec. 13. A new section is added to chapter 47.60 RCW to read as follows:

The capital plan must adhere to the following:

(1) A current ridership demand forecast;

(2) Vehicle level of service standards as described in RCW 47.06.140;

(3) Operational strategies as described in section 7 of this act; and

(4) Terminal design standards as described in section 12 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 47.60 RCW to read as follows:

(1) Terminal improvement project funding requests must adhere to the capital plan.

(2) Requests for terminal improvement design and construction funding must be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; and

(g) Identifies all contingency amounts.

NEW SECTION. Sec. 15. A new section is added to chapter 47.60 RCW to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under chapter . . . (House Bill No. 1094), Laws of 2007, as it exists on the effective date of this section, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 47.60.150 (Fixing of charges--Deposit of revenues) and 2003 c 374 s 3, 1999 c 94 s 26, & 1990 c 42 s 405; and

(2) RCW 47.60.326 (Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission) and 2005 c 270 s 1, 2003 c 374 s 4, 2001 1st sp.s.

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c 1 s 1, 1999 c 94 s 27, 1990 c 42 s 406, 1983 c 15 s 25, & 1981 c 344 s 5."

The measure was read the second time.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2358.

The motion by Senator Spanel carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.06.140, 47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 2358 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel, Swecker and Haugen spoke in favor of passage of the bill.

Senators Rockefeller, Sheldon, Kilmer and Benton spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2358 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2358 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Benton, Holmquist, Kauffman, Keiser, Kilmer, Poulsen, Rockefeller and Sheldon - 8

Excused: Senator Brown - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001, by House Committee on Appropriations (originally sponsored by Representatives Lovick, Priest, McCoy, Pearson, Kirby, Ross, Hunt, Skinner, Simpson, Newhouse, O'Brien, Armstrong, Ericks, Moeller, Miloscia, Grant, Sells, Green, Eickmeyer, Takko, Kelley, B. Sullivan, Hudgins, Cody, Haigh, Morrell, Chase, Ormsby, Kessler, Blake, Conway, Chandler, P. Sullivan, McDonald, Rodne, Haler, Jarrett, Roach, Walsh, Kristiansen, Wallace, McDermott, Condotta, VanDeWege, Dunshee, McCune, Kenney, Schual-Berke, Hinkle, Bailey, Lantz, Warnick, Upthegrove, Alexander, Campbell and Rolfes)

Combating auto theft.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Automobiles are an essential part of our everyday lives. The west coast is the only region of the United States with an increase of over three percent in motor vehicle thefts over the last several years. The family car is a priority of most individuals and families. The family car is typically the second largest investment a person has next to the home, so when a car is stolen, it causes a significant loss and inconvenience to people, imposes financial hardship, and negatively impacts their work, school, and personal activities. Appropriate and meaningful penalties that are proportionate to the crime committed must be imposed on those who steal motor vehicles;

(b) In Washington, more than one car is stolen every eleven minutes, one hundred thirty-eight cars are stolen every day, someone's car has a one in one hundred seventy-nine chance of being stolen, and more vehicles were stolen in 2005 than in any other previous year. Since 1994, auto theft has increased over fifty-five percent, while other property crimes like burglary are on the decline or holding steady. The national crime insurance bureau reports that Seattle and Tacoma ranked in the top ten places for the most auto thefts, ninth and tenth respectively, in 2004. In 2005, over fifty thousand auto thefts were reported costing Washington citizens more than three hundred twenty-five million dollars in higher insurance rates and lost vehicles. Nearly eighty percent of these crimes occurred in the central Puget Sound region consisting of the heavily populated areas of King, Pierce, and Snohomish counties;

(c) Law enforcement has determined that auto theft, along with all the grief it causes the immediate victims, is linked more and more to offenders engaged in other crimes. Many stolen vehicles are used by criminals involved in such crimes as robbery, burglary, and assault. In addition, many people who are stopped in stolen vehicles are found to possess the personal identification of other persons, or to possess methamphetamine, precursors to methamphetamine, or equipment used to cook methamphetamine;

(d) Juveniles account for over half of the reported auto thefts with many of these thefts being their first criminal offense. It is critical that they, along with first time adult offenders, are appropriately punished for their crimes. However, it is also important that first time offenders who qualify receive appropriate counseling treatment for associated problems that may have contributed to the commission of the crime, such as drugs, alcohol, and anger management; and

(e) A coordinated and concentrated enforcement mechanism is critical to an effective statewide offensive against motor vehicle theft. Such a system provides for better communications between and among law enforcement agencies, more efficient implementation of efforts to discover, track, and arrest auto thieves, quicker recovery, and the return of stolen vehicles, saving millions of dollars in potential loss to victims and their insurers.

(2) It is the intent of this act to deter motor vehicle theft through a statewide cooperative effort by combating motor vehicle theft through tough laws, supporting law enforcement activities, improving enforcement and administration, effective prosecution, public awareness, and meaningful treatment for first time offenders where appropriate. It is also the intent of the legislature to ensure that adequate funding is provided to implement this act in order for real, observable reductions in the number of auto thefts in Washington state.

NEW SECTION. Sec. 2. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of theft of a motor vehicle if he or she commits theft of a motor vehicle.

(2) Theft of a motor vehicle is a class B felony.

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Sec. 3. RCW 9A.56.030 and 2005 c 212 s 2 are each amended to read as follows:

(1) A person is guilty of theft in the first degree if he or she commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value other than a firearm as defined in RCW 9.41.010;

(b) Property of any value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, taken from the person of another; or

(c) A search and rescue dog, as defined in RCW 9.91.175, while the search and rescue dog is on duty.

(2) Theft in the first degree is a class B felony.

Sec. 4. RCW 9A.56.040 and 1995 c 129 s 12 are each amended to read as follows:

(1) A person is guilty of theft in the second degree if he or she commits theft of:

(a) Property or services which exceed(s) two hundred ~~((and))~~ fifty dollars in value ~~((other than a firearm as defined in RCW 9.41.010;))~~ but does not exceed one thousand five hundred dollars in value, other than a firearm as defined in RCW 9.41.010 or a motor vehicle; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) An access device~~(; or~~

~~(d) A motor vehicle, of a value less than one thousand five hundred dollars).~~

(2) Theft in the second degree is a class C felony.

NEW SECTION. Sec. 5. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person is guilty of possession of a stolen vehicle if he or she possess a stolen motor vehicle.

(2) Possession of a stolen motor vehicle is a class B felony.

Sec. 6. RCW 9A.56.150 and 1995 c 129 s 14 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the first degree if he or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a class B felony.

Sec. 7. RCW 9A.56.160 and 1995 c 129 s 15 are each amended to read as follows:

(1) A person is guilty of possessing stolen property in the second degree if:

(a) He or she possesses stolen property, other than a firearm as defined in RCW 9.41.010 or a motor vehicle, which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He or she possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He or she possesses a stolen access device~~(; or~~

~~(d) He or she possesses a stolen motor vehicle of a value less than one thousand five hundred dollars).~~

(2) Possessing stolen property in the second degree is a class C felony.

Sec. 8. RCW 9.94A.525 and 2006 c 128 s 6 and 2006 c 73 s 7 are each reenacted and amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of

judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the

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sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and ½ point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and ½ point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and ½ point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and ½ point for each juvenile prior conviction.

(12) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as ½ point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as ½ point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(10), count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(10), which shall count as one point.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

(19) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(20) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Accordingly, prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions.

Sec. 9. RCW 9.94A.734 and 2003 c 53 s 62 are each amended to read as follows:

(1) Home detention may not be imposed for offenders convicted of:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:

(a) Successfully completing twenty-one days in a work release program;

(b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;

(c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;

(d) Having no prior charges of escape; and

(e) Fulfilling the other conditions of the home detention program.

(3) Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under section 2 of this act, or possession of a stolen motor vehicle as defined under section 5 of this act conditioned upon the offender:

(a) Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;

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(b) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;

(c) Having no prior charges of escape; and

(d) Fulfilling the other conditions of the home detention program.

(4) Participation in a home detention program shall be conditioned upon:

(a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;

(b) Abiding by the rules of the home detention program; and

(c) Compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 10. RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN
EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder 1 (RCW 10.95.020)	Kidnapping 1 (RCW 9A.40.020)
XV	Homicide by abuse (RCW 9A.32.055)	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 1 (RCW 70.74.280(1))	Malicious explosion 3 (RCW 70.74.280(3))
	Murder 1 (RCW 9A.32.030)	Sexually Violent Predator Escape (RCW 9A.76.115)
XIV	Murder 2 (RCW 9A.32.050)	IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Trafficking 1 (RCW 9A.40.100(1))	Assault of a Child 2 (RCW 9A.36.130)
XIII	Malicious explosion 2 (RCW 70.74.280(2))	Criminal Mistreatment 1 (RCW 9A.42.020)
	Malicious placement of an explosive 1 (RCW 70.74.270(1))	Explosive devices prohibited (RCW 70.74.180)
XII	Assault 1 (RCW 9A.36.011)	Hit and Run--Death (RCW 46.52.020(4)(a))
	Assault of a Child 1 (RCW 9A.36.120)	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Rape 1 (RCW 9A.44.040)	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Rape of a Child 1 (RCW 9A.44.073)	Robbery 1 (RCW 9A.56.200)
	Trafficking 2 (RCW 9A.40.100(2))	Sexual Exploitation (RCW 9.68A.040)
XI	Manslaughter 1 (RCW 9A.32.060)	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
	Rape 2 (RCW 9A.44.050)	VIII Arson 1 (RCW 9A.48.020)
	Rape of a Child 2 (RCW 9A.44.076)	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
X	Child Molestation 1 (RCW 9A.44.083)	Manslaughter 2 (RCW 9A.32.070)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))	Promoting Prostitution 1 (RCW 9A.88.070)
		Theft of Ammonia (RCW 69.55.010)
		Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
		VII Burglary 1 (RCW 9A.52.020)
		Child Molestation 2 (RCW 9A.44.086)
		Civil Disorder Training (RCW 9A.48.120)
		Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
		Drive-by Shooting (RCW 9A.36.045)
		Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

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- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Influencing Outcome of Sporting Event (RCW 9A.82.070)	Escape 2 (RCW 9A.76.120)
Malicious Harassment (RCW 9A.36.080)	Extortion 2 (RCW 9A.56.130)
Residential Burglary (RCW 9A.52.025)	Harassment (RCW 9A.46.020)
Robbery 2 (RCW 9A.56.210)	Intimidating a Public Servant (RCW 9A.76.180)
Theft of Livestock 1 (RCW 9A.56.080)	Introducing Contraband 2 (RCW 9A.76.150)
Threats to Bomb (RCW 9.61.160)	Malicious Injury to Railroad Property (RCW 81.60.070)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Organized Retail Theft 1 (RCW 9A.56.350(2))
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	Perjury 2 (RCW 9A.72.030)
Unlawful transaction of insurance business (RCW 48.15.023(3))	Possession of Incendiary Device (RCW 9.40.120)
Unlicensed practice as an insurance professional (RCW 48.17.063(3))	Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Promoting Prostitution 2 (RCW 9A.88.080)
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	((Retail)) Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
Willful Failure to Return from Furlough (RCW 72.66.060)	Securities Act violation (RCW 21.20.400)
III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Tampering with a Witness (RCW 9A.72.120)
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
Assault of a Child 3 (RCW 9A.36.140)	Theft of Livestock 2 (RCW 9A.56.083)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
Burglary 2 (RCW 9A.52.030)	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)	Unlawful Imprisonment (RCW 9A.40.040)
Criminal Gang Intimidation (RCW 9A.46.120)	Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
Custodial Assault (RCW 9A.36.100)	Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
	Willful Failure to Return from Work Release (RCW 72.65.070)

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- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (section 5 of this act)
- ~~(Retail)~~ Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (section 2 of this act)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)

- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 11. RCW 13.40.0357 and 2006 c 73 s 14 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUvenile Disposition Offense Category	Description (RCW Citation)	Juvenile Disposition Category for Attempt, Bailjump, Conspiracy, or Solicitation
.....		
Arson and Malicious Mischief		
A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (9A.48.090(2) (a) and (c))	E

- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)

E	Malicious Mischief 3 (9A.48.090(2)(b))	E	E	Possession of Marihuana <40 grams (69.50.4014)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E	C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
E	Tampering with Fire Alarm Apparatus with Intent to Commit Arson (9.40.105)	E	C +	Sale of Controlled Substance for Profit (69.50.410)	C +
A	Possession of Incendiary Device (9.40.120)	B +	E	Unlawful Inhalation (9.47A.020)	E
Assault and Other Crimes Involving Physical Harm			B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.4011(2) (a) or (b))	B
A	Assault 1 (9A.36.011)	B +	C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.4011(2) (c), (d), or (e))	C
B +	Assault 2 (9A.36.021)	C +	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4013)	C
C +	Assault 3 (9A.36.031)	D +	C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.4012)	C
D +	Assault 4 (9A.36.041)	E	C	Firearms and Weapons	
B +	Drive-By Shooting (9A.36.045)	C +	B	Theft of Firearm (9A.56.300)	C
D +	Reckless Endangerment (9A.36.050)	E	B	Possession of Stolen Firearm (9A.56.310)	C
C +	Promoting Suicide Attempt (9A.36.060)	D +	E	Carrying Loaded Pistol Without Permit (9.41.050)	E
D +	Coercion (9A.36.070)	E	C	Possession of Firearms by Minor (<18) (9.41.040(2)(a)(iii))	C
C +	Custodial Assault (9A.36.100)	D +	D +	Possession of Dangerous Weapon (9.41.250)	E
Burglary and Trespass			D	Intimidating Another Person by use of Weapon (9.41.270)	E
B +	Burglary 1 (9A.52.020)	C +		Homicide	
B	Residential Burglary (9A.52.025)	C	A +	Murder 1 (9A.32.030)	A
B	Burglary 2 (9A.52.030)	C	A +	Murder 2 (9A.32.050)	B +
D	Burglary Tools (Possession of) (9A.52.060)	E	B +	Manslaughter 1 (9A.32.060)	C +
D	Criminal Trespass 1 (9A.52.070)	E	C +	Manslaughter 2 (9A.32.070)	D +
E	Criminal Trespass 2 (9A.52.080)	E	B +	Vehicular Homicide (46.61.520)	C +
C	Mineral Trespass (78.44.330)	C		Kidnapping	
C	Vehicle Prowling 1 (9A.52.095)	D	A	Kidnap 1 (9A.40.020)	B +
D	Vehicle Prowling 2 (9A.52.100)	E	B +	Kidnap 2 (9A.40.030)	C +
Drugs			C +	Unlawful Imprisonment (9A.40.040)	D +
E	Possession/Consumption of Alcohol (66.44.270)	E	D	Obstructing Governmental Operation	
C	Illegally Obtaining Legend Drug (69.41.020)	D	D	Obstructing a Law Enforcement Officer (9A.76.020)	E
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030(2)(a))	D +	E	Resisting Arrest (9A.76.040)	E
E	Possession of Legend Drug (69.41.030(2)(b))	E	B	Introducing Contraband 1 (9A.76.140)	C
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(2) (a) or (b))	B +			
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(2)(c))	C			

C	Introducing Contraband 2 (9A.76.150)	D	<u>B</u>	<u>Possession of a Stolen Vehicle (section 5 of this act)</u>	<u>C</u>
E	Introducing Contraband 3 (9A.76.160)	E			
B +	Intimidating a Public Servant (9A.76.180)	C +	B	Possession of Stolen Property 1 (9A.56.150)	C
B +	Intimidating a Witness (9A.72.110)				
	Public Disturbance				
C +	Riot with Weapon (9A.84.010(2)(b))	D +	D	Possession of Stolen Property 2 (9A.56.160)	D
D +	Riot Without Weapon (9A.84.010(2)(a))	E		Possession of Stolen Property 3 (9A.56.170)	E
E	Failure to Disperse (9A.84.020)	E	<u>((E))</u>	Taking Motor Vehicle Without Permission 1 ((and 2)) (9A.56.070 ((and 9A.56.075)))	<u>((E))</u>
E	Disorderly Conduct (9A.84.030)	E	<u>B</u>	<u>Taking Motor Vehicle Without Permission 2 (9A.56.075)</u>	<u>C</u>
	Sex Crimes				
A	Rape 1 (9A.44.040)	B +	<u>B</u>	<u>Theft of a Motor Vehicle (section 2 of this act)</u>	<u>D</u>
A-	Rape 2 (9A.44.050)	B +			<u>C</u>
C +	Rape 3 (9A.44.060)	D +		Motor Vehicle Related Crimes	
A-	Rape of a Child 1 (9A.44.073)	B +	E	Driving Without a License (46.20.005)	E
B +	Rape of a Child 2 (9A.44.076)	C +	B +	Hit and Run - Death (46.52.020(4)(a))	C +
B	Incest 1 (9A.64.020(1))	C	C	Hit and Run - Injury (46.52.020(4)(b))	D
C	Incest 2 (9A.64.020(2))	D	D	Hit and Run-Attended (46.52.020(5))	E
D +	Indecent Exposure (Victim <14) (9A.88.010)	E	E	Hit and Run-Unattended (46.52.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E	C	Vehicular Assault (46.61.522)	D
B +	Promoting Prostitution 1 (9A.88.070)	C +	C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
C +	Promoting Prostitution 2 (9A.88.080)	D +	E	Reckless Driving (46.61.500)	E
E	O & A (Prostitution) (9A.88.030)	E	D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
B +	Indecent Liberties (9A.44.100)	C +			
A-	Child Molestation 1 (9A.44.083)	B +	B +	Felony Driving While Under the Influence (46.61.502(6))	B
B	Child Molestation 2 (9A.44.086)	C +	B +	Felony Physical Control of a Vehicle While Under the Influence (46.61.504(6))	B
	Theft, Robbery, Extortion, and Forgery			Other	
B	Theft 1 (9A.56.030)	C		Animal Cruelty 1 (16.52.205)	C
C	Theft 2 (9A.56.040)	D	B	Bomb Threat (9.61.160)	C
D	Theft 3 (9A.56.050)	E	B	Escape 1 ¹ (9A.76.110)	C
B	Theft of Livestock 1 and 2 (9A.56.080 and 9A.56.083)	C	C	Escape 2 ¹ (9A.76.120)	C
C	Forgery (9A.60.020)	D	D	Escape 3 (9A.76.130)	E
A	Robbery 1 (9A.56.200)	B +	E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
B +	Robbery 2 (9A.56.210)	C +			
B +	Extortion 1 (9A.56.120)	C +	A	Other Offense Equivalent to an Adult Class A Felony	B +
C +	Extortion 2 (9A.56.130)	D +			
C	Identity Theft 1 (9.35.020(2))	D	B	Other Offense Equivalent to an Adult Class B Felony	C
D	Identity Theft 2 (9.35.020(3))	E			
D	Improperly Obtaining Financial Information (9.35.010)	E	C	Other Offense Equivalent to an Adult Class C Felony	D

- D Other Offense Equivalent to an Adult
Gross Misdemeanor E
- E Other Offense Equivalent to an Adult
Misdemeanor E
- V Violation of Order of Restitution,
Community Supervision, or Confinement
(13.40.200)2 V

1Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

1st escape or attempted escape during 12-month period - 4 weeks confinement

2nd escape or attempted escape during 12-month period - 8 weeks confinement

3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

2If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, C, D, or RCW 13.40.167.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

	A +	180 WEEKS TO AGE 21 YEARS				
	A	103 WEEKS TO 129 WEEKS				
	A-	15-36 WEEKS EXCEPT 30-40 WEEKS FOR 15-17 YEAR OLDS	52-65 WEEKS	80-100 WEEKS	103-129 WEEKS	
Current Offense Category	B +	15-36 WEEKS		52-65 WEEKS	80-100 WEEKS	103-129 WEEKS
	B	LOCAL SANCTIONS (LS)		15-36 WEEKS		52-65 WEEKS
	C +	LS			15-36 WEEKS	
	C	LS				15-36 WEEKS

Local Sanctions:

		0 to 30 Days
D +	LS	0 to 12 Months Community Supervision
		0 to 150 Hours Community Restitution
D	LS	\$0 to \$500 Fine
E	LS	

0	1	2	3	4
				or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

**OR
OPTION B
SUSPENDED DISPOSITION ALTERNATIVE**

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

- (a) Adjudicated of an A + offense;
- (b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:
 - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
 - (ii) Manslaughter in the first degree (RCW 9A.32.060); or
 - (iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during

the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

**OR
OPTION C
CHEMICAL DEPENDENCY DISPOSITION
ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

**OR
OPTION D
MANIFEST INJUSTICE**

If the court determines that a disposition under option A, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. Sec. 12. A new section is added to chapter 13.40 RCW to read as follows:

If a juvenile is adjudicated of theft of a motor vehicle under section 2 of this act, possession of a stolen vehicle under section 5 of this act, taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070(1), or taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075(1) and is sentenced to local sanctions, the juvenile's disposition shall include an evaluation to determine whether the juvenile is in need of community-based rehabilitation services and to complete any treatment recommended by the evaluation.

Sec. 13. RCW 13.40.210 and 2002 c 175 s 27 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities

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exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence of theft of a motor vehicle 1, possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the

community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 14. RCW 13.40.160 and 2004 c 120 s 4 and 2004 c 38 s 11 are each reenacted and amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection (2), (3), (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection (2), (3), (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW

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13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a)(i) Frequency and type of contact between the offender and therapist;
- (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
- (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (iv) Anticipated length of treatment; and
- (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(i) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender shall not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified sex offender treatment providers or certified affiliate sex offender treatment providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under RCW 13.40.167.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health

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disposition alternative, the court in a county with a pilot program under RCW 13.40.169 may impose the disposition alternative under RCW 13.40.169.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9A.41.040(2)(a)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

(8) Section 15 of this act shall govern the disposition of any juvenile adjudicated of theft of a motor vehicle as defined under section 2 of this act, possession of a stolen motor vehicle as defined under section 5 of this act, taking a motor vehicle without permission in the first degree under RCW 9A.56.070, and taking a motor vehicle without permission in the second degree under RCW 9A.56.075.

(9) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((9))~~ (10) Except as provided under subsection (3), (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((10))~~ (11) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 15. A new section is added to chapter 13.40 RCW to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than five days of home detention, forty-five hours of community restitution, and a two hundred dollar fine;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard range sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under section 2 of this act, or possession of a stolen vehicle as defined under section 5 of this act, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes either: (i) No less than five days of home detention and forty-five hours of community restitution; or (ii) no home detention and ninety hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to standard range sentence that includes no less than ten days of detention, ninety hours of community restitution, and a four hundred dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks of confinement, seven days of home detention, four months of supervision, ninety hours of community restitution, and a four hundred dollar fine.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes either: (i) No less than one day of home detention, one month of supervision, and fifteen hours of community restitution; or (ii) no home detention, one month of supervision, and thirty hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, two days of home detention, two months of supervision, thirty hours of community restitution, and a one hundred fifty dollar fine; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, seven days of home detention, three months of supervision, forty-five hours of community restitution, and a one hundred fifty dollar fine.

Sec. 16. RCW 9A.56.070 and 2003 c 53 s 72 are each amended to read as follows:

(1) A person is guilty of taking a motor vehicle without permission in the first degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, and he or she:

(a) Alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates;

(b) Removes, or participates in the removal of, parts from the motor vehicle with the intent to sell the parts;

(c) Exports, or attempts to export, the motor vehicle across state lines or out of the United States for profit;

(d) Intends to sell the motor vehicle; or

(e) Is engaged in a conspiracy and the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit or is engaged in a conspiracy and has solicited a juvenile to participate in the theft of a motor vehicle.

(2) Taking a motor vehicle without permission in the first degree is a class B felony.

Sec. 17. RCW 9A.56.096 and 2003 c 53 s 77 are each amended to read as follows:

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented ~~((or))~~, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan agreement; or

(b) That the renter ~~((or))~~, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, ~~((or))~~ lease-purchase, or loan period, mailed by certified or registered mail to the renter ~~((or))~~, lessee, or borrower at: (a) The address the renter ~~((or))~~, lessee, or borrower gave when the contract was made; or (b) the renter ~~((or))~~, lessee's, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter ~~((or))~~, lessee, or borrower.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property.

(5)(a) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a class B felony if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at one thousand five hundred dollars or more.

(b) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a class C felony if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at two hundred fifty dollars or more but less than one thousand five hundred dollars.

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(c) Theft of rental, leased, ~~((or))~~ lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, ~~((or))~~ lease-purchased, or loaned property is valued at less than two hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, ~~((and))~~ to lease-purchase agreements as defined under RCW 63.19.010, and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

NEW SECTION. Sec. 18. A new section is added to chapter 9A.56 RCW to read as follows:

(1) Any person who makes or mends, or causes to be made or mended, uses, or has in his or her possession any motor vehicle theft tool, that is adapted, designed, or commonly used for the commission of motor vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used, is guilty of making or having motor vehicle theft tools.

(2) For the purpose of this section, motor vehicle theft tool includes, but is not limited to, the following: Slim jim, false master key, master purpose key, altered or shaved key, trial or jiggle key, slide hammer, lock puller, picklock, bit, nipper, any other implement shown by facts and circumstances that is intended to be used in the commission of a motor vehicle related theft, or knowing that the same is intended to be so used.

(3) For the purposes of this section, the following definitions apply:

(a) "False master" or "master key" is any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

(b) "Altered or shaved key" is any key so altered, by cutting, filing, or other means, to fit multiple vehicles or vehicles other than the vehicles for which the key was originally manufactured.

(c) "Trial keys" or "jiggle keys" are keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

(4) Making or having motor vehicle theft tools is a gross misdemeanor.

NEW SECTION. Sec. 19. A new section is added to chapter 36.28A RCW to read as follows:

There is hereby created in the Washington association of sheriffs and police chiefs the Washington auto theft prevention authority which shall be under the direction of the executive director of the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 20. (1) The Washington auto theft prevention authority is established. The authority shall consist of the following members, appointed by the governor:

(a) The executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee;

(b) The chief of the Washington state patrol, or the chief's designee;

(c) Two police chiefs;

(d) Two sheriffs;

(e) One prosecuting attorney;

(f) A representative from the insurance industry who is responsible for writing property and casualty liability insurance in the state of Washington;

(g) A representative from the automobile industry; and

(h) One member of the general public.

(2) In addition, the authority may, where feasible, consult with other governmental entities or individuals from the public and private sector in carrying out its duties under this section.

NEW SECTION. Sec. 21. (1) The Washington auto theft prevention authority shall initially convene at the call of the executive director of the Washington association of sheriffs and police chiefs, or the executive director's designee, no later than

the third Monday in January 2008. Subsequent meetings of the authority shall be at the call of the chair or seven members.

(2) The authority shall annually elect a chairperson and other such officers as it deems appropriate from its membership.

(3) Members of the authority shall serve terms of four years each on a staggered schedule to be established by the first authority. For purposes of initiating a staggered schedule of terms, some members of the first authority may initially serve two years and some members may initially serve four years.

NEW SECTION. Sec. 22. (1) The Washington auto theft prevention authority may obtain or contract for staff services, including an executive director, and any facilities and equipment as the authority requires to carry out its duties.

(2) The director may enter into contracts with any public or private organization to carry out the purposes of this section and sections 20, 21, and 23 through 27 of this act.

(3) The authority shall review and make recommendations to the legislature and the governor regarding motor vehicle theft in Washington state. In preparing the recommendations, the authority shall, at a minimum, review the following issues:

(a) Determine the scope of the problem of motor vehicle theft, including:

(i) Particular areas of the state where the problem is the greatest;

(ii) Annual data reported by local law enforcement regarding the number of reported thefts, investigations, recovered vehicles, arrests, and convictions; and

(iii) An assessment of estimated funds needed to hire sufficient investigators to respond to all reported thefts.

(b) Analyze the various methods of combating the problem of motor vehicle theft;

(c) Develop and implement a plan of operation; and

(d) Develop and implement a financial plan.

(4) The authority is not a law enforcement agency and may not gather, collect, or disseminate intelligence information for the purpose of investigating specific crimes or pursuing or capturing specific perpetrators. Members of the authority may not exercise general authority peace officer powers while acting in their capacity as members of the authority, unless the exercise of peace officer powers is necessary to prevent an imminent threat to persons or property.

(5) The authority shall annually report its activities, findings, and recommendations during the preceding year to the legislature by December 31st.

NEW SECTION. Sec. 23. The Washington auto theft prevention authority may solicit and accept gifts, grants, bequests, devises, or other funds from public and private sources to support its activities.

NEW SECTION. Sec. 24. The governor may remove any member of the Washington auto theft prevention authority for cause including but not limited to neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the members of the authority under this chapter. Upon the death, resignation, or removal of a member, the governor shall appoint a replacement to fill the remainder of the unexpired term.

NEW SECTION. Sec. 25. Members of the Washington auto theft prevention authority who are not public employees shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for travel expenses incurred in carrying out the duties of the authority in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 26. Any member serving in their official capacity on the Washington auto theft prevention authority, or either their employer or employers, or other entity that selected the members to serve, are immune from a civil action based upon an act performed in good faith.

NEW SECTION. Sec. 27. (1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to

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motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

Sec. 28. RCW 46.63.110 and 2005 c 413 s 2, 2005 c 320 s 2, and 2005 c 288 s 8 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation

in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040; and

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional

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penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

NEW SECTION. Sec. 29. This act shall be known as the Elizabeth Nowak-Washington auto theft prevention act.

NEW SECTION. Sec. 30. Sections 20 through 27 of this act constitute a new chapter in Title 46 RCW."

Senator Kline spoke in favor of adoption of the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Roach: "Would Senator Kline yield to a question? There are actually two amendments. That one was a striker out of Judiciary and one was a striker out of Ways & Means. From the reader board, it just says committee amendment striker. My question to the previous speaker is, which striker is this, Ways & Means or Judiciary?"

Senator Kline: "This is the Ways & Means striker."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Third Substitute House Bill No. 1001.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 9A.56.030, 9A.56.040, 9A.56.150, 9A.56.160, 9.94A.734, 13.40.0357, 13.40.210, 9A.56.070, and 9A.56.096; reenacting and amending RCW 9.94A.525, 9.94A.515, 13.40.160, and 46.63.110; adding new sections to chapter 9A.56 RCW; adding new sections to chapter 13.40 RCW; adding a new section to chapter 36.28A RCW; adding a new chapter to Title 46 RCW; creating new sections; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Third Substitute House Bill No. 1001 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline, Carrell, Hargrove, Brandland, Eide, Roach and Kohl-Welles spoke in favor of passage of the bill.

Senator Delvin spoke on final passage of the bill.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Third Substitute House Bill No. 1001 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute House Bill No. 1001 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "Since it is the birthday, there are no birthdays that you can celebrate without cupcakes. One of the staff, Jeannine Dellwo, was very kind and made cupcakes, so with chocolate frosting. It's in the Majority Caucus Room."

SECOND READING

HOUSE BILL NO. 1042, by Representatives Rodne, Pedersen, Moeller and Lantz

Modifying the share acquisition time period for engaging in a significant business transaction.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 1042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1042.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1042 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell,

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Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Kline and Poulsen - 3

HOUSE BILL NO. 1042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1278, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Simpson and Kenney)

Modifying industry average unemployment contribution rates.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1278 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Holmquist, Honeyford and Stevens - 3

Excused: Senators Brown, Kline and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5036,
SENATE BILL NO. 5079,
SENATE BILL NO. 5113
SUBSTITUTE SENATE BILL NO. 5231,
SUBSTITUTE SENATE BILL NO. 5263,
SENATE BILL NO. 5264,
SENATE BILL NO. 5351,
SENATE BILL NO. 5382,
ENGROSSED SENATE BILL NO. 5385,
SUBSTITUTE SENATE BILL NO. 5405,
SENATE BILL NO. 5408,
SUBSTITUTE SENATE BILL NO. 5481,
SENATE BILL NO. 5490,

ENGROSSED SENATE BILL NO. 5513,
SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5688,
SUBSTITUTE SENATE BILL NO. 5715,
SUBSTITUTE SENATE BILL NO. 5720,
SENATE BILL NO. 5775,
SENATE BILL NO. 5879,
SECOND SUBSTITUTE SENATE BILL NO. 5883,
SENATE BILL NO. 5918,
SENATE BILL NO. 5953,

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1304, by House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn, Jarrett, Flannigan, McCoy, Darneille, Lovick, Campbell, Schual-Berke, Kenney, Morrell and Roberts)

Modifying commercial motor vehicle carrier provisions.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee amendment by the Committee on Transportation be adopted.

On page 3, after line 23, insert the following:

"(4) Beginning on June 30, 2012, the requirements of subsection (3) of this section apply to any original or renewal application that is submitted to the department for registration of a commercial motor vehicle that is owned by a motor carrier subject to RCW 46.32.080, and that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more."

On page 9, after line 4, insert the following:

"(b) All motor carriers operating in this state who (i) have not applied under (a) of this subsection for a department of transportation number, as defined in section 3 of this act, and (ii) have a commercial motor vehicle that has a gross vehicle weight rating of 7,258 kilograms (16,001 pounds) or more, must apply for a department of transportation number by January 1, 2011."

Reletter the remaining subsections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Substitute House Bill No. 1304.

The motion by Senator Murray carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1304 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1304 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1304 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen,

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Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Morton, Roach and Stevens - 4

Excused: Senators Brown, Kline and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1304 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422, by House Committee on Human Services (originally sponsored by Representatives Roberts, Dickerson, Appleton, Walsh, Haler, Darneille, Lovick, Pettigrew, Quall, Hasegawa, Sells, Goodman, Eddy, Green, O'Brien, Chase, Kagi, Ormsby and Santos)

Addressing children and families of incarcerated parents.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the significant impact on the lives and well-being of children and families when a parent is incarcerated. It is the intent of the legislature to support children and families, and maintain familial connections when appropriate, during the period a parent is incarcerated. Further, the legislature finds that there must be a greater emphasis placed on identifying state policies and programs impacting children with incarcerated parents. Additionally, greater effort must be made to ensure that the policies and programs of the state are supportive of the children, and meet their needs during the time the parent is incarcerated.

According to the final report of the children of incarcerated parents oversight committee, helping offenders build durable family relationships may reduce the likelihood that their children will go to prison later in life. Additionally, the report indicates that offenders who reconnect with their families in sustaining ways are less likely to reoffend. In all efforts to help offenders build these relationships with their children, the safety of the children will be paramount.

NEW SECTION. Sec. 2. A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary of corrections shall review current department policies and assess the following:

(a) The impact of existing policies on the ability of offenders to maintain familial contact and engagement between inmates and children; and

(b) The adequacy and availability of programs targeted at inmates with children.

(2) The secretary shall adopt policies that encourage familial contact and engagement between inmates and their children with the goal of reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent and the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed.

(3) The department shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the families of inmates, particularly the children of incarcerated parents;

(b) Evaluate data to determine the impact on recidivism and intergenerational incarceration; and

(c) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

(1)(a) The secretary of social and health services shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive services through the department who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The secretary shall adopt policies that encourage familial contact and engagement between inmates of the department of corrections facilities and their children with the goal of facilitating normal child development, while reducing recidivism and intergenerational incarceration. Programs and policies should take into consideration the children's need to maintain contact with his or her parent, the inmate's ability to develop plans to financially support their children, assist in reunification when appropriate, and encourage the improvement of parenting skills where needed. The programs and policies should also meet the needs of the child while the parent is incarcerated.

(2) The secretary shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of public assistance, or children in the care of the state under chapter 13.34 RCW, who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The director of the department of early learning shall review current department policies and assess the adequacy and availability of programs targeted at persons who receive assistance who are the children and families of a person who is incarcerated in a department of corrections facility. Great attention shall be focused on programs and policies affecting foster youth who have a parent who is incarcerated.

(b) The director shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, while reducing intergenerational incarceration.

(2) The director shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

(a) Gather information and data on the recipients of assistance who are the children and families of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction shall review current policies and assess the adequacy and availability of programs targeted at children who have a parent who is incarcerated in a department of corrections facility. The superintendent of public instruction shall adopt policies that support the children of incarcerated parents and meet their needs with the goal of facilitating normal child development, including maintaining adequate academic progress, while reducing intergenerational incarceration.

(2) The superintendent shall conduct the following activities to assist in implementing the requirements of subsection (1) of this section:

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(a) Gather information and data on the students who are the children of inmates incarcerated in department of corrections facilities; and

(b) Participate in the children of incarcerated parents advisory committee and report information obtained under this section to the advisory committee.

NEW SECTION. Sec. 6. A new section is added to chapter 43.63A RCW to read as follows:

(1)(a) The department of community, trade, and economic development shall establish an advisory committee to monitor, guide, and report on recommendations relating to policies and programs for children and families with incarcerated parents.

(b) The advisory committee shall include representatives of the department of corrections, the department of social and health services, the department of early learning, the office of the superintendent of public instruction, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the administrative office of the courts, the Washington association of sheriffs and police chiefs, jail administrators, the office of the governor, and others who have an interest in these issues.

(c) The advisory committee shall:

(i) Gather the data collected by the departments as required in sections 2 through 5 of this act;

(ii) Monitor and provide consultation on the implementation of recommendations contained in the 2006 children of incarcerated parents report;

(iii) Identify areas of need and develop recommendations for the legislature, the department of social and health services, the department of corrections, the department of early learning, and the office of the superintendent of public instruction to better meet the needs of children and families of persons incarcerated in department of corrections facilities; and

(iv) Advise the department of community, trade, and economic development regarding community programs the department should fund with moneys appropriated for this purpose in the operating budget. The advisory committee shall provide recommendations to the department regarding the following:

(A) The goals for geographic distribution of programs and funding;

(B) The scope and purpose of eligible services and the priority of such services;

(C) Grant award funding limits;

(D) Entities eligible to apply for the funding;

(E) Whether the funding should be directed towards starting or supporting new programs, expanding existing programs, or whether the funding should be open to all eligible services and providers; and

(F) Other areas the advisory committee determines appropriate.

(d) The children of incarcerated parents advisory committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2008.

(2) The department of community, trade, and economic development shall select community programs or services to receive funding that focus on children and families of inmates incarcerated in a department of corrections facility and sustaining the family during the period of the inmate's incarceration.

(a) Programs or services which meet the needs of the children of incarcerated parents should be the greatest consideration in the programs that are identified by the department.

(b) The department shall consider the recommendations of the advisory committee regarding which services or programs the department should fund.

(c) The programs selected shall collaborate with an agency, or agencies, experienced in providing services to aid families and victims of sexual assault and domestic violence to ensure that the programs identify families who have a history of sexual assault or domestic violence and ensure the services provided are appropriate for the children and families.

NEW SECTION. Sec. 7. The children of incarcerated parents oversight committee shall expire on the effective date of this section.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 1422.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "parents;" strike the remainder of the title and insert "adding a new section to chapter 72.09 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.63A RCW; and creating new sections."

MOTION

On motion of Senator Regala, the rules were suspended, Engrossed Second Substitute House Bill No. 1422 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Regala, Delvin and Stevens spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1422 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1422 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Kline - 2

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1437, by Representatives Eddy, Williams, Lantz, Seaquist, Appleton, Darneille, Rolfes, Lovick, Moeller and Ericks

Concerning fees for petitioners of sexual assault protection orders.

The measure was read the second time.

MOTION

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On motion of Senator Tom, the rules were suspended, House Bill No. 1437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Tom spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1437.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1437 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Hewitt and Kline - 3

HOUSE BILL NO. 1437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1475, by Representatives Hurst, Haigh, Eickmeyer, Curtis, Alexander, Morrell, Crouse, Simpson, Roach and VanDeWege

Adding members to the state board for volunteer firefighters and reserve officers.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1475.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1475 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Kline - 2

HOUSE BILL NO. 1475, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1848, by House Committee on Health Care & Wellness (originally sponsored by Representatives Curtis, Cody, Hinkle, Condotta, Orcutt, Fromhold, Moeller and Campbell)

Requiring identification from health services applicants. Revised for 1st Substitute: Requiring the department of social and health services and the health care authority to enter into data-sharing agreements with Oregon and Idaho agencies.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1848.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1848 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Premier of British Columbia, Mr. Gordon Campbell, who was seated at the rostrum.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and Gentlemen of the Senate, we have a very, very special guest with us today that I have the great honor of introducing to you. That's Premier of British Columbia, Premier Gordon Campbell. He is the leader of the British Columbia Liberal Party and holds a majority in the Legislative Assembly of British Columbia. He was elected to the Vancouver Council in 1984 and from 1986 to 1993 he served as the mayor of the great city of Canada's, Vancouver. He has served as the Chair the Greater Vancouver Regional District and President of the Union of British Columbia municipalities. He became the Leader of the British Columbia Liberal Party in 1993 and was elected to the Legislative Assembly the next year in Vancouver Quilchena by election. He represents the Vancouver-Point Gray riding. This very accomplished and

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highly respected individual is here and we have the great privilege to say a few comments.”

With permission of the Senate, business was suspended to allow Premier Gordon Campbell to address the Senate.

REMARKS BY PREMIER GORDON CAMPBELL

Premier Gordon Campbell: “Well thank you all very much. It’s a great honor to be here in Olympia with the Senate. I’d just like to take a moment to say how much I appreciate the work the Senate is doing, the state government, is doing in Washington to create real partnerships with the Province of British Columbia. We have an awful lot in common, both socially as well as economically. I want to congratulate the Governor and the Senate for the work they’ve done in the Western hemisphere travel initiative. It’s very important to our Province and to your state and I think it shows, once again, when British Columbia and Washington work together we can lead both of our countries in the direction of things that make both practical and social sense for all of us.

I also want to make sure that everyone in Washington State knows that your welcome to take full and active part in the 2010 Winter Olympic and pure Olympic Games. That represents enormous opportunities not just for the young people of our Province but for the communities of our Province as well. We’re looking forward to the Olympia and Para Olympic Games in 2010. We will be winning all of the gold medals but, we’re going to be very generous in terms of silver and bronze, so we want you to know that.

We also think it’s really, we have an awful lot of community of interests in terms of moving forward to set some standards in terms of improving our climate, dealing with issues around climate change, improving the quality of our environment and to continuing to recognize that often these challenges don’t recognize national boundaries or borders. Whether it’s our oceans or our atmosphere we all have an impact on that. I want to say how much I appreciate the work that your Governor has done with our Providence and with myself. We’ve had a number of meetings already. We’re looking to continue to build the partnerships between British Columbia and Washington. The trade that takes place, the opportunities that are here for our young people are, I think, real blessings for all the generations that will follow us if we husband our resources and work well together. So, on behalf of my colleagues and the people of British Columbia let me say thank you for the work that you do. Let me say how much we appreciate our friendships and partnerships with people in Washington state and how much we look forward to building on those in the future. We’re lucky to live in this part of the world. We’re lucky to have the opportunity to serve this part of the world and I want to say that I feel very fortunate to have so many friends in Washington that are willing to work with us to build even a better future for the people we serve. Thank you very much. I appreciate the time and the attention.”

REMARKS BY THE PRESIDENT

President Owen: “Thank you Mr. Premier Campbell, we’ve had a great relationship with Canada. We’ve been actually been taking committees to the beautiful City of Victoria. Your Minister van Dongen has become a very good friend of ours and has invited us back up there to talk about some of the cross border issues that we have with you. We look forward to try to put that together. Thank you very much for your visit and your great friendship. Come and visit us again.”

RULING BY THE PRESIDENT

President Owen: “In ruling upon the inquiry raised by Senator Fairley as to whether or not House Bill 1291 is an expansion of gambling that requires a sixty percent vote under Article II, Section 24 of the Washington Constitution, the

President finds and rules as follows:

In 2004, the Legislature enacted provisions of law relating to advance deposit wagering. Regardless of whether a point of order was requested on this bill at the time or not, such an action was clearly an expansion of gambling which would take a sixty percent vote. This law included a sunset clause, under which the act would end as of October 1, 2007.

The measure before us is very simple, as it contains only one line of substantive law, and this line deletes the sunset clause. In effect, this changes what was an authorization for advance deposit wagering for a limited time into an authorization of unlimited, or at least indeterminate, duration. Were the act to expire as present law requires, and were the body to then come back with a bill reinstating these provisions, such an act would undoubtedly take—as did the original measure passed in 2004—a sixty percent vote. It is axiomatic, then, that a measure which removes the sunset clause expands gambling from a limited period of time to an unlimited period of time likewise takes a sixty percent vote.

For these reasons, the President responds to Senator Fairley’s inquiry by ruling that a sixty percent vote of this body, 30 votes, will be needed for final passage.”

RULING BY THE PRESIDENT

President Owen: “Senator Haugen has raised the question as to whether Substitute Senate Bill 5080 takes a simple majority or a two-thirds vote on final passage, because of a prior ruling of the President on this measure. In that ruling, the President held that this measure in a previous form would take a two-thirds vote, under provisions of the law commonly referred to as Initiative 601, because it converted a specific fee into a general tax. Senator Haugen believes that adoption of the latest striking amendment to the bill changes this analysis, and has asked for a ruling based on this new language.

The President believes this is an important issue and wants to be clear in his explanation, because it involves the interplay of two earlier rulings, including one on an earlier version of this same bill. The President knows that this can be a complicated area of procedure and takes his role in this matter very seriously. In addition to answering the specific issue before us, this ruling may also provide guidance for the body in drafting for the future, and he appreciates the body’s patience as he issues this ruling.

Although the mechanics of the law may be complex, the President believes that the primary limitation in this collective law is clear: The legislature may not take action which raises state revenue unless the enacting legislation is passed with a two-thirds vote. Over the years, a body of parliamentary precedent has developed within the Legislature to differentiate between a specific fee, which takes only a simple majority vote, and a general tax increase, which would take a supermajority vote. While this is a reasonable distinction, it is not without its limits, and various rulings over the years should not be viewed by the body as an invitation to play games with revenue, names, and accounts to obfuscate the true nature of a tax increase in hopes that this will somehow circumvent the clear provisions of the law. Such machinations elevate form over substance and make a sham of the plain language of I-601.

With this in mind, the President reiterates that it is neither the name given the revenue action nor the name assigned to an account which is controlling. Calling something a fee when there is no nexus between its collection and how it is to be spent does not make it a fee for purposes of this analysis, regardless of the name of the account into which the proceeds are placed. Simply put, there must be a reasonable connection between the fee, those paying it, and the purpose on which its proceeds may be spent. Failing this, it is a tax, and a supermajority vote is required.

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Applying this to the measure before us, the previous language in the bill converted a specific fee into a general tax by impermissibly broadening the purpose for which it could be spent—indeed, over time, it would have completely done away with any reasonable limitation on the proceeds, severing the connection that previously existed between a specific fee and a specific purpose. By contrast, the language before us now essentially maintains the original purpose, but would then add another purpose—road wear related maintenance on highways.

The question then becomes whether a \$1 fee collected on the sale of tires may be used for both waste tire removal purposes and road wear maintenance on highways? The President believes that there is a logical connection between a fee collected on tires and these two purposes, and thus the fee remains a fee under the new language, it is not converted to a more general tax.

In so ruling, the President believes it would be instructive to issue a few cautionary notes. First, there is language in the bill relating to how and when proceeds would be transferred between accounts. It is important to understand that the mechanism for transfer between accounts has no bearing on the initial determination as to whether a revenue action is a fee or tax in the first place. The President will always begin by looking for a connection between the fee, those paying it, and the limited purpose for which it can be spent; accounts and transfers between them are not necessarily controlling for such an analysis. Likewise, while an intent section may be helpful, it simply provides guidance in looking at the measure as a whole, and it will not otherwise change the plain language of the substantive provisions of the bill.

Second, while the President cannot give a specific number of purposes which would be too many, thereby breaking the nexus between a fee and the limited use of its proceeds, it does seem that an excessive number of purposes tied to one limited fee would indicate that it is no longer a fee, but is instead a general tax increase. At some point, there might be so many purposes stated that the distinction between a fee and a tax increase is lost. The President issues these cautions not as a comment upon any policy choice made by this body, but simply as guidance for the future in meeting the parliamentary constraints of I-601.

For these reasons, the President responds to Senator Haugen's inquiry by ruling that only a simple majority of this body, 25 votes, is needed for final passage of this measure as recently amended by striking amendment 302.

The Senate resumed consideration of Substitute Senate Bill No. 5080 which had been deferred on a previous day.

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Substitute Senate Bill No. 5080 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5080 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Murray, Oemig,

Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 38

Voting nay: Senators Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Roach, Schoesler, Stevens and Zarelli - 10

Excused: Senator Kline - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2113, by Representatives Williams, Goodman, Green, Hunt and Simpson

Regarding objections by cities, towns, and counties to the issuance of liquor licenses.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 5, starting on line 10, after "request" strike all material through "hold" on line 11

On page 8, starting on line 1, after "statements" strike all material through "patrol" on line 2 and insert "given to law enforcement upon arrest"

Senator Kohl-Welles spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Engrossed House Bill No. 2113.

The motion by Senator Kohl-Welles carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2113 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2113 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2113 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette,

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Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Kline - 2

ENGROSSED HOUSE BILL NO. 2113 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:32 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 5:29 p.m. by President Pro Tempore.

MOTION

At 5:30 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Thursday, April 5, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 5, 2007

The Senate was called to order at 9:00 a.m. by President Pro Tempore. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present with the exception of Senators Berkey, Brown, Carrell, Fairley, Pflug, Rasmussen, Shin and Swecker.

The Sergeant at Arms Color Guard consisting of Pages Jeffrey Ladderud and Elaine Whaley, presented the Colors. Senator Fraser offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

CHARLOTTE PARSLEY, appointed March 16, 2007, for the term ending July 1, 2011, as Member, Board of Trustees, State School for the Deaf.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Early Learning & K-12 Education.

March 20, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

LYNDA J. RING ERICKSON, appointed March 16, 2007, for the term ending August 2, 2009, as Member of the Sentencing Guidelines Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Judiciary.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed the following bills:

- ENGROSSED SENATE BILL NO. 5251,
- SENATE BILL NO. 5313,
- SUBSTITUTE SENATE BILL NO. 5443,
- SENATE BILL NO. 5732,
- SUBSTITUTE SENATE BILL NO. 5839,
- SUBSTITUTE SENATE BILL NO. 5895,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,
- ENGROSSED SENATE BILL NO. 6018,
- SENATE BILL NO. 6059,
- SENATE BILL NO. 6075,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE SENATE BILL NO. 5461,
- SUBSTITUTE SENATE BILL NO. 5463,
- SENATE BILL NO. 5468,
- SUBSTITUTE SENATE BILL NO. 5511,
- SENATE BILL NO. 5607,
- SENATE BILL NO. 5711,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SENATE BILL NO. 5640,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5827,
- SUBSTITUTE SENATE BILL NO. 5910,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed the following bills:

- SUBSTITUTE HOUSE BILL NO. 2380,
- SUBSTITUTE SENATE BILL NO. 5039,
- SENATE BILL NO. 5042,
- SUBSTITUTE SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5228,
- SENATE BILL NO. 5247,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,
- SENATE BILL NO. 5389,
- SUBSTITUTE SENATE BILL NO. 5391,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS**

MOTION

Senator Tom moved that Gubernatorial Appointment No. 9040, Steve S. Miller, as a member of the Board of Trustees, Bellevue Community College District No. 8, be confirmed.

Senator Tom spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Berkey, Brown, Fairley and Poulsen were excused.

MOTION

On motion of Senator Brandland, Senators Carrell, Pflug, Roach and Swecker were excused.

APPOINTMENT OF STEVE S. MILLER

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9040, Steve S. Miller as a member of the Board of Trustees, Bellevue Community College District No. 8.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9040, Steve S. Miller as a member of the Board of Trustees, Bellevue Community College District No. 8 and the appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 2; Excused, 6.

Voting yea: Senators Benton, Brandland, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Tom, Weinstein and Zarelli - 41

Absent: Senators Rasmussen and Shin - 2

Excused: Senators Berkey, Brown, Carrell, Fairley, Pflug and Swecker - 6

Gubernatorial Appointment No. 9040, Steve S. Miller, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellevue Community College District No. 8.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9121, Lynn Gooding, as Director of the Pollution Liability Insurance Program, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Kastama, Kauffman, Murray and Rasmussen were excused.

APPOINTMENT OF LYNN GOODING

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9121, Lynn Gooding as Director of the Pollution Liability Insurance Program.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9121, Lynn Gooding as Director of the Pollution Liability Insurance Program and the appointment was confirmed by the following vote: Yeas, 40;

Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Fairley, Kastama, Kauffman, Murray, Pflug, Rasmussen and Swecker - 9

Gubernatorial Appointment No. 9121, Lynn Gooding, having received the constitutional majority was declared confirmed as Director of the Pollution Liability Insurance Program.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9238, Bill Ruckelshaus, as Chair of the Salmon Recovery Funding Board, be confirmed.

Senators Rockefeller, Jacobsen and Parlette spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

APPOINTMENT OF BILL RUCKELSHAUS

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9238, Bill Ruckelshaus as Chair of the Salmon Recovery Funding Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9238, Bill Ruckelshaus as Chair of the Salmon Recovery Funding Board and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Fairley, Haugen, Kastama, Kauffman, Murray, Pflug and Swecker - 9

Gubernatorial Appointment No. 9238, Bill Ruckelshaus, having received the constitutional majority was declared confirmed as Chair of the Salmon Recovery Funding Board.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rasmussen moved adoption of the following resolution:

SENATE RESOLUTION

8681

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By Senators Rasmussen, Regala, Roach, Fraser, Pflug, Prentice, McAuliffe, Spanel, Murray, Jacobsen, Shin, Franklin, Parlette, Clements, Hewitt, Hargrove, Fairley, Holmquist, Brown, Weinstein, Berkey, Tom, Eide, Schoesler, Poulsen, Stevens, Delvin, Swecker, Haugen, Carrell, Benton, Kastama, Kline, Morton, Oemig, Hatfield, McCaslin, Zarelli, Kilmer, Kauffman, Rockefeller, Kohl-Welles, Pridemore and Honeyford

reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1145.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1145 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Berkey, Fairley and Pflug - 3

HOUSE BILL NO. 1145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Skinner, Kessler, Lantz, Hasegawa, Dickerson, Haler, McIntire, Conway, Newhouse and Kenney)

Establishing the poet laureate program.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1279.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1279 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Schoesler and Swecker - 2

Excused: Senators Fairley and Pflug - 2

SUBSTITUTE HOUSE BILL NO. 1279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest-growing developmental disability, affecting 1 million to 1.5 million Americans - 1 in 150 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism - delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better-equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Christine Gregoire.

Senators Rasmussen, Prentice, Brandland, Roach, Jacobsen and Delvin spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

The motion by Senator Rasmussen carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1145, by Representatives Lantz, Warnick, Williams, Rodne, O'Brien, Campbell, Goodman and Moeller

Modifying the definition of an "account receivable" for purposes of commencing an action.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1145 was advanced to third reading, the second

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SUBSTITUTE HOUSE BILL NO. 1328, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Santos, Anderson, Green, Hunt, Miloscia, McDermott, Hasegawa, Hudgins, Chandler, Darneille, Haigh, Hankins, Wallace, Kristiansen, Kagi, Pettigrew, Kenney and Conway)

Concerning small works roster contracting procedures.

The measure was read the second time.

MOTION

Senator Oemig moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 39.04.155 and 2001 c 284 s 1 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement (~~(project [projects])~~) projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, (~~(materialmen)~~) materialpersons, suppliers, and taxes imposed under Title 82 RCW that may be due from the

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contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5)(a) A state agency or authorized local government may use the limited public works process of subsection (3) of this section to solicit and award small works roster contracts to small businesses that are registered contractors with gross revenues under one million dollars annually as reported on their federal tax return.

(b) A state agency or authorized local government may adopt additional procedures to encourage small businesses that are registered contractors with gross revenues under two hundred fifty thousand dollars annually as reported on their federal tax returns to submit quotations or bids on small works roster contracts.

(6) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

Sec. 10. RCW 60.28.051 and 1992 c 223 s 4 are each amended to read as follows:

Upon completion of a contract, the state, county, or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue of the completion of contracts over ~~((twenty))~~ thirty-five thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he or she has received from the department of revenue a certificate that all taxes, increases, and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in the department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

Sec. 11. RCW 39.08.010 and 1989 c 145 s 1 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and materialmen, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond in cases of cities and towns shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services, or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of ~~((twenty-five))~~ thirty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases

from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later: PROVIDED FURTHER, That for contracts of one hundred thousand dollars or less, the public entity may accept a full payment and performance bond from an individual surety or sureties: AND PROVIDED FURTHER, That the surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington.

Sec. 12. RCW 39.12.040 and 1991 c 15 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it shall be the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer a "Statement of Intent to Pay Prevailing Wages". For a contract in excess of ten thousand dollars, the statement of intent to pay prevailing wages shall include:

(a) The contractor's registration certificate number; and

(b) The prevailing rate of wage for each classification of workers entitled to prevailing wages under RCW 39.12.020 and the estimated number of workers in each classification.

Each statement of intent to pay prevailing wages must be approved by the industrial statistician of the department of labor and industries before it is submitted to said officer. Unless otherwise authorized by the department of labor and industries, each voucher claim submitted by a contractor for payment on a project estimate shall state that the prevailing wages have been paid in accordance with the prefiled statement or statements of intent to pay prevailing wages on file with the public agency. Following the final acceptance of a public works project, it shall be the duty of the officer charged with the disbursement of public funds, to require the contractor and each and every subcontractor from the contractor or a subcontractor to submit to such officer an "Affidavit of Wages Paid" before the funds retained according to the provisions of RCW 60.28.010 are released to the contractor. Each affidavit of wages paid must be certified by the industrial statistician of the department of labor and industries before it is submitted to said officer.

(2) As an alternate to the procedures provided for in subsection (1) of this section, for public works projects of two thousand five hundred dollars or less and for projects where the limited public works process under RCW 39.04.155(3) is followed:

(a) An awarding agency may authorize the contractor or subcontractor to submit the statement of intent to pay prevailing wages directly to the officer or person charged with the custody or disbursement of public funds in the awarding agency without approval by the industrial statistician of the department of labor and industries. The awarding agency shall retain such statement of intent to pay prevailing wages for a period of not less than three years.

(b) Upon final acceptance of the public works project, the awarding agency shall require the contractor or subcontractor to submit an affidavit of wages paid. Upon receipt of the affidavit of wages paid, the awarding agency may pay the contractor or subcontractor in full, including funds that would otherwise be retained according to the provisions of RCW 60.28.010. Within thirty days of receipt of the affidavit of wages paid, the awarding agency shall submit the affidavit of wages paid to the industrial statistician of the department of labor and industries for approval.

(c) A statement of intent to pay prevailing wages and an affidavit of wages paid shall be on forms approved by the department of labor and industries.

(d) In the event of a wage claim and a finding for the claimant by the department of labor and industries where the awarding agency has used the alternative process provided for in subsection (2) of this section, the awarding agency shall pay the wages due directly to the claimant. If the contractor or subcontractor did not pay the wages stated in the affidavit of

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wages paid, the awarding agency may take action at law to seek reimbursement from the contractor or subcontractor of wages paid to the claimant, and may prohibit the contractor or subcontractor from bidding on any public works contract of the awarding agency for up to one year.

(e) Nothing in this section shall be interpreted to allow an awarding agency to subdivide any public works project of more than two thousand five hundred dollars for the purpose of circumventing the procedures required by RCW 39.12.040(1)."

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1328.

The motion by Senator Oemig carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "procedures;" strike the remainder of the title and insert "and amending RCW 39.04.155, 60.28.051, 39.08.010, and 39.12.040."

MOTION

On motion of Senator Oemig, the rules were suspended, Substitute House Bill No. 1328 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.
Senator Swecker spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1328 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1328 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Clements, Schoesler and Swecker - 3
Excused: Senators Fairley, Hargrove and Pflug - 3

SUBSTITUTE HOUSE BILL NO. 1328 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1280, by House Committee on Capital Budget (originally sponsored by Representatives Ericks, Jarrett, Quall, O'Brien, Strow, Morrell, Roach, Hunt, McDonald, Chase, Simpson, Haler, Moeller, McCune, Schual-Berke, Miloscia and Springer)

Providing for the use of the school district capital projects funds for technology.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Tom spoke in favor of passage of the bill.

Senators Holmquist and Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1280.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 15

Excused: Senators Fairley and Pflug - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1472, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Pettigrew, Haler, Kagi, P. Sullivan, Walsh, Lovick, Barlow, Kenney, McCoy, Darneille, Hasegawa, Roberts, Hinkle, Santos, Appleton, Upthegrove, Williams, Moeller, Ormsby, VanDeWege, Schual-Berke and Dickerson)

Analyzing and remedying racial disproportionality and racial disparity in child welfare.

The measure was read the second time.

MOTION

Senator Kauffman moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that one in five of Washington's one and one-half million children are children of color. Broken out by racial groups, approximately six percent of children are Asian/Pacific Islander, six percent are multiracial, four and one-half percent are African American, and two percent are Native American. Thirteen percent of Washington children are of Hispanic origin, but representation of this group increases in the lower age ranges. For example, seventeen percent of children birth to four years of age are Hispanic.

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The legislature also finds that in counties such as Adams, Franklin, Yakima, and Grant, more than half of the births are of Hispanic origin. Three-quarters of the state's African American children and two-thirds of Asian/Pacific Islander children live in King and Pierce counties. The legislature finds further that despite some progress closing the achievement gap in recent years, children of color continue to lag behind their classmates on the Washington assessment of student learning. In 2005 children of color trailed in every category of the fourth-grade reading, writing, and math assessments. On the reading test alone, sixty-nine percent of African American students, sixty-four percent of native American students, and sixty-one percent of Hispanic students met the standards, compared with eighty-five percent of caucasian students. And, since 1993, the number of Washington students for which English is not their first language has doubled to more than seven percent of students statewide.

The legislature finds further that according to national research, African American children enter the child welfare system at far higher rates than caucasian children, despite no greater incidence of maltreatment in African American families compared to caucasian families. This trend holds true for Washington state, where African American children represent approximately nine and one-half percent of the children in out-of-home care even though they represent slightly more than four percent of the state's total child population. Native American children represent slightly over ten percent of the children in out-of-home care although they represent only two percent of the children in the state. In King county, African American and Native American children are over represented at nearly every decision point in the child welfare system. Although these two groups of children represent only eight percent of the child population in King county, they account for one-third of all children removed from their homes and one-half of children in foster care for more than four years.

The legislature finds also that children of immigrants are the fastest growing component of the United States' child population. While immigrants are eleven percent of the nation's total population, the children of immigrants make up twenty-two percent of the nation's children under six years of age. These immigrant children are twice as likely as native-born children to be poor.

NEW SECTION. Sec. 2. (1) The secretary of the department of social and health services shall convene an advisory committee to analyze and make recommendations on the disproportionate representation of children of color in Washington's child welfare system. The department shall collaborate with the Washington institute for public policy and private sector entities to develop a methodology for the advisory committee to follow in conducting a baseline analysis of data from the child welfare system to determine whether racial disproportionality and racial disparity exist in this system. The Washington institute for public policy shall serve as technical staff for the advisory committee. In determining whether racial disproportionality or racial disparity exists, the committee shall utilize existing research and evaluations conducted within Washington state, nationally, and in other states and localities that have similarly analyzed the prevalence of racial disproportionality and disparity in child welfare.

(2) At a minimum, the advisory committee shall examine and analyze: (a) The level of involvement of children of color at each stage in the state's child welfare system, including the points of entry and exit, and each point at which a treatment decision is made; (b) the number of children of color in low-income or single-parent families involved in the state's child welfare system; (c) the family structures of families involved in the state's child welfare system; and (d) the outcomes for children in the existing child welfare system. This analysis shall be disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall consist of experts in social work, law, child welfare, psychology, or related fields, at least two tribal representatives, a representative of the governor's juvenile justice advisory committee, a representative of a community-based organization

involved with child welfare issues, a representative of the department of social and health services, a current or former foster care youth, a current or former foster care parent, and a parent previously involved with Washington's child welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department of social and health services. The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as cochairs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department of social and health services on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department of social and health services, shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2) of this section and shall describe the remediation plan required under subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary shall report annually to the appropriate committees of the legislature on the implementation of the remediation plan, including any measurable progress made in reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

NEW SECTION. Sec. 3. This act expires June 30, 2014."

Senator Kauffman spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1472.

The motion by Senator Kauffman carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "welfare;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

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On motion of Senator Kauffman, the rules were suspended, Substitute House Bill No. 1472 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kauffman and Stevens spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1472 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1472 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

SUBSTITUTE HOUSE BILL NO. 1472 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1556, by Representatives Walsh, Grant, Haler, Sells, Springer, O'Brien, Seaquist, Ahern, Takko, Williams, Ericks, Roberts, Strow, Linville, Ormsby and McDermott

Designating the Walla Walla sweet onion as the official Washington state vegetable.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1556 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Hewitt, Eide and Jacobsen spoke in favor of passage of the bill.

Senator Schoesler spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1556.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1556 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen,

Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Honeyford and Schoesler - 3

Absent: Senator Kauffman - 1

Excused: Senators Fairley, McAuliffe and Pflug - 3

HOUSE BILL NO. 1556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1909, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle)

Protecting from the theft of specialized forest products.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.48.130 and 1995 c 366 s 13 are each amended to read as follows:

(1) A person who violates a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both a fine and imprisonment.

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit or true copy thereof, an authorization, sales invoice, or bill of lading, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that: (a) The specialized forest products were harvested from the defendant's own land; or (b) the specialized forest products were harvested with the permission of the landowner.

NEW SECTION. Sec. 2. (1) The specialized forest products work group is established. The work group must consist of appropriate representation from: The department of natural resources; county sheriffs; county prosecutors; industrial and small forest landowners; tribes; recreational and professional wood carvers; cedar and specialty wood processors; and other appropriate persons invited by the commissioner of public lands.

(2) The specialized forest products work group must review the current specialized forest products statute, chapter 76.48 RCW, as well as applicable theft laws. The specialized forest products work group must evaluate the statute, as well as its application, and make recommendations, if any, to ensure that the specialized forest products requirements: Provide reasonable tools for law enforcement and reasonably protect landowners from theft; are not unduly burdensome to harvesters, those possessing or transporting specialized forest products, or cedar or specialty wood processors or buyers; are clear and may be readily understood by law enforcement and the public; and are administered and enforced consistently throughout the state.

(3) The specialized forest products work group must be staffed by the department of natural resources.

(4) The specialized forest products work group must provide a report to the appropriate committees of the legislature containing its recommendations, as well as draft legislation implementing its recommendations, by December 1, 2007.

(5) This section expires July 1, 2008.

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Sec. 3. RCW 76.48.020 and 2005 c 401 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees which contains the information required by RCW 76.48.080, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(2) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product.

(3) "Cascara bark" means the bark of a Cascara tree.

(4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(5) "Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(7) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(8) "Cut or picked evergreen foliage," commonly known as brush, means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones, berries, any foliage that does not remain green year-round, or seeds.

(9) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land.

(10) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(11) "Huckleberry" means the following species of edible berries, if they are not nursery grown: *Vaccinium membranaceum*, *Vaccinium deliciosum*, *Vaccinium ovatum*, *Vaccinium parvifolium*, *Vaccinium globulare*, *Vaccinium ovalifolium*, *Vaccinium alaskaense*, *Vaccinium caespitosum*, *Vaccinium occidentale*, *Vaccinium uliginosum*, *Vaccinium myrtillus*, and *Vaccinium scoparium*.

(12) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

((+2)) (13) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

((+3)) (14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

((+4)) (15) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

((+5)) (16) "Processed cedar products" means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length.

((+6)) (17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy

sheriff, or an authorized employee of the sheriff's office or an agent of the office.

((+7)) (18) "Specialized forest products" means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, huckleberries, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark.

((+8)) (19) "Specialized forest products permit" means a printed document in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permittors" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permittor and that is located in the county where the permit is issued.

((+9)) (20) "Specialty wood" means wood that is:

(a) In logs less than eight feet in length, chunks, slabs, stumps, or burls; and

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;

(ii) Without knots in a portion of the surface area at least twenty-one inches long and seven and a quarter inches wide when measured from the outer surface toward the center; or

(iii) Suitable for the purposes of making musical instruments or ornamental boxes.

((+0)) (21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.

((+1)) (22) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood products or specialty wood salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

((+2)) (23) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.

((+3)) (24) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

((+4)) (25) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

Sec. 4. RCW 76.48.060 and 2005 c 401 s 3 are each amended to read as follows:

(1)(a) A specialized forest products permit validated by the county sheriff shall be obtained by a person prior to harvesting from any lands, including his or her own, any of the following: More than five Christmas trees(5); more than five native ornamental trees or shrubs(5); more than five pounds of cut or picked evergreen foliage(5); any cedar products, cedar salvage, or processed cedar products(5); more than five pounds of Cascara bark(5); or more than five United States gallons of a single species of wild edible mushroom.

(b) A specialized forest products permit validated by the county sheriff must be obtained by a person prior to harvesting from any lands, except his or her own, more than three United States gallons of huckleberries in a single day.

(2) Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to

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permittees or permitors in reasonable quantities. A permit form shall be completed in triplicate for each permittor's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested.

(3) Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form and the sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of the information, the form shall be validated with the sheriff's validation stamp.

(4) Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession, or transportation of specialized forest products, subject to any other conditions or limitations which the permittor may specify. Two copies of the permit shall be given or mailed to the permittor, or one copy shall be given or mailed to the permittor and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit.

(5) In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county.

(6) While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.

Sec. 5. RCW 76.48.070 and 2005 c 401 s 4 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 and 76.48.075, it is unlawful for any person (a) to possess, (b) to transport, or (c) to possess and transport within the state of Washington, subject to any other conditions or limitations specified in the specialized forest products permit by the permittor, more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any processed cedar products, ~~((or))~~ more than five pounds of Cascara bark, ~~((or))~~ more than five gallons of a single species of wild edible mushroom, or more than three gallons of huckleberries without having in his or her possession a written authorization, sales invoice, bill of lading, or specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of specialized forest products being so possessed or transported. However, a person does not need a written authorization, sales invoice, bill of lading, or specialized forest products permit or true copy thereof to store, at that person's residence or property, ten or fewer gallons of huckleberries for noncommercial use.

(2) It is unlawful for any person either (a) to possess, (b) to transport, or (c) to possess and transport within the state of Washington any cedar products, cedar salvage, or specialty wood without having in his or her possession a specialized forest products permit or a true copy thereof evidencing his or her title to or authority to have possession of the materials being so possessed or transported. The specialized forest products permit or true copy are valid to possess, transport, or possess and transport the cedar products, cedar salvage, or specialty wood from the harvest site to the first cedar or specialty wood processor or buyer. For purposes of this subsection, a true copy requires the actual signatures of both the permittee and the permittor for the execution of a true copy.

Sec. 6. RCW 76.48.030 and 1995 c 366 s 2 are each amended to read as follows:

It is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; ~~((or))~~

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or

hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative; or (4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1909.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.130, 76.48.020, 76.48.060, 76.48.070, and 76.48.030; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1909 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Hargrove and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1909 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1909 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Holmquist - 1

Excused: Senators Fairley, McAuliffe and Pflug - 3

SUBSTITUTE HOUSE BILL NO. 1909 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, Warnick, Haler, Kretz, Hinkle, Orcutt, Newhouse, Lantz, McCune, Kristiansen, Haigh, B. Sullivan and Dunn)

Requesting federal legislation to preserve the use and access of pack and saddle stock animals on public lands.

The measure was read the second time.

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MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Joint Memorial No. 4011 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Rasmussen and Morton spoke in favor of passage of the memorial.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Joint Memorial No. 4011.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Joint Memorial No. 4011 and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, McAuliffe and Pflug - 3

ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4011, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1029, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives B. Sullivan, Linville and Morris)

Defining E85 motor fuel.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.112.010 and 2006 c 338 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas that is used alone or in combination with gasoline or other petroleum products for use as a fuel in self-propelled motor vehicles.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. Alternative fuel includes, but is not limited to, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal environmental protection agency and standards established by the American society of testing and materials.

~~((2))~~ (4) "Diesel" means special fuel as defined in RCW 82.38.020, and diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

~~((3))~~ (5) "Director" means the director of agriculture.

~~((4))~~ (6) "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(7) "Motor fuel" means any liquid product used for the generation of power in an internal combustion engine used for the propulsion of a motor vehicle upon the highways of this state, and any biodiesel fuel. Motor fuels containing ethanol may be marketed if either (a) the base motor fuel meets the applicable standards before the addition of the ethanol or (b) the resultant blend meets the applicable standards after the addition of the ethanol.

(8) "Nonhazardous motor fuel" means any fuel of a type distributed for use in self-propelled motor vehicles that does not contain a hazardous liquid as defined in RCW 19.122.020.

Sec. 2. RCW 19.112.120 and 2006 c 338 s 3 are each amended to read as follows:

(1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.36 RCW, other than motor vehicle fuel distributors, shall provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section shall take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing shall each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using ~~((up to eighty-five percent ethanol fuel blends))~~ E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

Sec. 3. RCW 82.04.4334 and 2003 c 63 s 1 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts received from the retail sale, or for the distribution, of:

(a) Biodiesel fuel; or

(b) ~~((Alcohol fuel, if the alcohol fuel is at least eighty-five percent of the volume of the fuel being sold or distributed))~~ E85 motor fuel.

(2) For the purposes of this section and RCW 82.08.955 and 82.12.955, the following definitions apply:

(a) "Biodiesel fuel" means a mono alkyl ester of long chain fatty acids derived from vegetable oils or animal fats for use in compression-ignition engines and that meets the requirements of the American society of testing and materials specification D 6751 in effect as of January 1, 2003.

(b) ~~(("Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements and machines, or implements of husbandry.))~~ "E85 motor fuel" means an

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alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(c) "Distribution" means any of the actions specified in RCW 82.36.020(2).

(3) This section expires July 1, ~~((2009))~~ 2015.

Sec. 4. RCW 82.08.955 and 2003 c 63 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment, or to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or machinery and equipment, or to sales of tangible personal property that becomes an ingredient or component of structures or machinery and equipment, if the machinery, equipment, or structure is used directly for the retail sale of a biodiesel (~~((or alcohol fuel))~~) blend or E85 motor fuel. Structures and machinery and equipment that are used for the retail sale of a biodiesel (~~((or alcohol fuel))~~) blend or E85 motor fuel and for other purposes are exempt only on the portion used directly for the retail sale of a biodiesel (~~((or alcohol fuel))~~) blend or E85 motor fuel.

(2) The tax levied by RCW 82.08.020 does not apply to sales of fuel delivery vehicles or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles including repair parts and replacement parts if at least seventy-five percent of the fuel distributed by the vehicles is a biodiesel (~~((or alcohol fuel))~~) blend or E85 motor fuel.

(3) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, the definitions in RCW 82.04.4334 and this subsection apply.

(a) (~~"Alcohol fuel blend" means fuel that contains at least eighty-five percent alcohol fuel by volume.~~

~~(b)) "Biodiesel blend" means fuel that contains at least twenty percent biodiesel fuel by volume.~~

(b) "E85 motor fuel" means an alternative fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally seventy-five to eighty-five percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(c) "Machinery and equipment" means industrial fixtures, devices, and support facilities and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts that are integral and necessary for the delivery of biodiesel (~~((or alcohol fuel))~~) blends or E85 motor fuel into the fuel tank of a motor vehicle.

(5) This section expires July 1, ~~((2009))~~ 2015.

Sec. 5. RCW 82.12.955 and 2003 c 63 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of machinery and equipment, or to services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, or tangible personal property that becomes an ingredient or component of machinery and equipment used directly for the retail sale of a biodiesel or (~~alcohol fuel blend~~) E85 motor fuel.

(2) The provisions of this chapter do not apply in respect to the use of fuel delivery vehicles including repair parts and replacement parts and to services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles if at least seventy-five percent of the fuel distributed by the vehicles is a biodiesel or (~~alcohol fuel blend~~) E85 motor fuel.

(3) For the purposes of this section, the definitions in RCW 82.04.4334 and 82.08.955 apply.

(4) This section expires July 1, ~~((2009))~~ 2015."

Senator Poulsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 1029.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "defining alternative motor fuels; amending RCW 19.112.010, 19.112.120, 82.04.4334, 82.08.955, and 82.12.955; and providing expiration dates."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1029 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Honeyford spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1029 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1029 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, McAuliffe and Pflug - 3

SUBSTITUTE HOUSE BILL NO. 1029 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1201, by House Committee on Appropriations (originally sponsored by Representatives Roberts, Kagi, Haler, P. Sullivan, Walsh, Pettigrew, Darneille, Santos, McCoy, Ormsby, Wood, Dickerson, Clibborn, Schual-Berke, Simpson, Lantz, Hasegawa, Kenney, Pedersen and Seaquist)

Extending medicaid coverage for foster care youth who reach age eighteen.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 74.09.510 and 2001 2nd sp.s. c 15 s 3 and 2001 1st sp.s. c 4 s 1 are each reenacted and amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department, as defined in the social security Title XIX state plan for mandatory categorically needy persons and:

(1) Individuals who would be eligible for cash assistance except for their institutional status;

(2) Individuals who are under twenty-one years of age, who would be eligible for medicaid, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) a nursing facility or an intermediate care facility for ~~((the))~~ persons who are mentally retarded, or (d) inpatient psychiatric facilities;

~~((3))~~ ~~((the))~~ Individuals who:

~~((a))~~ Are under twenty-one years of age;

~~((b))~~ Were in foster care in the state of Washington on or after the effective date of this act; and

~~((c))~~ Were in foster care in the state of Washington on their eighteenth birthday;

~~((4))~~ Persons who are aged, blind, ~~((and))~~ or disabled who: (a) Receive only a state supplement, or (b) would not be eligible for cash assistance if they were not institutionalized;

~~((5))~~ ~~((#))~~ (5) Categorically eligible individuals who meet the income and resource requirements of the cash assistance programs;

~~((6))~~ (6) Individuals who are enrolled in managed health care systems, who have otherwise lost eligibility for medical assistance, but who have not completed a current six-month enrollment in a managed health care system, and who are eligible for federal financial participation under Title XIX of the social security act;

~~((7))~~ (7) Children and pregnant women allowed by federal statute for whom funding is appropriated;

~~((8))~~ (8) Working individuals with disabilities authorized under section 1902(a)(10)(A)(ii) of the social security act for whom funding is appropriated;

~~((9))~~ (9) Other individuals eligible for medical services under RCW 74.09.035 and 74.09.700 for whom federal financial participation is available under Title XIX of the social security act;

~~((10))~~ (10) Persons allowed by section 1931 of the social security act for whom funding is appropriated; and

~~((11))~~ (11) Women who: (a) Are under sixty-five years of age; (b) have been screened for breast and cervical cancer under the national breast and cervical cancer early detection program administered by the department of health or tribal entity and have been identified as needing treatment for breast or cervical cancer; and (c) are not otherwise covered by health insurance. Medical assistance provided under this subsection is limited to the period during which the woman requires treatment for breast or cervical cancer, and is subject to any conditions or limitations specified in the omnibus appropriations act.

Sec. 2. RCW 74.09.530 and 2000 c 218 s 2 are each amended to read as follows:

(1) The amount and nature of medical assistance and the determination of eligibility of recipients for medical assistance shall be the responsibility of the department of social and health services. The department shall establish reasonable standards of assistance and resource and income exemptions which shall be consistent with the provisions of the Social Security Act and with the regulations of the secretary of health, education and welfare for determining eligibility of individuals for medical assistance and the extent of such assistance to the extent that funds are available from the state and federal government. The department shall not consider resources in determining continuing eligibility for recipients eligible under section 1931 of the social security act.

(2) Individuals eligible for medical assistance under RCW 74.09.510(3) shall be transitioned into coverage under that subsection immediately upon their termination from coverage under RCW 74.09.510(2)(a). The department shall use income eligibility standards and eligibility determinations applicable to children placed in foster care. The department, in consultation

with the health care authority, shall provide information regarding basic health plan enrollment and shall offer assistance with the application and enrollment process to individuals covered under RCW 74.09.510(3) who are approaching their twenty-first birthday.

NEW SECTION. Sec. 3. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Parlette to the committee striking amendment be adopted.

On page 1, beginning on line 18 of the amendment, after "~~((b))~~" strike "Were in foster care in the state of Washington on or after the effective date of this act;" and insert "On or after the effective date of this section, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;"

On page 1, beginning on line 20 of the amendment, after "~~((c))~~" strike "Were in foster care in the state of Washington on their eighteenth birthday;" and insert "On their eighteenth birthday, were in foster care under the legal responsibility of the department or a federally recognized tribe located within the state;"

Senator Keiser spoke in favor of adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Parlette on page 1, line 18 to the committee striking amendment to Second Substitute House Bill No. 1201.

The motion by Senator Keiser carried and the amendment to the committee striking amendment was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1201.

The motion by Senator Keiser carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "eighteen;" strike the remainder of the title and insert "amending RCW 74.09.530; reenacting and amending RCW 74.09.510; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1201 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Parlette spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1201 as amended by the Senate.

ROLL CALL

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The Secretary called the roll on the final passage of Second Substitute House Bill No. 1201 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1201 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1231, by Representatives Kirby, Roach, Simpson, Strow and Santos

Modifying provisions concerning pawnbrokers.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1231 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey, Benton and Prentice spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1231.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1231 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators Fairley and Pflug - 2

HOUSE BILL NO. 1231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1259, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, Kretz, Blake and Moeller)

Allowing the parks and recreation commission to deny or revoke the issuance of a park pass in certain circumstances.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.065 and 1999 c 249 s 305 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall ~~((a))~~ entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and ~~((b))~~ entitle such person to free admission to any state park.

~~((2))~~ (b) The commission shall grant a senior citizen's pass to any person who applies for the same and who meets the following requirements:

~~((a))~~ (i) The person is at least sixty-two years of age; and

~~((b))~~ (ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

~~((c))~~ (iii) The person and his or her spouse have a combined income which would qualify the person for a property tax exemption pursuant to RCW 84.36.381 ~~(as now law or hereafter amended)~~. The financial eligibility requirements of this ~~(subparagraph (c))~~ subsection (1)(b)(iii) shall apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

~~((3))~~ (c) Each senior citizen's pass granted pursuant to this section is valid so long as the senior citizen meets the requirements of (b)(ii) of this subsection ~~((2)(b) of this section)~~. Notwithstanding, any senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

~~((4))~~ (d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection ~~((2)(a), (b), or (c) of this section)~~. The holder shall have the pass returned upon providing proof to the satisfaction of the director of the parks and recreation commission that the holder does meet the eligibility criteria for obtaining the senior citizen's pass.

~~((5))~~ (2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall ~~((a))~~ entitle such person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission, and ~~((b))~~ entitle such person to free admission to any state park.

~~((6))~~ (b) A card, decal, or special license plate issued for a permanent disability under RCW 46.16.381 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

~~((7))~~ (3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such person to free admission to any state park; and (c) entitle such person to an exemption from any reservation fees.

~~((8))~~ (4) All passes issued pursuant to this section shall be valid at all parks any time during the year ~~(--PROVIDED;~~

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~~That~~), However, the pass shall not be valid for admission to concessionaire operated facilities.

~~((9))~~ (5) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

- (a) Residency outside the state of Washington;
- (b) Violation of laws or state park rules resulting in eviction from a state park;
- (c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;
- (d) Fraudulent use of a pass;
- (e) Providing false information or documentation in the application for a state parks pass;
- (f) Refusing to display or show the pass to park employees when requested; or
- (g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(6) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

~~((10))~~ (7) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(8) The commission shall adopt such rules as it finds appropriate for the administration of this section. Among other things, such rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such person, a minimum Washington residency requirement for applicants for a senior citizen's pass and an application form to be completed by applicants for a senior citizen's pass.

Sec. 2. RCW 79A.05.165 and 2003 c 53 s 382 are each amended to read as follows:

(1) Every person is guilty of a misdemeanor who:

(a) Cuts, breaks, injures, destroys, takes, or removes any tree, shrub, timber, plant, or natural object in any park or parkway except in accordance with such rules as the commission may prescribe; or

(b) Kills, or pursues with intent to kill, any bird or animal in any park or parkway except in accordance with a research pass, permit, or other approval issued by the commission, pursuant to rule, for scientific research purposes; or

(c) Takes any fish from the waters of any park or parkway, except in conformity with such general rules as the commission may prescribe; or

(d) Willfully mutilates, injures, defaces, or destroys any guidepost, notice, tablet, fence, inclosure, or work for the protection or ornamentation of any park or parkway; or

(e) Lights any fire upon any park or parkway, except in such places as the commission has authorized, or willfully or carelessly permits any fire which he or she has lighted or which is under his or her charge, to spread or extend to or bum any of the shrubbery, trees, timber, ornaments, or improvements upon any park or parkway, or leaves any campfire which he or she has lighted or which has been left in his or her charge, unattended by a competent person, without extinguishing it; or

(f) Places within any park or parkway or affixes to any object therein contained, without a written license from the commission, any word, character, or device designed to advertise any business, profession, article, thing, exhibition, matter, or event.

(2)(a) Except as provided in (b) of this subsection, a person who violates any rule adopted, promulgated, or issued by the commission pursuant to the provisions of this chapter is guilty of a misdemeanor.

(b) The commission may specify by rule, when not inconsistent with applicable statutes, that violation of the rule is an infraction under chapter 7.84 RCW."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment

by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1259.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "passes;" strike the remainder of the title and insert "and amending RCW 79A.05.065 and 79A.05.165."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1259 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1259 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1259 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

SUBSTITUTE HOUSE BILL NO. 1259 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1187, by Representatives Kelley, Wood, Morrell, Green, Pettigrew, Ormsby, McDermott, Miloscia, Appleton, Simpson and Haigh

Creating a new chapter regarding affordable housing.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new chapter is added to Title 43 RCW. The following sections are recodified under the following subchapters:

(1) "Housing assistance program" as follows:

RCW 43.185.010;

RCW 43.185.015;

RCW 43.185.020;

RCW 43.185.030;

RCW 43.185.050;
 RCW 43.185.060;
 RCW 43.185.070;
 RCW 43.185.074;
 RCW 43.185.076;
 RCW 43.185.080;
 RCW 43.185.090;
 RCW 43.185.100;
 RCW 43.185.110;
 RCW 43.185.120;
 RCW 43.185.130;
 RCW 43.185.900;
 RCW 43.185.910; and
 RCW 43.185.911.

(2) "Affordable housing program" as follows:

RCW 43.185A.010;
 RCW 43.185A.020;
 RCW 43.185A.030;
 RCW 43.185A.040;
 RCW 43.185A.050;
 RCW 43.185A.060;
 RCW 43.185A.070;
 RCW 43.185A.080;
 RCW 43.185A.090;
 RCW 43.185A.100;
 RCW 43.185A.900;
 RCW 43.185A.901; and
 RCW 43.185A.902.

(3) "Housing policy act" as follows:

RCW 43.185B.005;
 RCW 43.185B.007;
 RCW 43.185B.009;
 RCW 43.185B.010;
 RCW 43.185B.020;
 RCW 43.185B.030;
 RCW 43.185B.040;
 RCW 43.185B.900;
 RCW 43.63A.650;
 RCW 43.330.170; and
 RCW 35.21.685.

(4) "Housing cooperation" as follows:

RCW 35.83.005;
 RCW 35.83.010;
 RCW 35.83.020;
 RCW 35.83.030;
 RCW 35.83.040;
 RCW 35.83.050;
 RCW 35.83.060; and
 RCW 35.83.070.

(5) "Federally assisted housing" as follows:

RCW 59.28.010;
 RCW 59.28.020;
 RCW 59.28.030;
 RCW 59.28.040;
 RCW 59.28.050;
 RCW 59.28.060;
 RCW 59.28.070;
 RCW 59.28.080;
 RCW 59.28.090;
 RCW 59.28.100;
 RCW 59.28.120;
 RCW 59.28.130;
 RCW 59.28.900;
 RCW 59.28.901; and
 RCW 59.28.902.

(6) "Farm worker housing" as follows:

RCW 43.63A.500;
 RCW 43.63A.505;
 RCW 43.330.165;

RCW 70.114.010;
 RCW 70.114.020;
 RCW 70.114A.010;
 RCW 70.114A.020;
 RCW 70.114A.030;
 RCW 70.114A.040;
 RCW 70.114A.045;
 RCW 70.114A.050;
 RCW 70.114A.060;
 RCW 70.114A.065;
 RCW 70.114A.070;
 RCW 70.114A.081;
 RCW 70.114A.085;
 RCW 70.114A.100;
 RCW 70.114A.110;
 RCW 70.114A.900; and
 RCW 70.114A.901.

(7) "Emergency mortgage and rental assistance" as follows:

RCW 43.63A.610;
 RCW 43.63A.620;
 RCW 43.63A.630;
 RCW 43.63A.640; and
 RCW 43.63A.645.

(8) "Low-income residential weatherization and energy assistance" as follows:

RCW 70.164.010;
 RCW 70.164.020;
 RCW 70.164.030;
 RCW 70.164.040;
 RCW 70.164.050;
 RCW 70.164.060;
 RCW 70.164.070;
 RCW 70.164.900; and
 RCW 43.330.110.

(9) "Surplus property for affordable housing" as follows:

RCW 43.63A.510;
 RCW 35.21.687;
 RCW 36.34.137;
 RCW 43.20A.037;
 RCW 47.12.063;
 RCW 47.12.064;
 RCW 72.09.055; and
 RCW 43.19.19201.

Sec. 2. RCW 64.34.440 and 1992 c 220 s 25 are each amended to read as follows:

(1)(a) A declarant of a conversion condominium, and any dealer who intends to offer units in such a condominium, shall give each of the residential tenants and any residential subtenant in possession of a portion of a conversion condominium notice of the conversion and provide those persons with the public offering statement no later than (~~ninety~~) one hundred twenty days before the tenants and any subtenant in possession are required to vacate. The notice must:

(i) Set forth generally the rights of tenants and subtenants under this section (~~and shall~~);

(ii) Be delivered pursuant to notice requirements set forth in RCW 59.12.040; and

(iii) Expressly state whether there is a county or city relocation assistance requirement for tenants or subtenants of conversion condominiums in the jurisdiction in which the property is located. If the county or city does have a relocation assistance requirement, the following must also be included in the notice:

(A) The terms and conditions under which relocation assistance is paid; and

(B) Any information or forms prescribed by the county or city by ordinance or rule related to the relocation assistance requirement.

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(b) No tenant or subtenant may be required to vacate upon less than ~~((ninety))~~ one hundred twenty days' notice, except by reason of nonpayment of rent, waste, conduct that disturbs other tenants' peaceful enjoyment of the premises, or act of unlawful detainer as defined in RCW 59.12.030, and the terms of the tenancy may not be altered during that period except as provided in (c) of this subsection.

(c) At the declarant's option, the declarant may provide all tenants in a single building with an option to terminate their lease or rental agreements without cause or consequence after providing the declarant with thirty days' notice. In such case, tenants shall continue to have access to relocation assistance as provided in subsection (6)(e) of this section.

(d) Nothing in this subsection shall be deemed to waive or repeal RCW 59.18.200(2). Failure to give notice as required by this section, or failure to pay any required relocation assistance, is a defense to an action for possession.

(2) For sixty days after delivery or mailing of the notice described in subsection (1) of this section, the person required to give the notice shall offer to convey each unit or proposed unit occupied for residential use to the tenant who leases that unit. If a tenant fails to purchase the unit during that sixty-day period, the offeror may offer to dispose of an interest in that unit during the following one hundred eighty days at a price or on terms more favorable to the offeree than the price or terms offered to the tenant only if: (a) Such offeror, by written notice mailed to the tenant's last known address, offers to sell an interest in that unit at the more favorable price and terms, and (b) such tenant fails to accept such offer in writing within ten days following the mailing of the offer to the tenant. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(3) If a seller, in violation of subsection (2) of this section, conveys a unit to a purchaser for value who has no knowledge of the violation, recording of the deed conveying the unit extinguishes any right a tenant may have to purchase that unit but does not affect the right of a tenant to recover damages from the seller for a violation of subsection (2) of this section.

(4) If a notice of conversion specifies a date by which a unit or proposed unit must be vacated and otherwise complies with the provisions of this chapter and chapter 59.18 RCW, the notice also constitutes a notice to vacate specified by that statute.

(5) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

(6) Notwithstanding RCW 64.34.050(1), a city or county may by appropriate ordinance require with respect to any conversion condominium within the jurisdiction of such city or county that:

(a) In addition to the statement required by RCW 64.34.415(1)(a), the public offering statement shall contain a copy of the written inspection report prepared by the appropriate department of such city or county, which report shall list any violations of the housing code or other governmental regulation, which code or regulation is applicable regardless of whether the real property is owned as a condominium or in some other form of ownership; said inspection shall be made within forty-five days of the declarant's written request therefor and said report shall be issued within fourteen days of said inspection being made. Such inspection may not be required with respect to any building for which a final certificate of occupancy has been issued by the city or county within the preceding twenty-four months; and any fee imposed for the making of such inspection may not exceed the fee that would be imposed for the making of such an inspection for a purpose other than complying with this subsection (6)(a);

(b) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) All violations disclosed in the inspection report provided for in (a) of this subsection, and not otherwise waived by such city or county, shall be repaired, and (ii) a certification shall be obtained from such city or county that such repairs have been made, which certification shall be based on a reinspection to be made within seven days of the declarant's written request therefor and which certification shall be issued within seven days of said reinspection being made;

(c) The repairs required to be made under (b) of this subsection shall be warranted by the declarant against defects due to workmanship or materials for a period of one year following the completion of such repairs;

(d) Prior to the conveyance of any residential unit within a conversion condominium, other than a conveyance to a declarant or affiliate of a declarant: (i) The declarant shall establish and maintain, during the one-year warranty period provided under (c) of this subsection, an account containing a sum equal to ten percent of the actual cost of making the repairs required under (b) of this subsection; (ii) during the one-year warranty period, the funds in such account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made, under such warranty; (iii) following the expiration of the one-year warranty period, any funds remaining in such account shall be immediately disbursed to the declarant; and (iv) the declarant shall notify in writing the association and such city or county as to the location of such account and any disbursements therefrom; ~~((and))~~

(e) A declarant shall pay relocation assistance ~~((not to exceed five hundred dollars per unit shall be paid)), in an amount determined by the city or county, which in no event may exceed a total of the sum for three months' rent of the tenant's unit as specified in the applicable lease or rental agreement,~~ to tenants and subtenants:

(i) Who elect not to purchase a unit ~~((and))~~;
(ii) Who are in lawful occupancy for residential purposes of a unit; and
(iii) Whose ~~((monthly))~~ annual household income from all sources, on the date of the notice described in subsection (1) of this section, was less than an amount equal to eighty percent of ~~((+))~~;

(A) The ~~((monthly))~~ annual median family income ~~((for comparably sized households))~~ in the ~~((standard))~~ metropolitan statistical area, as defined and established by the United States department of housing and urban development, in which the condominium is located, as adjusted for household size according to the method used for income limits by the department; or ~~((+))~~

(B) If the condominium is not within a ~~((standard))~~ metropolitan statistical area, the ~~((monthly))~~ annual median family income ~~((for comparably sized households))~~ in the state of Washington, as defined and determined by ~~((said))~~ the United States department of housing and urban development, and as adjusted for household size according to the method used for income limits by the department.

The household size of a unit shall be based on the number of persons actually in lawful occupancy of the unit. The tenant or subtenant actually in lawful occupancy of the unit shall be entitled to the relocation assistance. A requirement for relocation assistance under this subsection (6)(e) is authorized whether or not it may be considered a tax. The declarant shall provide to the city or county a copy of the notice required under subsection (1)(a) of this section at the same time the notice is provided to the tenants or subtenants. The declarant shall also provide other notices and documentation that the city or county may require by ordinance or rule to administer the relocation

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assistance requirement and verify compliance under this section. Relocation assistance shall be paid on or before the date the tenant or subtenant vacates and shall be in addition to any damage deposit or other compensation or refund to which the tenant is otherwise entitled. Unpaid rent or other amounts owed by the tenant or subtenant to the landlord may be offset against the relocation assistance; and

(f) Except as authorized under (g) of this subsection (6), a declarant and any dealer shall not begin any construction, remodeling, or repairs to any interior portion of an occupied building that is to be converted to a condominium or the lot on which the conversion condominium is located during the one hundred twenty-day notice period provided for in RCW 64.34.440(1) unless all residential tenants and residential subtenants who have elected not to purchase a unit and who are in lawful occupancy in the building have vacated.

(g)(i) A declarant and any dealer is authorized to begin construction, remodeling, or repairs to interior portions of an occupied building under the following circumstances:

(A) To repair or remodel vacant units to be used as model units, provided that the repair and remodel is limited to one model for each unit type in the building;

(B) To repair or remodel a vacant unit or common area for use as a sales office; and

(C) The declarant or dealer has offered existing tenants an option to terminate an existing lease or rental agreement without cause or consequence pursuant to subsection (1)(c) of this section and at least one hundred twenty days have passed since tenants were notified of such option.

(ii) All work performed under this subsection shall not violate the tenant's or subtenant's rights of quiet enjoyment during the one hundred twenty-day notice period.

(7) Violations of any city or county ordinance adopted as authorized by subsection (6) of this section shall give rise to such remedies, penalties, and causes of action which may be lawfully imposed by such city or county. Such violations shall not invalidate the creation of the condominium or the conveyance of any interest therein.

NEW SECTION. Sec. 3. This act takes effect August 1, 2007.

NEW SECTION. Sec. 4. This act does not apply to any conversion condominiums for which a notice required under RCW 64.34.440(1) has been delivered before the effective date of this act."

On page 1, line 1 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 64.34.440; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.185.010, 43.185.015, 43.185.020, 43.185.030, 43.185.050, 43.185.060, 43.185.070, 43.185.074, 43.185.076, 43.185.080, 43.185.090, 43.185.100, 43.185.110, 43.185.120, 43.185.130, 43.185.900, 43.185.910, 43.185.911, 43.185A.010, 43.185A.020, 43.185A.030, 43.185A.040, 43.185A.050, 43.185A.060, 43.185A.070, 43.185A.080, 43.185A.090, 43.185A.100, 43.185A.900, 43.185A.901, 43.185A.902, 43.185B.005, 43.185B.007, 43.185B.009, 43.185B.010, 43.185B.020, 43.185B.030, 43.185B.040, 43.185B.900, 43.63A.650, 43.330.170, 35.21.685, 35.83.005, 35.83.010, 35.83.020, 35.83.030, 35.83.040, 35.83.050, 35.83.060, 35.83.070, 59.28.010, 59.28.020, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.28.070, 59.28.080, 59.28.090, 59.28.100, 59.28.120, 59.28.130, 59.28.900, 59.28.901, 59.28.902, 43.63A.500, 43.63A.505, 43.330.165, 70.114.010, 70.114.020, 70.114A.010, 70.114A.020, 70.114A.030, 70.114A.040, 70.114A.045, 70.114A.050, 70.114A.060, 70.114A.065, 70.114A.070, 70.114A.081, 70.114A.085, 70.114A.100, 70.114A.110, 70.114A.900, 70.114A.901, 43.63A.610, 43.63A.620, 43.63A.630, 43.63A.640, 43.63A.645, 70.164.010, 70.164.020, 70.164.030, 70.164.040, 70.164.050, 70.164.060, 70.164.070, 70.164.900,

43.330.110, 43.63A.510, 35.21.687, 36.34.137, 43.20A.037, 47.12.063, 47.12.064, 72.09.055, and 43.19.19201; and providing an effective date."

Senator Weinstein spoke in favor of adoption of the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Actually, I have two points of inquiry related to this amendment. First, this is a House bill and my understanding is that we may not offer substantive title amendments to a House bill. Secondly, I believe that the amendment offered is beyond the scope and object of the underlying bill and have some arguments to argue on that, Madam President. The underlying bill came over from the House and does nothing more than to re-codify certain statutes into a cohesive chapter entitled 'Forty-three' of the RCW. There's absolutely no policy change, changed or expressed in the bill and no substantive law is modified. It is simply a technical measure to collect all the affordable housing statutes, which are scattered throughout the code, into one section for ease of reference. By contrast, the amendment essentially puts what is in the language of Senate Bill No. 5031 into the House bill. Far from leading to codification, the language includes several substantive law, allowing local governments to set up relocation assistance programs, includes monetary amounts, notice provisions, language on condominiums, lease termination provisions and limitations on interior construction. This has nothing to do with recodifying affordable housing statutes and is clearly outside the subject matter of the underlying bill as it came from the House. For these reasons, believe the amendment offered is outside of the scope and object of the original bill. I also believe is inappropriate for the Senate to substantively amend the title of a House bill and I respectfully request a ruling on these two matters."

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1187 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1233, by House Committee on Health Care & Wellness (originally sponsored by Representatives Ericks, Kirby, Roach, Williams, Jarrett and Simpson)

Addressing specified disease, hospital confinement, or other fixed payment insurance.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

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(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care

providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease ~~((and)) or illness-triggered fixed payment insurance, hospital confinement ((indemnity when marketed solely as a supplement to a health plan)) fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;~~

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

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(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

NEW SECTION, Sec. 2. A new section is added to chapter 48.20 RCW to read as follows:

The commissioner shall adopt rules setting forth the content of a standard disclosure form to be provided to all applicants for individual, illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance. The standard disclosure shall provide information regarding the level, type, and amount of benefits provided and

the limitations, exclusions, and exceptions under the policy, as well as additional information to enhance consumer understanding. The disclosure shall specifically disclose that the coverage is not comprehensive in nature and will not cover the cost of most hospital and other medical services. Such disclosure form must be filed for approval with the commissioner prior to use. The standard disclosure forms must be provided at the time of solicitation and completion of the application form. All advertising and marketing materials other than the standard disclosure form must be filed with the commissioner at least thirty days prior to use.

NEW SECTION, Sec. 3. A new section is added to chapter 48.20 RCW to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005(19).

NEW SECTION, Sec. 4. A new section is added to chapter 48.21 RCW to read as follows:

The commissioner shall adopt rules setting forth the content of a standard disclosure form to be delivered to all applicants for group illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance. The standard disclosure shall provide information regarding the level, type, and amount of benefits provided and the limitations, exclusions, and exceptions under the policy, as well as additional information to enhance consumer understanding. The disclosure shall specifically disclose that the coverage is not comprehensive in nature and will not cover the cost of most hospital and other medical services. Such disclosure form must be filed for approval with the commissioner prior to use. The standard disclosure form must be provided to the master policyholders at the time of solicitation and completion of the application and to all enrollees at the time of enrollment. All advertising and marketing materials other than the standard disclosure form must be filed with the commissioner at least thirty days prior to use.

NEW SECTION, Sec. 5. A new section is added to chapter 48.21 RCW to read as follows:

Illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance policies are not considered to provide coverage for hospital or medical expenses or care under this chapter, if the benefits provided are a fixed dollar amount that is paid regardless of the amount charged. The benefits may not be related to, or be a percentage of, the amount charged by the provider of service and must be offered as an independent and noncoordinated benefit with any other health plan as defined in RCW 48.43.005(19).

NEW SECTION, Sec. 6. A new section is added to chapter 48.43 RCW to read as follows:

The commissioner shall collect information from insurers offering fixed payment insurance products, and report aggregated data for each calendar year, including the number of groups purchasing the products, the number of enrollees, and the number of consumer complaints filed. The reports shall be provided to the legislature annually to reflect the calendar year experience, and the initial report shall reflect calendar year 2008 and be due no later than June 1, 2009, and each June thereafter."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1233.

The motion by Senator Keiser carried and the committee

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striking amendment was adopted by voice vote.

ROLL CALL

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.43.005; adding new sections to chapter 48.20 RCW; adding new sections to chapter 48.21 RCW; and adding a new section to chapter 48.43 RCW."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1233 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute House Bill No. 1233 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1233 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

SUBSTITUTE HOUSE BILL NO. 1233 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1236, by Representatives Roach, Kirby, Simpson and Moeller

Establishing certain capital and surplus requirements necessary to transact insurance.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1236.

The Secretary called the roll on the final passage of House Bill No. 1236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, Pflug and Prentice - 3

HOUSE BILL NO. 1236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1235, by Representatives Kirby and Roach

Providing confidentiality to certain insurance commissioner examinations.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Benton spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1235.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1235 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Pflug - 2

HOUSE BILL NO. 1235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:48 a.m., on motion of Senator Eide, the Senate was recessed until 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:15 p.m. by President Pro Tempore.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

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MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9058, Barbara Rofkar, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MOTION

On motion of Senator Brandland, Senators Benton, Clements, Hewitt, McCaslin, Morton, Pflug, Schoesler and Swecker were excused.

APPOINTMENT OF BARBARA ROFKAR

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9058, Barbara Rofkar as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9058, Barbara Rofkar as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Benton, Clements, Pflug and Pridemore - 4

Gubernatorial Appointment No. 9058, Barbara Rofkar, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9082, Steven Adelstein, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF STEVEN ADELSTEIN

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9082, Steven Adelstein as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9082, Steven Adelstein as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

Gubernatorial Appointment No. 9082, Steven Adelstein, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9174, Charles Robinson, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF CHARLES ROBINSON

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9174, Charles Robinson as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9174, Charles Robinson as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Morton - 1

Excused: Senator Pflug - 1

Gubernatorial Appointment No. 9174, Charles Robinson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9201, Susan Cole, as a member of the Board of Trustees, Whatcom Community College District No. 21, be confirmed.

Senator Spanel spoke in favor of the motion.

APPOINTMENT OF SUSAN COLE

The President Pro Tempore declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9201, Susan Cole as a member of the Board of Trustees, Whatcom Community College District No. 21.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9201, Susan Cole as a member of the Board of Trustees, Whatcom Community College District No. 21 and the appointment was confirmed by the following

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vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9201, Susan Cole, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Whatcom Community College District No. 21.

MOTION

At 1:43 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:27 p.m. by President Owen

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Ravdan Bold, the Ambassador of Mongolia, to the United States who was seated at the rostrum.

With permission of the Senate, business was suspended to allow the Ambassador Bold to address the Senate.

REMARKS BY AMBASSADOR BOLD

Ambassador Bold: "Thank you so much. I'm Ambassador from Mongolia to the United States so I represent the people of Mongolia to your great nation, so this time I bring greetings from the Mongolian people. And this time I'm looking for new opportunities which could be had between the state of Washington and Mongolia. We are proud very much being the strong hold of democracy in inner Asia investment. So I found a lot of opportunities in terms of tourism, agriculture, for corporation between the Mongolia and state of Washington. So with this opportunity, I would like all of you please to visit Mongolia. Mongolia is still the less known to the American public but we are doing our best to fix this problem. Thank you so much for your attention."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1276, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Linville, McDonald, Dunshee, Chase, Upthegrove, Strow, Dunn, Haler, VanDeWege, McCune, Kenney, Roberts and Morrell)

Creating a public-private tourism partnership.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee amendment by the Committee on Economic Development, Trade & Management be adopted.

On page 2, line 13, after "least", strike "one", and insert "two"

On page 2, line 14, after "nominees", insert "per position"

Senator Kastama spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Economic Development, Trade & Management to Substitute House Bill No. 1276.

The motion by Senator Kastama carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1276 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1276 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1276 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1276 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2261, by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives Campbell, Hudgins, Morrell, Hunt and Ormsby)

Providing for the evaluation of additional measures to reduce wood smoke emissions.

The measure was read the second time.

MOTION

Senator Brown moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.94.473 and 2005 c 197 s 1 are each amended to read as follows:

(1) Any person in a residence or commercial establishment which has an adequate source of heat without burning wood shall:

(a) Not burn wood in any solid fuel burning device whenever the department has determined under RCW 70.94.715 that any air pollution episode exists in that area;

(b) Not burn wood in any solid fuel burning device except those which are either Oregon department of environmental quality phase II or United States environmental protection agency certified or certified by the department under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States environmental protection agency

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in accordance with Title 40, Part 60 of the code of federal regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been determined, by the department or any authority, for that area. A first stage of impaired air quality is reached when:

(i) Fine particulates are at an ambient level of thirty-five micrograms per cubic meter measured on a twenty-four hour average; and

(ii) Forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below thirty-five micrograms per cubic meter for a period of forty-eight hours or more from the time that the fine particulates are measured at the trigger level; and

(c) Not burn wood in any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been determined by the department or any authority, for that area. A second stage of impaired air quality is reached when:

(i) A first stage of impaired air quality has been in force and not been sufficient to reduce the increasing fine (~~particulate~~ ~~particulate~~) particulate pollution trend;

(ii) Fine particulates are at an ambient level of sixty micrograms per cubic meter measured on a twenty-four hour average; and

(iii) Forecasted meteorological conditions are not expected to allow levels of fine particulates to decline below sixty micrograms per cubic meter for a period of forty-eight hours or more from the time that the fine particulates are measured at the trigger level.

(2) Until June 30, 2009, an authority comprised of one county east of the crest of the Cascade mountains with a population of equal to or greater than four hundred thousand people, may determine by rule an alternative ambient air level of fine particulates that defines when a first stage and when a second stage of impaired air quality exists under subsection (1) of this section. All other criteria of subsection (1) of this section continue to apply to a county subject to this subsection.

(3) Actions of the department and local air pollution control authorities under this section shall preempt actions of other state agencies and local governments for the purposes of controlling air pollution from solid fuel burning devices, except where authorized by chapter 199, Laws of 1991.

NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW to read as follows:

The legislature finds that there are some communities in the state in which the national ambient air quality standards for PM 2.5 are exceeded, primarily due to wood smoke emissions, and that current strategies are not sufficient to reduce wood smoke emissions to levels that comply with the federal standards or adequately protect public health. The legislature finds that it is in the state's interest and to the benefit of the people of the state to evaluate additional measures to reduce wood smoke emissions and update the state wood smoke control program.

NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department shall convene and chair a work group to study the impacts of wood smoke from solid fuel burning devices on communities in Washington and make recommendations to the legislature on practical and cost-effective opportunities to reduce exposure to wood smoke from solid fuel burning devices and meet the new national air quality standards for fine particulates in Washington state. The work group shall be established by the director and include representatives from the department, the state department of health, regional air quality agencies, local health departments, related industry representatives, and nongovernmental health organizations. Recommendations may include statutory or regulatory changes, incentives, and other strategies that will reduce ambient PM 2.5 pollution. Recommendations should be presented to the governor and to the legislature by December 1, 2007.

(2) In carrying out its assignment the work group shall include, but not be limited to, the following considerations:

(a) Communities in the state that have elevated levels of PM 2.5 pollution;

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(b) The contribution of pollution from solid fuel burning devices to potential violations of federal air quality standards;

(c) Strategies used in other states, regions, or cities to reduce wood smoke pollution levels and effectiveness of these strategies;

(d) State laws, rules, fees, utility regulations, and other policies that may affect the ability to reduce emissions from solid fuel burning devices or encourage the use of cleaner burning devices; and

(e) Potential financial incentives and sources of funding to change out older solid fuel burning devices to cleaner burning devices."

Senator Brown spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 2261.

The motion by Senator Brown carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 70.94.473; and adding new sections to chapter 70.94 RCW."

MOTION

On motion of Senator Brown, the rules were suspended, Substitute House Bill No. 2261 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Brown spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2261 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2261 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 36

Voting nay: Senators Delvin, Hatfield, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 12

Absent: Senator Clements - 1

SUBSTITUTE HOUSE BILL NO. 2261 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

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At the April 5, 2007 full floor session of the Senate, I received an emergency telephone call that I had to take off of the floor. As a result, I missed the vote on Substitute House Bill No. 2261, relating to wood smoke emissions. I oppose this measure and, had I been present to vote, I would have voted, "No" on final passage.

SENATOR JIM CLEMENTS, 14th Legislative District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Ericksen, Moeller, Strow, Green, Haler, Appleton, Seaquist, Chase, Priest, McDermott, Walsh, Ormsby, Hasegawa, Fromhold, Kessler, Dunshee, Dunn, Sells, Wood, P. Sullivan, Kenney and Morrell)

Applying interest arbitration to certain care providers.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.56.465 and 1995 c 273 s 2 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, ~~((†)) the panel shall ((take into consideration the following factors))~~ consider:

(a) The constitutional and statutory authority of the employer;

(b) Stipulations of the parties;

~~(c)((†) For employees listed in RCW 41.56.030(7) (a) through (d), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States;~~

~~((ii) For employees listed in RCW 41.56.030(7) (e) through (h), comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered;~~

~~((d)) The average consumer prices for goods and services, commonly known as the cost of living;~~

~~((†)) ((d)) Changes in any of the circumstances under (a) through ((†)) (c) of this subsection during the pendency of the proceedings; and~~

~~((†)) (e) Such other factors, not confined to the factors under (a) through ((†)) (d) of this subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.~~

(2) For employees listed in RCW 41.56.030(7) (a) through (d), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

(3) For employees listed in RCW 41.56.030(7) (e) through (h), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered.

(4) For employees listed in RCW 41.56.028:

(a) The panel shall also consider:

(i) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(ii) The financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) The public's interest in reducing turnover and increasing retention of child care providers;

(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and

(iii) In addition, for employees exempt from licensing under chapter 74.15 RCW, the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(5) For employees listed in RCW 74.39A.270:

(a) The panel shall consider:

(i) A comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and

(ii) The financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) A comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;

(ii) The state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;

(iii) The state's interest in ensuring access to affordable, quality health care for all state citizens; and

(iv) The state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(6) Subsections ((†)((†)) (2) and (3) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

Sec. 2. RCW 41.56.028 and 2006 c 54 s 1 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers, except as follows:

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(a) A statewide unit of all family child care providers is the only unit appropriate for purposes of collective bargaining under RCW 41.56.060.

(b) The exclusive bargaining representative of family child care providers in the unit specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that in the initial election conducted under chapter 54, Laws of 2006, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held.

(c) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for child care providers under this section shall be limited solely to: (i) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; (ii) health and welfare benefits; (iii) professional development and training; (iv) labor-management committees; (v) grievance procedures; and (vi) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(d) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year; and

~~(ii) (In addition to the factors to be taken into consideration by an interest arbitration panel under RCW 41.56.465, the panel shall consider the financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and~~

~~(iii))~~ The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and benefit provisions of the arbitrated collective bargaining agreement, is not binding on the state.

(e) Family child care providers do not have the right to strike.

(3) Family child care providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of the collective bargaining relationship between the employer and family child care providers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider that provides care for their child or children;

(b) The secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)(c) of this section;

(c) Chapter 26.44 RCW, RCW 43.43.832, 43.20A.205, and 74.15.130; and

(d) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, and family child care providers participating in child care subsidy programs, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)(d).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, a request for funds necessary to implement the compensation and benefit provisions of a

collective bargaining agreement entered into under this section or for legislation necessary to implement such agreement.

(6) A request for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement entered into under this section shall not be submitted by the governor to the legislature unless such request has been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section, the request must be submitted by November 15, 2006; and

(b) Certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section.

(7) The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of any collective bargaining agreement and, upon completion of negotiations, advise the committee on the elements of the agreement and on any legislation necessary to implement such agreement.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection (4)(d) of this section.

(10) If, after the compensation and benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative to the extent such activities are authorized by this chapter.

Sec. 3. RCW 74.39A.270 and 2006 c 106 s 1 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The governor or the governor's designee shall consult the authority on all issues for which the exclusive bargaining representative requests to engage in collective bargaining under subsection (6) of this section. The authority shall work with the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsection (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers,

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except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires; and

~~(ii) ((With respect to factors to be taken into consideration by an interest arbitration panel, the panel shall consider the financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and~~

~~(iii))~~ The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this chapter, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. No agency or department of the state may establish policies or rules governing the wages or hours of individual providers. However, this subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

(c) The consumer's right to assign hours to one or more individual providers selected by the consumer within the maximum hours determined by his or her plan of care;

(d) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

(e) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

(f) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (6)(f).

(7)(a) The state, the department, the authority, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(b) The members of the board are immune from any liability resulting from implementation of this chapter.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed Substitute House Bill No. 1916.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "and amending RCW 41.56.465, 41.56.028, and 74.39A.270."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1916 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Zarelli spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Kline and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1916 as amended by the Senate.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1916 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Clements, Holmquist and Honeyford - 3

Excused: Senators Brown, Kline and Poulsen - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1334, by House Committee on Appropriations (originally sponsored by Representatives Hinkle and Walsh)

Requiring the petitioner in a child welfare case to provide the court with relevant documentation.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that in order to allow courts to make well-informed placement decisions for children in the care of the state, the courts must have accurate information, including documentation supporting assertions or recommendations made by social workers, when appropriate.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

In any proceeding under this chapter, if the department submits a report to the court in which the department is recommending a particular placement, the department shall include the documents listed in subsections (1) through (4) of this section to the report. The department shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department relating to visitation with a child, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who

supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department relating to the psychological status of a person, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department relating to injuries to a child, the department shall attach a summary of the physician's report relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department relating to the appropriateness or qualifications of a proposed placement, the department shall attach the document or documents upon which that recommendation, opinion, or assertion is based, including a home study or background check information, if applicable.

NEW SECTION. Sec. 3. This act shall be known and cited as the Rafael Gomez act.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senators Hargrove and Stevens spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Second Substitute House Bill No. 1334.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1334 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1334 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1334 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Kline and Poulsen - 3

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SECOND SUBSTITUTE HOUSE BILL NO. 1334 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1333, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh)

Concerning child welfare protections.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the

department or supervising agency must promptly notify the court; and

(ii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

~~((c))~~ (d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

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(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 2. RCW 13.34.025 and 2002 c 52 s 2 are each amended to read as follows:

(1) The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:

~~((+))~~ (a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

~~((=))~~ (b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

~~((=))~~ (c) Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 26.44 RCW to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect

cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

(1) The commission, in consultation with the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys, shall develop a curriculum related to child abuse and neglect to be included in the basic law enforcement training that must be successfully completed within the first fifteen months of employment of all law enforcement personnel.

(2) The curriculum must be incorporated into the basic law enforcement training program by July 1, 2008.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section.

(2) The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts, in consultation with the attorney general's office and the department of social and health services, shall compile an annual report, providing information about cases that fail to meet statutory guidelines to achieve permanency for dependent children.

(2) The administrative office of the courts shall submit the annual report required by this section to appropriate committees of the legislature by December 1st of each year, beginning on December 1, 2007.

Sec. 7. RCW 74.13.330 and 1990 c 284 s 23 are each amended to read as follows:

Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; ~~((and))~~ model effective parenting behavior for the natural family; and be available to help with the child's transition back to the natural family.

Sec. 8. RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

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(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are defendants in dependency cases, in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, ~~((and))~~ low-income persons, and parents who are defendants in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660.

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Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 9. This act may be known and cited as Sirita's law."

Senator Hargrove spoke in favor of adoption of the committee striking amendment.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1333.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.138, 13.34.025, 74.13.330, and 71.24.035; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1333 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1333 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1333 as amended by the Senate and

the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Kline, Poulsen and Prentice - 4

SUBSTITUTE HOUSE BILL NO. 1333 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2010, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Haigh, Hunt, Ericks, Conway, Haler, Green, Hasegawa, Appleton, Campbell, Sells, Kenney, VanDeWege, Cody, Hurst, McDermott, Simpson and Ormsby)

Providing responsible bidder criteria and related requirements for public works contracts.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller, Clements and Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2010.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2010 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist, Parlette and Stevens - 3

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2105, by Representatives Conway, Condotta, Kenney, Simpson and Ormsby

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Requiring payment of prescription drugs for industrial insurance medical aid claims for initial visits.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 2105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2105.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2105 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

ENGROSSED HOUSE BILL NO. 2105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2049, by House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Rolfes, Strow, Appleton, Hunt, Springer, McDermott, VanDeWege, Seaquist, McCoy, Eickmeyer and Lantz)

Authorizing the creation of marine resource committees.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds the challenge of developing realistic, effective, and efficient solutions to the conservation and management issues facing Puget Sound and Washington's outer coast requires calling on all available sources of knowledge and creative thinking available in the collective wisdom of Washington's citizens. The legislature further finds that both Puget Sound and the outer coast are dynamic and localized waterbodies with unique local challenges and unique local solutions. As such, it is essential for the future management of these ecosystems that citizens, through their local government, have a voice and an opportunity to share their dedication and interest in the well-being of their community's unique marine waters, while providing a valuable contribution to the statewide efforts aimed at restoring the outer coast and Puget Sound as a whole.

(2) The legislature further finds that federally led efforts to establish marine resource committees have proven to be an exciting vehicle for involving local citizens and community leaders in the future discussions, decisions, and restoration commitments in the waters most important to the community. The existing model of using a community-based, nonregulatory organization to examine issues particular to a community's corner of Puget Sound, applying for grants, and thoroughly and fairly investigating available options and solutions has proved to be a valuable asset to Puget Sound and its communities, and is worthy of replication throughout the Puget Sound basin and the outer coast.

(3) In this chapter, the legislature intends to establish a structure on which interested local communities can harness the dedication, creativity, and wisdom of their residents in the form of marine resource committees. These committees are intended to compliment, and not compete with or undermine, any other governmental efforts to restore and manage the Puget Sound. The legislature further intends that the department of fish and wildlife should apply the lessons learned from Puget Sound to work with county governments on the outer coast to establish marine resource committees.

NEW SECTION. Sec. 2. (1)(a) The legislative authority for each county that borders the marine waters of southern Puget Sound may establish marine resource committees consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resource committees in the southern Puget Sound are: King, Pierce, Thurston, Kitsap, and Mason counties.

(b) The legislative authority for each county bordering the marine waters of the outer coast may develop a marine resource committee consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resource committees on the outer coast are: Pacific, Grays Harbor, and Wahkiakum counties.

(c) Jefferson and Clallam counties may establish a new marine resource committee or a subcommittee of the county's existing marine resource committee, consistent with the procedures outlined in section 3 of this act, specifically to address the marine ecosystems for the outer coast or Puget Sound, where appropriate.

(2) The mission of a marine resource committee created under this section is to address, utilizing sound science, the needs of the marine ecosystem local to the county initiating the marine resource committee.

(3) A marine resource committee created under this section should review current data and resource conservation and management programs and make prioritized recommendations for additional measures that might be necessary to enhance protection of marine resources.

(4) The role of a marine resource committee in developing recommendations includes, but is not limited to:

(a) Utilizing existing data and, to the extent necessary, helping to gather new data on the health of local marine resources;

(b) Making scientifically based recommendations on local candidate sites for marine protected areas;

(c) Working closely with local and state officials to help implement recommendations of the marine resource committee;

(d) Promoting public outreach and education around marine resource conservation and management issues; and

(e) Engaging in any other activities that the initiating county deems appropriate.

NEW SECTION. Sec. 3. (1) A marine resource committee, as described in section 2 of this act, may be created by the legislative authority of any county bordering the marine waters of the outer coast or Puget Sound, in cooperation with all appropriate cities and special districts within their boundaries. Adjacent county legislative authorities shall coordinate their efforts whenever there is a mutual interest in creating a marine resource committee.

(2) A county may delegate the management and oversight of a marine resource committee created by the county under section 2 of this act to a city, or cities, within its jurisdiction, if the city

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or cities are located on the marine waters of the outer coast or southern Puget Sound and are willing to accept the delegation.

(3) Participating county legislative authorities must select members of the marine resource committee, ensuring balanced representation from: Local government; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests. Additionally, participating county legislative authorities must invite tribal representatives to participate in the marine resource committee. An initiating county may delegate its appointment authority to a city or cities that have received from the county the delegated responsibilities of managing and overseeing the marine resource committee.

(4) County residents may petition the county legislative authority to create a marine resource committee. Upon receipt of a petition, the county legislative authority must respond in writing within sixty days as to whether they will authorize the creation of a marine resource committee as well as the reasons for their decision.

NEW SECTION. Sec. 4. (1) The Puget Sound action team, or its successor organization, shall serve as the regional coordinating entity for marine resource committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resource committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resource committees;

(b) Coordinate communications and information among marine resource committees;

(c) Assist marine resource committees to measure themselves against regional performance benchmarks;

(d) Assist marine resource committees with coordinating local projects to compliment regional priorities;

(e) Assist marine resource committees to interact with and compliment other marine resource committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resource committees statewide.

NEW SECTION. Sec. 5. Nothing in section 2 or 3 of this act is intended to expand or limit the authority of local marine resource committees established under the Northwest Straits marine conservation initiative by federal act in San Juan, Whatcom, Skagit, Island, Snohomish, Clallam, and Jefferson counties and existing as of the effective date of this section.

NEW SECTION. Sec. 6. Outer coast marine resource committees, in conjunction with their regional coordinating entity, shall meet and consult with key state, federal, local, and tribal governments, and private interest groups to develop a collaborative process to address ocean policy issues. This collaborative process should use Washington's "Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coasts" developed by the Washington ocean policy work group as a guide to begin the work of developing and coordinating state and local ocean policy and providing better management of Washington's coastal areas.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 36 RCW."

On page 1, line 1 of the title, after "committees;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

The President declared the question before the Senate to be the motion by Senator Jacobsen to not adopt the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2049.

The motion by Senator Jacobsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Jacobsen moved that the following striking amendment by Senator Rockefeller be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds the challenge of developing realistic, effective, and efficient solutions to the conservation and management issues facing Puget Sound and Washington's outer coast requires calling on all available sources of knowledge and creative thinking available in the collective wisdom of Washington's citizens. The legislature further finds that both Puget Sound and the outer coast are dynamic and localized waterbodies with unique local challenges and unique local solutions. As such, it is essential for the future management of these ecosystems that citizens, through their local government, have a voice and an opportunity to share their dedication and interest in the well-being of their community's unique marine waters, while providing a valuable contribution to the statewide efforts aimed at restoring the outer coast and Puget Sound as a whole.

(2) The legislature further finds that federally led efforts to establish marine resources committees have proven to be an exciting vehicle for involving local citizens and community leaders in the future discussions, decisions, and restoration commitments in the waters most important to the community. The existing model of using a community-based, nonregulatory organization to examine issues particular to a community's corner of Puget Sound, applying for grants, and thoroughly and fairly investigating available options and solutions has proved to be a valuable asset to Puget Sound and its communities, and is worthy of replication throughout the Puget Sound basin and the outer coast.

(3) In this chapter, the legislature intends to establish a structure on which interested local communities can harness the dedication, creativity, and wisdom of their residents in the form of marine resources committees. These committees are intended to complement, and not compete with or undermine, any other governmental efforts to restore and manage the Puget Sound. The legislature further intends that the department of fish and wildlife should apply the lessons learned from Puget Sound to work with county governments on the outer coast to establish marine resources committees.

NEW SECTION. Sec. 2. (1)(a) The legislative authority for each county that borders the marine waters of southern Puget Sound may establish marine resources committees consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resources committees in the southern Puget Sound are: King, Pierce, Thurston, Kitsap, and Mason counties.

(b) The legislative authority for each county bordering the marine waters of the outer coast may develop a marine resources committee consistent with the procedures outlined in section 3 of this act. Counties authorized to establish marine resources committees on the outer coast are: Pacific, Grays Harbor, and Wahkiakum counties.

(c) Jefferson and Clallam counties may establish a new marine resources committee or a subcommittee of the county's existing marine resources committee, consistent with the procedures outlined in section 3 of this act, specifically to address the marine ecosystems for the outer coast or Puget Sound, where appropriate.

(2) The mission of a marine resources committee created under this section is to address, utilizing sound science, the needs of the marine ecosystem local to the county initiating the marine resources committee.

(3) A marine resources committee created under this section should review current data and resource conservation and management programs and make prioritized recommendations for additional measures that might be necessary to enhance protection of marine resources.

(4) The role of a marine resources committee in developing recommendations includes, but is not limited to:

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(a) Utilizing existing data and, to the extent necessary, helping to gather new data on the health of local marine resources;

(b) Making scientifically based recommendations on local candidate sites for marine protected areas;

(c) Working closely with local and state officials to help implement recommendations of the marine resources committee;

(d) Promoting public outreach and education around marine resource conservation and management issues; and

(e) Engaging in any other activities that the initiating county deems appropriate.

NEW SECTION. Sec. 3. (1) A marine resources committee, as described in section 2 of this act, may be created by the legislative authority of any county bordering the marine waters of the outer coast or Puget Sound, in cooperation with all appropriate cities and special districts within their boundaries. Adjacent county legislative authorities shall coordinate their efforts whenever there is a mutual interest in creating a marine resources committee.

(2) A county may delegate the management and oversight of a marine resources committee created by the county under section 2 of this act to a city, or cities, within its jurisdiction, if the city or cities are located on the marine waters of the outer coast or southern Puget Sound and are willing to accept the delegation.

(3) Participating county legislative authorities must select members of the marine resources committee, ensuring balanced representation from: Local government; scientific experts; affected economic interests; affected recreational interests; and environmental and conservation interests. Additionally, participating county legislative authorities must invite tribal representatives to participate in the marine resources committee. An initiating county may delegate its appointment authority to a city or cities that have received from the county the delegated responsibilities of managing and overseeing the marine resources committee.

(4) County residents may petition the county legislative authority to create a marine resources committee. Upon receipt of a petition, the county legislative authority must respond in writing within sixty days as to whether they will authorize the creation of a marine resources committee as well as the reasons for their decision.

NEW SECTION. Sec. 4. (1) The Puget Sound action team, or its successor organization, shall serve as the regional coordinating entity for marine resources committees created in the southern Puget Sound and the department of fish and wildlife shall serve as the regional coordinating entity for marine resources committees created for the outer coast.

(2) The regional coordinating entity shall serve as a resource to, at a minimum:

(a) Coordinate and pool grant applications and other funding requests for marine resources committees;

(b) Coordinate communications and information among marine resources committees;

(c) Assist marine resources committees to measure themselves against regional performance benchmarks;

(d) Assist marine resources committees with coordinating local projects to complement regional priorities;

(e) Assist marine resources committees to interact with and complement other marine resources committees, and other similar groups, constituted under a different authority; and

(f) Coordinate with the Northwest Straits commission on issues common to marine resources committees statewide.

NEW SECTION. Sec. 5. Nothing in section 2 or 3 of this act is intended to expand or limit the authority of local marine resources committees established under the Northwest Straits marine conservation initiative by federal act in San Juan, Whatcom, Skagit, Island, Snohomish, Clallam, and Jefferson counties and existing as of the effective date of this section.

NEW SECTION. Sec. 6. Outer coast marine resources committees, in conjunction with their regional coordinating entity, shall meet and consult with key state, federal, local, and tribal governments, and private interest groups to develop a collaborative process to address ocean policy issues. This collaborative process should use Washington's "Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coasts" developed by the Washington ocean policy work group as a guide to begin the work of developing and coordinating state and local ocean policy and providing better management of Washington's coastal areas.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 36 RCW."

Senator Jacobsen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller to Substitute House Bill No. 2049.

The motion by Senator Jacobsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "committees;" strike the remainder of the title and insert "and adding a new chapter to Title 36 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2049 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2049 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2049 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2049 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2158, by House Committee on Finance (originally sponsored by Representatives Hasegawa, Fromhold, O'Brien, Orcutt, Condotta, Ormsby, Roach, Kristiansen, Ericks, Curtis, Kenney and Moeller)

Concerning the sales of vehicles and associated services to nonresidents of Washington.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2158.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2158 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1267, by House Committee on Transportation (originally sponsored by Representatives Wallace, Upthegrove, Lovick, Hankins and Dickerson)

Modifying commercial driver's license requirements.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee amendment by the Committee on Transportation be adopted.

On page 2, after line 17, insert the following:

"(c) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars for each classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Charitable, not for profit corporations that are federally supported head start programs; or

(ii) Charitable, not for profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4)."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Kauffman moved that the following amendment by Senators Kauffman and Haugen to the committee amendment be adopted.

On page 1, line 7 of the amendment, after "(i)", strike, "Charitable," and insert "Public benefit"

On page 1, line 9 of the amendment, after "(ii)", strike, "Charitable," and insert "Public benefit"

Senator Kauffman spoke in favor of adoption of the amendment to the committee amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kauffman and Haugen on page 1, line 7 to the committee amendment to Substitute House Bill No. 1267.

The motion by Senator Kauffman carried and the amendment to the committee amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation as amended to Substitute House Bill No. 1267.

The motion by Senator Murray carried and the committee amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1267 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1267 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1267 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Holmquist, Honeyford, Schoesler, Sheldon and Stevens - 6

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 1267 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2304, by House Committee on Appropriations (originally sponsored by Representatives Morrell, Quall, McDonald, Bailey, Grant, Walsh, Haler, McCune, Seaquist, McDermott, Kenney, Cody, Darnelle, Dunn, Schual-Berke, Kessler, Conway, Springer, Hudgins, Green, Blake, Rodne, Goodman, Campbell, VanDeWege, Williams, Hunter, Takko and Moeller)

Providing for the issuance of a certificate of need for certain cardiac care services.

The measure was read the second time.

MOTION

Senator Marr moved that the following committee striking

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amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.38 RCW to read as follows:

To promote the stability of Washington's cardiac care delivery system, by July 1, 2008, the department of health shall adopt rules establishing criteria for the issuance of a certificate of need under this chapter for the performance of elective percutaneous coronary interventions at hospitals that do not otherwise provide on-site cardiac surgery.

Prior to initiating rule making, the department shall contract for an independent evidence-based review of the circumstances under which elective percutaneous coronary interventions should be allowed in Washington at hospitals that do not otherwise provide on-site cardiac surgery. The review shall address, at a minimum, factors related to access to care, patient safety, quality outcomes, costs, and the stability of Washington's cardiac care delivery system and of existing cardiac care providers, and ensure that elective coronary intervention volumes at the University of Washington academic medical center are maintained at levels required for training of cardiologists consistent with applicable accreditation requirements. The department shall consider the results of this review, and any associated recommendations, in adopting these rules.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2304.

The motion by Senator Marr carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.38 RCW; and creating a new section."

MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 2304 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Keiser spoke in favor of passage of the bill.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2304 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2304 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala,

Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Pflug and Schoesler - 2

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 2304 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1506, by House Committee on Capital Budget (originally sponsored by Representatives Haigh, Armstrong, Hunt and Ormsby)

Changing alternative works provisions.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.010 and 1994 c 132 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures ~~((by state agencies and large municipalities under limited circumstances))~~, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures.

PART 1 GENERAL PROVISIONS

Sec. 101. RCW 39.10.020 and 2005 c 469 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build ~~((and the))~~, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.051 ~~((and))~~, 39.10.061, and 39.10.130 ~~(as recodified by this act)~~, respectively. ~~((Public bodies eligible to enter into agreements with service providers for the furnishing of services in connection with water pollution control facilities under the authority of chapter 70.150 RCW may elect to use either RCW 39.10.051 and 39.10.061 or chapter 70.150 RCW as their method of procurement for such services.))~~

(2) ~~(("Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year utilizing the design-build procedure authorized by RCW 39.10.051 and every public hospital district, regardless of total revenues, proposing projects that are considered and approved by the public hospital district project review board under RCW 39.10.117; every public utility district with revenues from energy sales greater than twenty-~~

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three million dollars per year; those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115; and the state ferry system.) "Board" means the capital projects advisory review board.

(3) ("Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.) "Committee" means the project review committee.

(4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.

(7) "Job order contract" means a contract ((between a public body or any school district and a registered or licensed contractor)) in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

~~((5))~~ (8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

~~((6))~~ (9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.

(11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under section 107 of this act.

(14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(15) "Total project cost" means the cost of the project less financing and land acquisition costs.

(16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

~~((7))~~ (17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 102. RCW 39.10.800 and 2005 c 377 s 1 are each amended to read as follows:

(1) The ((capital projects advisory review)) board is created in the department of general administration to provide an evaluation of public capital projects construction processes, including the impact of contracting methods on project outcomes, and to advise the legislature on policies related to ((alternative)) public works delivery methods.

(2)(a) The ((capital projects advisory review)) board shall consist of the following members appointed by the governor: ((One)) Two representatives from construction general contracting; one representative from the ((design industries))

architectural profession; one representative from the engineering profession; two representatives from construction specialty subcontracting; ((one)) two representatives from ((a)) construction trades labor organizations; one representative from the office of minority and women's business enterprises; one representative from a higher education institution; one representative from the department of general administration; two representatives from private industry; and one representative of a domestic insurer authorized to write surety bonds for contractors in Washington state. All appointed members must be ((actively engaged in or authorized to use alternative)) knowledgeable about public works contracting procedures.

(b) ((Two)) Three members shall be ((at-large)) positions representing different local public owners ((The two at-large positions shall serve on a rotating basis to be determined and appointed)), selected by the association of Washington cities, the Washington state association of counties, and the Washington public ports association, respectively.

(c) One member shall be a ((member of)) representative from the public hospital districts ((project review board)), selected by ((that board, who shall be nonvoting)) the association of Washington public hospital districts.

(d) One member shall be a ((member of the)) representative from school districts ((project review board)), selected by ((that board, who shall be nonvoting)) the Washington state school directors' association.

(e) The ((advisory review)) board shall include two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by the president of the senate. Legislative members are nonvoting.

(3) Members selected under subsection (2)(a) of this section shall serve for terms of four years, with the terms expiring on June 30th on the fourth year of the term. ((However, in the case of the initial members, four members shall serve four-year terms, four members shall serve three-year terms, and three members shall serve a two-year term, with each of the terms expiring on June 30th of the applicable year. Appointees may be reappointed to serve more than one term.))

(4) The ((capital projects advisory review)) board chair is selected from among the appointed members by the majority vote of the voting members.

(5) Legislative members of the ((capital projects advisory review)) board shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the ((capital projects advisory review)) board, ((including any subcommittee members, except those representing an employer or organization.)) project review committee members, and subcommittee chairs shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) If a vacancy occurs of the appointive members of the board, the governor shall fill the vacancy for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(7) The ((capital projects advisory review)) board shall ((convene as soon as practical after July 1, 2005, and may)) meet as often as necessary ((hereafter)).

(8) ((Capital projects advisory review)) Board members are expected to consistently attend ((review)) board meetings. The chair of the ((capital projects advisory review)) board may ask the governor to remove any member who misses more than two meetings in any calendar year without cause.

(9) The department of general administration shall provide staff support as may be required for the proper discharge of the function of the ((capital projects advisory review)) board.

(10) The ((capital projects advisory review)) board may establish subcommittees as it desires and may invite nonmembers of the ((capital projects advisory review)) board to serve as committee members.

(11) The board shall encourage participation from persons and entities not represented on the ((capital projects advisory review)) board.

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Sec. 103. RCW 39.10.810 and 2005 c 377 s 2 are each amended to read as follows:

The (~~capital projects advisory review~~) board has the following powers and duties:

(1) (~~Develop and recommend to the legislature criteria that may be used to determine effective and feasible use of alternative contracting procedures;~~

~~(2) Develop and recommend to the legislature qualification standards for general contractors bidding on alternative public works projects;~~

~~(3))~~ Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

~~((+))~~ (2) Evaluate the use of existing contracting procedures and potential future use of other alternative contracting procedures including competitive negotiation contracts;

(3) Appoint members of the committee; and

(4) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

NEW SECTION. Sec. 104. PROJECT REVIEW COMMITTEE--CREATED. (1) The board shall establish a project review committee to review and approve public works projects using the design-build and general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061 (as recodified by this act) and to certify public bodies as provided in section 107 of this act.

(2) The board shall, by a majority vote of the board, appoint persons to the committee who are knowledgeable in the use of the design-build and general contractor/construction manager contracting procedures. Appointments must represent a balance among the industries and public owners on the board listed in RCW 39.10.800 (as recodified by this act).

(a) When making initial appointments to the committee, the board shall consider for appointment former members of the school district project review board and the public hospital district project review board.

(b) Each member of the committee shall be appointed for a term of three years. However, for initial appointments, the board shall stagger the appointment of committee members so that the first members are appointed to serve terms of one, two, or three years from the date of appointment. Appointees may be reappointed to serve more than one term.

(c) The committee shall, by a majority vote, elect a chair and vice-chair for the committee.

(d) The committee chair may select a person or persons on a temporary basis as a nonvoting member if project specific expertise is needed to assist in a review.

(3) The chair of the committee, in consultation with the vice-chair, may appoint one or more panels of at least six committee members to carry out the duties of the committee. Each panel shall have balanced representation of the private and public sector representatives serving on the committee.

(4) Any member of the committee directly or indirectly affiliated with a submittal before the committee must recuse himself or herself from the committee consideration of that submittal.

(5) Any person who sits on the committee or panel is not precluded from subsequently bidding on or participating in projects that have been reviewed by the committee.

(6) The committee shall meet as often as necessary to ensure that certification and approvals are completed in a timely manner.

NEW SECTION. Sec. 105. PROJECT REVIEW COMMITTEE DUTIES. The committee shall:

(1) Certify, or recertify, public bodies for a period of three years to use the design-build or general contractor/construction manager, or both, contracting procedures for projects with a total project cost of ten million dollars or more;

(2) Review and approve the use of the design-build or general contractor/construction manager contracting procedures on a project by project basis for public bodies that are not certified under section 107 of this act; and

(3) Review and approve the use of the general contractor/construction manager contracting procedure by certified public bodies for projects with a total project cost under ten million dollars.

NEW SECTION. Sec. 106. PROJECT REVIEW COMMITTEE MEETINGS--OPEN AND PUBLIC. (1) The committee shall hold regular public meetings to carry out its duties as described in section 105 of this act. Committee meetings are subject to chapter 42.30 RCW.

(2) The committee shall publish notice of its public meetings at least twenty days before the meeting in a legal newspaper circulated in the area where the public body seeking certification is located, or where each of the proposed projects under consideration will be constructed. All meeting notices must be posted on the committee's web site.

(3) The meeting notice must identify the public body that is seeking certification or project approval, and where applicable, a description of projects to be considered at the meeting. The notice must indicate when, where, and how the public may present comments regarding the committee's certification of a public body or approval of a project. Information submitted by a public body to be reviewed at the meeting shall be available on the committee's web site at the time the notice is published.

(4) The committee must allow for public comment on the appropriateness of certification of a public body or on the appropriateness of the use of the proposed contracting procedure and the qualifications of a public body to use the contracting procedure. The committee shall receive and record both written and oral comments at the public hearing.

NEW SECTION. Sec. 107. PROJECT REVIEW COMMITTEE--CERTIFICATION OF PUBLIC BODIES. (1) A public body may apply for certification to use the design-build or general contractor/construction manager contracting procedure, or both. Once certified, a public body may use the contracting procedure for which it is certified on individual projects with a total project cost over ten million dollars without seeking committee approval. The certification period is three years. A public body seeking certification must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, its capital plan during the certification period, and its intended use of alternative contracting procedures.

(2) To certify a public body, the committee shall determine that the public body:

(a) Has the necessary experience and qualifications to determine which projects are appropriate for using alternative contracting procedures;

(b) Has the necessary experience and qualifications to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) personnel with appropriate construction experience; (iii) a management plan and rationale for its alternative public works projects; (iv) demonstrated success in managing public works projects; (v) demonstrated success in managing at least one general contractor/construction manager or design-build project within the previous five years; (vi) the ability to properly manage its capital facilities plan including, but not limited to, appropriate project planning and budgeting experience; and (vii) the ability to meet requirements of this chapter; and

(c) Has resolved any audit findings on previous public works projects in a manner satisfactory to the committee.

(3) The committee shall, if practicable, make its determination at the public meeting during which an application for certification is reviewed. Public comments must be considered before a determination is made. Within ten business days of the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site.

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(4) The committee may revoke any public body's certification upon a finding, after a public hearing, that its use of design-build or general contractor/construction manager contracting procedures no longer serves the public interest.

(5) The committee may renew the certification of a public body for one additional three-year period. The public body must submit an application for recertification at least three months before the initial certification expires. The application shall include updated information on the public body's capital plan for the next three years, its intended use of the procedures, and any other information requested by the committee. The committee must review the application for recertification at a meeting held before expiration of the applicant's initial certification period. A public body must reapply for certification under the process described in subsection (1) of this section once the period of recertification expires.

(6) Certified public bodies must submit project data information as required in RCW 39.10.070 (as recodified by this act) and section 302 of this act.

NEW SECTION. Sec. 108. PROJECT REVIEW COMMITTEE--PROJECT APPROVAL PROCESS. (1) A public body not certified under section 107 of this act must apply for approval from the committee to use the design-build or general contractor/construction manager contracting procedure on a project. A public body seeking approval must submit to the committee an application in a format and manner as prescribed by the committee. The application must include a description of the public body's qualifications, a description of the project, and its intended use of alternative contracting procedures.

(2) To approve a proposed project, the committee shall determine that:

(a) The alternative contracting procedure will provide a substantial fiscal benefit or the use of the traditional method of awarding contracts in lump sum to the low responsive bidder is not practical for meeting desired quality standards or delivery schedules;

(b) The proposed project meets the requirements for using the alternative contracting procedure as described in section 201 or 301 of this act;

(c) The public body has the necessary experience or qualified team to carry out the alternative contracting procedure including, but not limited to: (i) Project delivery knowledge and experience; (ii) sufficient personnel with construction experience to administer the contract; (iii) a written management plan that shows clear and logical lines of authority; (iv) the necessary and appropriate funding and time to properly manage the job and complete the project; (v) continuity of project management team, including personnel with experience managing projects of similar scope and size to the project being proposed; and (vi) necessary and appropriate construction budget;

(d) For design-build projects, construction personnel independent of the design-build team are knowledgeable in the design-build process and are able to oversee and administer the contract; and

(e) The public body has resolved any audit findings related to previous public works projects in a manner satisfactory to the committee.

(3) The committee shall, if practicable, make its determination at the public meeting during which a submittal is reviewed. Public comments must be considered before a determination is made.

(4) Within ten business days after the public meeting, the committee shall provide a written determination to the public body, and make its determination available to the public on the committee's web site. If the committee fails to make a written determination within ten business days of the public meeting, the request of the public body to use the alternative contracting procedure on the requested project shall be deemed approved.

(5) The requirements of subsection (1) of this section also apply to certified public bodies seeking to use the general contractor/construction manager contracting procedure on projects with a total project cost of less than ten million dollars.

(6) Failure of the committee to meet within sixty calendar days of a public body's application to use an alternative

contracting procedure on a project shall be deemed an approval of the application.

NEW SECTION. Sec. 109. APPEAL PROCESS. Final determinations by the committee may be appealed to the board within seven days by the public body or by an interested party. A written notice of an appeal must be provided to the committee and, as applicable, to the public body. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal and to the appropriate public body, as applicable. The public body shall comply with the determination of the board.

PART 2 DESIGN-BUILD

Sec. 201. RCW 39.10.051 and 2003 c 352 s 2 and 2003 c 300 s 4 are each reenacted and amended to read as follows:

(1) ~~((Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the state ferry system; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.~~

~~—(2) Public bodies authorized under this section)) Subject to the process in section 107 or 108 of this act, public bodies may utilize the design-build procedure for public works projects ((valued) in which the total project cost is over ten million dollars and where:~~

~~(a) The design and construction activities ((or), technologies, or schedule to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or~~

~~(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or~~

~~(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.~~

~~(2) Subject to the process in section 107 or 108 of this act, public bodies may use the design-build procedure for parking garages, regardless of cost.~~

~~(3) ((Public bodies authorized under this section may also use)) The design-build procedure also may be used for the ((following projects that meet the criteria in subsection (2)(b) and (c) of this section:~~

~~—(a) The)) construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost((; or~~

~~—(b) The construction of new student housing projects valued over five million dollars.~~

~~—(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and~~

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location of the request for proposal documents. The request for proposal documents shall include:

~~(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;~~

~~(b) The reasons for using the design-build procedure;~~

~~(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;~~

~~(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;~~

~~(e) The form of the contract to be awarded;~~

~~(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and~~

~~(g) Other information relevant to the project.~~

~~(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.~~

~~(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.~~

~~(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.~~

~~(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.~~

~~(7) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities) and is not subject to approval by the committee.~~

(4) Except for utility projects, the design-build procedure may not be used to procure operations and maintenance services for a period longer than three years. State agency projects that propose to use the design-build-operate-maintain procedure shall submit cost estimates for the construction portion of the project consistent with the office of financial management's capital budget requirements. Operations and maintenance costs must be shown separately and must not be included as part of the capital budget request.

Sec. 202. RCW 39.10.080 and 1994 c 132 s 8 are each amended to read as follows:

Notwithstanding the provisions of RCW 39.04.015, a public body using the design-build contracting procedure is authorized to negotiate an adjustment to the lowest bid or proposal price for a public works project (~~awarded under RCW 39.10.050 and 39.10.060~~) based upon agreed changes to the contract plans and specifications under the following conditions:

(1) All responsive bids or proposal prices exceed the available funds, as certified by an appropriate fiscal officer;

(2) The apparent low-responsive bid or proposal does not exceed the available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and

(3) The negotiated adjustment will bring the bid or proposal price within the amount of available funds.

Sec. 203. RCW 39.10.070 and 1994 c 132 s 7 are each amended to read as follows:

(1) A public body utilizing the (~~alternative public works~~) design-build contracting procedure(~~s authorized under RCW 39.10.050 and 39.10.060~~) shall provide for:

~~(a) ((The preparation of appropriate, complete, and coordinated design documents consistent with the procedure utilized;~~

~~(b) To the extent appropriate, an independent review of the contract documents through value engineering or constructability studies prior to bid or proposal solicitation;~~

~~(c)) Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;~~

~~((d) To the extent appropriate, on-site architectural or engineering representatives during major construction or installation phases;~~

~~(e)) (b) Employment of staff or consultants with expertise and prior experience in the management of comparable projects; ((and~~

~~(f)) (c) Contract documents that include alternative dispute resolution procedures to be attempted prior to the initiation of litigation;~~

(d) Submission of project information, as required by the board; and

(e) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body utilizing the (~~alternative public works~~) design-build contracting procedure(~~s under RCW 39.10.050 and 39.10.060~~) may provide incentive payments to contractors for early completion, cost savings, or other goals if such payments are identified in the request for proposals.

NEW SECTION. Sec. 204. DESIGN-BUILD CONTRACT AWARD. (1) Contracts for design-build services shall be awarded through a competitive process using public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in, or as near as possible to, that part of the county in which the public work will be done, a notice of its request for qualifications from proposers for design-build services, and the availability and location of the request for proposal documents. The request for qualifications documents shall include:

(a) A general description of the project that provides sufficient information for proposers to submit qualifications;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and finalists' proposals, including evaluation factors and the relative weight of factors and any specific forms to be used by the proposers;

(i) Evaluation factors for request for qualifications shall include, but not be limited to, technical qualifications, such as specialized experience and technical competence; capability to perform; past performance of the proposers' team, including the architect-engineer and construction members; and other appropriate factors. Cost or price-related factors are not permitted in the request for qualifications phase;

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(ii) Evaluation factors for finalists' proposals shall include, but not be limited to, the factors listed in (d)(i) of this subsection, as well as technical approach design concept; proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; and location. Alternatively, if the public body determines that all finalists will be capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting responsive proposals and who are not awarded a design-build contract;

(g) The schedule for the procurement process and the project; and

(h) Other information relevant to the project.

(2) The public body shall establish an evaluation committee to evaluate the responses to the request for qualifications based on the factors, weighting, and process identified in the request for qualifications. Based on the evaluation committee's findings, the public body shall select not more than five responsive and responsible finalists to submit proposals. The public body may, in its sole discretion, reject all proposals and shall provide its reasons for rejection in writing to all proposers.

(3) Upon selection of the finalists, the public body shall issue a request for proposals to the finalists, which shall provide the following information:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications; functional and operational elements; minimum and maximum net and gross areas of any building; and, at the discretion of the public body, preliminary engineering and architectural drawings; and

(b) The target budget for the design-build portion of the project.

(4) The public body shall establish an evaluation committee to evaluate the proposals submitted by the finalists. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection. The public body must identify in the request for qualifications which procedure will be used.

(a) The finalists' proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for qualifications and in any addenda published by the public body. Public bodies may request best and final proposals from finalists. The public body shall initiate negotiations with the firm submitting the highest scored proposal. If the public body is unable to execute a contract with the firm submitting the highest scored proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing a design that adequately meets project requirements, the public body may award the contract to the firm that submits the responsive proposal with the lowest price.

(5) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals that are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects. In determining the amount of the honorarium, the public body shall consider the level of effort required to meet the selection criteria.

PART 3 GENERAL CONTRACTOR/CONSTRUCTION MANAGER

Sec. 301. RCW 39.10.061 and 2003 c 352 s 3 and 2003 c 300 s 5 are each reenacted and amended to read as follows:

~~((1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.~~

~~—(2) Except those school districts proposing projects that are considered and approved by the school district project review board and those public hospital districts proposing projects that are considered and approved by the public hospital district project review board)) Subject to the process in section 107 or 108 of this act, public bodies ((authorized under this section)) may utilize the general contractor/construction manager procedure for public works projects ((valued over ten million dollars)) where:~~

~~((a)) (1) Implementation of the project involves complex scheduling ((requirements)), phasing, or coordination; ((or~~

~~—(b)) (2) The project involves construction at an ((existing)) occupied facility which must continue to operate during construction; ((or~~

~~—(c)) (3) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project((:~~

~~—(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.~~

~~—(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel; past performance in negotiated and complex projects; and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.~~

~~—(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general~~

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contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;

(b) History of successful completion of a contract of similar type and scope;

(c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;

(d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;

(e) Ability to accurately estimate the subcontract bid package scope of work;

(f) Ability to meet subcontract bid package shop drawing and other coordination procedures;

(g) Eligibility to receive an award under applicable laws and regulations; and

(h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate

Saturdays, Sundays, and legal holidays are not counted. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid:

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;

(b) The bid opening is managed by the public body; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

(9) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities);

(4) The project encompasses a complex or technical work environment; or

(5) The project requires specialized work on a building that has historic significance.

NEW SECTION. Sec. 302. PROJECT MANAGEMENT AND CONTRACTING REQUIREMENTS. (1) A public body using the general contractor/construction manager contracting procedure shall provide for:

(a) The preparation of appropriate, complete, and coordinated design documents;

(b) Confirmation that a constructability analysis of the design documents has been performed prior to solicitation of a subcontract bid package;

(c) Reasonable budget contingencies totaling not less than five percent of the anticipated contract value;

(d) To the extent appropriate, on-site architectural or engineering representatives during major construction or installation phases;

(e) Employment of staff or consultants with expertise and prior experience in the management of comparable projects, critical path method schedule review and analysis, and the administration, pricing, and negotiation of change orders;

(f) Contract documents that include alternative dispute resolution procedures to be attempted before the initiation of litigation;

(g) Contract documents that: (i) Obligate the public owner to accept or reject a request for equitable adjustment, change order, or claim within a specified time period but no later than sixty calendar days after the receipt by the public body of related documentation; and (ii) provide that if the public owner does not respond in writing to a request for equitable adjustment, change order, or claim within the specified time period, the request is deemed denied;

(h) Submission of project information, as required by the board; and

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(i) Contract documents that require the contractor, subcontractors, and designers to submit project information required by the board.

(2) A public body using the general contractor/construction manager contracting procedure may include an incentive clause for early completion, cost savings, or other performance goals if such incentives are identified in the request for proposals. No incentives granted may exceed five percent of the maximum allowable construction cost. No incentives may be paid from any contingency fund established for coordination of the construction documents or coordination of the work.

(3) If the construction is completed for less than the maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the construction is completed for more than the maximum allowable construction cost, the additional cost is the responsibility of the general contractor/construction manager.

(4) If the public body and the general contractor/construction manager agree, in writing, on a price for additional work, the public body must issue a change order within thirty days of the written agreement. If the public body does not issue a change order within the thirty days, interest shall accrue on the dollar amount of the additional work satisfactorily completed until a change order is issued. The public body shall pay this interest at a rate of one percent per month.

NEW SECTION. Sec. 303. CONTRACT AWARD. (1) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(2) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include:

(a) A description of the project, including programmatic, performance, and technical requirements and specifications when available;

(b) The reasons for using the general contractor/construction manager procedure;

(c) A description of the qualifications to be required of the firm, including submission of the firm's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors;

(e) The form of the contract, including any contract for reconstruction services, to be awarded;

(f) The estimated maximum allowable construction cost; and

(g) The bid instructions to be used by the general contractor/construction manager finalists.

(3) Evaluation factors for selection of the general contractor/construction shall include, but not be limited to:

(a) Ability of the firm's professional personnel;

(b) The firm's past performance in negotiated and complex projects;

(c) The firm's ability to meet time and budget requirements;

(d) The scope of work the firm proposes to self-perform and its ability to perform that work;

(e) The firm's proximity to the project location;

(f) Recent, current, and projected work loads of the firm; and

(g) The firm's approach to executing the project.

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee on the estimated maximum allowable construction cost and the fixed amount for the general conditions work specified in the request for proposal. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals. A public body shall not evaluate or disqualify a

proposal based on the terms of a collective bargaining agreement.

(5) Public bodies may contract with the selected firm to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

NEW SECTION. Sec. 304. MAXIMUM ALLOWABLE CONSTRUCTION COST. (1) The maximum allowable construction cost shall be used to establish a total contract cost for which the general contractor/construction manager shall provide a performance and payment bond. The maximum allowable construction cost shall be negotiated between the public body and the selected firm when the construction documents and specifications are at least ninety percent complete.

(2) Major bid packages may be bid in accordance with section 305 of this act before agreement on the maximum allowable construction cost between the public body and the selected general contractor/construction manager. The general contractor/construction manager may issue an intent to award to the responsible bidder submitting the lowest responsive bid.

(3) The public body may, at its option, authorize the general contractor/construction manager to proceed with the bidding and award of bid packages and construction before receipt of complete project plans and specifications. Any contracts awarded under this subsection shall be incorporated in the negotiated maximum allowable construction cost.

(4) The total contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the negotiated support services, and the percent fee on the negotiated maximum allowable construction cost. Negotiated support services may be included in the specified general conditions at the discretion of the public body.

(5) If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated.

(6) If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

NEW SECTION. Sec. 305. SUBCONTRACT BIDDING PROCEDURE. (1) All subcontract work and equipment and material purchases shall be competitively bid with public bid openings. Subcontract bid packages and equipment and materials purchases shall be awarded to the responsible bidder submitting the lowest responsive bid. In preparing subcontract bid packages, the general contractor/construction manager shall not be required to violate or waive terms of a collective bargaining agreement.

(2) All subcontract bid packages in which bidder eligibility was not determined in advance shall include the specific objective criteria that will be used by the general contractor/construction manager and the public body to evaluate bidder responsibility. If the lowest bidder submitting a responsive bid is determined by the general contractor/construction manager and the public body not to be responsible, the general contractor/construction manager and the public body must provide written documentation to that bidder explaining their intent to reject the bidder as not responsible and afford the bidder the opportunity to establish that it is a responsible bidder. Responsibility shall be determined in accordance with criteria listed in the bid documents. Protests concerning bidder responsibility determination by the general contractor/construction manager and the public body shall be in accordance with subsection (4) of this section.

(3) All subcontractors who bid work over three hundred thousand dollars shall post a bid bond. All subcontractors who

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are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for the contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager.

(4) If the general contractor/construction manager receives a written protest from a subcontractor bidder or an equipment or material supplier, the general contractor/construction manager shall not execute a contract for the subcontract bid package or equipment or material purchase order with anyone other than the protesting bidder without first providing at least two full business days' written notice to all bidders of the intent to execute a contract for the subcontract bid package. The protesting bidder must submit written notice of its protest no later than two full business days following the bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

(5) A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(6) The general contractor/construction manager may negotiate with the lowest responsible and responsive bidder to negotiate an adjustment to the lowest bid or proposal price based upon agreed changes to the contract plans and specifications under the following conditions:

(a) All responsive bids or proposal prices exceed the available funds, as certified by an appropriate fiscal officer;

(b) The apparent low responsive bid or proposal does not exceed the available funds by the greater of one hundred twenty-five thousand dollars or two percent for projects valued over ten million dollars; and

(c) The negotiated adjustment will bring the bid or proposal price within the amount of available funds.

(7) If the negotiation is unsuccessful, the subcontract work or equipment or material purchases must be rebid.

(8) The general contractor/construction manager must provide a written explanation if all bids are rejected.

NEW SECTION. Sec. 306. GENERAL CONTRACTOR/CONSTRUCTION MANAGER SELF PERFORMANCE OF SUBCONTRACT WORK. (1) Except as provided in this section, bidding on subcontract work or for the supply of equipment or materials by the general contractor/construction manager or its subsidiaries is prohibited.

(2) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work or for the supply of equipment or materials if:

(a) The work within the subcontract bid package or equipment or materials is customarily performed or supplied by the general contractor/construction manager;

(b) The bid opening is managed by the public body and is in compliance with section 305 of this act; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package or for the equipment or materials.

(3) In no event may the general contractor/construction manager or its subsidiaries purchase equipment or materials for assignment to subcontract bid package bidders for installation or warranty. The value of subcontract work performed and equipment and materials supplied by the general contractor/construction manager may not exceed thirty percent of the negotiated maximum allowable construction cost. Negotiated support services performed by the general contractor/construction manager shall not be considered subcontract work for purposes of this subsection.

NEW SECTION. Sec. 307. PREBID DETERMINATION OF SUBCONTRACTOR ELIGIBILITY. (1) If determination of subcontractor eligibility prior to seeking bids is in the best interest of the project and critical to the successful completion of a subcontract bid package, the general contractor/construction manager and the public body may determine subcontractor eligibility to bid. The general contractor/construction manager and the public body must:

(a) Conduct a hearing and provide an opportunity for any interested party to submit written and verbal comments

regarding the justification for conducting bidder eligibility, the evaluation criteria, and weights for each criteria and subcriteria;

(b) Publish a notice of intent to evaluate and determine bidder eligibility in a legal newspaper published in or as near as possible to that part of the county where the public work will be constructed at least fourteen calendar days before conducting a public hearing;

(c) Ensure the public hearing notice includes the date, time, and location of the hearing, a statement justifying the basis and need for performing eligibility analysis before bid opening, and specific eligibility criteria and applicable weights given to each criteria and subcriteria that will be used during evaluation;

(d) After the public hearing, consider written and verbal comments received and determine if establishing bidder eligibility in advance of seeking bids is in the best interests of the project and critical to the successful completion of a subcontract bid package; and

(e) Issue a written final determination to all interested parties. All protests of the decision to establish bidder eligibility before issuing a subcontract bid package must be filed with the superior court within seven calendar days of the final determination. Any modifications to the eligibility criteria and weights shall be based on comments received during the public hearing process and shall be included in the final determination.

(2) Determinations of bidder eligibility shall be in accordance with the evaluation criteria and weights for each criteria established in the final determination and shall be provided to interested persons upon request. Any potential bidder determined not to meet eligibility criteria must be afforded the opportunity to establish its eligibility. Protests concerning bidder eligibility determinations shall be in accordance with subsection (1) of this section.

NEW SECTION. Sec. 308. SUBCONTRACT AGREEMENTS. Subcontract agreements used by the general contractor/construction manager shall not:

(1) Delegate, restrict, or assign the general contractor/construction manager's implied duty not to hinder or delay the subcontractor. Nothing in this subsection (1) prohibits the general contractor/construction manager from requiring subcontractors not to hinder or delay the work of the general contractor/construction manager or other subcontractors and to hold subcontractors responsible for such damages;

(2) Delegate, restrict, or assign the general contractor/construction manager's authority to resolve subcontractor conflicts. The general contractor/construction manager may delegate or assign coordination of specific elements of the work, including: (a) The coordination of shop drawings among subcontractors; (b) the coordination among subcontractors in ceiling spaces and mechanical rooms; and (c) the coordination of a subcontractor's lower tier subcontractors. Nothing in this subsection prohibits the general contractor/construction manager from imposing a duty on its subcontractors to cooperate with the general contractor/construction manager and other subcontractors in the coordination of the work;

(3) Restrict the subcontractor's right to damages for changes to the construction schedule or work to the extent that the delay or disruption is caused by the general contractor/construction manager or entities acting for it. The general contractor/construction manager may require the subcontractor to provide notice that rescheduling or resequencing will result in delays or additional costs;

(4) Require the subcontractor to bear the cost of trade damage repair except to the extent the subcontractor is responsible for the damage. Nothing in this subsection (4) precludes the general contractor/construction manager from requiring the subcontractor to take reasonable steps to protect the subcontractor's work from trade damage; or

(5) Require the subcontractor to execute progress payment applications that waive claims for additional time or compensation or bond or retainage rights as a condition of receipt of progress payment, except to the extent the subcontractor has received or will receive payment. Nothing in this section precludes the general contractor/construction manager from requiring the subcontractor to provide notice of

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claims for additional time or compensation as a condition precedent to right of recovery or to execute a full and final release, including a waiver of bond and retainage rights, as a condition of final payment.

PART 4 JOB ORDER CONTRACTING

Sec. 401. RCW 39.10.130 and 2003 c 301 s 1 are each amended to read as follows:

(1) The following public bodies are authorized to use the job order contracting procedure:

- (a) The department of general administration;
- (b) The University of Washington;
- (c) Washington State University;
- (d) Every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755;
- (e) Every county with a population greater than four hundred fifty thousand;
- (f) Every port district with total revenues greater than fifteen million dollars per year;
- (g) Every public utility district with revenues from energy sales greater than twenty-three million dollars per year;
- (h) Every school district; and
- (i) The state ferry system.

(2) The department of general administration may issue job order contract work orders for Washington state parks department projects.

(3) Public bodies may use a job order contract for public works projects when((:

(a) A public body has made)) a determination is made that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for the construction of public works projects ((or) for repair and renovation required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project((:

(b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;

(c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book; and

(d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.

(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job

order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and

(j) Other information relevant to the project.

(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(11) Each public body may have no more than two job order contracts in effect at any one time.

(12) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of

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~~chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.~~

~~(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.~~

~~(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.~~

~~(17) For purposes of this section, "public body" includes any school district).~~

NEW SECTION. Sec. 402. CONTRACT AWARD.

(1) Job order contracts shall be awarded through a competitive process using public requests for proposals.

(2) The public body shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(3) The public body shall publish, at least once in a statewide publication and legal newspaper of general circulation published in every county in which the public works project is anticipated, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to RCW 39.10.100 (as recodified by this act); and

(j) Other information relevant to the project.

(4) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals and will notify the board of the award of the contract.

(5) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public

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body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(6) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

NEW SECTION. Sec. 403. JOB ORDER CONTRACT REQUIREMENTS. (1) The maximum total dollar amount that may be awarded under a job order contract is four million dollars per year for a maximum of three years.

(2) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(3) A public body may have no more than two job order contracts in effect at any one time, with the exception of the department of general administration, which may have four job order contracts in effect at any one time.

(4) At least ninety percent of work contained in a job order contract must be subcontracted to entities other than the job order contractor. The job order contractor must distribute contracts as equitably as possible among qualified and available subcontractors including minority and woman-owned subcontractors to the extent permitted by law.

(5) The job order contractor shall publish notification of intent to perform public works projects at the beginning of each contract year in a statewide publication and in a legal newspaper of general circulation in every county in which the public works projects are anticipated.

(6) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(7) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the contract award coefficient for services as specified in the request for proposals. This is the contractor's sole remedy.

(8) All job order contracts awarded under this section must be signed before July 1, 2013; however the job order contract may be extended or renewed as provided for in this section.

(9) Public bodies may amend job order contracts awarded prior to July 1, 2007, in accordance with this chapter.

NEW SECTION. Sec. 404. WORK ORDERS. (1) The maximum dollar amount for a work order is three hundred fifty thousand dollars. For each job order contract, public bodies shall not issue more than two work orders equal to or greater than three hundred thousand dollars in a twelve-month contract period.

(2) All work orders issued for the same project shall be treated as a single work order for purposes of the dollar limit on work orders.

(3) No more than twenty percent of the dollar value of a work order may consist of items of work not contained in the unit price book.

(4) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(5) A public body may issue no work orders under a job order contract until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

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(6) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(7) The job order contract shall not be used for the procurement of architectural or engineering services not associated with specific work orders. Architectural and engineering services shall be procured in accordance with RCW 39.80.040.

NEW SECTION. Sec. 405. A public body shall provide to the board the following information for each job order contract at the end of each contract year:

- (1) A list of work orders issued;
- (2) The cost of each work order;
- (3) A list of subcontractors hired under each work order;
- (4) If requested by the board, a copy of the intent to pay prevailing wage and the affidavit of wages paid for each work order subcontract; and
- (5) Any other information requested by the board.

PART 5 OTHER PROVISIONS

Sec. 501. RCW 39.10.120 and 2001 c 328 s 5 are each amended to read as follows:

~~((1) Except as provided in subsections (2) and (3) of this section,)) The alternative public works contracting procedures authorized under this chapter are limited to public works contracts signed before July 1, ((2007)) 2013. Methods of public works contracting authorized ((by RCW 39.10.050 and 39.10.060 or 39.10.051 and 39.10.061)) under this chapter shall remain in full force and effect until completion of contracts signed before July 1, ((2007)) 2013.~~

~~((2) For the purposes of a baseball stadium as defined in RCW 82.14.0485, the design-build contracting procedures under RCW 39.10.050 shall remain in full force and effect until completion of contracts signed before December 31, 1997.~~

~~((3) For the purposes of a stadium and exhibition center, as defined in RCW 36.102.010, the design-build contracting procedures under RCW 39.10.050 or 39.10.051 shall remain in full force and effect until completion of contracts signed before December 31, 2002.~~

~~((4) A public authority chartered by a city that is a public body may utilize an alternative public works contracting procedure under this chapter only after receiving specific authorization on a project-by-project basis from the governing body of the city. For purposes of public authorities authorized to use alternative public works contracting procedures under this chapter, the city chartering any such public authority shall itself comply with RCW 39.10.030 on behalf of the public authority.))~~

NEW SECTION. Sec. 502. Projects approved by the school district project review board established under RCW 39.10.115, and the hospital district project review board established under RCW 39.10.117 before July 1, 2007, may proceed without the approval of the committee established in section 104 of this act. The board may grant an exemption from any provision of this act for projects advertised before the effective date of this section. A public body seeking an exemption must submit a request in writing to the board no later than December 31, 2007. The board must respond to the request within sixty calendar days.

NEW SECTION. Sec. 503. Projects using the design-build or general contractor/construction manager contracting procedures in which advertising for selection of a contractor has begun by the effective date of this section but no contract has been awarded may proceed without seeking approval of the committee under the processes in sections 107 and 108 of this act.

Sec. 504. RCW 60.28.011 and 2003 c 301 s 7 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person

arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the

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contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW ((39.10.061)) 39.10.020 (as recodified by this act). If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020 (as recodified by this act).

Sec. 505. RCW 70.150.070 and 2005 c 469 s 2 are each amended to read as follows:

RCW 70.150.030 through 70.150.060 shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws. ((A public body that is also eligible to enter into agreements with service providers under the

~~alternative public works contracting procedures in chapter 39.10 RCW may elect to use either RCW 39.10.051 and 39.10.061 or this chapter as its method of procurement for such services.))~~

NEW SECTION. Sec. 506. A new section is added to chapter 43.131 RCW to read as follows:

The alternative works contracting procedures under chapter 39.10 RCW shall be terminated June 30, 2013, as provided in section 507 of this act.

NEW SECTION. Sec. 507. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

- (1) RCW 39.10.010 (as recodified by this act) and section 1 of this act & 1994 c 132 s 1;
 - (2) RCW 39.10.020 (as recodified by this act) and section 101 of this act & 2005 c 469 s 3;
 - (3) RCW 39.10.800 (as recodified by this act) and section 102 of this act & 2005 c 377 s 1;
 - (4) RCW 39.10.810 (as recodified by this act) and section 103 of this act & 2005 c 377 s 2;
 - (5) RCW 39.10.--- and section 104 of this act;
 - (6) RCW 39.10.--- and section 105 of this act;
 - (7) RCW 39.10.--- and section 106 of this act;
 - (8) RCW 39.10.--- and section 107 of this act;
 - (9) RCW 39.10.--- and section 108 of this act;
 - (10) RCW 39.10.--- and section 109 of this act;
 - (11) RCW 39.10.051 (as recodified by this act) and section 201 of this act, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;
 - (12) RCW 39.10.080 (as recodified by this act) and section 202 of this act & 1994 c 132 s 8;
 - (13) RCW 39.10.070 (as recodified by this act) and section 203 of this act & 1994 c 132 s 7;
 - (14) RCW 39.10.--- and section 204 of this act;
 - (15) RCW 39.10.061 (as recodified by this act) and section 301 of this act, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;
 - (16) RCW 39.10.--- and section 302 of this act;
 - (17) RCW 39.10.--- and section 303 of this act;
 - (18) RCW 39.10.--- and section 304 of this act;
 - (19) RCW 39.10.--- and section 305 of this act;
 - (20) RCW 39.10.--- and section 306 of this act;
 - (21) RCW 39.10.--- and section 307 of this act;
 - (22) RCW 39.10.--- and section 308 of this act;
 - (23) RCW 39.10.130 (as recodified by this act) and section 401 of this act & 2003 c 301 s 1;
 - (24) RCW 39.10.--- and section 402 of this act;
 - (25) RCW 39.10.--- and section 403 of this act;
 - (26) RCW 39.10.--- and section 404 of this act;
 - (27) RCW 39.10.--- and section 405 of this act;
 - (28) RCW 39.10.100 (as recodified by this act) and 2005 c 274 s 275 & 1994 c 132 s 10;
 - (29) RCW 39.10.090 (as recodified by this act) and 1994 c 132 s 9;
 - (30) RCW 39.10.120 (as recodified by this act) and section 501 of this act & 2001 c 328 s 5;
 - (31) RCW 39.10.--- and section 502 of this act;
 - (32) RCW 39.10.--- and section 503 of this act;
 - (33) RCW 39.10.900 (as recodified by this act) and 1994 c 132 s 13;
 - (34) RCW 39.10.901 (as recodified by this act) and 1994 c 132 s 14; and
 - (35) RCW 39.10.--- and section 510 of this act.
- NEW SECTION. Sec. 508.** RCW 39.10.902 (Repealer) and 2006 c 261 s 3 & 2005 c 469 s 5 are each repealed.
- NEW SECTION. Sec. 509.** The following acts or parts of acts are each repealed:
- (1) RCW 39.10.030 (Public notification and review process) and 1997 c 376 s 2 & 1994 c 132 s 3;
 - (2) RCW 39.10.040 (Baseball stadium project--Alternative procedure may be used) and 1994 c 132 s 4;
 - (3) RCW 39.10.063 (City demonstration projects--Conditions--Contract deadline) and 2005 c 377 s 3;

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(4) RCW 39.10.065 (Demonstration projects--Contract deadline--Transfer of authority to other public body) and 1997 c 376 s 5;

(5) RCW 39.10.067 (School district capital demonstration projects--Conditions) and 2006 c 261 s 1, 2003 c 301 s 3, 2002 c 46 s 3, & 2000 c 209 s 3;

(6) RCW 39.10.068 (Public hospital district capital demonstration projects--Conditions) and 2003 c 300 s 6;

(7) RCW 39.10.115 (School district project review board--Established--Procedures) and 2006 c 261 s 2, 2001 c 328 s 4, & 2000 c 209 s 4; and

(8) RCW 39.10.117 (Public hospital district project review board--Established--Procedures) and 2003 c 300 s 7.

NEW SECTION. Sec. 510. PART HEADINGS AND CAPTIONS NOT LAW. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 511. The following sections are codified or recodified in chapter 39.10 RCW in the following order:

RCW 39.10.010

RCW 39.10.020

RCW 39.10.800

RCW 39.10.810

Section 104 of this act

Section 105 of this act

Section 106 of this act

Section 107 of this act

Section 108 of this act

Section 109 of this act

RCW 39.10.051

RCW 39.10.080

RCW 39.10.070

Section 204 of this act

RCW 39.10.061

Section 302 of this act

Section 303 of this act

Section 304 of this act

Section 305 of this act

Section 306 of this act

Section 307 of this act

Section 308 of this act

RCW 39.10.130

Section 402 of this act

Section 403 of this act

Section 404 of this act

Section 405 of this act

RCW 39.10.100

RCW 39.10.090

RCW 39.10.120

Section 502 of this act

Section 503 of this act

RCW 39.10.900

RCW 39.10.901

Section 510 of this act

NEW SECTION. Sec. 512. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007, except for section 104 of this act, which takes effect immediately, and section 508 of this act, which takes effect June 30, 2007.

NEW SECTION. Sec. 513. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Second Substitute House Bill No. 1506.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.080, 39.10.070, 39.10.130, 39.10.120, 60.28.011, and 70.150.070; reenacting and amending RCW 39.10.051 and 39.10.061; adding new sections to chapter 43.131 RCW; adding new sections to chapter 39.10 RCW; recodifying RCW 39.10.010, 39.10.020, 39.10.800, 39.10.810, 39.10.051, 39.10.080, 39.10.070, 39.10.061, 39.10.130, 39.10.100, 39.10.090, 39.10.120, 39.10.900, and 39.10.901; repealing RCW 39.10.902, 39.10.030, 39.10.040, 39.10.063, 39.10.065, 39.10.067, 39.10.068, 39.10.115, and 39.10.117; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Second Substitute House Bill No. 1506 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1506 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1506 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Hargrove - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1506 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1311, by Representatives Grant, Hailey, McCoy, McDonald, Newhouse, Chase, Dickerson, Haler, Kenney, Springer and Morrell

Continuing the small fam direct marketing assistance program.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, House Bill No. 1311 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1311.

ROLL CALL

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The Secretary called the roll on the final passage of House Bill No. 1311 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

HOUSE BILL NO. 1311, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779, by House Committee on Appropriations (originally sponsored by Representatives Wallace, Dunn, Haigh, Kenney, Hasegawa, B. Sullivan, McDermott, Takko, Roberts, P. Sullivan, Fromhold, Quall, Simpson, Lantz, Hudgins, Kagi, Santos, Ormsby and Morrell)

Creating the GET ready for math and science scholarship program.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The GET ready for math and science scholarship program is established. The purpose of the program is to provide scholarships to students who achieve level four on the mathematics or science portions of the tenth grade Washington assessment of student learning or achieve a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile, major in a mathematics, science, or related field in college, and commit to working in mathematics, science, or a related field for at least three years in Washington following completion of their bachelor's degree. The program shall be administered by the nonprofit organization selected as the private partner in the public-private partnership.

(2) The total annual amount of each GET ready for math and science scholarship may vary, but shall not exceed the annual cost of resident undergraduate tuition fees and mandatory fees at the University of Washington. An eligible recipient may receive a GET ready for math and science scholarship for up to one hundred eighty quarter credits, or the semester equivalent, or for up to five years, whichever comes first.

(3) Scholarships shall be awarded only to the extent that state funds and private matching funds are available for that purpose in the GET ready for math and science account established in section 11 of this act.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board.

(2) "GET units" means tuition units under the advanced college tuition payment program in chapter 28B.95 RCW.

(3) "Institution of higher education" has the same meaning as in RCW 28B.92.030.

(4) "Program administrator" means the private nonprofit corporation that is registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code, that will serve as the private partner in the public-private partnership under this chapter.

(5) "Qualified program" or "qualified major" means a mathematics, science, or related degree program or major line of study offered by an institution of higher education that is included on the list of programs or majors selected by the board and the program administrator under section 10 of this act.

NEW SECTION. Sec. 3. (1) An eligible student is a student who:

(a) Is eligible for resident tuition and fee rates as defined in RCW 28B.15.012;

(b) Achieved level four on the mathematics or science portion of the tenth grade Washington assessment of student learning or achieved a score in the math section of the SAT or the math section of the ACT that is above the ninety-fifth percentile;

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for a GET ready for math and science scholarship and for up to the two previous years;

(d) Has declared an intention to complete a qualified program or qualified major or has entered a qualified program or declared a qualified major at an institution of higher education;

(e) Has declared an intention to work in a mathematics, science, or related field in Washington for at least three years immediately following completion of a bachelor's degree or higher degree.

(2) An eligible recipient is an eligible student who:

(a) Has been awarded a scholarship in accordance with the selection criteria and process established by the board and the program administrator;

(b) Enrolls at an institution of higher education within one year of graduating from high school;

(c) Maintains satisfactory academic progress, as defined by the institution of higher education where the student is enrolled;

(d) Takes at least one college-level mathematics or science course each term since enrolling in an institution of higher education; and

(e) Enters a qualified program or qualified major no later than the end of the first term in which the student has junior level standing.

NEW SECTION. Sec. 4. (1) If the student enrolls in a qualified program or declares a qualified major and the program or major is subsequently removed from the list of qualified programs and qualified majors by the board and the program administrator, the student's eligibility to receive a GET ready for math and science scholarship shall not be affected.

(2) If a student who received a GET ready for math and science scholarship ceases to be enrolled in an institution of higher education, withdraws or is no longer enrolled in a qualified program, declares a major that is not a qualified major, or otherwise is no longer eligible to receive a GET ready for math and science scholarship, the student shall notify the program administrator as soon as practicable and is not eligible for further GET ready for math and science scholarship awards. Such a student shall also repay the amount of the GET ready for math and science scholarship awarded to the student as required by section 5 of this act.

NEW SECTION. Sec. 5. (1) A recipient of a GET ready for math and science scholarship incurs an obligation to repay the scholarship, with interest and an equalization fee, if he or she does not:

(a) Graduate with a bachelor's degree from a qualified program or in a qualified major within five years of first enrolling at an institution of higher education; and

(b) Work in Washington in a mathematics, science, or related occupation full time for at least three years following completion of a bachelor's degree, unless he or she is enrolled in a graduate degree program as provided in subsection (4) of this section.

(2) A former scholarship recipient who has earned a bachelor's degree shall annually verify to the board that he or she is working full time in a mathematics, science, or related field for three years.

(3) If a former scholarship recipient begins but then stops working full time in a mathematics, science, or related field within three years following completion of a bachelor's degree,

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he or she shall pay back a prorated portion of the amount of the GET ready for math and science scholarship award received by the recipient, plus interest and a prorated equalization fee.

(4) A recipient may postpone for up to three years his or her in-state work obligation if he or she enrolls full time in a graduate degree program in mathematics, science, or a related field.

NEW SECTION. Sec. 6. The office of the superintendent of public instruction shall:

(1) Notify elementary, middle, junior high, high school, and school district staff and administrators, and the children's administration of the department of social and health services about the GET ready for math and science scholarship program using methods in place for communicating with schools and school districts; and

(2) Provide data showing the race, ethnicity, income, and other available demographic information of students who achieve level four of the math and science Washington assessment of student learning in the tenth grade. Compare those data with comparable information on the tenth grade student population as a whole. Submit a report with the analysis to the committees responsible for education and higher education in the legislature on December 1st of even-numbered years.

NEW SECTION. Sec. 7. The board shall:

(1) Purchase GET units to be owned and held in trust by the board, for the purpose of scholarship awards as provided for in this section;

(2) Distribute scholarship funds, in the form of GET units or through direct payments from the GET ready for math and science scholarship account, to institutions of higher education on behalf of eligible recipients identified by the program administrator;

(3) Provide the program administrator with annual reports regarding enrollment, contact, and graduation information of GET ready for math and science scholarship recipients, if the recipients have given permission for the board to do so;

(4) Collect repayments from former scholarship recipients who do not meet the eligibility criteria or work obligations;

(5) Establish rules for scholarship repayment, approved leaves of absence, deferments, and exceptions to recognize extenuating circumstances that may impact students; and

(6) Provide information to school districts in Washington, at least once per year, about the GET ready for math and science scholarship program.

NEW SECTION. Sec. 8. School districts shall:

(1) Notify parents, teachers, counselors, and principals about the GET ready for math and science scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions.

(2) Provide each student who achieves level four on the mathematics or science high school Washington assessment of student learning with information regarding the scholarship program and how to contact the program administrator.

NEW SECTION. Sec. 9. The program administrator shall:

(1) Solicit and accept grants and donations from private sources to match state funds appropriated for the GET ready for math and science scholarship program;

(2) Develop and implement an application, selection, and notification process for awarding GET ready for math and science scholarships;

(3) Notify institutions of higher education of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility; and

(4) Report to private donors on the program outcomes and facilitate contact between scholarship recipients and donors, if the recipients have given the program administrator permission to do so, in order for donors to offer employment opportunities, internships, and career information to recipients.

NEW SECTION. Sec. 10. The board and the program administrator shall jointly:

(1) Determine criteria for qualifying undergraduate programs, majors, and courses leading to a bachelor's degree in mathematics, science, or a related field, offered by institutions of higher education. The board shall publish the criteria for qualified courses, and lists of qualified programs and qualified majors on its web site on a biennial basis; and

(2) Establish criteria for selecting among eligible applicants those who, without scholarship assistance, would be least likely to pursue a qualified undergraduate program at an institution of higher education in Washington state.

NEW SECTION. Sec. 11. (1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.95 RCW to read as follows:

Ownership of tuition units purchased by the higher education coordinating board for the GET ready for math and science scholarship program under section 7 of this act shall be in the name of the state of Washington and may be redeemed by the state of Washington on behalf of recipients of GET ready for math and science scholarship program scholarships for tuition and fees.

Sec. 13. RCW 28B.95.060 and 2000 c 14 s 5 are each amended to read as follows:

(1) The Washington advanced college tuition payment program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2)(a) Except as provided in (b) of this subsection, the governing body shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of payments received from purchasers of tuition units and funds received from other sources, public or private. With the exception of investment and operating costs associated with the investment of money by the investment board paid under RCW 43.33A.160 and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration shall include, but not be limited to: The salaries and expenses of the program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the program.

(b) All money received by the program from the higher education coordinating board for the GET ready for math and science scholarship program shall be deposited in the GET ready for math and science scholarship account created in section 11 of this act.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the

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termination of the Washington advanced college tuition payment program. Disbursements from the account shall be made only on the authorization of the governing body.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state.

Sec. 14. RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act constitute a new chapter in Title 28B RCW."

Senator Shin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1779.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; and adding a new chapter to Title 28B RCW."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Second Substitute House Bill No. 1779 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1779 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1779 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Pridemore - 1

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1520, by Representatives Williams, Rodne, Simpson, Moeller, O'Brien, Kirby and Kenney

Concerning polygraph examinations of sexual assault victims.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.58 RCW to read as follows:

A law enforcement officer, prosecuting attorney, or other government official may not ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense. The refusal of a victim to submit to a polygraph examination or other truth telling device shall not by itself prevent the investigation, charging, or prosecution of the offense. For the purposes of this section, "sex offense" is any offense under chapter 9A.44 RCW."

Senator Kline spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1520.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "victims;" strike the remainder of the title and insert "and adding a new section to chapter 10.58 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1520 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1520 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1520 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

HOUSE BILL NO. 1520 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2034, by Representatives Jarrett, Clibborn, Roberts and Hurst

Providing a civil cause of action for victims of motor vehicle

theft.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 2034 was deferred and the bill held its place on the third reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Finance (originally sponsored by Representatives Kelley, Simpson, Wood, P. Sullivan, Conway, Kenney, Ericks, Rolfes and Morrell)

Expanding competitive local infrastructure financing tools projects.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ ten million dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2),~~ "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2)) calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW

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82.14.030 at the tax rate that was in effect at the time the revenue development area was ~~((created))~~ approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ~~((created))~~ approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the revenue development area))~~ by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ~~((created))~~ approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ~~((by July 1, 2006;))~~ during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ~~((July 1, 2007))~~ in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, ~~((dedicated))~~ other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means ~~((federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing))~~:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited

against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

~~((A) The placement of new construction, improvements, or both to property, or both, on the assessment roll (after the revenue development area is created), where the new construction (or) and improvements (occur entirely after the revenue development area is created) are initiated after the revenue development area is approved by the board;~~

~~((B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;~~

~~((C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.~~

~~((ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.~~

~~((b) (If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls.~~

~~((c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls)) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.~~

~~((c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.~~

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(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased ~~((due to new construction or improvements to property occurring after the revenue development area is created))~~ as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~((and))~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs ~~((including related))~~; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~((created))~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~((created))~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~((created))~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~((creates))~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~((creation))~~ approval of the revenue development area ~~((within the boundaries of the area that became the revenue development area))~~ by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ~~((creation))~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

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(b) For revenue development areas (~~(created)~~) approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state (~~by July 1, 2006;~~) during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective (~~July 1, 2007;~~) in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

Sec. 2. RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW (~~that~~) and has not issued bonds to finance any public improvement (shall be) may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without (creating) adopting a new (increment) revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the

department of community, trade, and economic development, the board shall approve (~~(qualified)~~) competitive project(s, up to the annual state contribution limit) awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2008, except as provided in RCW 39.102.050(2). For projects not approved in 2008, sponsoring and cosponsoring local governments may apply again to the board for approval of a project.

(c) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2009 for a competitive project award, must submit completed applications to the board no later than July 1, 2009. By September 15, 2009, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2009 deadline.

(d) Except as provided in RCW 39.102.050(2), a total of no more than seven million five hundred thousand dollars in competitive project awards shall be approved for local infrastructure financing. (~~Except as provided in RCW 39.102.050, approvals shall be based on the following criteria~~)

(e) The project selection criteria and weighting developed prior to the effective date of this act for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

~~((a))~~ (i) The ~~(project)~~ project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

~~((b))~~ (ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

~~((c))~~ (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

~~((d))~~ (iv) The estimated wages and benefits for the project is greater than the average labor market area;

~~((e))~~ (v) The estimated state and local net employment change over the life of the project;

~~((f))~~ (vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project; ~~(and~~

~~(g))~~ (viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

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(f)(i) Except as provided in this subsection (4)(f), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

~~(5) ((A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.))~~ Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification ~~((shall))~~ must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 3. RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project ((before approving any other application)). Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

Sec. 4. RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) ~~((No more than one revenue development area may be created in a county))~~ No revenue development area shall have

within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

Sec. 5. RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ~~((create))~~ adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ~~((at least thirty days))~~ before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district within which the revenue development area is located, the board, and the department.

Sec. 6. RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area))~~ on the date

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specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

Sec. 7. RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) ~~Commencing in the second calendar year following ((the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing)) board approval of a revenue development area,~~ the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~((necessary or))~~ obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the

allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

Sec. 8. RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

(i) Before July 1, 2008;

(ii) Before approval by the board under RCW 39.102.040; and

(iii) ~~((Except as provided in (b) of this subsection, unless))~~ Before the sponsoring local government has received ((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both)) local excise tax allocation revenues ((and)) local property tax allocation revenues, or both, during the preceding calendar year.

(b) ~~((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~—(c))~~ The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local

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government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

(d) ~~(Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section.)~~ Neither the local excise tax allocation revenues nor the local property tax allocation revenues ~~(can be)~~ may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not

more than ~~((five)) ten~~ million dollars. ~~((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150.))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to section 14 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

Sec. 9. RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475 ~~((; and revenues from local public sources))~~ received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

Sec. 10. RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

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(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ((39.102.090)) 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 11. RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 (~~shall~~) may be used only for the purpose of (~~principal and interest payments on bonds issued under the authority of RCW 39.102.150~~) paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 14 of this act, or both.

NEW SECTION. Sec. 12. RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

NEW SECTION. Sec. 13. A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

NEW SECTION. Sec. 15. This act applies retroactively as well as prospectively.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act expires June 30, 2039."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1277.

The motion by Senator Kilmer carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.102.020, 39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date."

MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1277 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1277 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Carrell and Hargrove - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1277 as amended by the Senate, having received the constitutional

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majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1837, by House Committee on Health Care & Wellness (originally sponsored by Representatives Newhouse, Cody and Schual-Berke)

Directing the department of health to develop guidelines for the transport of nonambulatory persons in a vehicle not licensed under chapter 18.73 RCW. Revised for 1st Substitute: Concerning the transport of certain nonambulatory persons.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.73.180 and 1987 c 214 s 14 are each amended to read as follows:

Other vehicles not herein defined by this chapter shall not be used for transportation of patients who must be carried on a stretcher or who may require medical attention en route, except that such transportation may be used when:

(1) A disaster creates a situation that cannot be served by licensed ambulances; or

(2) The use of a stretcher is necessary because an individual's personal mobility aid cannot be adequately secured in the nonambulance vehicle and the individual has written authorization from his or her physician that it is safe to transfer the individual from a personal mobility aid to a stretcher.

NEW SECTION. Sec. 2. (1) The department of health shall convene a stakeholder group including the department of social and health services, the department of transportation, and local special needs transportation providers who shall assist in the development of guidelines for the safe transport of individuals who rely on stretchers and personal mobility devices.

(2) The department of health shall prepare guidelines for the public and vehicle operators relating to:

(a) Appropriate situations in which vehicles other than ambulances may be used to transport individuals who rely upon personal mobility aids in the normal course of their lives; and

(b) Methods for properly securing personal mobility aids on vehicles other than ambulances and determining if they are adequately secured."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1837.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 18.73.180; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1837 as amended by Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1837 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1837 as amended by Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 1837 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:27 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 6, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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new section to chapter 82.32 RCW; and providing an expiration date.

MORNING SESSION

Referred to Committee on Ways & Means.

Senate Chamber, Olympia, Friday, April 6, 2007

MOTION

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton and Prentice.

On motion of Senator Eide, the measure listed on the Introduction and First Reading report was referred to the committee as designated.

The Sergeant at Arms Color Guard consisting of Pages Annaliese Davis and Zachary Herrington, presented the Colors. Pastor Betty Hatter of City of Truth Ministries Church offered the prayer.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

Senator Benton moved adoption of the following resolution:

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

**SENATE RESOLUTION
8678**

By Senators Benton, Parlette, Rockefeller, Kohl-Welles, Hewitt, McCaslin, Shin, Franklin, Tom, Roach, Kilmer, Brandland, Holmquist, Hobbs, Kauffman, Zarelli and Prentice

SIGNED BY THE PRESIDENT

WHEREAS, Many Washington citizens have literally given the gift of life by donating an organ; and

The President signed:

- SUBSTITUTE SENATE BILL NO. 5039,
- SENATE BILL NO. 5042,
- SUBSTITUTE SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5228,
- SENATE BILL NO. 5247,
- ENGROSSED SENATE BILL NO. 5251,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,
- SENATE BILL NO. 5313,
- SENATE BILL NO. 5389,
- SUBSTITUTE SENATE BILL NO. 5391
- SUBSTITUTE SENATE BILL NO. 5443,
- SUBSTITUTE SENATE BILL NO. 5461,
- SUBSTITUTE SENATE BILL NO. 5463,
- SENATE BILL NO. 5468,
- SUBSTITUTE SENATE BILL NO. 5511,
- SENATE BILL NO. 5607,
- SENATE BILL NO. 5640,
- SENATE BILL NO. 5711,
- SENATE BILL NO. 5732,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5827,
- SUBSTITUTE SENATE BILL NO. 5839,
- SUBSTITUTE SENATE BILL NO. 5895,
- SUBSTITUTE SENATE BILL NO. 5910,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,
- ENGROSSED SENATE BILL NO. 6018,
- SENATE BILL NO. 6059,
- SENATE BILL NO. 6075,

WHEREAS, It is essential that all citizens are aware of the opportunity to save and enhance the lives of others through organ donation and transplantation; and

WHEREAS, There are currently 85,000 courageous Americans awaiting a lifesaving organ transplant with 18 individuals losing their lives every day because of the shortage of donations; and

WHEREAS, Every 13 minutes a person is added to the national organ donation waiting list; and

WHEREAS, Out of the approximately 20,000 deaths that occur each year in the United States under conditions that would allow organs to be taken for transplantation, only 6,400 are registered donors; and

WHEREAS, With modern medicine it is possible to transplant approximately 25 different organs and tissues, including liver, bone, bone marrow, cartilage, cornea, hearts, kidney, lung, and pancreas; and

WHEREAS, Organ and tissue donation from one individual can save or enhance the lives of up to fifty people; and

WHEREAS, Families receive comfort through the grieving process with the knowledge that through organ donation, another person's life has been saved; and

WHEREAS, Organ donation offers the recipients a second chance at life, enabling them to be with their families and maintain a higher quality of life; and

WHEREAS, Through organ donation a donor receives gratitude from the recipient's family and is honored by the enhancement of the recipient's life; and

WHEREAS, The example set by those who choose to donate reflects the character and compassion of these individuals, whose voluntary choice saves the lives of others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize April as Organ Donation Awareness month as declared by the Governor of the State of Washington and does hereby honor those who have donated and celebrate the lives of the recipients.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

Senators Benton, Franklin, Eide, Tom and Shin spoke in favor of adoption of the resolution.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2380 by House Committee on Finance (originally sponsored by Representatives Ericks, Orcutt, Hunter, Kretz, Linville and Ormsby)

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8678.

AN ACT Relating to providing taxpayer relief for costs associated with compliance with the sourcing requirements of the streamlined sales and use tax agreement; adding a

The motion by Senator Benton carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

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The President welcomed and introduced Mr. Mike Sivley, organ recipient, his wife, Patty, and their sons Matthew and Nicholas, constituents of Senator Benton, who were present in the gallery.

Also introduced by the President were Ms. Megan Erwin, Executive Director of the Living Legacy Foundation and Ms. Ernesta Ballard, senior vice president, Corporate Affairs, for Weyerhaeuser Company and chair of Life Center Northwest, the organ donation organization for Washington, Montana and Alaska.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of Senator Adam Kline's family who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9141, Chiho Lai, as a member of the Board of Trustees, Western Washington University, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

APPOINTMENT OF CHIHO LAI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9141, Chiho Lai as a member of the Board of Trustees, Western Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9141, Chiho Lai as a member of the Board of Trustees, Western Washington University and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Benton and Prentice - 2

Gubernatorial Appointment No. 9141, Chiho Lai, having received the constitutional majority was declared confirmed as a

member of the Board of Trustees, Western Washington University.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9088, Salvador Beltran, Jr., as a member of the Board of Trustees, Columbia Basin Community College District No. 19, be confirmed.

Senator Hewitt spoke in favor of the motion.

APPOINTMENT OF SALVADOR BELTRAN, JR.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9088, Salvador Beltran, Jr. as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9088, Salvador Beltran, Jr. as a member of the Board of Trustees, Columbia Basin Community College District No. 19 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Benton - 1

Gubernatorial Appointment No. 9088, Salvador Beltran, Jr., having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Columbia Basin Community College District No. 19.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brown moved that Gubernatorial Appointment No. 9151, Patrick McElligot, as a member of the Investment Board, be confirmed.

Senators Brown and Franklin spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Haugen was excused.

APPOINTMENT OF PATRICK MCELLIGOT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9151, Patrick McElligot as a member of the Investment Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9151, Patrick McElligot as a member of the Investment Board and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

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Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Benton and Haugen - 2

Gubernatorial Appointment No. 9151, Patrick McElligot, having received the constitutional majority was declared confirmed as a member of the Investment Board.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1777, by House Committee on Judiciary (originally sponsored by Representatives Rodne, Lantz, Darneille, Kirby, Ahern, Ross, Flannigan, Moeller, Kenney and Morrell)

Regulating charitable organizations that solicit contributions from the public.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 19.09.010 and 1986 c 230 s 1 are each amended to read as follows:

The purpose of this chapter is to:

(1) Provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes in order to prevent ~~((+))~~ (a) deceptive and dishonest practices in the conduct of soliciting funds for or in the name of charity; and ~~((2))~~ (b) improper use of contributions intended for charitable purposes;

(2) Improve the transparency and accountability of organizations that solicit funds from the public for charitable purposes; and

(3) Develop and operate educational programs or partnerships for charitable organizations, board members, and the general public that help build public confidence and trust in organizations that solicit funds from the public for charitable purposes.

Sec. 4. RCW 19.09.020 and 2002 c 74 s 1 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A "bona fide officer or employee" of a charitable organization is one (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable ~~((activity))~~ purpose, but does not include any commercial fund raiser ~~((or))~~, commercial fund-raising entity, commercial coventurer, or any fund-raising counsel, as defined in this section. ~~((("Charitable" (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c)~~

~~includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.)) Churches and their integrated auxiliaries are not charitable organizations, but are subject to RCW 19.09.100 (12), (15), and (18).~~

(3) "Charitable purpose" means any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

(4) "Commercial coventurer" means any individual or corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, or any other legal entity, that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public;

(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise raising funds in this state for one or more charitable organizations;

(c) Represents to prospective purchasers that, if they purchase a good or service from the commercial coventurer, a portion of the sales price or a sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(5) "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, a commercial coventurer, fund-raising counsel, or consultant is not a commercial fund raiser or commercial fund-raising entity.

(6) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

~~((+))~~ (7) "Contribution" means the payment, donation, promise, or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights ~~((less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose)).~~

~~((5))~~ (8) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. ~~((Cost of solicitation does not include the reasonable purchase price to the~~

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charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

~~(6))~~ (9) "Entity" means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.

~~((7))~~ "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

~~(8)~~ "Commercial fund raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a commercial fund raiser or "commercial fund-raising entity": (a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization; and (b) a bona fide officer or other employee of a charitable organization.

~~(9))~~ (10) "Fund-raising counsel" or "consultant" means any entity or individual who is retained by a charitable organization, for a fixed fee or rate, that is not computed on a percentage of funds raised, or to be raised, under a written agreement only to plan, advise, consult, or prepare materials for a solicitation of contributions in this state, but who does not manage, conduct, or carry on a fund-raising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions, and who does not at any time have custody or control of contributions. A volunteer, employee, or salaried officer of a charitable organization maintaining a permanent establishment or office in this state is not a fund-raising counsel. An attorney, investment counselor, or banker who advises an individual, corporation, or association to make a charitable contribution is not a fund-raising counsel as a result of the advice.

(11) "General public" or "public" means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.

(12) "Membership" means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term "membership" does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((10))~~ (13) "Other employee" of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable purposes or religious ~~((purposes))~~ activities.

~~((11))~~ "Parent organization" means that part of a charitable organization that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more related foundations, supporting organizations, chapters, branches, or affiliates of such organization in the state of Washington.

~~((12))~~ (14) "Political ~~((activities))~~ organization" means those organizations whose activities are subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.

~~((13))~~ "Religious activities" means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good

faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

~~((14))~~ (15) "Religious organization" means those entities that are not churches or integrated auxiliaries and includes nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, speakers' organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

(16) "Secretary" means the secretary of state.

~~((15))~~ (17) "Signed" means hand-written, or, if the secretary adopts rules facilitating electronic filing that pertain to this chapter, in the manner prescribed by those rules.

~~((16))~~ (18)(a) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

~~((a))~~ (i) Any appeal is made for any charitable purpose;

~~((or~~ (b)) (ii) The name of any charitable organization is used as an inducement for consummating the sale; or

~~((c))~~ (iii) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

(b) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(c) "Solicitation" does not include bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission ~~((are specifically excluded and shall not be deemed a solicitation under this chapter)).~~

Sec. 5. RCW 19.09.075 and 2002 c 74 s 2 are each amended to read as follows:

An application for registration as a charitable organization shall be submitted in the form prescribed by rule by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the officers or persons accepting responsibility for the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the organization;

(6)(a) Whether the organization is exempt from federal income tax; and if so the organization shall attach to its application a copy of the letter by which the internal revenue service granted such status; and

(b) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

(7) A solicitation report of the organization for the preceding accounting year including:

(a) The ~~((number and))~~ types of solicitations conducted;

(b) The total dollar value of ~~((support))~~ contributions received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses; and

(d) The name, address, and telephone number of any commercial fund raiser used by the organization;

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305; and

(9) The total revenue of the preceding fiscal year.

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The solicitation report required to be submitted under subsection (7) of this section shall be in the form prescribed by rule by the secretary, or as agreed to by the secretary and a charitable organization ~~((or a group of charitable organizations. A consolidated application for registration may, at the option of the charitable organization, be submitted by a parent organization for itself and any or all of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington.~~

~~The application shall be signed by)).~~ The president, treasurer, or comparable officer of the organization must sign and date the application. The application shall be submitted with a nonrefundable filing fee which shall be in an amount to be established by the secretary by rule. In determining the amount of this application fee, the secretary may consider factors such as the entity's annual budget and its federal income tax status. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

~~((The secretary shall notify the director of veterans' affairs upon receipt of an application for registration as a charitable organization from an entity that purports to raise funds to benefit veterans of the United States military services. The director of veterans' affairs may advise the secretary and the attorney general of any information, reports, or complaints regarding such an organization.))~~

Sec. 6. RCW 19.09.076 and 1994 c 287 s 1 are each amended to read as follows:

(1) The application requirements of RCW 19.09.075 do not apply to ~~((the following))~~:

~~((+))~~ (a) Any charitable organization raising less than an amount as set by rule adopted by the secretary in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

~~((2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:~~

~~(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;~~

~~(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and~~

~~(c) Such federal income tax forms as may be required by rule of the secretary.))~~

(b) Political organizations; or

(c) Appeals for funds on behalf of a specific individual named in the solicitation, but only if all of the proceeds of the solicitation are given to or expended for the direct benefit of that individual.

(2) All entities soliciting ~~((charitable donations))~~ contributions for charitable purposes shall comply with the requirements of RCW 19.09.100.

Sec. 7. RCW 19.09.079 and 1993 c 471 s 5 are each amended to read as follows:

An application for registration as a commercial fund raiser shall be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the commercial fund-raising entity;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the commercial fund-raising entity in Washington;

(4) (A list of states and Canadian provinces in which fund raising has been performed;

~~(5))~~ The names of the three officers or employees receiving the greatest amount of compensation from the commercial fund-raising entity;

~~((6))~~ (5) The name and address of the entity that prepares, reviews, or audits the financial statement of the organization;

~~((7))~~ (6) A solicitation report of the commercial fund-raising entity for the preceding accounting year, including:

(a) The ~~((number and))~~ types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the commercial fund raiser, affiliate of the commercial fund raiser, or any entity retained by the commercial fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the commercial fund raiser;

~~((8))~~ (7) The name, address, and telephone number of any commercial fund raiser that was retained in the conduct of providing fund raising services; and

~~((9))~~ (8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the commercial fund raiser and shall be submitted with a nonrefundable fee in an amount to be established by rule of the secretary. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 8. RCW 19.09.085 and 1993 c 471 s 6 are each amended to read as follows:

(1) Registration under this chapter shall be effective for one year or longer, as established by the secretary.

(2) Reregistration required under RCW 19.09.075 or 19.09.079 shall be submitted to the secretary no later than the date established by the secretary by rule.

(3) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((6))~~ (9) or 19.09.079 (1) through ~~((6))~~ (7).

(4) The secretary shall notify entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration. Failure to register shall not be excused by a failure of the secretary to mail the notice or by an entity's failure to receive the notice.

Sec. 9. RCW 19.09.097 and 1993 c 471 s 7 are each amended to read as follows:

(1) No charitable organization may contract with a commercial fund raiser for any fund raising service or activity unless its contract requires that both parties comply with the law and permits officers of the charity reasonable access to: (a) The fund raisers' financial records relating to that charitable organization; ~~((and))~~ (b) the fund raisers' operations including without limitation the right to be present during any telephone solicitation; and (c) the names of all of the fund raisers' employees or staff who are conducting fund raising or charitable solicitations on behalf of the charitable organization. In addition, the contract shall specify the amount of raised funds that the charitable organization will receive or the method of computing that amount, the amount of compensation of the commercial fund raiser or the method of computing that amount, and whether the compensation is fixed or contingent.

(2) Before a charitable organization may contract with a commercial fund raiser for any fund raising service or activity,

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the charitable organization and commercial fund raiser shall complete and file a registration form with the secretary. The registration shall be filed by the charitable organization ~~((with the secretary,))~~ in the form prescribed by the secretary ~~((within five working days of the execution of the contract containing,))~~. The registration shall contain, but not be limited to, the following information:

(a) The name and registration number of the commercial fund raiser;

(b) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);

(c) The name and registration number of the charitable organization;

(d) The name of the representative of the commercial fund raiser who will be responsible for the conduct of the fund raising;

(e) The type(s) of service(s) to be provided by the commercial fund raiser;

(f) The dates such service(s) will begin and end;

(g) The terms of the agreement between the charitable organization and commercial fund raiser relating to:

(i) Amount or percentages of amounts to inure to the charitable organization;

(ii) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;

(iii) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise; and

(iv) The manner in which contributions received directly by the charitable organization, not the result of services provided by the commercial fund raiser, will be identified and used in computing the fee owed to the commercial fund raiser; and

(h) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the commercial fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

(3) A correct copy of the contract shall be filed with the secretary before the commencement of any campaign.

(4) The registration form shall be submitted with a nonrefundable filing fee in an amount to be established by rule of the secretary and shall be signed by an owner or principal officer of the commercial fund raiser and the president, treasurer, or comparable officer of the charitable organization.

Sec. 10. RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional

financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

(a) The solicitation is conducted by a named commercial fund raiser, if it is;

(b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and

(c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if

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the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "firefighter," "firemen," or a similar name unless properly authorized by a bona fide police, sheriff, or firefighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) ~~(The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.)~~ An entity soliciting contributions for a charitable purpose shall not include in any solicitation, or in any advertising material for a solicitation, or in any promotional plan for a solicitation, any statement that is false, misleading, or deceptive. All solicitations, advertising material, and promotional plans must fully and fairly disclose the identity of the entity on whose behalf the solicitation is made.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number . . ."

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No ~~(entity)~~ charitable organization or commercial fundraiser may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17) ~~((a))~~ No entity may place a telephone call to a donor or potential donor for the purpose of charitable solicitation ((that will be received by the solicitee)) before eight o'clock a.m. or after nine o'clock p.m. pacific time.

~~((b))~~ (18) No entity may, ((while placing a telephone call)) when contacting a donor or potential donor for the purpose of charitable solicitation, engage in any conduct the natural

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consequence of which is to harass, intimidate, or torment any person in connection with the ~~((telephone call))~~ contact.

~~((+8))~~ (19) Failure to comply with subsections (1) through ((+7)) (18) of this section is a violation of this chapter.

Sec. 11. RCW 19.09.210 and 1993 c 471 s 12 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization or commercial fund raiser shall submit a financial statement containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization~~(s)~~ of its activities during or for the same fiscal period~~((to its parent organization, subsidiaries, or affiliates, if any))~~.

Sec. 12. RCW 19.09.440 and 1993 c 471 s 42 are each amended to read as follows:

(1) Annually, the secretary of state shall publish a report indicating:

(a) For each charitable organization registered under RCW ~~((19.09.065))~~ 19.09.075 the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of ~~((support received from solicitations and received from all other sources on behalf of the charitable purpose of the organization))~~ total expenditures, including the total amount of money applied to charitable purposes, fund raising costs, and administrative expenses;

(b) For each commercial fund raiser registered under RCW ~~((19.09.065))~~ 19.09.079 the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the commercial fund raiser; and

(c) Such other information as the secretary of state deems appropriate.

(2) The secretary of state may use the latest information obtained pursuant to RCW 19.09.075, 19.09.079, or otherwise under chapter 19.09 RCW to prepare the report.

NEW SECTION. Sec. 13. A new section is added to chapter 19.09 RCW to read as follows:

Charitable organizations must ensure that their boards, or a committee thereof, have reviewed and accepted any financial report that the organization may be required to file with the office of the secretary. Charitable organizations must also ensure that the financial information included in the filing fairly represents, in all material respects, the financial condition and results of operations of the organization as of, and for, the periods presented to the secretary for filing. If the financial information submitted to the secretary is incorrect in any material way, the charitable organization may be subject to penalties as provided under RCW 19.09.279.

NEW SECTION. Sec. 14. A new section is added to chapter 19.09 RCW to read as follows:

The secretary may, in conjunction with the attorney general, develop and operate an education program for charitable organizations, their board members, and the general public. To the extent practicable, the secretary shall consult with the nonprofit and charitable sector and the charitable advisory council created in section 16 of this act to develop curriculum and other materials intended to educate charitable organizations, their board members, and the general public.

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NEW SECTION. Sec. 15. A new section is added to chapter 19.09 RCW to read as follows:

(1) To provide for a charitable organization education program as authorized in section 12 of this act, the secretary may establish fees on registrations for entities filing with the secretary as organizations pursuant to this chapter.

(2) The fees authorized in this section are in addition to the existing fees established by the secretary in rule for organizations required to register under this chapter.

NEW SECTION. Sec. 16. A new section is added to chapter 19.09 RCW to read as follows:

The charitable organization education account is created in state treasury. All receipts from the fees authorized in section 13(1) of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the charitable organization education program authorized in section 12 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 19.09 RCW to read as follows:

The secretary is authorized to adopt rules, in accordance with chapter 34.05 RCW, that establish a set of tiered independent financial reporting requirements for charitable organizations required to register with the secretary pursuant to this chapter. Rules adopted under this section shall include, but not be limited to, substantially the following:

(1) An initial filing requirement for all charitable organizations as currently required in this chapter;

(2) A financial reporting requirement for charitable organizations that have more than one million dollars in annual gross revenue averaged over the last three fiscal years. The secretary may require charitable organizations that meet this threshold to have the federal financial reporting forms the organization normally files to be completed or reviewed by a third party who normally prepares or reviews the forms in the ordinary course of their business. These forms must be submitted to the secretary; and

(3) A financial reporting requirement for charitable organizations with more than three million dollars in annual gross revenue averaged over the last three fiscal years. The secretary may require charitable organizations that meet this threshold to submit to the secretary audited financial statements prepared by an independent certified public accountant.

NEW SECTION. Sec. 18. A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary is authorized to create a charitable advisory council to consist of at least eleven, but not more than twenty-one, members. Members of a charitable advisory council shall:

(a) Be appointed by the secretary, with all members serving at the pleasure of the secretary and all terms expiring no later than the term of the appointing secretary;

(b) Represent a broad range of charities by size, purpose, geographic region of the state, and general expertise in the management and leadership of charitable organizations; and

(c) Annually vote to elect one of its members to serve as chairperson.

(2) The secretary shall not compensate members of the charitable advisory council but may provide reimbursement to members for expenses that are incurred in the conduct of their official duties.

(3) The charitable advisory council shall advise the secretary in determining training and educational needs of charitable organizations and model policies related to governance and administration of charitable organizations in accordance with fiduciary principles, assist the secretary in identifying emerging issues and trends affecting charitable organizations, and advise the secretary on other related issues at the request of the secretary.

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NEW SECTION. Sec. 19. A new section is added to chapter 19.09 RCW to read as follows:

(1) The secretary may enter into reciprocal agreements with the appropriate authority of any other state for the purpose of exchanging information with respect to charitable organizations and commercial fund raisers.

(2) Pursuant to such agreements the secretary may:

(a) Accept information filed by a charitable organization or commercial fund raisers with the appropriate authority of another state in lieu of the information required to be filed in accordance with this chapter, if the information is substantially similar to the information required under this chapter; and

(b) Grant exemptions from the requirements for the filing of annual registration statements with the office to charitable organizations organized under the laws of another state having their principal place of business outside this state whose funds are derived principally from sources outside this state and that have been exempted from the filing of registration statements by the statute under whose laws they are organized if such a state has a statute similar in substance to this chapter.

(3) The secretary may adopt rules relating to reciprocal agreements consistent with this section.

NEW SECTION. Sec. 20. RCW 19.09.095 (Subsidiary organizations--Requirement to register--Exemptions) and 1986 c 230 s 9 & 1983 c 265 s 6 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Consumer Protection & Housing to Substitute House Bill No. 1777.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "public;" strike the remainder of the title and insert "amending RCW 19.09.010, 19.09.020, 19.09.075, 19.09.076, 19.09.079, 19.09.085, 19.09.097, 19.09.100, 19.09.210, and 19.09.440; adding new sections to chapter 19.09 RCW; prescribing penalties; and repealing RCW 19.09.095."

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 1777 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1777 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1777 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and

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Zarelli - 45

Absent: Senators McAuliffe and Pflug - 2

Excused: Senators Benton and Haugen - 2

SUBSTITUTE HOUSE BILL NO. 1777 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, by House Committee on Higher Education (originally sponsored by Representatives Wallace, Anderson, Chase, Jarrett, Moeller, McDermott, Priest, Haigh, Kagi, Roberts, Kenney and Conway)

Modifying the higher education coordinating board.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"PART 1
GENERAL PROVISIONS

Sec. 101. RCW 28B.76.050 and 2004 c 275 s 3 are each amended to read as follows:

The members of the board, except ~~((the chair serving on June 13, 2002, and))~~ the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term ~~((except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms))~~. The student member shall hold his or her office for a term of one year ~~((from))~~ beginning on the first day of July. ~~((The chair serving on June 13, 2002, shall serve at the pleasure of the governor.))~~

Sec. 102. RCW 28B.76.090 and 2004 c 275 s 4 are each amended to read as follows:

The board shall employ a director and may delegate agency management to the director. The director shall serve at the pleasure of the board, shall be the executive officer of the board, and shall, under the board's supervision, administer the provisions of this chapter. The executive director shall, with the approval of the board: (1) Employ necessary deputy and assistant directors and other exempt staff under chapter 41.06 RCW who shall serve at his or her pleasure on such terms and conditions as he or she determines and (2) subject to the provisions of chapter 41.06 RCW, appoint and employ such other employees as may be required for the proper discharge of the functions of the board. The executive director shall exercise such additional powers, other than rule making, as may be delegated by the board by resolution. In fulfilling the duties under this chapter, the board shall make extensive use of those state agencies with responsibility for implementing and supporting postsecondary education plans and policies including but not limited to appropriate legislative groups, the postsecondary education institutions, the office of financial management, the workforce training and education coordinating board, ~~((and))~~ the state board for community and technical colleges, and the office of the superintendent of public instruction. Outside consulting and service agencies may also be employed. The board may compensate these groups and consultants in appropriate ways.

Sec. 103. RCW 28B.76.100 and 2004 c 275 s 2 are each amended to read as follows:

(1) The board shall establish an advisory council consisting of: A representative of the superintendent of public instruction; a representative of the state board of education appointed by the state board of education; a representative of the two-year system of the state board for community and technical colleges appointed by the state board for community and technical colleges; a representative of the workforce training and education coordinating board appointed by the workforce training and education coordinating board; one representative of the research universities appointed by the president of the University of Washington and the president of Washington State University; a representative of the regional universities and The Evergreen State College appointed through a process developed by the council of presidents; a representative of the faculty for the four-year institutions appointed by the council of faculty representatives; a representative of the proprietary schools appointed by the federation of private career schools and colleges; a representative of the independent colleges appointed by the independent colleges of Washington; and a faculty member in the community and technical college system appointed by the state board for community and technical colleges in consultation with the faculty unions.

(2) The members of the advisory council shall each serve a two-year term ~~((except for the superintendent of public instruction, whose term is concurrent with his or her term of office))~~.

(3) The board shall meet with the advisory council at least quarterly and shall seek advice from the council regarding the board's discharge of its statutory responsibilities.

PART 2
POLICY AND PLANNING

Sec. 201. RCW 28B.76.200 and 2004 c 275 s 6 are each amended to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies measurable goals and priorities for the system of higher education in Washington state for a ten-year time period. The board shall update the statewide strategic master plan every four years. The plan shall address the goals of: (a) Expanding access; (b) using methods of educational delivery that are efficient, cost-effective, and productive to deliver modern educational programs; and (c) using performance measures to gauge the effectiveness of the state's progress towards meeting its higher education goals. The plan shall encompass all sectors of higher education, including the two-year system, workforce training, the four-year institutions, and financial aid. The board shall also specify strategies for ~~((maintaining and))~~ expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the workforce training and education coordinating board, the superintendent of public instruction, ~~((and))~~ the independent higher education institutions, the business sector, and labor. The board shall identify and utilize models of regional planning and decision making before initiating a statewide planning process. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall review role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The purpose of the review is to ensure institutional roles and

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missions are aligned with the overall state vision and priorities for higher education.

(4) In assessing needs of the state's higher education system, the board ~~((may))~~ should encourage partnerships, embrace innovation, and consider ~~((and))~~, analyze, and make recommendations concerning the following information:

(a) Demographic, social, economic, and technological trends and their impact on service delivery for a twenty-year horizon;

(b) The changing ethnic composition of the population and the special needs arising from those trends;

(c) Business and industrial needs for a skilled workforce;

(d) College attendance, retention, transfer, graduation, and dropout rates;

(e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; ~~((and))~~

(f) Needs and demands for nontraditional populations including, but not limited to, adult learners; and

(g) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following access and educational delivery items:

(a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet ~~((those needs))~~ the goal of expanding access;

(b) State ~~((or))~~ and regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State ~~((or))~~ and regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations including increased transparency on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, ~~((2003))~~ 2007, the board shall submit an ~~((interim))~~ update of the ten-year statewide strategic master plan for higher education to the governor and the legislature. The ~~((interim))~~ updated plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the ~~((interim))~~ updated plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. The board shall report annually to the governor and the legislature on the progress being made by the institutions of higher education and the state to implement the strategic master plan.

(8) Each four-year institution shall develop an institution-level ten-year strategic plan that implements the vision, goals,

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and strategies within the statewide strategic master plan for higher education based on the institution's role and mission. Institutional strategic plans shall ~~((also))~~ encourage partnerships, embrace innovation, and contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities with attention given to the goals and strategies of increased access and program delivery methods. The board shall review the institution-level plans to ensure the plans are aligned with and implement the statewide strategic master plan for higher education and shall periodically monitor institutions' progress toward achieving the goals and priorities within their plans.

(9) The board shall also review the comprehensive master plan prepared by the state board for community and technical colleges for the community and technical college system under RCW 28B.50.090 to ensure the plan is aligned with and implements the statewide strategic master plan for higher education.

Sec. 202. RCW 28B.76.210 and 2004 c 275 s 7 are each amended to read as follows:

(1) The board shall collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the workforce training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges. The institutions and the state board for community and technical colleges shall submit an outline of their proposed budgets ~~((, identifying major components, to the board no later than August 1st of each even-numbered year))~~ to the board no later than July 1st of each even-numbered year. Pursuant to guidelines developed by the board, operating budget outlines submitted by the institutions and the state board for community and technical colleges after January 1, 2007, shall include all policy changes and enhancements that will be requested by the institutions and the state board for community and technical colleges in their respective biennial budget requests. Operating budget outlines shall include a description of each policy enhancement, the dollar amount requested, and the fund source being requested. Capital budget outlines shall include the prioritized ranking of the capital projects being requested by two-year and four-year institutions, respectively. A description of each capital project, and the amount and fund source being requested, shall be included for each capital project appearing in the prioritized ranking. The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before ~~((November))~~ October 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year.

(5) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board

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shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st.

**PART 3
MISCELLANEOUS**

NEW SECTION. **Sec. 301.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 302.** Section 102 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to Engrossed Substitute House Bill No. 1883.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 28B.76.050, 28B.76.090, 28B.76.100, 28B.76.200, and 28B.76.210; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1883 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1883 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1883 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Kastama - 1

Excused: Senators Benton and Haugen - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Senator Kastama: While in discussion on other pending legislation, I inadvertently missed the vote on final passage of Engrossed Substitute House Bill No. 1883, which changes the

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Higher Education Coordinating Board master plan process and review of institution's budgets. I support the bill and want the Journal to reflect that I would have voted "Yes" on the final passage of Engrossed Substitute House Bill No. 1883.

SENATOR KASTAMA, 25th Legislative District

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Bailey, Crouse, Sells, Moeller and Simpson)

Authorizing the purchase of an increased benefit multiplier for past judicial service for judges in the public employees' retirement system and the teachers' retirement system.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1649 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kastama and Eide were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1649.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1649 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Benton, Eide and Haugen - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1549, by Representatives Linville, Kristiansen, Ericksen, McCune and Dunn

Exempting wholesale sales of bulk unprocessed milk from the business and occupation tax.

The measure was read the second time.

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MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1549 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1549.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1549 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Eide and Haugen - 2

HOUSE BILL NO. 1549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 2034 which had been deferred on third reading April 5, 2007.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2034 was returned to second reading for the purpose of amendment.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows:

(1) A person who is deprived of his or her motor vehicle because of a violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 may file an action in superior court against the perpetrator for the recovery of actual damages, limited to the value of any damage to the vehicle and any property stolen from the vehicle, civil damages of up to five thousand dollars, and the costs of the suit, including reasonable attorneys' fees.

(2)(a) Except as provided in (b) of this subsection, service of any summons or other process under this section shall be by personal service.

(b)(i) If the defendant cannot be found after a due and diligent search, the defendant's violation of RCW 9A.56.030, 9A.56.040, 9A.56.070, or 9A.56.075 shall be deemed to constitute an appointment by the defendant of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her under this section. The plaintiff shall perform the service allowed under this subsection (2)(b)(i) by leaving two copies of the summons or other process with the secretary of state or at the secretary of state's office. Service in

this manner constitutes sufficient and valid personal service upon the defendant.

(ii) After performing service under (b)(i) of this subsection, the plaintiff shall promptly send notice of service under (b)(i) of this subsection and a copy of the summons or process to the defendant by registered mail, with return receipt requested, to the defendant's last known address. After complying with this subsection (2)(b)(ii), the plaintiff shall file the following with the secretary of state to be attached to the summons or process filed under (b)(i) of this subsection:

(A) An affidavit from the plaintiff attesting to compliance with (b)(ii) of this subsection; and

(B) An affidavit from the plaintiff's attorney that he or she has, with due diligence, attempted to serve personal process upon the defendant at all addresses known to him or her and listing the addresses at which he or she attempted to personally serve the defendant. However, if the defendant's endorsed return receipt is received, then the affidavit need only show that the defendant received personal service by mail.

(iii) The secretary of state shall send, by prepaid mail, a copy of the summons or process received under (b)(i) of this subsection to the defendant's address, if known. The secretary of state shall keep a record that shows the day of service of all summons and processes made under (b)(i) of this subsection.

(iv) The court in which an action is brought under this section may order continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action.

(v) The secretary of state may charge a fee for his or her services under (b) of this subsection. The fee shall be part of the costs of suit that may be awarded to the plaintiff.

(3) The department of licensing shall suspend the driver's license or driving privilege of a defendant until any monetary obligation imposed under subsection (1) of this section is paid in full, unless the defendant has entered into a payment plan under subsection (4) of this section.

(4) If the court determines that a person is not able to pay a monetary obligation made under subsection (1) of this section in full, the court may enter into a payment plan with the person. If the person fails to meet the obligations of the payment plan, the court may modify or revoke the plan and order the defendant to pay the obligation in full. If the court revokes the plan, it shall notify the department of licensing and the department of licensing shall suspend the driver's license or driving privilege of the defendant until the monetary obligation is paid in full.

(5) The court shall notify the department of licensing when the monetary obligation of a defendant whose license is suspended under this section is paid in full.

Sec. 2. RCW 46.20.291 and 1998 c 165 s 12 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or section 1 of this act;

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(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW ((46.20.336)) 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 2034.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "theft;" strike the remainder of the title and insert "amending RCW 46.20.291; adding a new section to chapter 9A.56 RCW; and prescribing penalties."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2034 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2034 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2034 as amended by the Senate as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 44

Voting nay: Senators Poulsen, Regala and Weinstein - 3

Excused: Senators Haugen and McAuliffe - 2

HOUSE BILL NO. 2034 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352, by House Committee on Finance (originally sponsored by Representatives Grant, Linville, Simpson and Bailey)

Exempting persons engaged in farming and certain farming services from business and occupation taxation. Revised for 1st

Substitute: Providing excise tax relief for certain farm services.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to any:

(a) Person performing custom farming services for a farmer, when the person performing the custom farming services is: (i) An eligible farmer; or (ii) at least fifty percent owned by an eligible farmer; or

(b) Person performing farm management services, contract labor services, services provided with respect to animals that are agricultural products, or any combination of these services, for a farmer or for a person performing custom farming services, when the person performing the farm management services, contract labor services, services with respect to animals, or any combination of these services, and the farmer or person performing custom farming services are related.

(2) The definitions in this subsection apply throughout this section.

(a) "Custom farming services" means the performance of specific farming operations through the use of any farm machinery or equipment, farm implement, or draft animal, together with an operator, when: (i) The specific farming operation consists of activities directly related to the growing, raising, or producing of any agricultural product to be sold or consumed by a farmer; and (ii) the performance of the specific farming operation is for, and under a contract with, or the direction or supervision of, a farmer. "Custom farming services" does not include the custom application of fertilizers, chemicals, or biologicals.

For the purposes of this subsection (2)(a), "specific farming operation" includes specific planting, cultivating, or harvesting activities, or similar specific farming operations. The term does not include veterinary services as defined in RCW 18.92.010; farrier, boarding, training, or appraisal services; artificial insemination or stud services, agricultural consulting services; packing or processing of agricultural products; or pumping or other waste disposal services.

(b) "Eligible farmer" means a person who is eligible for an exemption certificate under RCW 82.08.855 at the time that the custom farming services are rendered, regardless of whether the person has applied for an exemption certificate under RCW 82.08.855.

(c) "Farm management services" means the consultative decisions made for the operations of the farm including, but not limited to, determining which crops to plant, the choice and timing of application of fertilizers and chemicals, the horticultural practices to apply, the marketing of crops and livestock, and the care and feeding of animals.

(d) "Related" means having any of the relationships specifically described in section 267(b) (1), (2), and (4) through (13) of the internal revenue code, as amended or renumbered as of January 1, 2007.

NEW SECTION. Sec. 2. A new section is added to chapter 82.16 RCW to read as follows:

(1) This chapter shall not apply to any person hauling agricultural products or farm machinery or equipment for a farmer or for a person performing custom farming services, when the person providing the hauling and the farmer or person performing custom farming services are related.

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(2) The exemption provided by this section shall not apply to the hauling of any substances or articles manufactured from agricultural products. For the purposes of this subsection, "manufactured" has the same meaning as "to manufacture" in RCW 82.04.120.

(3) The definitions in RCW 82.04.213 and section 1 of this act apply to this section.

NEW SECTION. **Sec. 3.** This act takes effect August 1, 2007.

NEW SECTION. **Sec. 4.** This act expires December 31, 2020."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 2352.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute House Bill No. 2352 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2352 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 42

Voting nay: Senators Fairley, Kauffman, Regala, Tom and Weinstein - 5

Excused: Senators Haugen and McAuliffe - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointments and the vote of the Senate was recorded as a separate vote for each appointment.

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SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Schoesler moved that Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka; and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist as members of the Board of Trustees, Eastern Washington University, be confirmed.

Senator Schoesler spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Carrell, McCaslin and Stevens were excused.

APPOINTMENT OF NEIL MCREYNOLDS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist as members of the Board of Trustees, Eastern Washington University.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9153, Neil McReynolds as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF KRIS MIKKELSEN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9154, Kris Mikkelsen as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF PAUL TANAKA

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9182, Paul Tanaka as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46;

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Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Haugen and McCaslin - 3

APPOINTMENT OF INES ZOZAYA-GEIST

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9198, Ines Zozaya-Geist as a member of the Board of Trustees, Eastern Washington University and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Haugen and McCaslin - 3

Gubernatorial Appointment No. 9153, Neil McReynolds; Gubernatorial Appointment No. 9154, Kris Mikkelsen; Gubernatorial Appointment No. 9182, Paul Tanaka; and Gubernatorial Appointment No. 9198, Inez Zozaya-Geist having received the constitutional majority were declared confirmed as members of the Board of Trustees, Eastern Washington University.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Senator Marilyn Rasmussen's family who were seated in the gallery.

SECOND READING

ENGROSSED HOUSE BILL NO. 1898, by Representatives Quall, Conway, Haler, Santos, Appleton, McDermott, Haigh, P. Sullivan, Chase, Green, Fromhold, Moeller, Wood, Simpson, Linville, Hunt, Barlow, Sells, Hasegawa, Kenney, Hudgins, Morrell and Ormsby

Providing apprenticeship utilization requirements for school district public works projects.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 2, line 33, after "district" insert ", or to any project funded in whole or in part by bond issues approved before July 1, 2007"

Senator Kohl-Welles spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Engrossed House Bill No. 1898.

The motion by Senator Kohl-Welles carried and the committee amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 1, line 13, after "apprentices", insert "or trainees"

On page 2, after line 6, insert the following:

"(6) "Trainee" means a worker participating in a training program.

(7) "Training program" means a formal training program conducted by an employer and approved by the awarding agency or school district, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016."

On page 2, line 37, after "apprentices" insert "or trainees"

On page 3, line 4, after "apprentices" insert "or trainees"

On page 3, line 8, after "apprentices" insert "or trainees"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 13 to Engrossed House Bill No. 1898.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 3, line 23, after "(3)", strike "The" and insert "~~(The)~~ A school district or the"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 3, line 23 to Engrossed House Bill No. 1898.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1898 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Keiser spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1898 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1898 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 14

Excused: Senator McCaslin - 1

ENGROSSED HOUSE BILL NO. 1898 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to make an announcement actually to the Senate. It's a very happy day at our household. This morning, a little after 6 o'clock in the morning, my number ninth grandchild, Jack Roach, was born. And he's about 7lbs 9oz. His parents are my son, First Lieutenant John Roach is the member of the United States Air Force. He's in the JAG Corps and he is away. He was away for the birth and then my beautiful, wonderful, daughter-in-law, Claire Harris-Roach. Claire just finished her master's degree in dietetics at the University of Washington and little Jack was born at the University of Washington hospital. I wanted to share this with you all because it's a beautiful thing when we watch our families ebban flow. And for all of us we have these moments and I wanted to tell you how happy I am that we have Jack with us and that everything went well. I look forward to a wonderful time having him with our family. Thank you very much."

SECOND READING

HOUSE BILL NO. 1430, by Representatives Pettigrew, Haler, Kenney, Chase, P. Sullivan and Linville

Clarifying how cities, towns, counties, public corporations, and port districts may participate in the federal new markets tax credit program.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.735 and 1995 c 212 s 2 are each amended to read as follows:

(1) The legislature hereby declares that carrying out the purposes of federal grants or programs is both a public purpose and an appropriate function for a city, town, county, or public corporation. The provisions of RCW 35.21.730 through

35.21.755 and RCW 35.21.660 and 35.21.670 and the enabling authority herein conferred to implement these provisions shall be construed to accomplish the purposes of RCW 35.21.730 through 35.21.755.

(2) All cities, towns, counties, and public corporations shall have the power and authority to enter into agreements with the United States or any agency or department thereof, or any agency of the state government or its political subdivisions, and pursuant to such agreements may receive and expend, or cause to be received and expended by a custodian or trustee, federal or private funds for any lawful public purpose. Pursuant to any such agreement, a city, town, county, or public corporation may issue bonds, notes, or other evidences of indebtedness that are guaranteed or otherwise secured by funds or other instruments provided by or through the federal government or by the federal government or an agency or instrumentality thereof under section 108 of the housing and community development act of 1974 (42 U.S.C. Sec. 5308), as amended, or its successor, and may agree to repay and reimburse for any liability thereon any guarantor of any such bonds, notes, or other evidences of indebtedness issued by such jurisdiction or public corporation, or issued by any other public entity. For purposes of this subsection, federal housing mortgage insurance shall not constitute a federal guarantee or security.

(3) A city, town, county, or public corporation may pledge, as security for any such bonds, notes, or other evidences of indebtedness or for its obligations to repay or reimburse any guarantor thereof, its right, title, and interest in and to any or all of the following: (a) Any federal grants or payments received or that may be received in the future; (b) any of the following that may be obtained directly or indirectly from the use of any federal or private funds received as authorized in this section: (i) Property and interests therein, and (ii) revenues; (c) any payments received or owing from any person resulting from the lending of any federal or private funds received as authorized in this section; (d) any proceeds under (a), (b), or (c) of this subsection and any securities or investments in which (a), (b), or (c) of this subsection or proceeds thereof may be invested; (e) any interest or other earnings on (a), (b), (c), or (d) of this subsection.

(4) A city, town, county, or public corporation may establish one or more special funds relating to any or all of the sources listed in subsection (3)(a) through (e) of this section and pay or cause to be paid from such fund the principal, interest, premium if any, and other amounts payable on any bonds, notes, or other evidences of indebtedness authorized under this section, and pay or cause to be paid any amounts owing on any obligations for repayment or reimbursement of guarantors of any such bonds, notes, or other evidences of indebtedness. A city, town, county, or public corporation may contract with a financial institution either to act as trustee or custodian to receive, administer, and expend any federal or private funds, or to collect, administer, and make payments from any special fund as authorized under this section, or both, and to perform other duties and functions in connection with the transactions authorized under this section. If the bonds, notes, or other evidences of indebtedness and related agreements comply with subsection (6) of this section, then any such funds held by any such trustee or custodian, or by a public corporation, shall not constitute public moneys or funds of any city, town, or county and at all times shall be kept segregated and set apart from other funds.

(5) For purposes of this section, "lawful public purpose" includes, without limitation, any use of funds, including loans thereof to public or private parties, authorized by the agreements with the United States or any department or agency thereof under which federal or private funds are obtained, or authorized under the federal laws and regulations pertinent to such agreements.

(6) If any such federal or private funds are loaned or granted to any private party or used to guarantee any obligations of any private party, then any bonds, notes, other evidences of

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indebtedness issued or entered into for the purpose of receiving or causing the receipt of such federal or private funds, and any agreements to repay or reimburse guarantors, shall not be obligations of any city, town, or county and shall be payable only from a special fund as authorized in this section or from any of the security pledged pursuant to the authority of this section, or both. Any bonds, notes, or other evidences of indebtedness to which this subsection applies shall contain a recital to the effect that they are not obligations of the city, town, or county or the state of Washington and that neither the faith and credit nor the taxing power of the state or any municipal corporation or subdivision of the state or any agency of any of the foregoing, is pledged to the payment of principal, interest, or premium, if any, thereon. Any bonds, notes, other evidences of indebtedness, or other obligations to which this subsection applies shall not be included in any computation for purposes of limitations on indebtedness. To the extent expressly agreed in writing by a city, town, county, or public corporation, this subsection shall not apply to bonds, notes, or other evidences of indebtedness issued for, or obligations incurred for, the necessary support of the poor and infirm by that city, town, county, or public corporation.

(7) Any bonds, notes, or other evidences of indebtedness issued by, or reimbursement obligations incurred by, a city, town, county, or public corporation consistent with the provisions of this section but prior to May 3, 1995, and any loans or pledges made by a city, town, or county in connection therewith substantially consistent with the provisions of this section but prior to May 3, 1995, are deemed authorized and shall not be held void, voidable, or invalid due to any lack of authority under the laws of this state.

(8) All cities, towns, counties, public corporations, and port districts may create partnerships and limited liability companies and enter into agreements with public or private entities, including community preservation and development authorities as authorized under sections 3 through 10 of this act, and including partnership agreements and limited liability company agreements, to implement within their boundaries the federal new markets tax credit program established by the community renewal tax relief act of 2000 (26 U.S.C. Sec. 45D) or its successor statute.

NEW SECTION. Sec. 2. The authority granted by RCW 35.21.735 is additional and supplemental to any other authority of any city, town, county, public corporation, or port district. This act may not be construed to imply that any of the power or authority granted in this act was not available to any city, town, county, public corporation, or port district under prior law. Any previous actions consistent with this act are ratified and confirmed.

NEW SECTION. Sec. 3. (1) Major public facilities, public works, and capital projects with significant public funding generally aim to accrue broad benefits to the people of Washington. However, sometimes the interest of the stakeholder community that bears the disproportionate cost of the broad public benefit by absorbing a deleterious impact upon itself is overlooked or inadequately addressed. These impacts may include dislocation, displacement, and the overall disintegration of an identifiable existing community and its historical and cultural character. The legislature finds that the preservation and restoration of the character of such a community, and the community's historical and cultural character, are important public policy goals that can be achieved through the creation of community preservation and development authorities.

(2) Community preservation and development authorities are hereby created to restore or enhance the health, safety, and economic well-being of communities adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(3) Community preservation and development authorities have the following purposes:

(a) To revitalize, enhance, and preserve the unique character of impacted communities;

(b) To mitigate the adverse effects of multiple major public facilities projects, public works projects, or capital projects with significant public funding, or a secure community transition facility as defined in RCW 71.09.020(14);

(c) To restore a local area's sense of community;

(d) To reduce the displacement of community members and businesses;

(e) To stimulate the community's economic vitality;

(f) To enhance public service provisions;

(g) To improve the standard of living of community members; and

(h) To preserve historic buildings or areas by returning them to economically productive uses that are compatible with or enhance their historic character.

NEW SECTION. Sec. 4. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community" means a group of people who reside or work in the geographic area established by the community preservation and development authority board or the proposal to create the authority and who currently or historically share a distinct cultural identity or local history.

(2) "Community preservation and development authority" or "authority" means an authority created by members of an impacted community.

(3) "Constituency" means the general membership of the community preservation and development authority, which membership shall be open to all persons eighteen years of age and over who are residents, property owners, employees, or business persons within the geographic boundaries established by the authority or the proposal to create the authority.

(4) "Impacted community" means a community that has been adversely impacted by the construction of, or ongoing operation of, multiple major public facilities, public works, and capital projects with significant public funding.

(5) "Major public facilities project, public works project, or capital project with significant public funding" means any capital project whose total cost exceeds ten million dollars. On July 1, 2009, and on July 1st of each odd-numbered year thereafter, the capital project cost threshold shall be adjusted by the capital project cost adjustment factor for inflation established by the office of financial management.

NEW SECTION. Sec. 5. (1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority to the state legislative delegation representing the area in which the community is located. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals presented after January 1, 2008, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under section 7 of this act.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community" contained in section 4(4) of this act and (b) those persons that have brought forth the proposal are members of the community as defined in section 4(1) of this act and, if the authority were approved, would meet the definition of

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constituency contained in section 4(3) of this act. For proposals brought after January 1, 2008, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

(3) The affairs of a community preservation and development authority shall be managed by a board of directors, consisting of the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who are involved in providing nonprofit community or social services within the community;

(c) Two members who are involved in the arts and entertainment within the community;

(d) Two members with knowledge of the community's culture and history; and

(e) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community.

(4) No member of the board shall hold office for more than four years. Board positions shall be numbered one through nine, and the terms staggered as follows:

(a) Board members elected to positions one through five shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(b) Board members initially elected to positions six through nine shall serve a three-year term only.

(c) Board members elected to positions six through nine after the initial three-year term shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to develop a list of candidates to stand for election once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of developing the list and identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal. The board of directors shall be elected by the constituency during a meeting convened for that purpose by the state legislative delegation.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's existing board of directors and the election shall be held during the annual local town hall meeting as required in section 7 of this act.

NEW SECTION. Sec. 6. (1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities;

(b) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(c) Buy, own, lease, and sell real and personal property;

(d) Hold in trust, improve, and develop land;

(e) Invest, deposit, and reinvest its funds;

(f) Incur debt in furtherance of its mission;

(g) Lend its funds, property, credit, or services for corporate purposes; and

(h) Exercise such additional powers as may be authorized by law.

(2) A community preservation and development authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

NEW SECTION. Sec. 7. A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic

boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to promote the health, safety, and economic well-being of the impacted community and to preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components that address one or more of the purposes under section 3(3) of this act;

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments to carry out projects identified in the strategic plan. Projects may include but are not limited to those that: (a) Enhance public safety; (b) reduce community blight; (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and (d) address other purposes identified in section 3(3) of this act; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs.

NEW SECTION. Sec. 8. The legislature finds that the Pioneer Square-International District within the city of Seattle meets the requirements contained in section 5(2) of this act, and that formation of a community preservation and development authority has been proposed to the appropriate state legislative delegation as authorized in section 5(1) of this act. Therefore, the legislature authorizes the establishment of the Pioneer Square-International District community preservation and development authority.

NEW SECTION. Sec. 9. The community preservation and development authority account is created in the state treasury. The account is composed of two subaccounts, one for moneys to be appropriated for operating purposes, and the other for moneys to be appropriated for capital purposes. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for projects under this chapter.

NEW SECTION. Sec. 10. Prior to making siting, design, and construction decisions for future major public facilities, public works projects, or capital projects with significant public funding, state and local government agencies shall to the extent possible:

(1) Communicate and consult with the community preservation and development authority and impacted community, including assessing the compatibility of the proposed project with the strategic plan adopted by the authority; and

(2) Make reasonable efforts to ensure that negative, cumulative effects of multiple projects upon the impacted community are minimized.

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NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Sections 3 through 10 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 35.21.735; adding a new chapter to title 43 RCW; and creating a new section."

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. I believe this amendment is not in scope for this bill. While the title of House Bill No. 1430 is broadly stated as: 'An Act related to financing, community and economic development' The entire purpose of this bill is extremely limited to enabling existing local governments to participate in the federal new markets tax credit program. The entire purpose of the federal new markets tax program is focused narrowly on stimulating private investment in low-income communities by creating a federal tax incentive to increase the flow of investment capital into such low-income areas. This amendment extends beyond the scope of this bill. The primary purpose of this amendment is to create an entirely new local government entity. The purpose of the authority that is created in this striker is focused on helping those communities that have negatively impacted by major public works or capital projects regain their sense of community and is not narrowly focused on stimulating new investment in low-income communities, which is entire purpose of the federal new markets tax credit program, which is the only issue underlying bill deals with. While a new provisions in the striker do address the general idea of community and economic development and so could arguably fit under the title of the bill, that is only a small part of the over all purpose of the entirely new governmental entity that is created in the striker and therefore the striker, as a whole, does not fit under the narrow purpose of the underlying bill."

Senator Eide spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1430 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2361, by House Committee on Commerce & Labor (originally sponsored by Representative Conway)

Regarding collective bargaining for certain employees of institutions of higher education and related boards.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2361 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.
Senator Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom, Weinstein and Zarelli - 38

Voting nay: Senators Clements, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Schoesler, Stevens and Swecker - 10
Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 2361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, by House Committee on Appropriations (originally sponsored by Representatives Wallace, Anderson, Sells, Hinkle, Roberts, Warnick, Buri, B. Sullivan, Priest, Hasegawa and Dunn)

Increasing the operating fee waiver authority for Central Washington University.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1497.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1497 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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HOUSE BILL NO. 1676, by Representatives Fromhold, Curtis, Moeller, Orcutt, Wallace, Dunn, Santos and Simpson

Allowing public utility districts to disburse low-income energy assistance contributions.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 1676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1676.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1676 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

HOUSE BILL NO. 1676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260, by House Committee on Transportation (originally sponsored by Representatives Conway, Crouse, Fromhold, Kenney, Ericks, Ormsby, Simpson and Moeller)

Establishing contribution rates in the Washington state patrol retirement system.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.45.0631 and 2006 c 94 s 2 are each amended to read as follows:

(1) The allocation of costs between the employer and members of the Washington state patrol retirement system shall be made only after the application of any minimum total contribution rate that may be in effect for the system under subsection (4) of this section. For benefit improvements effective on or after July 1, 2007, costs shall be shared equally by members and the employer, and any cap on member contributions shall be adjusted accordingly. The member contribution rate shall be based on the adjusted total contribution rate described in subsection (2) of this section. Beginning July 1, ((2007)) 2007, the required member contribution rate for members of the

Washington state patrol retirement system shall be ~~((two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater. The employee contribution rate shall not, however, include any increase as a result of))~~ the lesser of the following: (a) One-half of the adjusted total contribution rate for the system; or (b) seven percent, plus fifty percent of the contribution rate increase caused by any benefit improvements effective on or after July 1, 2007.

(2) The employer shall continue to pay for all costs attributable to distributions under RCW 43.43.270(2) for survivors of members who became disabled under RCW 43.43.040(2) prior to July 1, 2006, until such costs are fully paid. In order to avoid charging members for these costs, the total required contribution rate shall be adjusted to exclude these costs. The result of the adjustment shall be the adjusted total contribution rate that is to be used to calculate the required member contribution rate.

(3) The employer rate shall be the contribution rate required to cover all total system costs that are not covered by the member contribution rate.

(4) Beginning July 1, 2009, a minimum total contribution rate is established for the Washington state patrol retirement system. The total Washington state patrol retirement system contribution rate as adopted by the pension funding council and subject to revision by the legislature may exceed, but may not drop below, the established minimum total contribution rate. The minimum total contribution rate shall equal the total contribution rate required to fund seventy percent of the Washington state patrol retirement system's normal cost as calculated under the entry age normal cost method. Upon completion of each biennial actuarial valuation, the state actuary shall review the appropriateness of this minimum total contribution rate and recommend to the legislature any adjustments as may be needed.

NEW SECTION. Sec. 2. If both Senate Bill No. 6129 and Substitute Senate Bill No. 5937 are not enacted by June 30, 2007, this act is null and void.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Senator Murray spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1260.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.45.0631; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 1260 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1260 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1260 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1802, by House Committee on Health Care & Wellness (originally sponsored by Representatives Darneille, Kenney, Dickerson, Hankins, Linville, Cody, Roberts, Appleton, Schual-Berke, Walsh, Santos, Wallace, Haigh, Simpson, Green, Clibbom, Warnick, Rolfes, Morrell, Pettigrew, Bailey, Lantz, Eddy, Sommers, Kessler, Kagi, Skinner, McDonald, Chase, Hudgins, Hasegawa, Pedersen, Ericks, Goodman and Moeller)

Providing information about the human papillomavirus disease and vaccine.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.210.080 and 2005 c 404 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with information about meningococcal disease and its vaccine at

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the beginning of every school year. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with information about human papillomavirus disease and its vaccine at the beginning of every school year. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available."

MOTION

Senator Stevens moved that the following amendment by Senator Stevens to the committee striking amendment be adopted.

On page 2, line 18 of the amendment, after "received" insert "; and

(iii) A clear disclosure statement on the front of the distributed material in bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "The only sure way to prevent the human papillomavirus disease is to abstain from all sexual activity"

Senator Stevens spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 2, line 18 to the committee striking amendment to Substitute House Bill No. 1802.

The motion by Senator Stevens failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the committee striking amendment be adopted.

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On page 2, line 18 of the amendment, after "received", insert "; and

(iii) A clear disclosure statement on the front of the distributed material in a bold-face type, in a font size at least two points larger than other font sizes on the page, that reads: "Long-term clinical trials of the human papillomavirus vaccine have not been conducted. The length of vaccine protection (immunity) is unknown"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Keiser spoke against adoption of the amendment to the committee striking amendment.

POINT OF INQUIRY

Senator Holmquist: "Would Senator Keiser yield to a question? Thank you. I think this is definitely a worthy cause and I just wanted to clarify. This is a new requirement on school districts are we going to be paying for it? I would hate to have an unfunded mandate, so just wanted to get that clarified. I didn't have a chance to get staff to answer my question. Thank you."

Senator Keiser: "Currently all school districts provide at this grade level, sixth grade information to parents about the meningococcal vaccine and so that's already happening. It's already in place and as that notification to parents about meningococcal already is going out. This is simply a second notice-could be on the same piece of paper, in the same envelope. So there really is no additional mandate. I hope that answers your question."

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 2, line 18 to the committee striking amendment to Substitute House Bill No. 1802.

The motion by Senator Pflug failed and the amendment was not adopted by a rising voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1802.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "vaccine;" strike the remainder of the title and insert "and amending RCW 28A.210.080."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1802 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1802 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1802 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1802 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1896, by House Committee on Appropriations (originally sponsored by Representative Hunt)

Creating the legislative gift center committee. Revised for 2nd Substitute: Providing for a legislative gift center.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington is committed to economic development and supporting the tourism industry, and that economic development is achieved by promoting the state and the goods produced around the state. The legislature further finds that tourism is encouraged providing a memorable experience and an opportunity for visitors to take something back home with them to remind them of this experience. There are many visitors every day to the legislative building, including tourists, school children, and people from around the state visiting the state capitol. These visitors offer an opportunity for the state to showcase its products and history. Therefore, the legislature finds that a gift center in the legislative building would be an appropriate response to this opportunity, and further, that such a gift center could provide a source of revenue to help fund the oral history program and to pay for the restoration and repurchase of historical capitol furnishings.

NEW SECTION. Sec. 2. (1) There is created in the legislature a legislative gift center for the retail sale of products bearing the state seal, Washington state souvenirs, other Washington products, and other products as approved. Wholesale purchase of products for sale at the legislative gift center is not subject to competitive bidding.

(2) Governance for the legislative gift center shall be under the chief clerk of the house of representatives and the secretary of the senate. They may designate a legislative staff member as

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the lead staff person to oversee management and operation of the gift shop.

(3) The chief clerk of the house of representatives and secretary of the senate shall consult with the department of general administration in planning, siting, and maintaining legislative building space for the gift center.

(4) Products bearing the "Seal of the State of Washington" as described in Article XVIII, section 1 of the Washington state Constitution and RCW 1.20.080, must be purchased from the secretary of state pursuant to an agreement between the chief clerk of the house of representatives, the secretary of the senate, and the secretary of state.

NEW SECTION. Sec. 3. (1) The legislative gift center account is created in the custody of the state treasurer. All moneys received by the gift center from the sale of Washington state souvenirs, other Washington products, and other products as approved shall be deposited in the account. Expenditures from the account may be used only for the operations and maintenance of the gift center, including the purchase of inventory, and for other purposes as provided in this section. Only the chief clerk of the house of representatives and the secretary of the senate, or the lead staff person designated by them to oversee management and operation of the gift shop, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Net profits, after expenses, from the sale of Washington state souvenirs, other Washington products, and products approved by the legislative gift center, shall be deposited as provided in this subsection:

(a) Twenty-five percent in the legislative oral history account in chapter 44.04 RCW (created in Substitute House Bill No. 1741);

(b) Twenty-five percent in the oral history, state library, and archives account created in RCW 43.07.380; and

(c) Fifty percent in the capitol furnishings preservation committee account created in RCW 27.48.040.

(3) Net profits, after expenses, from the sale of items bearing the state seal by the legislative gift center shall be deposited in the capitol furnishings preservation committee account created in RCW 27.48.040. A full accounting thereof shall be provided to the secretary of state.

(4) The legislative gift center may designate special sales, the proceeds of which shall go to an account specified at the time of designation.

Sec. 4. RCW 43.04.100 and 1988 c 120 s 10 are each amended to read as follows:

All fees, penalties, and damages received under this chapter shall be paid to the secretary of state and with the exception of the filing fee authorized in RCW 43.04.040(2) shall be deposited by the secretary into the capitol (~~building construction account in the state treasury, for use in the historical restoration and completion of the legislative building~~) furnishings preservation committee account created in RCW 27.48.040.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act constitute a new chapter in Title 44 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Second Substitute House Bill No. 1896.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "center;" strike the remainder of the title and insert "amending RCW 43.04.100; and adding a new chapter to Title 44 RCW."

MOTION

On motion of Senator Fairley, the rules were suspended, Second Substitute House Bill No. 1896 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1896 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1896 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator McCaslin - 1

SECOND SUBSTITUTE HOUSE BILL NO. 1896 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1407, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Wood and Green)

Funding the administration of Title 50 RCW, unemployment compensation.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee amendment by the Committee on Labor, Commerce, Research & Development be adopted.

On page 10, after line 32, insert the following:

"NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1407.

The motion by Senator Kohl-Welles carried and the committee amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "50.16.010;" strike the remainder of the title and insert "creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1407 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1407 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1407 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Pridemore - 1

Excused: Senator McCaslin - 1

SUBSTITUTE HOUSE BILL NO. 1407 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator McAuliffe moved that Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205, Kristina Mayer as members of the State Board of Education, be confirmed.

Senator McAuliffe spoke in favor of the motion.

APPOINTMENT OF ERIC LIU

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205 Kristina Mayer as members of the State Board of Education.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9204, Eric Liu as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer,

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Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

APPOINTMENT OF KRISTINA MAYER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9205, Kristina Mayer as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator McCaslin - 1

Gubernatorial Appointment No. 9204, Eric Liu; and Gubernatorial Appointment No. 9205, Kristina Mayer having received the constitutional majority were declared confirmed as members of the State Board of Education.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5078,

SENATE BILL NO. 5086,

SUBSTITUTE SENATE BILL NO. 5087,

SUBSTITUTE SENATE BILL NO. 5118,

SECOND SUBSTITUTE SENATE BILL NO. 5122,

SENATE BILL NO. 5134,

SENATE BILL NO. 5175,

SUBSTITUTE SENATE BILL NO. 5190,

SENATE BILL NO. 5199,

ENGROSSED SENATE BILL NO. 5204,

SUBSTITUTE SENATE BILL NO. 5242,

SUBSTITUTE SENATE BILL NO. 5250,

SENATE BILL NO. 5273,

SENATE BILL NO. 5398,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,

SENATE BILL NO. 5421,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5554,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,

and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

At 12:52 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 9, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-SECOND DAY, APRIL 9, 2007

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NINETY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, April 9, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Brown, Delvin, Haugen, Holmquist, Kauffman, Keiser, Pflug, Rasmussen and Tom.

The Sergeant at Arms Color Guard consisting of Pages Tyler Japhet and Aly Swanson, presented the Colors. Reverend John Maxwell of the First United Methodist and Congregational Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1000,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,
 HOUSE BILL NO. 1042,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
 SUBSTITUTE HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1185,
 SUBSTITUTE HOUSE BILL NO. 1261,
 SUBSTITUTE HOUSE BILL NO. 1262,
 SUBSTITUTE HOUSE BILL NO. 1278
 HOUSE BILL NO. 1292,
 HOUSE BILL NO. 1305,
 HOUSE BILL NO. 1349,
 SUBSTITUTE HOUSE BILL NO. 1381,
 HOUSE BILL NO. 1437,
 SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1475,
 SUBSTITUTE HOUSE BILL NO. 1508,
 SUBSTITUTE HOUSE BILL NO. 1513,
 HOUSE BILL NO. 1793,
 SUBSTITUTE HOUSE BILL NO. 1848,
 HOUSE BILL NO. 1870,
 HOUSE BILL NO. 1940,
 HOUSE BILL NO. 1972,
 SUBSTITUTE HOUSE BILL NO. 2008,
 SUBSTITUTE HOUSE BILL NO. 2147,
 HOUSE BILL NO. 2161,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5036,
 SENATE BILL NO. 5079,
 SENATE BILL NO. 5113
 SUBSTITUTE SENATE BILL NO. 5231,

SUBSTITUTE SENATE BILL NO. 5263,
 SENATE BILL NO. 5264,
 SENATE BILL NO. 5351,
 SENATE BILL NO. 5382,
 ENGROSSED SENATE BILL NO. 5385
 SUBSTITUTE SENATE BILL NO. 5405,
 SENATE BILL NO. 5408,
 SUBSTITUTE SENATE BILL NO. 5481,
 SENATE BILL NO. 5490,
 ENGROSSED SENATE BILL NO. 5513,
 SENATE BILL NO. 5525
 SUBSTITUTE SENATE BILL NO. 5688,
 SUBSTITUTE SENATE BILL NO. 5715,
 SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5775,
 SENATE BILL NO. 5879,
 SECOND SUBSTITUTE SENATE BILL NO. 5883,
 SENATE BILL NO. 5918,
 SENATE BILL NO. 5953,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1000
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1024,
 HOUSE BILL NO. 1042,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
 SUBSTITUTE HOUSE BILL NO. 1144,
 HOUSE BILL NO. 1185,
 SUBSTITUTE HOUSE BILL NO. 1261,
 SUBSTITUTE HOUSE BILL NO. 1262
 SUBSTITUTE HOUSE BILL NO. 1278,
 HOUSE BILL NO. 1292,
 HOUSE BILL NO. 1305,
 HOUSE BILL NO. 1349,
 SUBSTITUTE HOUSE BILL NO. 1381,
 HOUSE BILL NO. 1437,
 SUBSTITUTE HOUSE BILL NO. 1458,
 HOUSE BILL NO. 1475,
 SUBSTITUTE HOUSE BILL NO. 1508,
 SUBSTITUTE HOUSE BILL NO. 1513,
 HOUSE BILL NO. 1793,
 SUBSTITUTE HOUSE BILL NO. 1848,
 HOUSE BILL NO. 1870,
 HOUSE BILL NO. 1940,
 HOUSE BILL NO. 1972,
 SUBSTITUTE HOUSE BILL NO. 2008,
 SUBSTITUTE HOUSE BILL NO. 2147,
 HOUSE BILL NO. 2161,

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 22, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through April 22, 2007.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 prohibits limits

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consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9000, Laura Anderson, as a member of the Personnel Resources Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Haugen, Kauffman, Rasmussen and Tom were excused.

MOTION

On motion of Senator Brandland, Senators Benton, Delvin and Holmquist were excused.

APPOINTMENT OF LAURA ANDERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9000, Laura Anderson as a member of the Personnel Resources Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9000, Laura Anderson as a member of the Personnel Resources Board and the appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 39

Absent: Senators Brown, Keiser and Pflug - 3

Excused: Senators Benton, Delvin, Haugen, Holmquist, Kauffman, Rasmussen and Tom - 7

Gubernatorial Appointment No. 9000, Laura Anderson, having received the constitutional majority was declared confirmed as a member of the Personnel Resources Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9097, Pat E. Clothier, as a member of the Board of Trustees, State School for the Deaf, be confirmed.

Senators Rockefeller and Spanel spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown and Keiser were excused.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

APPOINTMENT OF PAT E. CLOTHIER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9097, Pat E. Clothier as a member of the Board of Trustees, State School for the Deaf.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9097, Pat E. Clothier as a member of the Board of Trustees, State School for the Deaf and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Excused: Senators Brown, Delvin, Haugen, Keiser, Rasmussen and Tom - 6

Gubernatorial Appointment No. 9097, Pat E. Clothier, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, State School for the Deaf.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9099, Dennis R. Colwell, as a member of the Board of Trustees, Grays Harbor Community College District No. 2, be confirmed.

Senator Hatfield spoke in favor of the motion.

APPOINTMENT OF DENNIS R. COLWELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9099, Dennis R. Colwell as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9099, Dennis R. Colwell as a member of the Board of Trustees, Grays Harbor Community College District No. 2 and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Weinstein and Zarelli - 42

Absent: Senators Prentice and Stevens - 2

Excused: Senators Brown, Delvin, Haugen, Keiser and Tom - 5

Gubernatorial Appointment No. 9099, Dennis R. Colwell, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Grays Harbor Community College District No. 2.

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SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Fairley moved that Gubernatorial Appointment No. 9161, Roger Olstad, as a member of the Board of Trustees, Shoreline Community College District No. 7, be confirmed.

Senator Fairley spoke in favor of the motion.

APPOINTMENT OF ROGER OLSTAD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9161, Roger Olstad as a member of the Board of Trustees, Shoreline Community College District No. 7.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9161, Roger Olstad as a member of the Board of Trustees, Shoreline Community College District No. 7 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Brown, Delvin, Haugen, Keiser and Tom - 5

Gubernatorial Appointment No. 9161, Roger Olstad, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Shoreline Community College District No. 7.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9162, Lisa Parker, as a member of the Board of Trustees, Yakima Valley Community College District No. 16, be confirmed.

Senators Rockefeller and Clements spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

APPOINTMENT OF LISA PARKER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9162, Lisa Parker as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9162, Lisa Parker as a member of the Board of Trustees, Yakima Valley Community College District No. 16 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin,

Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senator Benton - 1

Excused: Senators Brown, Carrell, Delvin, Haugen and Tom - 5

Gubernatorial Appointment No. 9162, Lisa Parker, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Yakima Valley Community College District No. 16.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9164, Darlene Peters, as a member of the Board of Trustees, Olympic Community College District No. 3, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF DARLENE PETERS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9164, Darlene Peters as a member of the Board of Trustees, Olympic Community College District No. 3.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9164, Darlene Peters as a member of the Board of Trustees, Olympic Community College District No. 3 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senator Franklin - 1

Excused: Senators Brown, Carrell, Delvin, Haugen and Tom - 5

Gubernatorial Appointment No. 9164, Darlene Peters, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Olympic Community College District No. 3.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Gubernatorial Appointment No. 9170, Michael V. Regimabal, as a member of the Board of Trustees, Highline Community College District No. 9, be confirmed.

Senator Keiser spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Franklin was excused.

APPOINTMENT OF MICHAEL V. REGEIMBAL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9170,

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Michael V. Regeimabal as a member of the Board of Trustees, Highline Community College District No. 9.

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The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9170, Michael V. Regeimabal as a member of the Board of Trustees, Highline Community College District No. 9 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Brown, Carrell, Delvin, Haugen and Tom - 5

Gubernatorial Appointment No. 9170, Michael V. Regeimabal, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Highline Community College District No. 9.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9206, Patrick J. Oshie, as a member of the Utilities and Transportation Commission, be confirmed.

Senators Rockefeller and Clements spoke in favor of the motion.

APPOINTMENT OF PATRICK J. OSHIE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9206, Patrick J. Oshie as a member of the Utilities and Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9206, Patrick J. Oshie as a member of the Utilities and Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown, Carrell, Delvin and Tom - 4

Gubernatorial Appointment No. 9206, Patrick J. Oshie, having received the constitutional majority was declared confirmed as a member of the Utilities and Transportation Commission.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Hargrove moved adoption of the following resolution:

By Senator Hargrove

WHEREAS, Girls high school wrestling is a physically challenging, character-building, and team-oriented sport; and

WHEREAS, The Hoquiam High School girls wrestling team is composed of 25 girls who worked with coaches and members of the boys wrestling team all season to hone their skills; and

WHEREAS, The Hoquiam High School girls wrestling team made its way through one of eight subregional championships to proceed to the inaugural Washington state girls wrestling championship in Tacoma; and

WHEREAS, The Hoquiam High School girls wrestling team won the inaugural Washington state girls wrestling championship with 62 points;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Hoquiam High School championship girls wrestling team for becoming the first ever girls wrestling state champions; and

BE IT FURTHER RESOLVED, That the coaches, assistant coaches, and members of the boys wrestling team be commended for their dedication and expertise in preparing these athletes for their outstanding season; and

BE IT FURTHER RESOLVED, That the families of these athletes also be commended for supporting their daughters as they pursued their dream of a championship season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Hoquiam High School, and the Aberdeen *Daily World* newspaper.

Senators Hargrove and Kohl-Welles spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

The motion by Senator Hargrove carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed members of the Hoquiam High School champions girls wrestling team who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holmquist moved that Gubernatorial Appointment No. 9234, Cecilia Deluna-Gaeta, as a member of the Board of Trustees, Big Bend Community College District No. 18, be confirmed.

Senator Holmquist spoke in favor of the motion.

APPOINTMENT OF CECILIA DELUNA-GAETA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9234, Cecilia Deluna-Gaeta as a member of the Board of Trustees, Big Bend Community College District No. 18.

MOTION

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9234, Cecilia Deluna-Gaeta as a member of the Board of Trustees, Big Bend Community College District No. 18 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown, Carrell, Delvin and Tom - 4

Gubernatorial Appointment No. 9234, Cecilia Deluna-Gaeta, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Big Bend Community College District No. 18.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Haugen moved that Gubernatorial Appointment No. 9245, Gordon (Don) Piercy, as a member of the Board of Trustees, Skagit Valley Community College District No. 4, be confirmed.

Senator Haugen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

APPOINTMENT OF GORDON (DON) PIERCY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9245, Gordon (Don) Piercy as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9245, Gordon (Don) Piercy as a member of the Board of Trustees, Skagit Valley Community College District No. 4 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown, Delvin, Poulsen and Tom - 4

Gubernatorial Appointment No. 9245, Gordon (Don) Piercy, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Skagit Valley Community College District No. 4.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

Senator Regala moved that Gubernatorial Appointment No. 9258, Don Dennis, as a member of the Board of Trustees, Tacoma Community College District No. 22, be confirmed.

Senator Regala spoke in favor of the motion.

APPOINTMENT OF DON DENNIS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9258, Don Dennis as a member of the Board of Trustees, Tacoma Community College District No. 22.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9258, Don Dennis as a member of the Board of Trustees, Tacoma Community College District No. 22 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown, Delvin, Poulsen and Tom - 4

Gubernatorial Appointment No. 9258, Don Dennis, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Tacoma Community College District No. 22.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9087, Ronnie Behnke, as a member of the Board of Trustees, Renton Technical College District No. 27, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

APPOINTMENT OF RONNIE BEHNKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9087, Ronnie Behnke as a member of the Board of Trustees, Renton Technical College District No. 27.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9087, Ronnie Behnke as a member of the Board of Trustees, Renton Technical College District No. 27 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug,

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Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Brown, Delvin, Hargrove, Poulsen and Tom - 5

Gubernatorial Appointment No. 9087, Ronnie Behnke, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Renton Technical College District No. 27.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1091, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives VanDeWege, Chase, Upthegrove, Miloscia, B. Sullivan, O'Brien, P. Sullivan, Morrell, Sells, Kenney, Rolfes, Kelley, Moeller, Wallace and Eddy)

Promoting innovation partnership zones.

The measure was read the second time.

MOTION

Senator Kastama moved that the following committee striking amendment by the Committee on Economic Development, Trade & Management be not adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 8.** The legislature finds that Washington is home to some of the world's most innovative companies, researchers, entrepreneurs, and workers. Talent and creativity exist in all areas of Washington. The legislature further finds that economic potential can be enhanced when the state facilitates partnerships between talented leaders from research institutions, industry, and local economic development and workforce development organizations to attract additional talent and build on the strengths found in existing industry clusters. Washington is a national leader in economic strategy based on clusters of industries, promoting the connections among firms, suppliers, customers, and public resources. It is the intent of the legislature that Washington support innovation partnerships and partnership zones around the state that will become globally recognized as hubs of expertise, innovation, and commercialization and advance Washington's position in the world economy.

NEW SECTION. Sec. 9. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development shall administer, with the advice of the Washington economic development commission, an innovation partnership zone program consisting of the designation of innovation partnership zones, the awarding of innovation partnership grants, and the provision of technical and planning assistance.

(2) On October 1st of each year, the director shall designate innovation partnership zones. Applications for state designation of an area as an innovation partnership zone may be submitted by associate development organizations, port districts, workforce development councils, cities, or counties. Applicants must demonstrate:

(a) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a

workforce development council, and an associate development organization, port, or chamber of commerce;

(b) Evidence of planning for the innovation partnership zone;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The presence within the proposed innovation partnership zone of research capacity, including research teams focused on emerging technologies and their commercialization or faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance;

(e) Using labor market information from the employment security department and local labor markets as well as data on revenue growth rates, wage levels, and other factors, a concentration of firms within the proposed innovation partnership zone that are important to the economic prosperity of the state and have comparative competitive advantage or the potential for comparative competitive advantage;

(f) Training capacity either within the zone or readily accessible to the zone.

NEW SECTION. Sec. 10. A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall disburse innovation partnership zone grants. Innovation partnership zone grants must be used to improve the commercialization facilities within an area designated as an innovation partnership zone and be used to facilitate the collaboration between research teams, industry, and workforce training providers that will lead to the formation and financing of new innovative firms, the commercialization of research results, and the movement of firms and industry clusters into globally competitive niches. The grants will be awarded only to applicants operating within a designated innovation partnership zone consistent with the following criteria and such other criteria as the director develops in consultation with the Washington state economic development commission:

(a) Each grant must be matched by a commitment of financial support from the private sector equal to or greater than fifty percent of the requested grant amount;

(b) Eligible grant applicants may include associate development organizations, port districts, workforce development councils, educational or research institutions, and local jurisdictions;

(c) During the biennium ending June 30, 2009, no more than two partnership zone grants shall be awarded to recipients in the central Puget Sound region, a minimum of two such grants shall be awarded in eastern Washington and a minimum of one such grant shall be awarded in western Washington outside the central Puget Sound region;

(d) Applicants for innovation partnership zone grants must:

(i) Disclose the service delivery mechanisms to be used to allow industry associations, cluster associations, and businesses to access the technical assistance, advisory, research, and commercialization capabilities of research teams within the zone;

(ii) Detail how training services will be coordinated and delivered to industry associations, cluster associations, and businesses within the zone; and

(iii) Describe the methods by which the applicant will facilitate the competitiveness of firms, the commercialization of research, and the upgrading of worker skills within the zone.

(2) The department may provide technical and planning assistance, either directly or through grants, to prospective applicants for innovation partnership zone grants who may need additional analyses or assistance to meet the requirements of the designation process or the criteria for selection as an innovation

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partnership zone grant recipient. The department may reserve up to twenty-five percent of innovation partnership zone grant funds available for the purposes of this subsection.

(3) The department shall assist successful innovation partnership zone grant applicants in identifying and accessing any appropriate private, federal, or state program that provides funding for planning, infrastructure, technical assistance, or training.

NEW SECTION. Sec. 11. A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation

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research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones.

The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

NEW SECTION. Sec. 12. A new section is added to chapter 43.330 RCW to read as follows:

The innovation partnership fund is created in the custody of the state treasurer. Only the state economic development commission, with the concurrence of the higher education coordinating board, may authorize expenditures from the fund. Expenditures from the fund may be made only for the purposes of section 4 of this act. Revenues to the fund consist of transfers or appropriations made by the legislature, transfers made by state research institutions, and private donations.

NEW SECTION. Sec. 13. A new section is added to chapter 43.330 RCW to read as follows:

For the purposes of this act, "commercialization" means a sequence of steps, including technology transfer, technical assistance in product development, production process design, and technical skills development, necessary to achieve market entry and general market competitiveness of innovative technologies, processes, and products.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "adding new sections to chapter 43.330 RCW; and creating new sections."

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The President declared the question before the Senate to be the motion by Senator Kastama that the committee striking amendment by the Committee on Economic Development, Trade & Management to Substitute House Bill No. 1091 be not adopted

The motion by Senator Kastama carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that Washington is home to some of the world's most innovative companies, researchers, entrepreneurs, and workers. Talent and creativity exist in all areas of Washington. The legislature further finds that economic potential can be enhanced when the state facilitates partnerships between talented leaders from research institutions, industry, and local economic development and workforce development organizations to attract additional talent and build on the strengths found in existing industry clusters. Washington is a national leader in economic strategy based on clusters of industries, promoting the connections among firms, suppliers, customers, and public resources. It is the intent of the legislature that Washington support innovation partnerships and partnership zones around the state that will become globally recognized as hubs of expertise, innovation, and commercialization and advance Washington's position in the world economy.

NEW SECTION. Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The department of community, trade, and economic development shall administer, with the advice of the Washington economic development commission, an innovation partnership zone program.

(2) On October 1st of each year, the director shall designate innovation partnership zones. Applications for state designation of an area as an innovation partnership zone may be submitted by associate development organizations, port districts, workforce development councils, cities, or counties. Applicants must demonstrate:

(a) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(b) Evidence of planning for the innovation partnership zone;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The presence within the proposed innovation partnership zone of research capacity, including research teams focused on emerging technologies and their commercialization or faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance;

(e) Using labor market information from the employment security department and local labor markets as well as data on revenue growth rates, wage levels, and other factors, a concentration of firms within the proposed innovation partnership zone that are important to the economic prosperity of the state and have comparative competitive advantage or the potential for comparative competitive advantage;

(f) Training capacity either within the zone or readily accessible to the zone.

(3) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

The director shall disburse innovation partnership zone grants. Innovation partnership zone grants must be used to improve the commercialization facilities within an area designated as an innovation partnership zone and be used to facilitate the collaboration between research teams, industry, and workforce training providers that will lead to the formation and financing of new innovative firms, the commercialization of research results, and the movement of firms and industry clusters into globally competitive niches. The grants will be awarded only to applicants operating within a designated innovation partnership zone consistent with the following criteria and such other criteria as the director develops in consultation with the Washington state economic development commission:

(1) Each grant must be matched by a commitment of financial support from the private sector equal to or greater than fifty percent of the requested grant amount;

(2) Eligible grant applicants may include associate development organizations, port districts, workforce development councils, educational or research institutions, and local jurisdictions;

(3) During the biennium ending June 30, 2009, no more than two partnership zone grants shall be awarded to recipients in the central Puget Sound region, a minimum of two such grants shall be awarded in eastern Washington and a minimum of one such grant shall be awarded in western Washington outside the central Puget Sound region;

(4) Applicants for innovation partnership zone grants must:

(a) Disclose the service delivery mechanisms to be used to allow industry associations, cluster associations, and businesses to access the technical assistance, advisory, research, and commercialization capabilities of research teams within the zone;

(b) Detail how training services will be coordinated and delivered to industry associations, cluster associations, and businesses within the zone; and

(c) Describe the methods by which the applicant will facilitate the competitiveness of firms, the commercialization of research, and the upgrading of worker skills within the zone.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

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(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones.

The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

NEW SECTION. Sec. 5. A new section is added to chapter 43.330 RCW to read as follows:

The innovation partnership fund is created in the custody of the state treasurer. Only the state economic development commission, with the concurrence of the higher education coordinating board, may authorize expenditures from the fund. Expenditures from the fund may be made only for the purposes of section 4 of this act. Revenues to the fund consist of transfers or appropriations made by the legislature, transfers made by state research institutions, and private donations.

NEW SECTION. Sec. 6. A new section is added to chapter 43.330 RCW to read as follows:

For the purposes of this act, "commercialization" means a sequence of steps, including technology transfer, technical assistance in product development, production process design, and technical skills development, necessary to achieve market entry and general market competitiveness of innovative technologies, processes, and products."

Senator Kastama spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Zarelli to Substitute House Bill No. 1091.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "adding new sections to chapter 43.330 RCW; and creating a new section."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1091 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1091 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1091 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Brown, Carrell,

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Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Benton, Delvin, Hargrove and Tom - 4
 SUBSTITUTE HOUSE BILL NO. 1091 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President introduced his son, Adam, and his father-in-law, Mr. Allen Jolly, who were seated at the rostrum.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1573, by House Committee on Appropriations (originally sponsored by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby)

Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

NEW SECTION. Sec. 2. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under section 3(1)(e) of this act; and

(d) Submit a report to the legislature by December 1, 2009.

NEW SECTION. Sec. 3. (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

(iv) On-time graduation rates;

(v) Extended graduation rates;

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- (vi) Credentials obtained;
- (vii) Absenteeism rates;
- (viii) Truancy rates; and
- (ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in section 4 of this act, serving as the lead agency for the partnership; and

(g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in section 7 of this act.

NEW SECTION. Sec. 4. In awarding the grants under section 2 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that equal consideration is given to school districts and other recipients.

NEW SECTION. Sec. 5. To be eligible for a grant under section 2 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

(4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

NEW SECTION. Sec. 6. (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under section 2 of this act in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under section 2 of this act, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under section 2 of this act may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school.

NEW SECTION. Sec. 7. (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; the department of health; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in section 3(1)(e) of this act; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 28A.175 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli and McAuliffe to the committee striking amendment be adopted.

On page 4, beginning on line 21 of the amendment, after "that" strike "equal consideration is given to school districts and other recipients" and insert "grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately"

Senators Zarelli and McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli and

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McAuliffe on page 4, line 21 to the committee striking amendment to Second Substitute House Bill No. 1573.

The motion by Senator Zarelli carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On page 6, after line 27 of the amendment, insert the following:

"NEW SECTION. Sec. 8. (1) During the 2007-2009 biennium, school districts that contract with eligible alternative educational service providers to provide education programs, including GED preparation, that generate course credits towards high school graduation, for students who are at risk of dropping out of school, or who have dropped out of school, may continue to use basic education allocations under RCW 28A.150.250 to fund contracts with those providers. For purposes of this section, "eligible alternative educational service providers" includes community and technical colleges and community-based organizations that meet all state requirements for receiving state K-12 formula allocations.

(2) All school districts with contracts with eligible alternative educational service providers shall provide information to the office of the superintendent of public instruction including, but not limited to: (a) The number of students enrolled in those programs; (b) the amount of weekly instructional hours provided; (c) the location of the instruction program provided; and (d) the number and types of staff providing the instruction in the programs. By December 1, 2008, the office of the superintendent of public instruction shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the information provided by the school districts pursuant to this subsection.

(3) The state-level work group established under section 7 of this act shall examine issues related to school districts' use of basic education allocations under this section including, but not limited to, findings or other relevant communications by the state auditor. The work group shall develop recommendations and submit a report to the appropriate legislative committees by December 1, 2009."

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 6, after line 27 to the committee striking amendment to Second Substitute House Bill No. 1573.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1573.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1573 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1573 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1573 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Delvin and Tom - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1573 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION

8649

By Senators Spanel and Haugen

WHEREAS, Imogene Bowen was born to Oscar Washington and Gertrude Martin Washington on April 9, 1935, in Sauk, Washington; and

WHEREAS, Imogene's great-grandfather was a well-known Upper Skagit Tribal religious leader and her grandfather served as a Bishop of the Northwest Indian Shaker Church; and

WHEREAS, Imogene graduated from Chemawa Indian Boarding School in 1953 as her class valedictorian; Antioch School of Law in 1978 with her paralegal degree; Skagit Valley College with an associate of arts degree; and Western Washington University with honors in 1987 with a bachelor's degree in political science; and

WHEREAS, Public service became the heart of Imogene's work as shown in her positions as prosecutor for Skagit Systems Cooperative; member of the Upper Skagit Tribal Council; founding member of the Board of the Cascade Inter-Tribal Housing Authority; elected delegate to the Democratic National

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Convention; Chair of the Skagit Valley Democratic Party; delegate to the International Peace Education Conference; president of the Washington State Rainbow Coalition; member of the Board of the Washington Wildlife and Recreation Coalition; member of the Governor's "Citizen Cabinet" from 1992 to 1996; and member of the Board of Skagit County Youthnet; and

WHEREAS, Imogene was an avid advocate for peace, racial understanding, workers' rights, and environmental protection; and

WHEREAS, Imogene received the award as a member of the Skagit Valley College Hall of Fame for Distinguished Alumni in recognition of her achievements; and

WHEREAS, On January 5, 2007, Imogene Bowen passed away in her Mount Vernon home at age 71 surrounded by her children, grandchildren, and many friends; and

WHEREAS, Tribute is due to Imogene Bowen for her caring spirit, outstanding public service, and her tireless effort on behalf of those without a political voice;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Imogene Bowen for her contributions to all Washingtonians and the state itself; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, members of the Bowen family, and the Upper Skagit Tribal Council.

Senators Spanel, Haugen and Franklin spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8649.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of Ms. Imogene Bowen's family who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1500, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Williams, Chase, Kenney, Wood and Moeller)

Modifying provisions on permanent partial disability claims.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1500 and the bill passed the Senate by

the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Delvin and Tom - 2

SUBSTITUTE HOUSE BILL NO. 1500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1636, by House Committee on Appropriations (originally sponsored by Representatives Simpson, B. Sullivan, Dunshee, Upthegrove, McCoy, Dickerson, P. Sullivan, Morrell, Sells and Rolfes)

Creating a regional transfer of development rights program.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that current concern over the rapid and increasing loss of rural, agricultural, and forested land has led to the exploration of creative approaches to preserving these important lands. The legislature finds also that the creation of a regional transfer of development rights marketplace will assist in slowing the conversion of these lands.

The legislature further finds that transferring development rights is a market-based technique that encourages the voluntary transfer of growth from places where a community would like to see less development, referred to as sending areas, to places where a community would like to see more development, referred to as receiving areas. Under this technique, permanent deed restrictions are placed on the sending area properties to ensure that the land will be used only for approved activities such as farming, forest management, conservation, or passive recreation. Also under this technique, the costs of purchasing the recorded development restrictions are borne by the developers who receive the building credit or bonus.

Accordingly, the legislature has determined that it is good public policy to build upon existing transfer of development rights programs, pilot projects, and private initiatives that foster effective use of transferred development rights through the creation of a market-based program that focuses on the central Puget Sound region.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Nongovernmental entities" includes nonprofit or membership organizations with experience or expertise in transferring development rights.

(3) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to a receiving area for the purpose of increasing development density in the receiving area.

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NEW SECTION. Sec. 3. Subject to the availability of amounts appropriated for this specific purpose, the department shall fund a process to develop a regional transfer of development rights program that comports with chapter 36.70A RCW that:

(1) Encourages King, Kitsap, Pierce, and Snohomish counties, and the cities within these counties, to participate in the development and implementation of regional frameworks and mechanisms that make transfer of development rights programs viable and successful. The department shall encourage and embrace the efforts in any of these counties or cities to develop local transfer of development rights programs. In fulfilling the requirements of this chapter, the department shall work with the Puget Sound regional council and its growth management policy board to develop a process that satisfies the requirements of this chapter. In the development of a process to create a regional transfer of development rights program, the Puget Sound regional council and its growth management policy board shall develop policies to discourage, or prohibit if necessary, the transfer of development rights from a sending area that would negatively impact the future economic viability of the sending area. The department shall also work with an advisory committee to develop a regional transfer of development rights marketplace that includes, but is not limited to, supporting strategies for financing infrastructure and conservation. The department shall establish an advisory committee of seven stakeholders with representatives of the following interests:

(a) Two qualified nongovernmental organizations with expertise in the transfer of development rights. At least one organization must have a statewide expertise in growth management planning and in the transfer of development rights and at least one organization must have a local perspective on market-based conservation strategies and transfer of development rights;

(b) Two representatives from real estate and development;

(c) One representative with a county government perspective; and

(d) Two representatives from cities of different sizes and geographic areas within the four-county region; and

(2) Allows the department to utilize recommendations of the interested local governments, nongovernmental entities, and the Puget Sound regional council to develop recommendations and strategies for a regional transfer of development rights marketplace with supporting strategies for financing infrastructure and conservation that represents the consensus of the governmental and nongovernmental parties engaged in the process. However, if agreement between the parties cannot be reached, the department shall make recommendations to the legislature that seek to balance the needs and interests of the interested governmental and nongovernmental parties. The department may contract for expertise to accomplish any of the following tasks. Recommendations developed under this subsection must:

(a) Identify opportunities for cities, counties, and the state to achieve significant benefits through using transfer of development rights programs and the value in modifying criteria by which capital budget funds are allocated, including but not limited to, existing state grant programs to provide incentives for local governments to implement transfer of development rights programs;

(b) Address challenges to the creation of an efficient and transparent transfer of development rights market, including the creation of a transfer of development rights bank, brokerage, or direct buyer-seller exchange;

(c) Address issues of certainty to buyers and sellers of development rights that address long-term environmental benefits and perceived inequities in land values and permitting processes;

(d) Address the means for assuring that appropriate values are recognized and updated, as well as specifically addressing

the need to maintain the quality of life in receiving neighborhoods and the protection of environmental values over time;

(e) Identify opportunities and challenges that, if resolved, would result in cities throughout the Puget Sound region participating in a transfer of development rights market;

(f) Compare the uses of a regional transfer of development rights program to other existing land conservation strategies to protect rural and resource lands and implement the growth management act; and

(g) Identify appropriate sending areas so as to protect future growth and economic development needs of the sending areas.

NEW SECTION. Sec. 4. The department shall submit recommendations, findings, and legislative recommendations according to the following schedule:

(1) By December 1, 2007, the department shall notify the governor and the appropriate committees of the legislature of any recommended actions for advancing the purposes of this act.

(2) By December 1, 2008, the department shall notify the governor and the appropriate committees of the legislature of findings and legislative recommendations to implement a regional transfer of development rights program.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act constitute a new chapter in Title 43 RCW."

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the committee striking amendment be adopted.

On page 2, line 31 of the amendment, after "of" strike "seven" and insert "nine"

On page 3, line 4 of the amendment, after "perspective;" strike "and"

On page 3, after line 6 of the amendment, insert the following:

"(e) Two representatives of the agricultural industry; and"

Senator Jacobsen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 2, line 31 to the committee striking amendment to Second Substitute House Bill No. 1636.

The motion by Senator Jacobsen carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to Second Substitute House Bill No. 1636.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; and creating a new section."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 1636 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1636 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1636 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senator Holmquist - 1

Excused: Senators Delvin and Tom - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1636 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1088, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibbom, Upthegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos)

Improving delivery of children's mental health services.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.36.005 and 1991 c 326 s 11 are each amended to read as follows:

The legislature intends to ~~((encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that))~~ substantially improve the delivery of children's mental health services in Washington state through the development and implementation of a children's mental health system that:

- (1) Values early identification, intervention, and prevention;
- (2) Coordinates existing categorical children's mental health programs and funding, through efforts that include elimination of duplicative care plans and case management;
- (3) Treats each child in the context of his or her family, and provides services and supports needed to maintain a child with his or her family and community;
- (4) Integrates families into treatment through choice of treatment, participation in treatment, and provision of peer support;

(5) Focuses on resiliency and recovery;

(6) Relies to a greater extent on evidence-based practices;

(7) Is sensitive to the unique cultural circumstances of children of color(~~(- eliminates duplicative case management,))~~ and children in families whose primary language is not English;

(8) Integrates educational support services that address students' diverse learning styles; and

(9) To the greatest extent possible, blends categorical funding to offer more service and support options to each child.

Sec. 2. RCW 71.36.010 and 1991 c 326 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~(4)~~ "County authority" means the board of county commissioners or county executive.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

~~((6))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Regional support network" means a county authority or group of county authorities or other nonprofit entity that ~~((have))~~ has entered into contracts with the secretary pursuant to chapter 71.24 RCW.

~~((7))~~ (11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

NEW SECTION. Sec. 3. A new section is added to chapter 71.36 RCW to read as follows:

ELEMENTS OF A CHILDREN'S MENTAL HEALTH SYSTEM. (1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

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(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based, research-based, promising, or consensus-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in section 7 of this act, in consultation with parents, caregivers, youth, regional support networks, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

NEW SECTION. Sec. 4. REGIONAL SUPPORT NETWORK SERVICES--CHILDREN'S ACCESS TO CARE STANDARDS AND BENEFIT PACKAGE. As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and section 3 of this act, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the regional support network system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-

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home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 (26) and (27) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and section 3 of this act, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based, research-based, promising, or consensus-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

IMPROVING MEDICATION MANAGEMENT AND CARE COORDINATION. (1)(a) The department, in consultation with the evidence-based practice institute established in section 7 of this act, shall develop and implement policies to improve prescribing practices for treatment of emotional or behavioral disturbances in children, improve the quality of children's mental health therapy through increased use of evidence-based, research-based, promising, or consensus-based practices and reduced variation in practice, improve communication and care coordination between primary care and mental health providers, and prioritize care in the family home or care which integrates the family where out-of-home placement is required.

(b) The department shall identify those children with emotional or behavioral disturbances who may be at high risk due to off-label use of prescription medication, use of multiple medications, high medication dosage, or lack of coordination among multiple prescribing providers, and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(c) The department shall review the psychotropic medications of all children under five and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(d) The department shall track prescriptive practices with respect to psychotropic medications with the goal of reducing the use of medication.

(e) The department shall encourage the use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based, in addition to or in the place of prescription medication where appropriate.

(2) The department shall convene a representative group of regional support networks, community mental health centers, and managed health care systems contracting with the department under RCW 74.09.522 to:

(a) Establish mechanisms and develop contract language that ensures increased coordination of and access to medicaid mental health benefits available to children and their families, including ensuring access to services that are identified as a result of a developmental screen administered through early periodic screening, diagnosis, and treatment;

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(b) Define managed health care system and regional support network contractual performance standards that track access to and utilization of services; and

(c) Set standards for reducing the number of children that are prescribed antipsychotic drugs and receive no outpatient mental health services with their medication.

(3) The department shall report on progress and any findings under this section to the legislature by January 1, 2009.

NEW SECTION. Sec. 6. A new section is added to chapter 71.36 RCW to read as follows:

MEDICAID ELIGIBLE CHILDREN IN TEMPORARY JUVENILE DETENTION. The department shall explore the feasibility of obtaining a medicaid state plan amendment to allow the state to receive medicaid matching funds for health services provided to medicaid enrolled youth who are temporarily placed in a juvenile detention facility. Temporary placement shall be defined as until adjudication or up to sixty continuous days, whichever occurs first.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

CHILDREN'S MENTAL HEALTH PROVIDERS. (1) The department shall provide flexibility in provider contracting to regional support networks for children's mental health services. Beginning with 2007-2009 biennium contracts, regional support network contracts shall authorize regional support networks to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based, research-based, promising, or consensus-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or promising practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and on-line resources

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for families to become informed and engaged in evidence-based, research-based, promising, or consensus-based practices;

(d) Participate in the identification of outcome-based performance measures under section 3(2) of this act and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with county juvenile court administrators and regional support networks, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

NEW SECTION. Sec. 9. Educational service district boards may partner with regional support networks to respond to a request for proposal for operation of a wraparound model site under this act and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

NEW SECTION. Sec. 10. WRAPAROUND MODEL OF INTEGRATED CHILDREN'S MENTAL HEALTH SERVICES DELIVERY. To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of

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integrated children's mental health services delivery in up to three counties in Washington state.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with educational service districts, regional support networks, or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that the contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Regional support networks, community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in section 7 of this act shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, and decreased hospitalization.

NEW SECTION. Sec. 11. A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment.

(2) This section expires July 1, 2010.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

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(1) RCW 71.36.020 (Plan for early periodic screening, diagnosis, and treatment services) and 2003 c 281 s 4 & 1991 c 326 s 13; and

(2) RCW 71.36.030 (Children's mental health services delivery system--Local planning efforts) and 1991 c 326 s 14.

NEW SECTION. Sec. 13. Captions used in this act are not part of the law.

NEW SECTION. Sec. 14. If specific funding for the purposes of sections 4, 5, 7, 8, 10, and 11 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2007, each section not referenced is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1088.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.36.020 and 71.36.030; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1088 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1088 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1088 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Delvin and Tom - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1088 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1669, by House Committee on Judiciary (originally sponsored by

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Representatives Strow, Ericks, O'Brien, Rodne, Kirby, Haler, Eddy, Hinkle and Lantz)

Concerning the district and municipal court's probation and supervision services.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1669.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1669 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators Delvin and Tom - 2

SUBSTITUTE HOUSE BILL NO. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:00 a.m., on motion of Senator Eide, the Senate was at recess until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9084, Max D. Anderson, as a member of the Board of Trustees, Lower Columbia Community College District No. 13, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Hewitt, Honeyford, Morton and Pflug were excused.

MOTION

On motion of Senator Regala, Senator Shin was excused.

APPOINTMENT OF MAX D. ANDERSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9084, Max D. Anderson as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9084, Max D. Anderson as a member of the Board of Trustees, Lower Columbia Community College District No. 13 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Weinstein and Zarelli - 43

Absent: Senators Haugen and McCaslin - 2

Excused: Senators Morton, Pflug, Shin and Tom - 4

Gubernatorial Appointment No. 9084, Max D. Anderson, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia Community College District No. 13.

SECOND READING

SENATE BILL NO. 5805, by Senators Hatfield, Zarelli, Rasmussen, Swecker, Shin and Hargrove

Modifying provisions relating to the sales and use taxation of grain elevators.

MOTION

On motion of Senator Rasmussen, Second Substitute Senate Bill No. 5805 was substituted for Senate Bill No. 5805 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following striking amendment by Senator Schoesler and others be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.08.820 and 2006 c 354 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses ~~((or))~~, grain elevators, or large grain elevator facilities, and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment~~((;))~~ or large grain elevator equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ~~((the))~~ all such equipment; or

(b) Construction of a warehouse or grain elevator, or construction, remodeling, repairing, cleaning, altering, or improving of a large grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

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(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Cold storage warehouse" has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse ~~((or))~~, grain elevator, or large grain elevator that did not exist before the construction began. "Construction" includes expansion, but in the case of a cold storage warehouse, only if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, or in the case of a warehouse other than a cold storage warehouse, only if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or ~~((additional))~~ in the case of a grain elevator, only if the expansion adds storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

(h) "Large grain elevator" means storage silos, tanks, conveyers and their supports, scale towers, bins, electrical improvements, scales, foundations, rails and rail beds, and other buildings primarily used to handle, store, organize, condition, analyze, or convey grain, oil seeds, and byproducts thereof in bulk. Office space, lunchrooms, restrooms, maintenance buildings, control and computer systems used to operate such facilities, and other space necessary for the operation of the large grain elevator are considered part of the large grain elevator as are loading docks and other such space or structures attached or adjacent to the conveyers, and other necessary devices and structures used to receive, convey, or discharge grain, oil seeds, and byproducts thereof via means of waterborne, rail, highway, or intermodal transport and used for handling of grain, oil seeds, and byproducts thereof. Roads, landscaping, and parking lots are not considered part of the large grain elevator. A storage yard is not a large grain elevator nor is a structure in which manufacturing takes place;

((#)) (i) "Large grain elevator facility" means one or more contiguous parcels of real property with one or more large grain elevators with a combined capacity of at least three million bushels;

(j) "Large grain elevator equipment" means equipment within a large grain elevator facility that is primarily used to handle, store, organize, convey, condition, or analyze grain, oil seeds, and byproducts thereof which is not defined as a large grain elevator. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a large grain elevator facility, or equipment used for nonlarge grain elevator purposes. "Large grain elevator equipment" includes but is not limited to: Samplers, air compressors, quality analyzing equipment, worker and environmental safety equipment, conditioning equipment used to maintain quality, lifts, positioners, cranes, hoists, mechanical arms, and robots; and forklifts and other off-the-road vehicles that are used to lift

or move tangible personal property and that cannot be operated legally on roads and streets;

(k) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

((#)) (l) "Person" has the meaning given in RCW 82.04.030;

((#)) (m) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

((#)) (n) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

((#)) (o) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

((#)) (p) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

((#)) (q) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with

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square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For large grain elevator facilities, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, remodeling, repairing, cleaning, altering, or improving, and materials, service, and labor of large grain elevators, and fifty percent of the amount of tax paid for qualifying large grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or large grain elevator equipment; location and size of warehouses ~~(and)~~, grain elevators, and large grain elevator facilities; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, large grain elevators, large grain elevator equipment, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses ~~(and)~~, grain elevators, and large grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse ~~((or))~~, grain elevator, or large grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse ~~((or))~~, grain elevator, or large grain elevator, and the material-handling equipment and racking equipment or large grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 2. RCW 82.08.820 and 2006 c 354 s 11 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, or grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ~~((the))~~ all such equipment; or

(b) Construction of a warehouse, or construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator, including materials, and including service and labor costs,

are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

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(b) "Cold storage warehouse" has the meaning provided in RCW 82.74.010;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion, but in the case of a cold storage warehouse, only if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, or in the case of a warehouse other than a cold storage warehouse, only if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse~~(- or additional storage capacity of at least one million bushels to an existing grain elevator)~~. "Construction" does not include renovation, remodeling, or repair;

(d) "Department" means the department of revenue;

(e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(g) "Grain elevator" means ~~((a structure used for storage and handling of grain in bulk))~~ storage silos, tanks, conveyers and their supports, scale towers, bins, electrical improvements, scales, foundations, rails and rail beds, and other buildings primarily used to handle, store, organize, condition, analyze, or convey grain, oil seeds, and byproducts thereof in bulk. Office space, lunchrooms, restrooms, maintenance buildings, control and computer systems used to operate such facilities, and other space necessary for the operation of the grain elevator are considered part of the grain elevator as are loading docks and other such space or structures attached or adjacent to the conveyers, and other necessary devices and structures used to receive, convey, or discharge grain, oil seeds, and byproducts thereof via means of waterborne, rail, highway, or intermodal transport and used for handling of grain, oil seeds, and byproducts thereof. Roads, landscaping, and parking lots are not considered part of the grain elevator. A storage yard is not a grain elevator nor is a structure in which manufacturing takes place;

(h) "Grain exporting facility" means one or more contiguous parcels of real property with one or more grain elevators;

(i) "Grain elevator equipment" means equipment within a grain elevator facility that is primarily used to handle, store, organize, convey, condition, or analyze grain, oil seeds, and byproducts thereof which is not defined as a grain elevator. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a grain elevator facility, or equipment used for nongrain elevator purposes. "Grain elevator equipment" includes but is not limited to: Samplers, air compressors, quality analyzing equipment, worker and environmental safety equipment, conditioning equipment used to maintain quality, lifts, positioners, cranes, hoists, mechanical arms, and robots; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets;

(j) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an

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ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((f))~~ (k) "Person" has the meaning given in RCW 82.04.030;

~~((f))~~ (l) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((f))~~ (m) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((f))~~ (n) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((f))~~ (o) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((f))~~ (p) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with combined bushel capacity of one million (~~but less than two million~~) or more and for grain elevators required to be issued a license by the department of agriculture under chapter 22.09 RCW or required to be licensed by the federal government for purposes similar to those of licensure under chapter 22.09 RCW but with bushel capacity of less than one million the remittance is equal to ~~((fifty))~~ one hundred percent of the amount of tax paid for qualifying construction, remodeling, repairing, cleaning, altering, or improving, and materials, service, and labor relating to a grain elevator, and fifty percent of the amount of tax paid for qualifying grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, ~~((and for grain elevators with bushel capacity of two million))~~ the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for

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qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and ~~((fifty))~~ one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. ~~((For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.))~~

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or grain elevator equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, ~~((and))~~ material-handling equipment and racking equipment, and grain elevator equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses ~~((and grain elevators))~~ upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment or grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 3. RCW 82.08.820 and 2006 c 354 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment or grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ((the)) all such equipment; or

(b) Construction of a warehouse, or construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator, including materials, and including service and labor costs, are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

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(b) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion, but in the case of a warehouse, only if the expansion adds at least two hundred thousand square feet of additional space to an existing warehouse ((or additional storage capacity of at least one million bushels to an existing grain elevator)). "Construction" does not include renovation, remodeling, or repair;

(c) "Department" means the department of revenue;

(d) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

(e) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

(f) "Grain elevator" means ((a structure used for storage and handling of grain in bulk)) silos, tanks, conveyers and their supports, scale towers, bins, electrical improvements, scales, foundations, rails and rail beds, and other buildings primarily used to handle, store, organize, condition, analyze, or convey grain, oil seeds, and byproducts thereof in bulk. Office space, lunchrooms, restrooms, maintenance buildings, control and computer systems used to operate such facilities, and other space necessary for the operation of the grain elevator are considered part of the grain elevator as are loading docks and other such space or structures attached or adjacent to the conveyers, and other necessary devices and structures used to receive, convey, or discharge grain, oil seeds, and byproducts thereof via means of waterborne, rail, highway, or intermodal transport and used for handling of grain, oil seeds, and byproducts thereof. Roads, landscaping, and parking lots are not considered part of the grain elevator. A storage yard is not a grain elevator nor is a structure in which manufacturing takes place;

(g) "Grain elevator facility" means one or more contiguous parcels of real property with one or more grain elevators;

(h) "Grain elevator equipment" means equipment within a grain elevator facility that is primarily used to handle, store, organize, convey, condition, or analyze grain, oil seeds, and byproducts thereof which is not defined as a grain elevator. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a grain elevator facility, or equipment used for nongrain elevator purposes. "Grain elevator equipment" includes but is not limited to: Samplers, air compressors, quality analyzing equipment, worker and environmental safety equipment, conditioning equipment used to maintain quality, lifts, positioners, cranes, hoists, mechanical arms, and robots; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets;

(i) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that

are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((f))~~ (j) "Person" has the meaning given in RCW 82.04.030;

~~((f))~~ (k) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((f))~~ (l) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((f))~~ (m) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((f))~~ (n) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((m))~~ (o) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under RCW 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with combined bushel capacity of one million ~~((but less than two million))~~ or more and for grain elevators required to be issued a license by the department of agriculture under chapter 22.09 RCW or required to be licensed by the federal government for purposes similar to those of licensure under chapter 22.09 RCW but with bushel capacity of less than one million the remittance is equal to ~~((fifty))~~ one hundred percent of the amount of tax paid for qualifying construction, remodeling, repairing, cleaning, altering, or improving, and materials, service, and labor relating to a grain elevator, and fifty percent of the amount of tax paid for qualifying grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For warehouses with square footage of two hundred thousand or more ~~((and for grain elevators with bushel capacity of two million or more))~~, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the

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amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or grain elevator equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, ~~((and))~~ material-handling equipment and racking equipment, and grain elevator equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses ~~((and grain elevators))~~ upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment or grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 4. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses ~~((or))~~ grain elevators, or large grain elevator facilities, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment or large grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ~~((the))~~ all such equipment; or

(b) Materials incorporated in the construction of a warehouse ~~((or))~~ grain elevator, or construction, remodeling, repairing, cleaning, altering, or improving of a large grain elevator are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For large grain elevator facilities the remittance is equal to one hundred percent of the amount of tax paid for materials for qualifying construction, remodeling, repairing, cleaning,

altering, or improving, and fifty percent of the amount of tax paid for qualifying large grain elevator equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or large grain elevator equipment; location and size of warehouses, ~~((if applicable))~~ grain elevators, and large grain elevator facilities; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouses, grain elevators, ~~((and))~~ large grain elevators, large grain elevator equipment, and material-handling equipment and racking equipment, for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses ~~((and))~~ grain elevators, and large grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of ~~((the))~~ a warehouse ~~((or))~~ grain elevator, or large grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse ~~((or))~~ grain elevator, or large grain elevator and the material-handling equipment and racking equipment or large grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the ~~((exemption))~~ remittance to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

Sec. 5. RCW 82.12.820 and 2005 c 513 s 12 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators ~~((and))~~ and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment or grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ~~((the))~~ all such equipment; or

(b) Materials incorporated in the construction of a warehouse or construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with combined bushel capacity of one million ~~((but less than two million))~~ or more and for grain elevators required to be issued a license by the department of agriculture under chapter 22.09 RCW or required to be licensed by the federal government for purposes similar to those of licensure under chapter 22.09 RCW but with bushel capacity of less than one million, the remittance is equal to ~~((fifty))~~ one hundred percent of the amount of tax paid for materials for qualifying construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator, and fifty

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percent of the amount of tax paid for qualifying grain elevator equipment. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, ~~((and for grain elevators with bushel capacity of two million or more,))~~ the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or grain elevator equipment; location and size of warehouses, ~~((if applicable))~~ grain elevators, and grain elevator facilities; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouses, grain elevators, ~~((and))~~ grain elevator equipment, and material-handling equipment and racking equipment, for which an exemption, credit, or deferral has been or is being received under chapter 82.60, ~~((82.61,))~~ 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses ~~((and grain elevators))~~ upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of ~~((the))~~ a warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment or grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the ~~((exemption))~~ remittance to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

Sec. 6. RCW 82.12.820 and 2006 c 354 s 13 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators ~~((;))~~ and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment or grain elevator equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving ~~((the))~~ all such equipment; or

(b) Materials incorporated in the construction of a warehouse or construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator ~~((;))~~ are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax

paid under RCW 82.12.020. For grain elevators with bushel capacity of one million ~~((but less than two million, the remittance is equal to fifty percent of the amount of tax paid))~~ or more and for grain elevators required to be issued a license by the department of agriculture under chapter 22.09 RCW or required to be licensed by the federal government for purposes similar to those of licensure under chapter 22.09 RCW but with bushel capacity of less than one million, the remittance is equal to one hundred percent of the tax paid for materials for qualifying construction, remodeling, repairing, cleaning, altering, or improving of a grain elevator, and fifty percent of the amount of tax paid for qualifying grain elevator equipment. For warehouses with square footage of two hundred thousand or more ~~((and for grain elevators with bushel capacity of two million or more)),~~ the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment or grain elevator equipment; location and size of warehouses ~~((, if applicable))~~ and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouses, grain elevators, ~~((and))~~ grain elevator equipment, and material-handling equipment and racking equipment, for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses ~~((and grain elevators))~~ upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of ~~((the))~~ a warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment or grain elevator equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the ~~((exemption))~~ remittance to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

NEW SECTION. Sec. 7. Sections 1 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

NEW SECTION. Sec. 8. Sections 2 and 5 of this act take effect January 1, 2009.

NEW SECTION. Sec. 9. Sections 3 and 6 of this act take effect July 1, 2012.

NEW SECTION. Sec. 10. Sections 1 and 4 of this act expire January 1, 2009.

NEW SECTION. Sec. 11. Sections 2 and 5 of this act expire July 1, 2012."

Senator Schoesler spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Schoesler and others to Second Substitute Senate Bill No. 5805.

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The motion by Senator Schoesler carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "elevators;" strike the remainder of the title and insert "amending RCW 82.08.820, 82.08.820, 82.08.820, 82.12.820, 82.12.820, and 82.12.820; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5805 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5805.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5805 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Fairley, Kohl-Welles, Pridemore and Spanel - 4

Excused: Senators Morton, Pflug, Shin and Tom - 4

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, by House Committee on Finance (originally sponsored by Representatives Hunter, Conway, Orcutt, Anderson, Santos, Kessler, Jarrett, Condotta and McIntire)

Concerning the excise taxation of electronically delivered financial information.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 1981 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1981.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1981 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Weinstein and Zarelli - 40

Voting nay: Senators Fairley, Fraser, Kline, Kohl-Welles and Pridemore - 5

Excused: Senators Morton, Pflug, Shin and Tom - 4

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1449, by Representatives Condotta, Armstrong, Curtis, Orcutt and Dunn

Regarding nondisclosure of certain information of gambling commission licensees.

The measure was read the second time.

MOTION

Senator Delvin moved that the following striking amendment by Senators Delvin and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

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(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW;

(c) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine(-);

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created

under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190.

Sec. 2. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited

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liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Independent auditors' reports and financial statements of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; and

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit.

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190.

NEW SECTION. Sec. 3. Section 1 of this act expires June 30, 2008.

NEW SECTION. Sec. 4. Section 2 of this act takes effect June 30, 2008."

Senator Delvin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Delvin and Kohl-Welles to House Bill No. 1449.

The motion by Senator Delvin carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1449 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Delvin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1449 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1449 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Voting nay: Senator Oemig - 1

Excused: Senators Morton and Tom - 2

HOUSE BILL NO. 1449 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:57 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:17 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

April 6, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5032,
 SENATE BILL NO. 5259,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,
 SENATE BILL NO. 5778,
 SENATE BILL NO. 6090,
 SENATE BILL NO. 6129,
 SUBSTITUTE SENATE BILL NO. 6141,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5798,
 SECOND SUBSTITUTE SENATE BILL NO. 5806,
 SUBSTITUTE SENATE BILL NO. 5919,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5078,
 SENATE BILL NO. 5086,
 SUBSTITUTE SENATE BILL NO. 5087,
 SUBSTITUTE SENATE BILL NO. 5118,
 SECOND SUBSTITUTE SENATE BILL NO. 5122,
 SENATE BILL NO. 5134,
 SENATE BILL NO. 5175,
 SUBSTITUTE SENATE BILL NO. 5190,
 SENATE BILL NO. 5199,
 ENGROSSED SENATE BILL NO. 5204,
 SUBSTITUTE SENATE BILL NO. 5242,
 SUBSTITUTE SENATE BILL NO. 5250,
 SENATE BILL NO. 5273,
 SENATE BILL NO. 5398,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
 SENATE BILL NO. 5421,
 SUBSTITUTE SENATE BILL NO. 5554,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2275, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kessler, B. Sullivan, Kenney, Chase and Hunt)

Regarding funding of state parks.

The measure was read the second time.

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The department shall provide an opportunity for owners of vehicles registered under RCW 46.16.0621 and vehicles licensed under RCW 46.16.070 with a declared gross weight of ten thousand pounds or less, to make a voluntary donation of five dollars at the time of initial or renewal registration. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(2) This section applies to registrations due or to become due on or after January 1, 2008.

Sec. 2. RCW 79A.05.215 and 1995 c 211 s 7 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under section 1 of this act, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

NEW SECTION. Sec. 3. (1) The director of the department of general administration and the state parks and recreation commission shall jointly host a task force to study and develop recommendations as follows:

(a) Proposals concerning the best management structure for the capitol campus and all of the historical structures, office buildings, monuments, and parks that make up the campus. In determining the best management structure for the capitol campus, the task force must seek to provide the proper balance between managing for the best visitor services and maximum public enjoyment of the capitol campus against the need for maintaining the functionality of the working seat of state government and preservation of the historical structures and monuments on campus;

(b) Proposals to promote tourism at the Washington state capitol campus, including but not limited to: Concessionaire enhancements, audio-visual self-guided tour options, a central visitor center with souvenir/retail opportunities, transportation to and from capitol campus and parking enhancements, and clear and understandable way-finding guides;

(c) Proposals to enrich the educational experience including but not limited to both the present utilization and historical activities of the capitol campus as the seat of state government;

(d) Proposals to promote the unique architectural features, horticultural examples, and art collections of the capitol campus;

(e) Proposals to increase coordination and cooperation between agencies and entities involved in the management and care of the capitol campus and the local governments that are responsible for the buildings and areas near the campus; and

(f) Proposals to increase volunteer opportunities at the campus.

(2) The task force must include the following representatives:

(a) The governor or the governor's designee;

(b) The lieutenant governor or the lieutenant governor's designee;

(c) Four legislative members to be appointed as follows: One member from each major caucus of the senate, appointed by the president of the senate; and one member from each major

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caucus of the house of representatives, appointed by the speaker of the house of representatives;

(d) A representative of the supreme court;

(e) The superintendent of public instruction or the superintendent's designee;

(f) The director of the department of community, trade, and economic development, or the director's designee;

(g) An elected official from the city of Olympia chosen by the legislative body of the city; and

(h) Two citizens of the state of Washington. One citizen must be appointed by the president of the senate and one citizen must be appointed by the speaker of the house of representatives. The citizens should have knowledge of the capitol campus, visitor services, and the historical heritage of the capitol.

(3) The task force shall submit the proposals to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(4) This section expires July 1, 2008."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 2275.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "parks;" strike the remainder of the title and insert "amending RCW 79A.05.215; adding a new section to chapter 46.16 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2275 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Regala, Senators Hatfield and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2275 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2275 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen,

Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Hatfield, Hewitt, Poulsen and Tom - 4

SUBSTITUTE HOUSE BILL NO. 2275 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Appleton, Roberts and Haigh)

Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter; and

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights.

(2) The child may file the petition prior to the expiration of this three-year period if the department or the supervising or custodial agency that is responsible for the custody or supervision of the child and the child stipulate that the child is not likely to achieve his or her permanency plan.

(3) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(4) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(5) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing be held.

(6) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(7) The juvenile court shall grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently

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achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(8) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(9) The court shall grant the petition and dismiss the dependency only if the child and the parent or parents who were the subject of a petition under this section and whose parental rights were reinstated agree that the child will return to the legal custody of the parent or parents and the court finds that returning to the legal custody of the parent or parents is in the best interests of the child and will not present a risk to the child's health, welfare, or safety. The court shall order the department to provide services necessary to ensure the child's health, welfare, and safety, including a home study, as the child transitions back into the parent's legal custody.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

Sec. 2. RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling

relationships and the nature and extent of sibling placement, contact, or visits.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the delivery of child welfare services or child protective services through the children's administration of the department of social and health services unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

Sec. 4. RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((a))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a). The person must be willing and available to care for the child and be able to meet any special needs of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or other person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other person requested by the parent pursuant to this section. Nothing within this subsection ~~((a))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((b))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~(In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.~~

~~(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided~~

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more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)

Sec. 5. RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by ((RCW 13.34.060)) this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

((2)) (3) If child protective services is not required to give notice under ((RCW 13.34.060(2) and subsection (1) of)) this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

((3)) (4) Reasonable efforts to advise and to give notice, as required in ((RCW 13.34.060(2) and subsections (1) and (2) of)) this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

((4)) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

(c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon.

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The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~(7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.)~~

Sec. 6. RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

~~(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.~~

~~(2)(a) The ((juvenile court probation counselor)) department of social and health services shall submit a recommendation to the court as to the further need for shelter care ((unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.~~

~~(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.~~

~~(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.~~

~~(3) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:~~

~~(a) The parent, guardian, or custodian has the right to a shelter care hearing;~~

~~(b) The nature of the shelter care hearing and the proceedings that will follow; and~~

~~(c) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090.~~

~~(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:~~

~~(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;~~

~~(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;~~

~~(c) What efforts have been made to place the child with a relative;~~

~~(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;~~

~~(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;~~

~~(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement;~~

~~(g) Appointment of a guardian ad litem or attorney;~~

~~(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;~~

~~(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;~~

~~(j) Whether any orders, agreed to by all parties, for examinations, evaluations, or immediate services are needed;~~

~~(k) The terms and conditions for parental, sibling, and family visitation.~~

~~((2)) (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:~~

~~((a)) (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and~~

~~((b)) (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or~~

~~((c)) (B) The release of such child would present a serious threat of substantial harm to such child; or~~

~~((d)) (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.~~

~~(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:~~

~~(i) Care for the child and be able to meet any special needs of the child;~~

~~(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and~~

~~(iii) Cooperate with the department in providing necessary background checks and home studies.~~

~~(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).~~

~~(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the~~

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status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.

~~(3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

~~(e)~~ Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

~~(6)(a)~~ A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

~~(b)~~ If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

~~(c)~~ The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

~~(7)(a)~~ A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~(b)(i)~~ An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

~~(ii)~~ The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~((+))~~ ~~(8)(a)~~ If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((+))~~ ~~(b)~~ If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 7. RCW 13.34.110 and 2001 c 332 s 7 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2) The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made

by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

~~(3)(a)~~ The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

~~(b)~~ Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

~~(c)~~ Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal

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custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

~~((3))~~ (4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

Sec. 8. RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

~~(2) The agency (charged with his or her care shall provide the court with)~~ supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will

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take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) Unless it is not in the best interests of the child, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(v) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

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(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 9. RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first ~~(, at a)~~. The purpose of the hearing ((in which it)) shall be ((determined)) to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The supervising agency shall provide a foster parent or relative with notice of, and his or her right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to the child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(c) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145~~((3))~~ (1)(a) or 13.34.134. ~~((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))~~

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((iii))~~ (vii) Whether ((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and)) preference has been given to placement with the child's relatives;

~~((iii))~~ Whether there is a continuing need for placement and whether the placement is appropriate;

~~((iv))~~ Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

~~((v))~~ Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

~~((vi))~~ (viii) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((vii))~~ Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

~~((viii))~~ (ix) Whether terms of visitation need to be modified;

~~((ix))~~ (x) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

~~((x))~~ (xi) Whether any additional court orders need to be made to move the case toward permanency; and

~~((xi))~~ (xii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

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Sec. 10. RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~(A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~—(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.~~

~~—(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~—(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~—(d) For purposes related to permanency planning:~~

~~—(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.~~

~~—(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~—(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.~~

~~—(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~—(3)) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.~~

~~(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.~~

~~((+)) (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent,~~

guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ~~((subsection (3) of))~~ this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

~~((5)) (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.~~

~~((6)) (3) At the permanency planning hearing, the court shall ((enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency)) conduct the following inquiry:~~

~~(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.~~

~~(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:~~

~~(i) The continuing necessity for, and the safety and appropriateness of, the placement;~~

~~(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;~~

~~(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;~~

~~(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;~~

~~(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and~~

~~(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:~~

~~(A) Being returned safely to his or her home;~~

~~(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;~~

~~(C) Being placed for adoption;~~

~~(D) Being placed with a guardian;~~

~~(E) Being placed in the home of a fit and willing relative of the child; or~~

~~(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.~~

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(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) ~~((Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months~~

until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~((11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~((12))~~ Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((13))~~ (11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~((14))~~ (12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 11. RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency; PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually

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submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant

to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

NEW SECTION. Sec. 12. (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents representing a diverse number of foster parent organizations throughout Washington state; (c) the director of the institute for children and families at the University of Washington; and (d) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

Sec. 13. RCW 26.44.020 and 2006 c 339 s 108 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1) "Court" means the superior court of the state of Washington, juvenile department.~~

~~(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.~~

~~(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. PROVIDED,~~

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HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

—(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

—(5) "Department" means the state department of social and health services.

—(6) "Child" or "children" means any person under the age of eighteen years of age.

—(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

—(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

—(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(13) "Child protective services section" means the child protective services section of the department.

—(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

—(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

—(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of

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necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

—(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

—(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.)

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(4) "Child protective services section" means the child protective services section of the department.

—(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(6) "Court" means the superior court of the state of Washington, juvenile department.

—(7) "Department" means the state department of social and health services.

—(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

—(9) "Inconclusive" means the determination following an investigation by the department, prior to the effective date of this section, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

—(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

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(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 14. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that

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occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the

department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report((s)) of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation((-

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

((+2)) (13) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases ((constituting)) of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

((+3)) (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced

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community-based services to persons who are determined not to require further state intervention.

~~((14))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.))~~

Sec. 15. RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to ~~((unfounded referrals in files or))~~ reports of child abuse or neglect ~~((for longer than six years))~~ except as provided in this section or as otherwise required by state and federal law.

~~((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period.))~~

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded, screened-out, or inconclusive report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

Sec. 16. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-

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placing agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

NEW SECTION. Sec. 17. A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or

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physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

Sec. 18. RCW 74.15.130 and 2006 c 265 s 404 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded, inconclusive, or screened-out report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed two hundred fifty dollars per violation for group homes and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A

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RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

Sec. 19. RCW 74.13.650 and 2006 c 353 s 2 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

Sec. 20. RCW 74.13.660 and 2006 c 353 s 3 are each amended to read as follows:

Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280, shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models; and

(4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

Sec. 21. RCW 26.44.060 and 2004 c 37 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person participating in good faith in the making of a report pursuant to this chapter or testifying as to alleged child abuse or neglect in a judicial proceeding shall in so doing be immune from any liability arising out of such reporting or testifying under any law of this state or its political subdivisions.

(b) A person convicted of a violation of subsection (4) of this section shall not be immune from liability under (a) of this subsection.

(2) An administrator of a hospital or similar institution or any physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a child into custody pursuant to RCW 26.44.056 shall not be subject to criminal or civil liability for such taking into custody.

(3) Conduct conforming with the reporting requirements of this chapter shall not be deemed a violation of the confidential communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and 18.83.110. Nothing in this chapter shall be construed as to supersede or abridge remedies provided in chapter 4.92 RCW.

(4) A person who, intentionally and in bad faith ((or maliciously)), knowingly makes a false report of alleged abuse or neglect shall be guilty of a misdemeanor punishable in accordance with RCW 9A.20.021.

(5) A person who, in good faith and without gross negligence, cooperates in an investigation arising as a result of a report made pursuant to this chapter, shall not be subject to civil liability arising out of his or her cooperation. This subsection does not apply to a person who caused or allowed the child abuse or neglect to occur.

NEW SECTION. Sec. 22. A new section is added to chapter 26.44 RCW to read as follows:

(1) The child protective services section shall prepare a statement warning against false reporting of alleged child abuse or neglect for inclusion in any instructions, informational

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brochures, educational forms, and handbooks developed or prepared for or by the department and relating to the reporting of abuse or neglect of children. Such statement shall include information on the criminal penalties that apply to false reports of alleged child abuse or neglect under RCW 26.44.060(4). It shall not be necessary to reprint existing materials if any other less expensive technique can be used. Materials shall be revised when reproduced.

(2) The child protective services section shall send a letter by certified mail to any person determined by the section to have made a false report of child abuse or neglect informing the person that such a determination has been made and that a second or subsequent false report will be referred to the proper law enforcement agency for investigation.

NEW SECTION. Sec. 23. Section 12 of this act expires January 1, 2008.

NEW SECTION. Sec. 24. Sections 13 through 15 of this act take effect October 1, 2008.

NEW SECTION. Sec. 25. The secretary of the department of social and health services may take the necessary steps to ensure that sections 13 through 15 of this act are implemented on their effective date.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and Zarelli to the committee striking amendment be adopted.

On page 32, line 31, after "parents" strike all material through "state" on line 33 and insert ", including two representatives from the foster parent association of Washington state"

On page 32, line 34, after "Washington;" strike "and"

On page 32, line 34, after "(d)" insert "a representative of the Washington federation of state employees; and (e)"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hargrove spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Hargrove and Zarelli on page 32, line 31 to the committee striking amendment to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.110, 13.34.136, 13.34.138, 13.34.145, 26.44.020, 26.44.030, 26.44.031, 74.13.280, 74.15.130, 74.13.650, 74.13.660, and 26.44.060; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A

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RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 26.44 RCW; creating new sections; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Stevens and Benton spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 44

Excused: Senators Brown, Hewitt, Poulsen, Pridemore and Tom - 5

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1528, by Representatives Hunt, Chandler, Green, Kretz, Ormsby, Armstrong, Miloscia, Appleton, Kenney, Goodman and Moeller

Providing for electronic voter registration.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1528 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

POINT OF INQUIRY

Senator Benton: "Would Senator Oemig yield to a question? Senator, can you tell me if this bill will allow registration via computer? Will it be allowed on the day of the

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election and if so, I guess my question goes to a previous bill that we passed in this chamber, that you're familiar with, that would allow registration up to the day of the election. In committee we had this question but we didn't know then which bill was passing and which one wasn't. But now that we've passed the one that will allow registration on the day of election, now, passing this bill that will allow registration via computer, how will those two work together? And what is, can you share with us the legislative intent, then, in terms of how those two might work together, those two bills?"

Senator Oemig: "I thank the good Senator for his thoughtful question. This bill specifies a means for registering on line. It doesn't change dates. It doesn't change procedures. It doesn't change how late registration would be done. In the current context, in absence of any other changes, this bill would allow someone to register on line and the provisions that people have already for late, for that window, from thirty days to election day, are unaffected by this legislation. So, if this were allowed in a county this would continue to be allowed in the window from thirty to fifteen. If we were to make legislation to allow registration all the way up to election day and the county, had provisions to allow for this mechanism, this could also be used. If a county further said, 'and we'd allow you to register at the poll on election.' That would be one more mechanism. So, the power really rests with the counties of how they want to manage their elections and this bill would not change impact or influence how they would make their local decision."

Senator Roach spoke on passage of the bill.

REMARKS BY THE PRESIDENT

President Owen: "Senator Roach, you're referring to actions of the other body which are not permitted on this floor. Senator Roach."

POINT OF ORDER

Senator Oemig: "I object. I think the discussion should be limited to the current bill before us not another bill in another chamber."

Senator Roach spoke on passage of the bill

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1528.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1528 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senators Hewitt and Tom - 2

HOUSE BILL NO. 1528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1366, by Representatives Kessler, DeBolt, Grant, Ericksen, Lantz, Rodne, Williams, Priest, Morrell, Hunt, Appleton, Blake, Chase, Anderson, Darneille, Dickerson, Linville, Springer, Hurst and Wood

Protecting the news media from being compelled to testify in legal proceedings.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Except as provided in subsection (2) of this section, no judicial, legislative, administrative, or other body with the power to issue a subpoena or other compulsory process may compel the news media to testify, produce, or otherwise disclose:

(a) The identity of a source of any news or information or any information that would tend to identify the source where such source has a reasonable expectation of confidentiality; or

(b) Any news or information obtained or prepared by the news media in its capacity in gathering, receiving, or processing news or information for potential communication to the public, including, but not limited to, any notes, outtakes, photographs, video or sound tapes, film, or other data of whatever sort in any medium now known or hereafter devised. This does not include physical evidence of a crime.

(2) A court may compel disclosure of the news or information described in subsection (1)(b) of this section if the court finds that the party seeking such news or information established by clear and convincing evidence:

(a)(i) In a criminal investigation or prosecution, based on information other than that information being sought, that there are reasonable grounds to believe that a crime has occurred; or

(ii) In a civil action or proceeding, based on information other than that information being sought, that there is a prima facie cause of action; and

(b) In all matters, whether criminal or civil, that:

(i) The news or information is highly material and relevant;

(ii) The news or information is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto;

(iii) The party seeking such news or information has exhausted all reasonable and available means to obtain it from alternative sources; and

(iv) There is a compelling public interest in the disclosure. A court may consider whether or not the news or information was obtained from a confidential source in evaluating the public interest in disclosure.

(3) The protection from compelled disclosure contained in subsection (1) of this section also applies to any subpoena issued to, or other compulsory process against, a nonnews media party where such subpoena or process seeks records, information, or other communications relating to business transactions between such nonnews media party and the news media for the purpose of discovering the identity of a source or obtaining news or information described in subsection (1) of this section. Whenever a subpoena is issued to, or other compulsory process is initiated against, a nonnews media party where such subpoena or process seeks information or communications on

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business transactions with the news media, the affected news media shall be given reasonable and timely notice of the subpoena or compulsory process before it is executed or initiated, as the case may be, and an opportunity to be heard. In the event that the subpoena to, or other compulsory process against, the nonnews media party is in connection with a criminal investigation in which the news media is the express target, and advance notice as provided in this section would pose a clear and substantial threat to the integrity of the investigation, the governmental authority shall so certify to such a threat in court and notification of the subpoena or compulsory process shall be given to the affected news media as soon thereafter as it is determined that such notification will no longer pose a clear and substantial threat to the integrity of the investigation.

(4) Publication or dissemination by the news media of news or information described in subsection (1) of this section, or a portion thereof, shall not constitute a waiver of the protection from compelled disclosure that is contained in subsection (1) of this section. In the event that the fact of publication of news or information must be proved in any proceeding, that fact and the contents of the publication may be established by judicial notice.

(5) The term "news media" means:

(a) Any newspaper, magazine or other periodical, book publisher, news agency, wire service, radio or television station or network, cable or satellite station or network, or audio or audiovisual production company, or any entity that is in the regular business of news gathering and disseminating news or information to the public by any means, including, but not limited to, print, broadcast, photographic, mechanical, internet, or electronic distribution;

(b) Any person who is or has been an employee, agent, or independent contractor of any entity listed in (a) of this subsection, who is or has been engaged in bona fide news gathering for such entity, and who obtained or prepared the news or information that is sought while serving in that capacity; or

(c) Any parent, subsidiary, or affiliate of the entities listed in (a) or (b) of this subsection to the extent that the subpoena or other compulsory process seeks news or information described in subsection (1) of this section.

(6) In all matters adjudicated pursuant to this section, a court of competent jurisdiction may exercise its inherent powers to conduct all appropriate proceedings required in order to make necessary findings of fact and enter conclusions of law.

NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 5 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1366.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "media;" strike the remainder of the title and insert "and adding a new chapter to Title 5 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1366 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1366 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1366 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Carrell, McCaslin, Morton, Poulsen and Regala - 6

Excused: Senators Hewitt and Tom - 2

HOUSE BILL NO. 1366 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Carrell, Senator Pflug was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1096, by House Committee on Appropriations (originally sponsored by Representatives Kenney, Priest, Quall, Wallace, Conway, Haler, Morris, Ormsby, Linville, Jarrett, Dickerson, Hunt, Walsh, P. Sullivan, Darneille, Appleton, Morrell, Williams, Dunn, Schual-Berke, Fromhold, Hasegawa, Chase, Upthegrove, McCoy, Green, O'Brien, Hudgins, Sells, Springer, Moeller, Goodman, Barlow, Eddy, Santos, Simpson, Haigh, Lantz, Kagi and Rolfes)

Creating postsecondary opportunity programs.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The economic trends of globalization and technological change are increasing the demand for higher and differently skilled workers than in the past;

(2) Increasing Washington's economic competitiveness requires increasing the supply of skilled workers in the state;

(3) Improving the labor market competitiveness of all Washington residents requires that all residents have access to postsecondary education; and

(4) Community and technical college workforce training programs and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high wage, high skill careers while also meeting the needs of the economy.

PART 1 OPPORTUNITY GRANT PROGRAM

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NEW SECTION. Sec. 101. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board shall develop and implement a workforce education program known as the opportunity grant program to provide financial and other assistance for students enrolled at qualified institutions of higher education in opportunity grant-eligible programs of study as described in section 201 of this act. Students enrolled in the opportunity grant program are eligible for:

(a) Funding for tuition and mandatory fees at the public community and technical college rate, prorated if the credit load is less than full time, paid directly to the educational institution; and

(b) An additional one thousand dollars per academic year for books, tools, and supplies, prorated if the credit load is less than full time.

(2) Funding under subsection (1)(a) and (b) of this section is limited to a maximum forty-five credits or the equivalent in an opportunity grant-eligible program of study, including required related courses. No student may receive opportunity grant funding for more than forty-five credits or for more than three years from initial receipt of grant funds in one or a combination of programs.

(3) Grants awarded under this section are subject to the availability of amounts appropriated for this specific purpose.

NEW SECTION. Sec. 102. A new section is added to chapter 28B.50 RCW to read as follows:

(1) To be eligible for participation in the opportunity grant program established in section 101 of this act, a student must:

(a) Be a Washington resident student as defined in RCW 28B.15.012 enrolled in an opportunity grant-eligible program of study;

(b) Have a family income that is at or below two hundred percent of the federal poverty level using the most current guidelines available from the United States department of health and human services, and be determined to have financial need based on the free application for federal student aid; and

(c) Meet such additional selection criteria as the college board shall establish in order to operate the program within appropriated funding levels.

(2) Upon enrolling, the student must provide evidence of commitment to complete the program. The student must make satisfactory progress and maintain a cumulative 2.0 grade point average for continued eligibility. If a student's cumulative grade point average falls below 2.0, the student may petition the institution of higher education of attendance. The qualified institution of higher education has the authority to establish a probationary period until such time as the student's grade point average reaches required standards.

(3) Subject to funds appropriated for this specific purpose, public qualified institutions of higher education shall receive an enhancement of one thousand five hundred dollars for each full-time equivalent student enrolled in the opportunity grant program whose income is below two hundred percent of the federal poverty level. The funds shall be used for individualized support services which may include, but are not limited to, college and career advising, tutoring, emergency child care, and emergency transportation. The qualified institution of higher education is expected to help students access all financial resources and support services available to them through alternative sources.

(4) The college board shall be accountable for student retention and completion of opportunity grant-eligible programs of study. It shall set annual performance measures and targets and monitor the performance at all qualified institutions of higher education. The college board must reduce funding at institutions of higher education that do not meet targets for two consecutive years, based on criteria developed by the college board.

(5) The college board and higher education coordinating board shall work together to ensure that students participating in

the opportunity grant program are informed of all other state and federal financial aid to which they may be entitled while receiving an opportunity grant.

(6) The college board and higher education coordinating board shall document the amount of opportunity grant assistance and the types and amounts of other sources of financial aid received by participating students. Annually, they shall produce a summary of the data.

(7) The college board shall:

(a) Begin developing the program no later than August 1, 2007, with student enrollment to begin no later than January 14, 2008; and

(b) Submit a progress report to the legislature by December 1, 2008.

(8) The college board may, in implementing the opportunity grant program, accept, use, and expend or dispose of contributions of money, services, and property. All such moneys received by the college board for the program must be deposited in an account at a depository approved by the state treasurer. Only the college board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account.

PART 2 OPPORTUNITY PARTNERSHIPS

NEW SECTION. Sec. 201. A new section is added to chapter 28B.50 RCW to read as follows:

The college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify job specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized;

(2) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(3) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

NEW SECTION. Sec. 202. A new section is added to chapter 28B.50 RCW to read as follows:

(1) Community and technical colleges shall partner with local workforce development councils to develop the opportunity partnership program. The opportunity partnership program may be newly developed or part of an existing program, and shall provide mentoring to students participating in the opportunity grant program. The program must develop criteria and identify opportunity grant students who would benefit by having a mentor. Each participating student shall be matched with a business or labor mentor employed in the field in which the student is interested. The mentor shall help the student explore careers and employment options through any combination of tours, informational interviews, job shadowing, and internships.

(2) Subject to funds appropriated for this specific purpose, the workforce training and education coordinating board shall create the opportunity partnership program. The board, in partnership with business, labor, and the college board, shall determine the criteria for the distribution of funds.

(3) The board may, in implementing this section, accept, use, and dispose of contributions of money, services, and

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property. All moneys received by the board for the purposes of this section must be deposited in a depository approved by the state treasurer. Only the board or a duly authorized representative thereof may authorize expenditures from this account. In order to maintain an effective expenditure and revenue control, the account is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of moneys in the account.

PART 3 MISCELLANEOUS

Sec. 301. RCW 28B.50.030 and 2005 c 258 s 8 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or

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previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all

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agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(20) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the higher education coordinating board for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

NEW SECTION. Sec. 302. Part headings used in this act are not any part of the law."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1096.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.030; adding new sections to chapter 28B.50 RCW; and creating new sections."

MOTION

On motion of Senator Shin, the rules were suspended, Second Substitute House Bill No. 1096 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1096 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1096 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Hargrove, Hewitt, Pflug and Tom - 4

SECOND SUBSTITUTE HOUSE BILL NO. 1096 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2135, by Representatives Wood, Condotta and Ormsby

Expanding lemon law coverage to out-of-state consumers.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee amendment by the Committee on Consumer Protection & Housing be adopted.

On page 5, beginning on line 17, strike all of section 2

Senator Weinstein spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Consumer Protection & Housing to House Bill No. 2135.

The motion by Senator Weinstein carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "consumers;" strike the remainder of the title and insert "and amending RCW 19.118.021."

MOTION

On motion of Senator Weinstein, the rules were suspended, House Bill No. 2135 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Swecker was excused.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2135 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2135 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown,

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Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Excused: Senators Hewitt, Pflug, Swecker and Tom - 4

HOUSE BILL NO. 2135 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1592, by Representative Hurst

Revising provisions relating to the indeterminate sentence review board.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.011 and 2002 c 174 s 2 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.850, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2)(a) Except as provided in (b) of this subsection, not less than ninety days prior to the expiration of the minimum term of a person sentenced under RCW 9.94A.712, for a sex offense committed on or after September 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional ~~((two))~~ five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(b) If at the time a person sentenced under RCW 9.94A.712 for a sex offense committed on or after September 1, 2001, arrives at a department of corrections facility, the offender's minimum term has expired or will expire within one hundred

twenty days of the offender's arrival, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional ~~((two))~~ five years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(c) In setting a new minimum term, the board may consider the length of time necessary for the offender to complete treatment and programming as well as other factors that relate to the offender's release under RCW 9.95.420. The board's rules shall permit an offender to petition for an earlier review if circumstances change or the board receives new information that would warrant an earlier review.

Sec. 2. RCW 9.95.420 and 2006 c 313 s 2 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term ~~((not to exceed an additional two years))~~ as provided in RCW 9.95.011.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives

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the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term (~~not to exceed an additional two years~~) as provided in RCW 9.95.011.

(4) In a hearing conducted under subsection (3) of this section, the board shall provide opportunities for the victims of any crimes for which the offender has been convicted to present oral, video, written, or in-person testimony to the board. The procedures for victim input shall be developed by rule. To facilitate victim involvement, county prosecutor's offices shall ensure that any victim impact statements and known contact information for victims of record are forwarded as part of the judgment and sentence.

Sec. 3. RCW 9.95.435 and 2003 c 218 s 1 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend the release and sanction up to sixty days' confinement in a local correctional facility for each violation, or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members or designees of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with (~~written notice of the violation~~) findings and conclusions which include the evidence relied upon, and the reasons the particular sanction

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was imposed. (~~The notice shall include a statement of the rights specified in this subsection, and the offender's~~) The board shall notify the offender of the right to appeal the sanction and the right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. The board or its designee shall make a determination whether probable cause exists to believe the violation or violations occurred. The determination shall be made within forty-eight hours of receipt of the allegation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the (~~hearing examiner~~) presiding hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody upon a finding of violation is a probable sanction for the violation. The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has waived the right to counsel; and

(e) The sanction shall take effect if affirmed by the (~~hearing examiner~~) presiding hearing officer.

(5) Within seven days after the (~~hearing examiner's~~) presiding hearing officer's decision, the offender may appeal the decision to the full board or to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (a) The crime of conviction; (b) the violation committed; (c) the offender's risk of reoffending; or (d) the safety of the community.

(6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

Sec. 4. RCW 9.96.050 and 2002 c 16 s 3 are each amended to read as follows:

(1)(a) When (~~a prisoner~~) an offender on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the (~~prisoner~~) offender. (~~The certificate of discharge shall be issued to the offender in person or by mail to the prisoner's last known address~~.)

(b) The board retains the jurisdiction to issue a certificate of discharge after the expiration of the offender's or parolee's maximum statutory sentence. If not earlier granted and any and all legal financial obligations have been paid, the board shall issue a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years.

(c) The discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state.

(d) This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

(e) The board shall issue a certificate of discharge to the offender in person or by mail to the offender's last known address.

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(2) The board shall send a copy of every signed certificate of discharge to the auditor for the county in which the offender was sentenced and to the department of corrections. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

~~((The board retains the jurisdiction to issue a certificate of discharge after the expiration of the prisoner's or parolee's maximum statutory sentence. If not earlier granted, the board shall make a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years. Such discharge, regardless of when issued, shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certification of discharge shall so state. This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.))~~

(3) The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1592.

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9.95.011, 9.95.420, 9.95.435, and 9.96.050."

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1592 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

MOTION

On motion of Senator Spanel, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1592 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1592 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler,

Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 42

Excused: Senators Brown, Carrell, Hewitt, Kline, Pflug, Swecker and Tom - 7

HOUSE BILL NO. 1592 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910, by House Committee on Finance (originally sponsored by Representatives Ormsby, Fromhold, Miloscia, Dunshee, Kenney, Appleton, Darneille, Hasegawa and Morrell)

Modifying property tax exemption provisions relating to new and rehabilitated multiple-unit dwellings in urban centers to provide affordable housing requirements.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.14.005 and 1995 c 375 s 1 are each amended to read as follows:

The legislature finds:

(1) That in many of Washington's urban centers there is insufficient availability of desirable and convenient residential units, including affordable housing units, to meet the needs of a growing number of the public who would live in these urban centers if these desirable, convenient, attractive, affordable, and livable places to live were available;

(2) That the development of additional and desirable residential units, including affordable housing units, in these urban centers that will attract and maintain a significant increase in the number of permanent residents in these areas will help to alleviate the detrimental conditions and social liability that tend to exist in the absence of a viable mixed income residential population and will help to achieve the planning goals mandated by the growth management act under RCW 36.70A.020; and

(3) That planning solutions to solve the problems of urban sprawl often lack incentive and implementation techniques needed to encourage residential redevelopment in those urban centers lacking a sufficient variety of residential opportunities, and it is in the public interest and will benefit, provide, and promote the public health, safety, and welfare to stimulate new or enhanced residential opportunities, including affordable housing opportunities, within urban centers through a tax incentive as provided by this chapter.

Sec. 2. RCW 84.14.007 and 1995 c 375 s 2 are each amended to read as follows:

It is the purpose of this chapter to encourage increased residential opportunities, including affordable housing opportunities, in cities that are required to plan or choose to plan under the growth management act within urban centers where the ~~((legislative body))~~ governing authority of the affected city has found there is insufficient housing opportunities, including affordable housing opportunities. It is further the purpose of this chapter to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for multifamily housing in urban centers having insufficient housing opportunities that will increase and improve residential opportunities, including affordable housing opportunities, within these urban centers. To achieve these purposes, this chapter provides for special valuations in

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residentially deficient urban centers for eligible improvements associated with multiunit housing (~~(in residentially deficient urban centers)~~), which includes affordable housing.

Sec. 3. RCW 84.14.010 and 2002 c 146 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "City" means either (a) a city or town with a population of at least ~~(thirty)~~ fifteen thousand ~~(or)~~ located in a county planning under the growth management act, (b) the largest city or town, if there is no city or town with a population of at least ~~(thirty)~~ fifteen thousand, located in a county planning under the growth management act, or (c) a city or town with a population of at least five thousand located in a county subject to the provisions of RCW 36.70A.215.

(2) "Affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

(3) "Household" means a single person, family, or unrelated persons living together.

(4) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located.

(5) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median family income adjusted for family size, for the county where the project is located.

(6) "High cost area" means a county where the third quarter median house price for the previous year as reported by the Washington center for real estate research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(7) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

~~((3))~~ (8) "Growth management act" means chapter 36.70A RCW.

~~((4))~~ (9) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

~~((5))~~ (10) "Owner" means the property owner of record.

~~((6))~~ (11) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

~~((7))~~ (12) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve

months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

~~((8))~~ (13) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

~~((9))~~ (14) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

~~((10))~~ (15) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 4. RCW 84.14.020 and 2002 c 146 s 2 are each amended to read as follows:

(1)(a) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, as follows:

(i) For ~~((ten))~~ eight successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate of tax exemption eligibility ~~((-- However, the exemption does not include the value of land or nonhousing-related improvements not qualifying under this chapter))~~; and

(ii) For an additional four years if the property qualifies for an extended period under subsection (2) of this section.

(b) The exemptions provided in (a)(i) and (ii) of this subsection do not include the value of land or nonhousing-related improvements not qualifying under this chapter.

(2) In order for property to qualify for an extended exemption period under subsection (1)(a)(ii) of this section, the applicant must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (2) may be satisfied solely through housing affordable to moderate-income households.

(3) When a local government adopts guidelines pursuant to RCW 84.14.030(2) and ~~((the qualifying dwelling units are each on separate parcels for the purpose of property taxation))~~ includes conditions that must be satisfied with respect to individual dwelling units, rather than with respect to the multiple-unit housing as a whole or some minimum portion thereof, the exemption ~~((may, at the local government's discretion, be))~~ is limited to the value of the qualifying improvements allocable to those dwelling units that meet the local guidelines. However, if specific units are identified to satisfy income eligibility limits or limits on rents or sale prices that apply to a percentage of all units under local guidelines, the exemption may still apply to the multiple-unit housing as a whole.

~~((2))~~ (4) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

~~((3))~~ (5) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying

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portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

~~((+))~~ (6) At the conclusion of the ~~((ten-year))~~ exemption period, the new or rehabilitated housing cost shall be considered as new construction for the purposes of chapter 84.55 RCW.

Sec. 5. RCW 84.14.030 and 2005 c 80 s 1 are each amended to read as follows:

An owner of property making application under this chapter must meet the following requirements:

(1) The new or rehabilitated multiple-unit housing must be located in a residential targeted area as designated by the city;

(2) The multiple-unit housing must meet ~~((the))~~ guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, ~~((low-income or moderate-))~~ income limits for occupancy ((requirements)), limits on rents or sale prices, and other adopted requirements indicated necessary by the city. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(3) The new, converted, or rehabilitated multiple-unit housing must provide for a minimum of fifty percent of the space for permanent residential occupancy. In the case of existing occupied multifamily development, the multifamily housing must also provide for a minimum of four additional multifamily units. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units;

(4) New construction multifamily housing and rehabilitation improvements must be completed within three years from the date of approval of the application;

(5) Property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995. If the property proposed to be rehabilitated is not vacant, an applicant shall provide each existing tenant housing of comparable size, quality, and price and a reasonable opportunity to relocate; and

(6) The applicant must enter into a contract with the city approved by the governing ~~((body))~~ authority, or an administrative official or commission authorized by the governing authority, under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the governing authority.

Sec. 6. RCW 84.14.040 and 1995 c 375 s 7 are each amended to read as follows:

(1) The following criteria must be met before an area may be designated as a residential targeted area:

(a) The area must be within an urban center, as determined by the governing authority;

(b) The area must lack, as determined by the governing authority, sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if the affordable, desirable, attractive, and livable places to live were available; and

(c) The providing of additional housing opportunity, including affordable housing, in the area, as determined by the governing authority, will assist in achieving one or more of the stated purposes of this chapter.

(2) For the purpose of designating a residential targeted area or areas, the governing authority may adopt a resolution of intention to so designate an area as generally described in the resolution. The resolution must state the time and place of a hearing to be held by the governing authority to consider the designation of the area and may include such other information pertaining to the designation of the area as the governing authority determines to be appropriate to apprise the public of the action intended.

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(3) The governing authority shall give notice of a hearing held under this chapter by publication of the notice once each week for two consecutive weeks, not less than seven days, nor more than thirty days before the date of the hearing in a paper having a general circulation in the city where the proposed residential targeted area is located. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated as a residential targeted area.

(4) Following the hearing, or a continuance of the hearing, the governing authority may designate all or a portion of the area described in the resolution of intent as a residential targeted area if it finds, in its sole discretion, that the criteria in subsections (1) through (3) of this section have been met.

(5) After designation of a residential targeted area, the governing authority ~~((shall))~~ must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under RCW 84.14.060. The standards and guidelines must establish basic requirements for both new construction and rehabilitation ~~((including)), which must include:~~

~~((a))~~ Application process and procedures ~~((These guidelines may include the following:));~~

~~((a))~~ (b) Requirements that address demolition of existing structures and site utilization; and

~~((b))~~ (c) Building requirements that may include elements addressing parking, height, density, environmental impact, and compatibility with the existing surrounding property and such other amenities as will attract and keep permanent residents and that will properly enhance the livability of the residential targeted area in which they are to be located.

(6) The governing authority may adopt and implement, either as conditions to eight-year exemptions or as conditions to an extended exemption period under RCW 84.14.020(2), or both, more stringent income eligibility, rent, or sale price limits, including limits that apply to a higher percentage of units, than the minimum conditions for an extended exemption period under RCW 84.14.020(2).

Sec. 7. RCW 84.14.050 and 1999 c 132 s 2 are each amended to read as follows:

An owner of property seeking tax incentives under this chapter must complete the following procedures:

(1) In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the governing authority or duly authorized ~~((agent))~~ representative, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes;

(2) In the case of new and rehabilitated multifamily housing, the owner shall apply to the city on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(3) The applicant must verify the application by oath or affirmation; and

(4) The application must be accompanied by the application fee, if any, required under RCW 84.14.080. The governing authority may permit the applicant to revise an application before final action by the governing authority.

Sec. 8. RCW 84.14.060 and 1995 c 375 s 9 are each amended to read as follows:

The duly authorized administrative official or committee of the city may approve the application if it finds that:

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(1) A minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multifamily units are being developed;

(2) If applicable, the proposed multiunit housing project meets the affordable housing requirements as described in RCW 84.14.020;

(3) The proposed project is or will be, at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;

~~((3))~~ (4) The owner has complied with all standards and guidelines adopted by the city under this chapter; and

~~((4))~~ (5) The site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.

Sec. 9. RCW 84.14.090 and 1995 c 375 s 12 are each amended to read as follows:

(1) Upon completion of rehabilitation or new construction for which an application for a limited tax exemption under this chapter has been approved and after issuance of the certificate of occupancy, the owner shall file with the city the following:

(a) A statement of the amount of rehabilitation or construction expenditures made with respect to each housing unit and the composite expenditures made in the rehabilitation or construction of the entire property;

(b) A description of the work that has been completed and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption under this chapter; ~~((and))~~

(c) If applicable, a statement that the project meets the affordable housing requirements as described in RCW 84.14.020; and

(d) A statement that the work has been completed within three years of the issuance of the conditional certificate of tax exemption.

(2) Within thirty days after receipt of the statements required under subsection (1) of this section, the authorized representative of the city shall determine whether the work completed, and the affordability of the units, is consistent with the application and the contract approved by the ~~((governing authority))~~ city and is qualified for a limited tax exemption under this chapter. The city shall also determine which specific improvements completed meet the requirements and required findings.

(3) If the rehabilitation, conversion, or construction is completed within three years of the date the application for a limited tax exemption is filed under this chapter, or within an authorized extension of this time limit, and the authorized representative of the city determines that improvements were constructed consistent with the application and other applicable requirements, including if applicable, affordable housing requirements, and the owner's property is qualified for a limited tax exemption under this chapter, the city shall file the certificate of tax exemption with the county assessor within ten days of the expiration of the thirty-day period provided under subsection (2) of this section.

(4) The authorized representative of the city shall notify the applicant that a certificate of tax exemption is not going to be filed if the authorized representative determines that:

(a) The rehabilitation or new construction was not completed within three years of the application date, or within any authorized extension of the time limit;

(b) The improvements were not constructed consistent with the application or other applicable requirements; ~~((or))~~

(c) If applicable, the affordable housing requirements as described in RCW 84.14.020 were not met; or

(d) The owner's property is otherwise not qualified for limited exemption under this chapter.

(5) If the authorized representative of the city finds that construction or rehabilitation of multiple-unit housing was not completed within the required time period due to circumstances

beyond the control of the owner and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed twenty-four consecutive months.

(6) The governing authority may provide by ordinance for an appeal of a decision by the deciding officer or authority that an owner is not entitled to a certificate of tax exemption to the governing authority, a hearing examiner, or other city officer authorized by the governing authority to hear the appeal in accordance with such reasonable procedures and time periods as provided by ordinance of the governing authority. The owner may appeal a decision by the deciding officer or authority that is not subject to local appeal or a decision by the local appeal authority that the owner is not entitled to a certificate of tax exemption in superior court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty days of notification by the city to the owner of the decision being challenged.

Sec. 10. RCW 84.14.100 and 1995 c 375 s 13 are each amended to read as follows:

(1) Thirty days after the anniversary of the date of the certificate of tax exemption and each year for ~~((a period of ten years))~~ the tax exemption period, the owner of the rehabilitated or newly constructed property shall file with a designated ~~((agent))~~ authorized representative of the city an annual report indicating the following:

~~((1))~~ (a) A statement of occupancy and vacancy of the rehabilitated or newly constructed property during the twelve months ending with the anniversary date;

~~((2))~~ (b) A certification by the owner that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in RCW 84.14.020 since the date of the certificate approved by the city; ~~((and~~

~~((3))~~ (c) A description of changes or improvements constructed after issuance of the certificate of tax exemption; and

(d) Any additional information requested by the city in regards to the units receiving a tax exemption.

(2) All cities, which issue certificates of tax exemption for multiunit housing that conform to the requirements of this chapter, shall report annually by December 31st of each year, beginning in 2007, to the department of community, trade, and economic development. The report must include the following information:

(a) The number of tax exemption certificates granted;

(b) The total number and type of units produced or to be produced;

(c) The number and type of units produced or to be produced meeting affordable housing requirements;

(d) The actual development cost of each unit produced;

(e) The total monthly rent or total sale amount of each unit produced;

(f) The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied

units at the time of purchase for each of the units receiving a tax exemption and a summary of these figures for the city; and

(g) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

Sec. 11. RCW 84.14.110 and 2002 c 146 s 3 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted ~~((and))~~ for the applicable period under RCW 84.14.020, so long as they are not ~~((be))~~ converted to another use ~~((for at least ten years from date of issuance of the certificate of tax exemption))~~ and continue to satisfy all applicable conditions. If the owner intends to convert the multifamily development to another use, or if applicable, if the owner intends to discontinue compliance with the affordable

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housing requirements as described in RCW 84.14.020 or any other condition to exemption, the owner shall notify the assessor within sixty days of the change in use or intended discontinuance. If, after a certificate of tax exemption has been filed with the county assessor, the ~~((city or assessor or agent))~~ authorized representative of the governing authority discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements, including, if applicable, affordable housing requirements, as previously approved or agreed upon by contract between the ~~((governing authority))~~ city and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority or authorized representative shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority or authorized representative, within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new housing construction, conversion, and rehabilitation improvements added to the rolls shall be considered as new construction for the purposes of chapter 84.55 RCW. The owner may appeal the valuation to the county board of equalization under chapter

84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered.

NEW SECTION. Sec. 12. This act is applicable only to applications for tax exemption certificates submitted under chapter 84.14 RCW after the effective date of this act, except that any previously adopted local government requirements or conditions that are consistent with chapter 84.14 RCW as amended by this act are ratified by this act.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Weinstein moved that the following amendment by Senator Weinstein to the committee striking amendment be adopted.

On page 2, beginning on line 22 of the amendment, strike "located in a county planning under the growth management act"

On page 4, line 28 of the amendment, after "For" strike "~~((ten)) eight~~" and insert "properties for which applications for certificates of tax exemption eligibility are submitted under chapter 84.14 RCW before the effective date of this act, the value is exempt for ten"

On page 4, line 30 of the amendment, after "certificate" strike "of tax exemption eligibility((" and insert "~~((of tax exemption eligibility~~"

On page 4, beginning on line 33 of the amendment, strike all of subsection (1)(a)(ii) and insert the following:

"(ii) For properties for which applications for certificates of tax exemption eligibility are submitted under chapter 84.14 RCW on or after the effective date of this act, the value is exempt:

(A) For eight successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate; or

(B) For twelve successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate, if the property otherwise qualifies for the exemption under chapter 84.14 RCW and meets the conditions in this subsection (1)(a)(ii)(B). For the property to qualify for the twelve-year exemption under this subsection, the applicant must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection (1)(a)(ii)(B) may be satisfied solely through housing affordable to moderate-income households."

On page 5, beginning on line 1 of the amendment, strike all of subsection (2)

ReNUMBER the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 16 of the amendment, after "exemption" strike all material through "is" on line 17 and insert "may, at the local government's discretion, be"

On page 5, beginning on line 19 of the amendment, strike all material through "whole," on line 22

On page 14, beginning on line 31 of the amendment, strike all of section 12

ReNUMBER the remaining section consecutively and correct any internal references accordingly.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Weinstein on page 2, line 22 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1910.

The motion by Senator Weinstein carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1910.

The motion by Senator Weinstein carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "housing;" strike the remainder of the title and insert "amending RCW 84.14.005, 84.14.007, 84.14.010, 84.14.020, 84.14.030, 84.14.040, 84.14.050, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute House Bill No. 1910 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

Senator Honeyford spoke on passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

POINT OF INQUIRY

Senator Sheldon: "Would Senator Weinstein yield to a question? If this just applies within city limits or does it apply as well in urban growth areas?"

Senator Weinstein: "Well, the result of the amendment reestablishes the authorities of cities and counties not planning under the growth management act to offer the multi unit housing tax exemption program. They need certain minimum population requirements."

Senator Sheldon: "Well, I don't think the amendment answers that question. My question is, Senator Weinstein, if you'll yield. Does the tax exemption apply only within city limits or does it apply within urban growth areas as well?"

Senator Weinstein: "Only within city limits."

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1910 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1910 as amended

by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Berkey, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 41

Voting nay: Senators Brandland and Holmquist - 2

Excused: Senators Brown, Fairley, Hewitt, Kline, Swecker and Tom - 6

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2262, by House Committee on Appropriations (originally sponsored by Representatives Barlow, McCoy, Hunter, Seaquist, Eddy, Fromhold, Ormsby, Sells and Morrell)

Providing salary bonuses for individuals certified by the national board for professional teaching standards.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds and declares:

(1) The national board for professional teaching standards has established high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student learning results;

(2) The national board certifies teachers who meet these standards through a rigorous, performance-based assessment process;

(3) A certificate awarded by the national board attests that a teacher has met high and rigorous standards and has demonstrated the ability to make sound professional judgments about how to best meet students' learning needs and effectively help students meet challenging academic standards; and

(4) Teachers who attain national board certification should be acknowledged and rewarded in order to encourage more teachers to pursue certification for the benefit of Washington students.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.405 RCW to read as follows:

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in a school in which at least seventy

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percent of the students qualify for the free and reduced-price lunch program.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

(5) The bonuses provided under this section shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

Sec. 3. RCW 41.32.010 and 2005 c 131 s 8 and 2005 c 23 s 1 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan 1 members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan 2 members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan 1 members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan 1 members.

(10)(a) "Earnable compensation" for plan 1 members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) For an employee member of the retirement system teaching in an extended school year program, two consecutive extended school years, as defined by the employer school district, may be used as the annual period for determining earnable compensation in lieu of the two fiscal years.

(iii) "Earnable compensation" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during

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a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iv) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(v) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041;

(C) Bonuses for certification from the national board for professional teaching standards authorized under section 2 of this act.

(b) "Earnable compensation" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, bonuses for certification from the national board for professional teaching standards authorized under section 2 of this act, or any form of severance pay.

"Earnable compensation" for plan 2 and plan 3 members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

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(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system who has not been removed from membership under RCW 41.32.878 or 41.32.768. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan 1 members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan 1 members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan 1 members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan 1 members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan 1 members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan 2 and plan 3 members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan 1 members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132;

(ii) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(iii) All other members in an eligible position or as a substitute teacher shall receive service credit as follows:

(A) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(B) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(C) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iv) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(v) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(vi) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(viii) The department shall adopt rules implementing this subsection.

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(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan 2 and plan 3 members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan 2 members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan 2 and plan 3 on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan 1" means the teachers' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan 2" means the teachers' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to July 1, 1996.

(40) "Plan 3" means the teachers' retirement system, plan 3 providing the benefits and funding provisions covering persons who first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

(41) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

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(42) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(43) "Index B" means the index for the year prior to index A.

(44) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(45) "Adjustment ratio" means the value of index A divided by index B.

(46) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(47) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

(48) "Separation from service or employment" occurs when a person has terminated all employment with an employer.

(49) "Employed" or "employee" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law."

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 2, after "program." on line 3, insert "Such bonus shall be awarded following a school year in which the office of superintendent of public instruction determines that the individual's teaching has resulted in improved student performance. The Washington Institute for Public Policy, in consultation with the office of superintendent of public instruction, shall develop objective assessment criteria necessary for making this determination."

Senator Zarelli spoke in favor of adoption of the amendment to the committee striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zarelli on page 2, line 3 to the committee striking amendment to Second Substitute House Bill No. 2262.

The motion by Senator Zarelli failed and the amendment to the committee striking amendment was not adopted by rising a voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 2262.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "standards;" strike the remainder of the title and insert "reenacting and amending RCW 41.32.010; adding a new section to chapter 28A.405 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 2262 as amended by the

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Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Holmquist, Zarelli and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2262 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2262 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 45

Excused: Senators Brown, Hewitt, Swecker and Tom - 4

SECOND SUBSTITUTE HOUSE BILL NO. 2262 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "The President would like to note to the members of the Senate today that you have set a new record. Six different times people have approached the bar either by, directly approaching the bar, or signaling from the sides on both sides, this last bill, to get members off the rostrum to assist you. You have a rule that strictly prohibits approaching the bar during the vote. The President would appreciate it if you would adhere to that rule. Thank you."

PARLIAMENTARY INQUIRY

Senator Delvin: "Do you take phone calls up on the daises?"

SECOND READING

HOUSE BILL NO. 1344, by Representatives Lovick, Rodne, Hudgins, Uptegrove and Campbell

Providing a window tint exemption for law enforcement vehicles.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1344 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1344.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1344 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 46

Excused: Senators Hewitt, Swecker and Tom - 3

HOUSE BILL NO. 1344, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1077, by Representatives Blake and Kretz

Modifying requirements concerning the public disclosure of sensitive fish and wildlife information.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.56.430 and 2005 c 274 s 423 are each amended to read as follows:

The following information relating to fish and wildlife is exempt from disclosure under this chapter:

(1) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data, however, this information may be released to government agencies concerned with the management of fish and wildlife resources;

(2) Sensitive fish and wildlife data (~~(obtained)~~). Sensitive fish and wildlife data may be released to the following entities and their agents for fish, wildlife, land management purposes, or scientific research needs: Government agencies, public utilities, and accredited colleges and universities. Sensitive fish and wildlife data may be released to tribal governments. Sensitive fish and wildlife data may also be released to the owner, lessee, or right-of-way or easement holder of the private land to which the data pertains. The release of sensitive fish and wildlife data may be subject to a confidentiality agreement, except upon release of sensitive fish and wildlife data to the owner, lessee, or right-of-way or easement holder of private land who initially provided the data. Sensitive fish and wildlife data must meet at least one of the following criteria of this subsection as applied by the department of fish and wildlife(~~(- however, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. As used in this subsection, sensitive wildlife data includes)~~):

(a) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(b) Radio frequencies used in, or locational data generated by, telemetry studies; or

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(c) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(i) The species has a known commercial or black market value;

(ii) There is a history of malicious take of that species and the species behavior or ecology renders it especially vulnerable; ~~((or))~~

(iii) There is a known demand to visit, take, or disturb ~~((and the species behavior or ecology renders it especially vulnerable))~~ the species; or

(iv) The species has an extremely limited distribution and concentration; and

(3) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag; however, the department of fish and wildlife may disclose personally identifying information to:

(a) Government agencies concerned with the management of fish and wildlife resources;

(b) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(c) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040."

MOTION

Senator Morton moved that the following amendment by Senators Morton and Jacobsen to the committee striking amendment be adopted.

On page 1, line 25 of the amendment, after "data." insert "Sensitive fish and wildlife data does not include data related to reports of predatory wildlife as specified in section 2 of this act."

On page 2, after line 29 of the amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

The department shall post on its internet web site all reported predatory wildlife interactions, including reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars."

Senator Morton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Morton and Jacobsen on page 1, line 25 to the committee striking amendment to House Bill No. 1077.

The motion by Senator Morton carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation as amended to House Bill No. 1077.

The motion by Senator Jacobsen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "data;" strike the remainder of the title and insert "and amending RCW 42.56.430."

On page 3, line 1 of the title amendment, after "insert" strike "and" and after "42.56.430" insert "; and adding a new section to chapter 77.12 RCW"

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1077 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1077 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1077 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 37

Voting nay: Senators Fairley, Fraser, Kauffman, Kohl-Welles, Murray, Poulsen, Prentice, Regala and Rockefeller - 9

Excused: Senators Hewitt, Swecker and Tom - 3

HOUSE BILL NO. 1077 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1688, by Representatives Newhouse, Grant and Morrell

Concerning the marketing of fruits and vegetables.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1688.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1688 and the bill passed the Senate

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by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 46

Excused: Senators Hewitt, Swecker and Tom - 3

ENGROSSED HOUSE BILL NO. 1688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1966, by Representatives Curtis, Cody, Skinner, Morrell, Green, Barlow, Dameille, Ormsby and Schual-Berke

Clarifying the authority of physician assistants to sign and attest to documents.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that some state agencies and departments do not accept the signature of physician assistants on certain certificates, reports, and other documents that their supervising physician is permitted to sign, notwithstanding the fact that the signing of such documents is within the physician assistant's scope of practice, covered under their practice arrangement plan, and permitted pursuant to WAC 246-918-140.

It is therefore the intent of the legislature to clarify in statute what was adopted by rule in WAC 246-918-140, that a physician assistant may sign and attest to any document that might ordinarily be signed by the supervising physician and that is consistent with the terms of the practice arrangement plan.

NEW SECTION. Sec. 2. A new section is added to chapter 18.57A RCW to read as follows:

An osteopathic physician's assistant may sign and attest to any certificates, cards, forms, or other required documentation that the osteopathic physician's assistant's supervising osteopathic physician or osteopathic physician group may sign, provided that it is within the osteopathic physician's assistant's scope of practice and is consistent with the terms of the osteopathic physician's assistant's practice arrangement plan as required by this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 18.71A RCW to read as follows:

A physician assistant may sign and attest to any certificates, cards, forms, or other required documentation that the physician assistant's supervising physician or physician group may sign, provided that it is within the physician assistant's scope of practice and is consistent with the terms of the physician assistant's practice arrangement plan as required by this chapter."

Senator Keiser spoke in favor of adoption of the committee striking amendment.

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to House Bill No. 1966.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "documents;" strike the remainder of the title and insert "adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71A RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1966 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1966 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1966 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Weinstein and Zarelli - 46

Excused: Senators Hewitt, Swecker and Tom - 3

HOUSE BILL NO. 1966 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "Senator Honeyford has raised two related questions on the striking amendment to House Bill 1187: First, he asks whether it is appropriate for the Senate to substantively amend the title of a House Bill; and second, he asks whether the proposed amendment is beyond the scope and object of the underlying bill.

As to the first question, the President takes note of the fact that House rules and practice differ from those of the Senate with respect to title amendments, and it is probably fair to characterize the House's rules as stricter with respect to such amendments. That said, in the interest of comity and promoting good relations between the chambers, the President generally does not rule on matters of procedure within the House. Our rules allow for title amendments, and this body may make such amendments if it chooses. The body may be well-advised, of course, to take note of House practice and traditions in making

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such choices, but these are matters of negotiation and policy, not Senate procedure.

On the second question, relating to whether the striking amendment goes beyond the scope and object of the underlying bill, the President begins by taking a look at the measure in the form in which it originally came over from the House. In this case, the measure can be fairly characterized as a purely technical recodification of affordable housing statutes. There are no substantive provisions of law changed or enacted beyond this. By contrast, the striking amendment includes very substantive law allowing local governments to set up relocation assistance programs. It includes monetary amounts, notice provisions, language on condominium moratoriums, lease termination provisions, and limitations on interior construction. This language goes well beyond recodifying affordable housing statutes and is clearly outside the subject matter of the underlying bill as it came over from the House

For these reasons, Senator Honeyford's second point is well-taken, and the amendment is beyond the scope and object of the underlying bill."

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Schoesler on the scope and object of House Bill No.1430, the President finds and rules as follows: First the President would like to remind the body once again that the rule on scope and object is not concerned with the title of the bill. The President finds that the original bill does one very specific thing – it authorizes all cities, towns, counties, public corporations, and port districts to create partnerships and limited liability companies, and enter into public or private agreements in order to implement the federal New Markets Tax Credit Program.

Amendment No. 397 by Senator Kline would create an entirely new local government entity to help local communities mitigate the negative impact of multiple major public works and capital projects with significant public funding. While stimulating new investment in low-income communities, which is what the New Markets Tax Credit Program is designed to do, may have some harmful impact on a local community, there is insufficient nexus between the authorization in HB 1430 to local governments to implement the New Markets Tax Credit Program and Amendment No. 397's proposed new governmental entity to help communities mitigate the negative impact of multiple major public works and capital projects.

The President, therefore, finds that the amendment does change the scope and object of the bill and the point of order is well taken."

MOTION

At 5:09 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, April 10, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MORNING SESSION

MOTION

Senate Chamber, Olympia, Tuesday, April 10, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton, Holmquist, Kauffman, Pflug, Rasmussen and Sheldon.

The Sergeant at Arms Color Guard consisting of Pages Alexandra Hendricks-Hockey and Michelle Velasquez, presented the Colors. Reverend Warren Freeman, Jr. of the Allen African Methodist Episcopal Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 5114,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

SENATE BILL NO. 5206,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5225,
SENATE BILL NO. 5258,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5475,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5613,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

Senator Franklin moved that Gubernatorial Appointment No. 9103, Roosevelt Currie, as Chief Administrative Law Judge, Administrative Hearings Office, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, Pflug and Roach were excused.

MOTION

On motion of Senator Regala, Senators Kauffman and Sheldon were excused.

APPOINTMENT OF ROOSEVELT CURRIE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9103, Roosevelt Currie as Chief Administrative Law Judge, Administrative Hearings Office.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9103, Roosevelt Currie as Chief Administrative Law Judge, Administrative Hearings Office and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senator Rasmussen - 1

Excused: Senators Benton, Holmquist, Kauffman, Pflug and Sheldon - 5

Gubernatorial Appointment No. 9103, Roosevelt Currie, having received the constitutional majority was declared confirmed as Chief Administrative Law Judge, Administrative Hearings Office.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hatfield moved that Gubernatorial Appointment No. 9189, Thuy Vo, as a member of the Board of Trustees, Lower Columbia College District No. 13, be confirmed.

Senator Hatfield spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Rasmussen was excused.

APPOINTMENT OF THUY VO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9189, Thuy Vo as a member of the Board of Trustees, Lower Columbia College District No. 13.

The Secretary called the roll on the confirmation of

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Gubernatorial Appointment No. 9189, Thuy Vo as a member of the Board of Trustees, Lower Columbia College District No. 13 and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Berkeley, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Absent: Senator Carrell - 1

Excused: Senators Benton, Kauffman, Pflug, Rasmussen and Sheldon - 5

Gubernatorial Appointment No. 9189, Thuy Vo, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lower Columbia College District No. 13.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1980, by House Committee on Appropriations (originally sponsored by Representatives Kelley, Santos, Ormsby, Roach and Morrell)

Regarding the financial literacy public-private partnership.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 28A.300.455 and 2005 c 277 s 2 are each amended to read as follows:

(1) By September 30, 2004, the financial literacy public-private partnership shall adopt a definition of financial literacy to be used in educational efforts.

(2) By June 30, ~~((2006))~~ 2009, the financial literacy public-private partnership shall identify strategies to increase the financial literacy of public school students in our state. To the extent funds are available, strategies to be considered by the partnership shall include, but not be limited to:

(a) Identifying and making available to school districts:

(i) Important financial literacy skills and knowledge;

(ii) Ways in which teachers at different grade levels may integrate financial literacy in mathematics, social studies, and other course content areas;

(iii) Instructional materials and programs, including schoolwide programs, that include the important financial literacy skills and knowledge;

(iv) Assessments and other outcome measures that schools and communities may use to determine whether students are financially literate; and

(v) Other strategies for expanding and increasing the quality of financial literacy instruction in public schools, including professional development for teachers;

(b) Developing a structure and set of operating principles for the financial literacy public-private partnership to assist interested school districts in improving the financial literacy of their students by providing such things as financial literacy instructional materials and professional development; and

(c) Providing a report to the governor, the house and senate financial institutions and education committees of the

legislature, the superintendent of public instruction, the state board of education, and education stakeholder groups, on the results of work of the financial literacy public-private partnership. ~~((A final))~~ An interim report shall be submitted to the same parties by June 30, 2007, with a final report by June 30, 2009.

Sec. 5. RCW 28A.300.460 and 2004 c 247 s 5 are each amended to read as follows:

The task of the financial literacy public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial literacy examined shall include, at a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating districts and students, in accordance with the definitions and outcomes developed under RCW 28A.300.455.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.230 RCW to read as follows:

(1) To the extent funds are appropriated or are available for this purpose, the superintendent of public instruction and other members of the partnership created in RCW 28A.300.455 shall make available to school districts the list of identified financial literacy skills and knowledge, instructional materials, assessments, and other relevant information.

(2) Each school district is encouraged to provide its students with an opportunity to master the financial literacy skills and knowledge developed under RCW 28A.300.460.

(3) For the purposes of RCW 28A.300.455, 28A.300.460, and this section, it is not necessary to evaluate and apply the office of the superintendent of public instruction essential academic learning requirements or to develop grade level expectations.

Sec. 7. RCW 28A.300.470 and 2004 c 247 s 7 are each amended to read as follows:

The financial literacy public-private partnership expires June 30, ~~((2007))~~ 2009.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Second Substitute House Bill No. 1980.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "partnership;" strike the remainder of the title and insert "amending RCW 28A.300.455, 28A.300.460, and 28A.300.470; adding a new section to chapter 28A.230 RCW; and declaring an emergency."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1980 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1980 as amended by the Senate.

ROLL CALL

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The Secretary called the roll on the final passage of Second Substitute House Bill No. 1980 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Kauffman, Pflug and Sheldon - 4

SECOND SUBSTITUTE HOUSE BILL NO. 1980 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2300, by House Committee on Higher Education (originally sponsored by Representatives Hasegawa, Jarrett, Wallace, B. Sullivan, Kenney, Hunter, Goodman, Dunshee, Chase, Ormsby, Kelley, Simpson and Blake)

Concerning college textbooks.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Substitute House Bill No. 2300 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2300.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2300 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Carrell, Kauffman, Pflug and Sheldon - 4

SUBSTITUTE HOUSE BILL NO. 2300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2055, by House Committee on Appropriations (originally sponsored by Representatives Flannigan, Ahern, McCoy, Ormsby and Santos)

Concerning traumatic brain injuries.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The center for disease control estimates that at least five million three hundred thousand Americans, approximately two percent of the United States population, currently have a long-term or lifelong need for help to perform activities of daily living as a result of a traumatic brain injury. Each year approximately one million four hundred thousand people in this country, including children, sustain traumatic brain injuries as a result of a variety of causes including falls, motor vehicle injuries, being struck by an object, or as a result of an assault and other violent crimes, including domestic violence. Additionally, there are significant numbers of veterans who sustain traumatic brain injuries as a result of their service in the military.

Traumatic brain injury can cause a wide range of functional changes affecting thinking, sensation, language, or emotions. It can also cause epilepsy and increase the risk for conditions such as Alzheimer's disease, Parkinson's disease, and other brain disorders that become more prevalent with age. The impact of a traumatic brain injury on the individual and family can be devastating.

The legislature recognizes that current programs and services are not funded or designed to address the diverse needs of this population. It is the intent of the legislature to develop a comprehensive plan to help individuals with traumatic brain injuries meet their needs. The legislature also recognizes the efforts of many in the private sector who are providing services and assistance to individuals with traumatic brain injuries. The legislature intends to bring together those in both the public and private sectors with expertise in this area to address the needs of this growing population.

"NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of social and health services.

(2) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(3) "Secretary" means the secretary of social and health services.

(4) "Traumatic brain injury" means injury to the brain caused by physical trauma resulting from, but not limited to, incidents involving motor vehicles, sporting events, falls, and physical assaults. Documentation of traumatic brain injury shall be based on adequate medical history, neurological examination, mental status testing, or neuropsychological evaluation. A traumatic brain injury shall be of sufficient severity to result in impairments in one or more of the following areas: Cognition; language memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; or information processing. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(5) "Traumatic brain injury account" means the account established under section 7 of this act.

(6) "Council" means the Washington traumatic brain injury strategic partnership advisory council created under section 3 of this act.

"NEW SECTION. Sec. 3. (1) The Washington traumatic brain injury strategic partnership advisory council is established as an advisory council to the governor, the legislature, and the secretary of the department of social and health services.

(2) The council shall be composed of the following members who shall be appointed by the governor:

(a) The secretary or the secretary's designee, and representatives from the following: Children's administration, mental health division, aging and disability services administration, and vocational rehabilitation;

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(b) The executive director of a state brain injury association;

(c) A representative from a nonprofit organization serving individuals with traumatic brain injury;

(d) The secretary of the department of health or the secretary's designee;

(e) The secretary of the department of corrections or the secretary's designee;

(f) A representative of the department of community, trade, and economic development;

(g) A representative from an organization serving veterans;

(h) A representative from the national guard;

(i) A representative of a Native American tribe located in Washington;

(j) The executive director of the Washington protection and advocacy system;

(k) A neurologist who has experience working with individuals with traumatic brain injuries;

(l) A neuropsychologist who has experience working with persons with traumatic brain injuries;

(m) A social worker or clinical psychologist who has experience in working with persons who have sustained traumatic brain injuries;

(n) A rehabilitation specialist, such as a speech pathologist, vocational rehabilitation counselor, occupational therapist, or physical therapist who has experience working with persons with traumatic brain injuries;

(o) Two persons who are individuals with a traumatic brain injury;

(p) Two persons who are family members of individuals with traumatic brain injuries; and

(q) Two members of the public who have experience with issues related to the causes of traumatic brain injuries.

(3) Council members shall not be compensated for serving on the council, but may be reimbursed for all reasonable expenses related to costs incurred in participating in meetings for the council.

(4) Initial appointments to the council shall be made by July 30, 2007. The terms of appointed council members shall be three years, except that the terms of the appointed members who are initially appointed shall be staggered by the governor to end as follows:

(a) Four members on June 30, 2008;

(b) Three members on June 30, 2009; and

(c) Three members on June 30, 2010.

(5) No member may serve more than two consecutive terms.

(6) The appointed members of the council shall, to the extent possible, represent rural and urban areas of the state.

(7) A chairperson shall be elected every two years by majority vote from among the council members. The chairperson shall act as the presiding officer of the council.

(8) The duties of the council include:

(a) Collaborating with the department to develop a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries;

(b) By November 1, 2007, providing recommendations to the department on criteria to be used to select programs facilitating support groups for individuals with traumatic brain injuries and their families under section 6 of this act;

(c) By December 1, 2007, submitting a report to the legislature and the governor on the following:

(i) The development of a comprehensive statewide information and referral network for individuals with traumatic brain injuries;

(ii) The development of a statewide registry to collect data regarding individuals with traumatic brain injuries, including the potential to utilize the department of information services to develop the registry;

(iii) The efforts of the department to provide services for individuals with traumatic brain injuries;

(d) By December 30, 2007, reviewing the preliminary comprehensive statewide plan developed by the department to meet the needs of individuals with traumatic brain injuries as required in section 4 of this act and submitting a report to the legislature and the governor containing comments and recommendations regarding the plan.

(9) The council may utilize the advice or services of a nationally recognized expert, or other individuals as the council deems appropriate, to assist the council in carrying out its duties under this section.

NEW SECTION. Sec. 4. (1) By July 30, 2007, the department shall designate a staff person who shall be responsible for the following:

(a) Coordinating policies, programs, and services for individuals with traumatic brain injuries; and

(b) Providing staff support to the council created in section 3 of this act.

(2) The department shall provide data and information to the council established under section 3 of this act that is requested by the council and is in the possession or control of the department.

(3) By December 1, 2007, the department shall provide a preliminary report to the legislature and the governor, and shall provide a final report by December 1, 2008, containing recommendations for a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, including the use of public-private partnerships and a public awareness campaign. The comprehensive plan should be created in collaboration with the council and should consider the following:

(a) Building provider capacity and provider training;

(b) Improving the coordination of services;

(c) The feasibility of establishing agreements with private sector agencies to develop services for individuals with traumatic brain injuries; and

(d) Other areas the council deems appropriate.

(4) By December 1, 2007, the department shall:

(a) Provide information and referral services to individuals with traumatic brain injuries until the statewide referral and information network is developed. The referral services may be funded from the traumatic brain injury account established under section 7 of this act; and

(b) Encourage and facilitate the following:

(i) Collaboration among state agencies that provide services to individuals with traumatic brain injuries;

(ii) Collaboration among organizations and entities that provide services to individuals with traumatic brain injuries; and

(iii) Community participation in program implementation.

(5) By December 1, 2007, and by December 1st each year thereafter, the department shall issue a report to the governor and the legislature containing the following:

(a) A summary of action taken by the department to meet the needs of individuals with traumatic brain injuries; and

(b) Recommendations for improvements in services to address the needs of individuals with traumatic brain injuries.

NEW SECTION. Sec. 5. By December 1, 2007, in collaboration with the council, the department shall institute a public awareness campaign that utilizes funding from the traumatic brain injury account to leverage a private advertising campaign to persuade Washington residents to be aware and concerned about the issues facing individuals with traumatic brain injuries through all forms of media including television, radio, and print.

NEW SECTION. Sec. 6. (1) By March 1, 2008, the department shall provide funding to programs that facilitate support groups to individuals with traumatic brain injuries and their families.

(2) The department shall use a request for proposal process to select the programs to receive funding. The council shall provide recommendations to the department on the criteria to be used in selecting the programs.

(3) The programs shall be funded solely from the traumatic brain injury account established in section 7 of this act, to the extent that funds are available.

NEW SECTION. Sec. 7. A new section is added to chapter 46.20 RCW to read as follows:

The traumatic brain injury account is created in the state treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(b) must be deposited into the account. Moneys in the account may be spent only after appropriation, and may be

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used only to provide a public awareness campaign and services relating to traumatic brain injury under sections 5 and 6 of this act, for information and referral services, and for costs of required department staff who are providing support for the council and information and referral services under sections 3 and 4 of this act. The secretary of the department of social and health services has the authority to administer the funds.

Sec. 8. RCW 46.63.110 and 2005 c 413 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a

new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040; and

(b) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in section 7 of this act.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

Sec. 9. RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

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(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities

construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 10. Sections 1 through 6 of this act constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 11. This act may be known and cited as the Tommy Manning act."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 2055.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "injury;" strike the remainder of the title and insert "amending RCW 46.63.110; reenacting and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW; adding a new chapter to Title 74 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 2055 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Regala, Parlette and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2055 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2055 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Carrell, Pflug and Sheldon - 3

SECOND SUBSTITUTE HOUSE BILL NO. 2055 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1994, by Representatives Curtis, Ericks, Roberts and Quall

Addressing overpayments received by courts.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1994 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

Senator Marr spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1994.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1994 and the bill failed the Senate by the following vote: Yeas, 20; Nays, 26; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kline,

McAuliffe, McCaslin, Murray, Parlette, Regala, Rockefeller, Schoesler, Spanel, Tom and Weinstein - 20

Voting nay: Senators Benton, Brandland, Clements, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, Morton, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Shin, Stevens, Swecker and Zarelli - 26

Excused: Senators Carrell, Pflug and Sheldon - 3

HOUSE BILL NO. 1994, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Senator Kohl-Welles gave notice of her intent to move to reconsider the vote by which House Bill No. 1994 failed to pass the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2286, by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Simpson, Kirby, Williams, Kelley and Hunt)

Regulating interstate branching.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, Substitute House Bill No. 2286 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hobbs and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2286.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2286 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Sheldon - 2

SUBSTITUTE HOUSE BILL NO. 2286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Carrell moved adoption of the following resolution:

SENATE RESOLUTION
8685

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By Senators Carrell, Rasmussen and Franklin

WHEREAS, First Sergeant Christopher Navarre took a voluntary reduction in rank to Private in order to serve with the 761st Black Panther Tank Battalion during World War II; and

WHEREAS, Christopher Navarre fought valiantly as a tank gunner with the 761st, who lived up to their motto, "Come Out Fighting"; and

WHEREAS, Christopher Navarre and the other African-American men of the 761st spearheaded several attacks allowing General Patton's 4th Armored Division to drive forward into Germany; and

WHEREAS, Christopher Navarre was wounded in the hand and leg while the 761st fought elements from 14 different German divisions to allow the 4th Armored Division to move through the Rhine River; and

WHEREAS, Christopher Navarre assisted in destroying 23 fortified German pillboxes, and he was directly responsible for destroying seven; and

WHEREAS, Christopher Navarre and the 761st helped to liberate Holocaust victims held in concentration camps at Dachau and Buchenwald; and

WHEREAS, Christopher Navarre was appointed as a warrant officer in 1949 and served in the Korean War; and

WHEREAS, Christopher Navarre retired from active duty in 1963, taking a position in the Logistics Center at Ft. Lewis, Washington, until retiring in 1982; and

WHEREAS, Christopher Navarre and his wife, Bernice, make their home at Patriot's Landing in DuPont, where they are active in the community and the church; and

WHEREAS, Christopher Navarre volunteers much of his time speaking with and counseling soldiers returning from deployment, many of whom suffer from post-traumatic stress disorder; and

WHEREAS, President Jimmy Carter awarded the 761st the Presidential Unit Citation in 1978; and

WHEREAS, Christopher Navarre received the Purple Heart and the Silver Star in 1997 after a 52-year delay due to the segregation policy of the military at the time; and

WHEREAS, Christopher Navarre was named a Chevalier of the Legion of Honor by the President of France in 2006 for his efforts during World War II;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Christopher Navarre, World War II United States Army hero, member of the greatest generation, and honored citizen of the state of Washington, for his leadership, courage, valor, and selfless service.

Senators Carrell, Rasmussen and Franklin spoke in favor of adoption of the resolution.

REMARKS BY SENATOR CARRELL

Senator Carrell: "Thank you Mr. President, members of the Senate: It is not every day that the President of France honors a citizen of the State of Washington and today we also honor Chris Navarre for his personal efforts during World War II to liberate France. He is, today going to be getting the Legion of Merit. It was first instituted by Napoleon Bonaparte in 1802 and is given to people which have rendered service to France by various means. This is the highest honor that France can bestow upon it's citizens and, in this case, a foreign national a citizen of Washington State and United States. The seventy-first Tank Battalion that he served in, sometime after he landed ,the sixth day after the Normandy landing is a very, very famous Tank Battalion. You heard that he took a voluntary reduction rank from sergeant down to private in order to serve in this tank Battalion. The 761st tank battalion noticed as the Black Panthers, fought there way through virtually every country in Western Europe from France to Luxemburg to Holland and in this effort they were actually fighting for one-hundred, eighty-three days. Now most Tank Battalions were pulled out of the line after ten days, two weeks, but this particular one fought for one-hundred

eighty-three days through a whole series of battles and, as you heard, took on remnants and parts of seventeen German divisions in their march across Europe and freed Europe from the tyranny of the Nazi's. So it is great amount of respect and honor that today I would ask you to also honor Chris Navarre for the efforts he had to help free not only France but Western Europe from the tyranny that we know was gripping them from 1939 through 1945. Thank you Mr. President."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Thank you Mr. President. I too would like to support this resolution, 8685. Ten years ago this Senate honored Christopher Navarre. He was my friend, my constituent, he and Bernice are delightful, wonderful people, great advocates and community servants. What he is being honored for I'm immensely proud because we honored him for the Silver Star. For fifty-two years he was not awarded this medal. Fifty-two years later they decided to give him the Silver Star and we were proud of him. I'm proud of him as friends and as people of the community. I love them both. They're great, great people and he's a hero, a super hero but I think he's kind of like Superman, he's done it all. He's let the world know that he's not alone. He wants everyone to know what happened during World War II, not only for himself, but for all of those that served with him. There's memorials throughout our nation talking about his friends and the people that had been left behind. In his mind and in our minds no one is left behind. We all respect, honor you and you're my hero and you're the hero of the Senate. Ten years ago we honored him and we're back again saying, 'We love you still and thank you for everything you've done for us for our community.' God Bless."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you Mr. President and ladies and gentlemen of the Senate: I, too, rise in order to support the resolution for First Sergeant Navarre. The work that you have done as a member of the team of the Black Panthers as a part of the greatest generation and you fought in Germany with the Black Panthers and as your tank went across soil into Germany and as you fought, I too had traveled those roads and have seen what you have done. As you fought for freedom even though you knew that what you were fighting for you might have been discriminated against back in your own country. You didn't think of that. You thought of freedom, ending up in Dakhau I went to Dachau and saw because of what the Black Panthers and many others have done in order to relieve those who had been incarcerated in Dachau. To see, it is what really sends chills and you, as you did that, and as the Black Panthers and many others who fought in that greatest generation that lives, has stood very, very well for us. And as you continue the work that you do to tell others to let them know because, if we do not know our history and if we don't know where we came from, then we do not know where we are going. I honor you and respect you and as you continue to work with the Iraqi soldiers, as you continue to encourage them and as you continue to work and say to them that what they have done was that you did it for freedom. You continue to do that and I really respect and honor you and, of course, Mrs. Navarre who without her you would not have been able to do what you have done. Thank you and thanks for this resolution."

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8685.

The motion by Senator Carrell carried and the resolution was adopted by voice vote.

REMARKS BY THE PRESIDENT

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President Owen: "Ladies and Gentlemen, before we have the opportunity to hear from this courageous patriot, there are a couple of special presentations that will be made to Mr. Navarre. First a few words from Mr. Mike Gregoire."

REMARKS BY MIKE GREGOIRE

Mike Gregoire: "Lieutenant Governor Owen, Senator Carrell and Consul General Desagneaux. Thank you for arranging this wonderful event today. On behalf of Governor Gregoire, I welcome and congratulate Christopher Navarre for this distinguished award. It is a great honor to meet you and to thank you for your heroic service to the people of France and to the people of the United States. Congratulations and best wishes from the people of Washington State. Thank you."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Frederic Desagneaux, Counsel General of France who was present at the rostrum for the appointment to the Legion of Honor.

REMARKS BY CONSUL GENERAL MR. FREDERIC DESAGNEAUX, CONSUL OF FRANCE

Mr. Lieutenant Governor, President of the Senate,
Honorable Senators,
Mr. Mike Gregoire,
Ladies and gentlemen,
Distinguished guests,

"It is a great honor for me to be here today in the Senate chamber for this tribute to Chris Navarre.

We had the privilege a few moments ago to meet with Governor Christine Gregoire in her office and we were all impressed by Christopher Navarre's outstanding service and accomplishments and also by his great shape, at 87, being so alert, reactive to all the events that take place around him and in the world.

I had the opportunity to discuss also briefly with the Governor the evergrowing and longstanding relationship between France and the State of Washington, and while considering the positive present situation that we enjoy in this regard we envisaged how to further strengthen our cooperation and collaboration in the future in the field of public affairs, economy and culture.

So it seems to me very appropriate and very symbolic to be gathered here today for this moving ceremony and to reflect on the past in this magnificent building where the future of the state of Washington and of its people is being shaped, through the initiatives and the policies that are designed and negotiated in this place by the governor and by the legislature.

I am personally convinced that history matters and I believe that we cannot build a better future if we are ignorant of the lessons of the past.

Therefore I think that by looking back at our common history, by celebrating and paying tribute to the actors of our past, we are paving the way for a better future.

And what a better example for us, and for the generations to come, than the bravery and sacrifice of thousands and thousands of young American men and women who fought for our values, for our dignity, for our freedom in the course of World War II.

Among those soldiers was a young man born in 1920 in Louisiana. In Lafayette, precisely – what a symbol for France and America! – and together with his comrades in the 590th ambulance company and in the 761st Tank Battalion, they

changed the course of the future, they changed the course of history, our history.

Dear Christopher Navarre,

You were one of these heroes. After attending high school, you joined the army in 1940 and were assigned to the 25th infantry regiment. First stationed in Arizona, then in Louisiana and Mississippi. In 1944, you crossed the Atlantic and after spending some time in Wales, you landed in Normandy on D-Day plus six.

You were then a First Sergeant with the 590th ambulance company and your mission took you throughout France, Luxemburg and Belgium, in support of the front line units. It was an extremely perilous task, since you were not allowed to carry arms or fire back while you yourselves were under heavy enemy fire.

It is probably this frustration that prompted you to ask to be assigned to another unit, a combat unit where you would participate fully in the military operations. So you became a member of the 761st Tank Battalion, and remained on the front line as a tank gunner until the end of the war. With your fellow soldiers, you achieved extraordinary results, under General Patton command, inflicting heavy losses to the enemy while your battalion suffered a 50 % casualty rate.

You were present at the capitulation of the German armies thus witnessing the successful outcome of the war, the victory of the allied forces, the defeat of those who advocated hatred and racism.

I know this meant a lot for you as it does for us all today.

Ladies and gentlemen,

I failed, indeed, to mention a couple of elements in Christopher Navarre's epic story, which I would like to emphasize now, because of their strong significance.

Christopher's school in Lafayette was a segregated school. The seminary where he continued his education was a segregated one. The 25th Infantry Regiment was composed of all colored enlisted men, the 761st Tank Battalion was the first black tank combat unit activated in World War II.

Therefore, his fight for the liberation of France and Europe under the Nazi occupation, his commitment to defeat the scourge of oppression and to make prevail the values of human rights and democracy carry a dramatic resonance.

Allow me to add also, as was recalled by Senator Carrell, a few minutes ago, that in order to be transferred to a tank unit, Christopher Navarre chose to relinquish his grade as a First Sergeant and to be down graded to the rank of Private.

Dear Christopher Navarre,

As you know the French National Order of the Legion of Honor was established in 1802 by Napoleon Bonaparte, perhaps France's greatest military figure and strategist. He wanted to recognize exceptional merit and bravery. Napoleon used to say : 'on ne peut pas faire semblant d'etre dourageux', which stands for 'courage is something you cannot fake.'

So, dear Christopher, no one probably is more worthy to receive this distinction. Because you displayed an extraordinary level of courage and bravery, while in your ambulance company, defying danger in order to save lives, and while in your tank battalion, knocking out hundreds of enemy machine gun nests.

Your bravery, your sense of solidarity, your spirit of brotherhood have been recognized by your country through the awarding of the Purple Heart for two wounds received in action, the Silver Star for gallantry in action and a Presidential Unit citation for extraordinary heroism

Now it is our turn, it is the turn of France. Because my country and my fellow compatriots will never forget the

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devotion and sacrifice of all those who fought on her soil more than sixty years ago.

So the medal that I shall have the privilege to present to you in a few moments, before your wife, Bernice, your two sons, your grandson and other members of your family as well as your many friends who are present here this morning among this August audience, comes as a testimony to our gratitude for your courage and for your critical role in the liberation of France.

I know you would like to share this honor with all your comrades, maybe especially with those who did not come back from the front.

It is also a proof of our appreciation for your service in the U. S. Army from 1940 to 1963 and for the qualities and virtues that you showed when returning to civilian life both in your professional career and as an active member of several associations deeply rooted in your community, especially your involvement in Veterans associations.

As I mentioned earlier, you were born in Lafayette, Louisiana. And this year, on the sixth of September, we shall commemorate and celebrate the 250th anniversary of the birth of Lafayette, the French general who with his troops – and in Yorktown they were probably as numerous as the Americans, helped the American people establish a democratic nation in America and give birth to the United States. Their combat, more than two centuries ago, forged our historical alliance and friendship. The French-American solidarity in arms that was again demonstrated during the two world wars – and which you are an extraordinary example and symbol.

Our alliance and cooperation are exemplified today through our relentless fight against terrorism where our two countries are engaged together. They are enshrined in our common efforts to bring peace, security and stability in regions such as Afghanistan, the Middle East, the Balkans, Haiti or Africa. They are illustrated by our joint resolve to make the values of humanism prevail over extremism and intolerance.

Therefore on this very day, April 10th, 2007, which coincides with the sixty second anniversary of the liberation of the Buchenwald extermination camp by the American Army, awarding you, dear Christopher Navarre, with the Legion of Honor is not only a well deserved recognition and tribute to your heroic past. It is meant to be, and you will agree with me, also as an example, a lesson for the younger generation on how our determination must be high, constant, as was yours all along these years, so as to defend, promote and stand by our principles.

Christopher Navarre, au nom du president de la republique, nous vous remettons les insignes de Chevalier de l'Ordre National de la Legion d'honneur."

REMARKS BY THE PRESIDENT

President Owen: "Thank you very much Mr. Consul General. Your words are very precious to the body and we appreciate this honor to one of Washington's great citizens. We have one other presentation that is going to be made by United States Army Colonel Scott Halusz and Jay W. Johnson, retired Army Staff Sergeant from Freedom Team Salute."

REMARKS BY SERGEANT JAY W. JOHNSON

Jay W. Johnson: "In these demanding times we are all soldiers of freedom. In honor of this on 2, May 2005 the Army launched a revolutionary community outreach initiative called 'Freedom Team Salute.' Of particular importance is a recognition this program offers our former soldiers. Freedom Team Salute is an opportunity for the Army to show it's appreciation to our

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soldiers from all generations for their services and sacrifices to their country. Throughout history America's freedom has been assured by the resolute conviction of Army forces in battle. Today these courageous men and women collectively represent ten million of the total twenty-six million former soldiers residing across all fifty states. Today, we recognize Christopher Navarre whose unwavering commitment to duty, honor and selfless service is a legacy that has allowed the Army to achieve it's global mission in preserving freedom and the security of our nation. Colonel Halusz, the commander of the six military police group will pin Chief Warrant Officer Navarre.

REMARKS BY COLONEL HALUSZ

Colonel Halusz: "Mr. Navarre, we thank you again for your service to this nation. The partnership between the Army, her soldiers, families and employees, employers is a partnership that is old as the nation itself. It is this tradition that has allowed the Army to achieve its global mission in preserving freedom and security for our nation. Certificate Appreciation is awarded to Christopher Navarre for outstanding service to the nation as a United States Army Solider. You are being recognized for your patriotism and continued support of the Army family. Your legacy is today's Army and the value soldiers exhibit while fighting the global war on terrorism. Their efforts are a direct reflection of your service in the United States Army and a grateful nation thanks you."

"Signed by Peter G. Shoomaker, General, W. S. Army and Chief of Staff and Peter Geron, Acting Secretary of the Army"

INTRODUCTION OF SPECIAL GUESTS

The President introduced the wife of Christopher Navarre, Bernice, sons Michael and Vincent, niece Karen who were present at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced General Sheila Baxter, Commander of Madigan Army Medical Center; Mr. Ivan Harrison, representative (of the President) and former member of the 761st Tank Battalion; and Mr. John Lee, Director of the Department of Veteran Affairs who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced First Sergeant Christopher Navarre who was seated at the rostrum.

With permission of the Senate, business was suspended to allow First Sergeant Christopher Navarre to address the Senate.

REMARKS BY CHRISTOPHER NAVARRE

Christopher Navarre: "I don't know if it's good morning or this afternoon. Today is a day of joy and emotions, filled with experience of my past, present and my foreseeable future. I was born Lafayette, Louisiana on 15, January 1920, as a second class citizen and during World War II, I relinquished my First Sergeant rank to fight for my country. In the liberation and freedom of France and the European countries. Today I am grateful for the long-awaited recognition for my contributions made during the liberation and freedom of France. I wish to dedicate this distinguished award Chevalier of the Legion of Honor decree, to my fallen comrades of the 761st Tank Battalion who fought with me during World War II and may their souls rest in peace. May I extend my sincere thanks and appreciation to all the members of the Washington State Senate for their compassionate Joint Senate Resolution. My family and I thank

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you. May I recognize the honorable French Consul General, Monsieur Frederic Desagneaux. I take great pride in the French government for recognizing the United States of America veterans, the non-whites and the whites, for their individual heroic contributions made during the liberation and freedom of France. May God continue to bless their government and the people of the French Republic for exemplifying the true meaning of democracy. I request that this message be conveyed to the President of the Republic of France. And now, may I respectfully recognize the Honorable Christine Gregoire, the Governor of the great State of Washington. My wife and I are pleased and grateful that the honorable Governor Gregoire approved the presentation be made in the Washington State capitol with her presence. And may God continue to bless the Honorable Governor for exemplifying the true meaning of fair and impartial practice which prevails under the leadership of the Honorable Washington State Governor. In closing, I would like to thank all of you in the balcony, on both sides for taking time out of your busy day to celebrate this momentous occasion with me. I thank you and I thank my wife, Bernice, my sons Vincent and Michael, my grandson and my niece Karen for the love respect and support they have given me during my life. And I made this short, God Bless America.”

REMARKS BY THE PRESIDENT

President Owen: “Thank you Mr. Navarre. It’s been a great honor and privilege to have you with us today and we really truly appreciate your service to America. Thank you very much.”

MOTION

On motion of Senator Rasmussen all remarks concerning Senate Resolution No. 8685 were spread upon the journal.

MOTION

On motion of Senator Rockefeller, the Senate reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1922, by House Committee on Appropriations (originally sponsored by Representatives Pedersen, Pettigrew, Miloscia, McIntire, Walsh, Kagi, Appleton, Kenney, Hasegawa and Ormsby)

Creating an independent youth housing program.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that providing needy youth aging out of the state dependency system with safe and viable options for housing to avoid homelessness confers a valuable benefit on the public that is intended to improve public health, safety, and welfare.

(2) It is the goal of this state to:

(a) Ensure that all youth aging out of the state dependency system have access to a decent, appropriate, and affordable home in a healthy safe environment to prevent such young people from experiencing homelessness; and

(b) Reduce each year the percentage of young people eligible for state assistance upon aging out of the state dependency system.

NEW SECTION. Sec. 2. A new section is added to chapter 43.63A RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Eligible youth" means an individual who:

(a) On or after September 1, 2006, is at least eighteen, was a dependent of the state under chapter 13.34 RCW in the month before his or her eighteenth birthday, and has not yet reached the age of twenty-three;

(b) Except as provided in section 4(2)(a) of this act, has a total income from all sources, except for temporary sources that include, but are not limited to, overtime wages, bonuses, or short-term temporary assignments, that does not exceed fifty percent of the area median income;

(c) Is not receiving services under RCW 74.13.031(10)(b);

(d) Complies with other eligibility requirements the department may establish.

(3) "Fair market rent" means the fair market rent in each county of the state, as determined by the United States department of housing and urban development.

(4) "Independent housing" means a housing unit that is not owned by or located within the home of the eligible youth's biological parents or any of the eligible youth's former foster care families or dependency guardians. "Independent housing" may include a unit in a transitional or other supportive housing facility.

(5) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual that are matched with contributions by or through the sponsoring organization.

(6) "Subcontractor organization" means an eligible organization described under RCW 43.185A.040 that contracts with the department to administer the independent youth housing program.

NEW SECTION. Sec. 3. A new section is added to chapter 43.63A RCW to read as follows:

(1) The independent youth housing program is created in the department to provide housing stipends to eligible youth to be used for independent housing. In developing a plan for the design, implementation, and operation of the independent youth housing program, the department shall:

(a) Adopt policies, requirements, and procedures necessary to administer the program;

(b) Contract with one or more eligible organizations described under RCW 43.185A.040 to provide services and conduct administrative activities as described in subsection (3) of this section;

(c) Establish eligibility criteria for youth to participate in the independent youth housing program, giving priority to youth who have been dependents of the state for at least one year;

(d) Refer interested youth to the designated subcontractor organization administering the program in the area in which the youth intends to reside;

(e) Develop a method for determining the amount of the housing stipend, first and last month's rent, and security deposit, where applicable, to be dedicated to participating youth. The method for determining a housing stipend must take into account a youth's age, the youth's total income from all sources, the fair market rent for the area in which the youth lives or intends to live, and a variety of possible living situations for the youth. The amount of housing stipends must be adjusted, by a method and formula established by the department, to promote the successful transition for youth to complete housing self-sufficiency over time;

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(f) Ensure that the independent youth housing program is integrated and aligned with other state rental assistance and case management programs operated by the department, as well as case management and supportive services programs, including the independent living program, the transitional living program, and other related programs offered by the department of social and health services; and

(g) Consult with the department of social and health services and other stakeholders involved with dependent youth, homeless youth, and homeless young adults, as appropriate.

(2) The department of social and health services shall collaborate with the department in implementing and operating the independent youth housing program including, but not limited to, the following:

(a) Refer potential eligible youth to the department before the youth's eighteenth birthday, if feasible, to include an indication, if known, of where the youth plans to reside after aging out of foster care;

(b) Provide information to all youth aged fifteen or older, who are dependents of the state under chapter 13.34 RCW, about the independent youth housing program, encouraging dependents nearing their eighteenth birthday to consider applying for enrollment in the program;

(c) Encourage organizations participating in the independent living program and the transitional living program to collaborate with independent youth housing program providers whenever possible to capitalize on resources and provide the greatest amount and variety of services to eligible youth;

(d) Annually provide to the department data reflecting changes in the percentage of youth aging out of the state dependency system each year who are eligible for state assistance, as well as any other data and performance measures that may assist the department to measure program success; and

(e) Annually, beginning by December 31, 2007, provide to the appropriate committees of the legislature and the interagency council on homelessness as described under RCW 43.185C.170 recommendations of strategies to reach the goals described in section 5(2)(g) of this act.

(3) Under the independent youth housing program, subcontractor organizations shall:

(a) Use moneys awarded to the organizations for housing stipends, security deposits, first and last month's rent stipends, case management program costs, and administrative costs;

(i) Administrative costs for each subcontractor organization may not exceed twelve percent of the estimated total annual grant amount to the subcontractor organization;

(ii) All housing stipends must be payable only to a landlord or housing manager of any type of independent housing;

(b) Enroll eligible youth who are referred by the department and who choose to reside in their assigned service area;

(c) Enter eligible youth program participants into the homeless client management information system as described in RCW 43.185C.180;

(d) Monitor participating youth's housing status;

(e) Evaluate participating youth's eligibility and compliance with department policies and procedures at least twice a year;

(f) Assist participating youth to develop or update an independent living plan focused on obtaining and retaining independent housing or collaborate with a case manager with whom the youth is already involved to ensure that the youth has an independent living plan;

(g) Educate participating youth on tenant rights and responsibilities;

(h) Provide support to participating youth in the form of general case management and information and referral services, when necessary, or collaborate with a case manager with whom the youth is already involved to ensure that the youth is receiving the case management and information and referral services needed;

(i) Connect participating youth, when possible, with individual development account programs, other financial

literacy programs, and other programs that are designed to help young people acquire economic independence and self-sufficiency, or collaborate with a case manager with whom the youth is already involved to ensure that the youth is receiving information and referrals to these programs, when appropriate;

(j) Submit expenditure and performance reports, including information related to the performance measures in section 5 of this act, to the department on a time schedule determined by the department; and

(k) Provide recommendations to the department regarding program improvements and strategies that might assist the state to reach its goals as described in section 5(2)(g) of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW to read as follows:

(1) An eligible youth participating in the independent youth housing program must:

(a) Sign a program compliance agreement stating that the youth agrees to:

(i) Timely pay his or her portion of the independent housing cost;

(ii) Comply with an independent living plan; and

(iii) Comply with other program requirements and policies the department may establish; and

(b) Maintain his or her status as an eligible youth, except as provided in subsection (2) of this section.

(2) The department shall establish policies and procedures to allow the youth to remain in the program and continue to receive a housing stipend if the youth's total income exceeds fifty percent of the area median income during the course of his or her participation in the program. The policies must require the youth to:

(a) Participate in the individual development account program established under RCW 43.31.460 and invest a portion, to be determined by the department, of his or her income that exceeds fifty percent of the area median income in an individual development account; or

(b) If the youth is unable to participate in the individual development account program due to the program's capacity limits or eligibility requirements, participate in an alternate supervised savings program approved by the department, as long as the youth qualifies for and may participate in this savings program.

(3) An eligible youth may participate in the independent youth housing program for any duration of time and may apply to enroll in the program with the department at any time.

(4)(a) A youth may be terminated from the independent youth housing program for a violation of department policies.

(b) Youth who are terminated from the program may apply to the department for reenrollment in the program through a procedure to be developed by the department. The department shall establish criteria to evaluate a reenrollment application and may accept or deny a reenrollment application based on the department's evaluation.

NEW SECTION. Sec. 5. A new section is added to chapter 43.63A RCW to read as follows:

Beginning in 2007, the department must annually review and report on the performance of subcontractor organizations participating in the independent youth housing program, as well as the performance of the program as a whole.

(1) Reporting should be within the context of the state homeless housing strategic plan under RCW 43.185C.040 and any other relevant state or local homeless or affordable housing plans. The outcomes of the independent youth housing program must be included in the measurement of any performance measures described in chapter 43.185C RCW.

(2) The independent youth housing program report must include, at a minimum, an update on the following program performance measures, as well as any other performance measures the department may establish, for enrolled youth in consultation with the department of social and health services, to be measured statewide and by county:

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- (a) Increases in housing stability;
- (b) Increases in economic self-sufficiency;
- (c) Increases in independent living skills;
- (d) Increases in education and job training attainment;
- (e) Decreases in the use of all state-funded services over time;
- (f) Decreases in the percentage of youth aging out of the state dependency system each year who are eligible for state assistance as reported to the department by the department of social and health services; and
- (g) Recommendations to the legislature and to the interagency council on homelessness as described under RCW 43.185C.170 on program improvements and on departmental strategies that might assist the state to reach its goals of:
 - (i) Ensuring that all youth aging out of the state dependency system have access to a decent, appropriate, and affordable home in a healthy safe environment to prevent such youth from experiencing homelessness; and
 - (ii) Reducing each year the percentage of young people eligible for state assistance upon aging out of the state dependency system.

NEW SECTION. Sec. 6. A new section is added to chapter 43.63A RCW to read as follows:

This act does not create:

- (1) An entitlement to services;
- (2) Judicial authority to (a) extend the jurisdiction of juvenile court in a proceeding under chapter 13.34 RCW to a youth who has reached the age of eighteen or (b) order the provision of services to the youth; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against the department, the department of social and health services, or any contractor of the departments.

NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The independent youth housing account is created in the state treasury. All revenue directed to the independent youth housing program must be deposited into this account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the independent youth housing program as described in section 3 of this act.

NEW SECTION. Sec. 8. Beginning in September 2008, the Washington state institute for public policy shall conduct a study measuring the outcomes for youth who are participating or who have participated in the independent youth housing program created in section 3 of this act. The institute shall issue a report containing its preliminary findings to the legislature by December 1, 2009, and a final report by December 1, 2010.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1922.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1922 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator McCaslin was excused.

MOTION

On motion of Senator Regala, Senators Brown, Eide and Prentice were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1922 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1922 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 2; Excused, 2.

Voting yea: Senators Berkey, Brown, Clements, Delvin, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 33

Voting nay: Senators Benton, Brandland, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 12

Absent: Senators Carrell and Rasmussen - 2

Excused: Senators Eide and McCaslin - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1922 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1069, by Representatives Williams, Hunt and B. Sullivan

Designating the Pacific chorus frog as the state amphibian.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley and Fraser spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Clements was excused.

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MOTION

On motion of Senator Regala, Senators Franklin, Hobbs, Kohl-Welles and Rasmussen were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1069.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Carrell - 1

Excused: Senators Franklin, Hobbs, McCaslin and Rasmussen - 4

HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Clements was excused.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

SECOND READING

HOUSE BILL NO. 1247, by Representatives Morrell, Hinkle, Cody, Wallace and Moeller

Concerning eligibility for long-term care services.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kohl-Welles was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1247.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1247 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Absent: Senator Zarelli - 1

Excused: Senators Clements, Franklin, Hobbs and Kohl-Welles - 4

HOUSE BILL NO. 1247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

SECOND READING

HOUSE BILL NO. 1377, by Representatives Pettigrew, Hinkle, Walsh, Haler, Kagi, Appleton, Warnick and Roberts

Changing provisions affecting the placement of children.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2006 c 265 s 401, 2006 c 90 s 1, and 2006 c 54 s 7 are each reenacted and amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185

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pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

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(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; ~~((or))~~

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been

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issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 2. RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for ~~((placement))~~ supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or ((in a home not required to be licensed pursuant to chapter 74.15 RCW)) (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be

jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: ~~((#))~~ (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and ~~((#))~~ (B) willing and available to care for the child.

~~(2) ((Placement of the child with a relative under this subsection shall be given preference by the court.))~~ An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(5) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court."

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Senator Regala spoke in favor of adoption of the committee striking amendment.

MOTION

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1377.

On motion of Senator Brandland, Senator Benton was excused.

MOTION

The motion by Senator Regala carried and the committee striking amendment was adopted by voice vote.

On motion of Senator Regala, Senators Murray, Rockefeller and Shin were excused.

MOTION

MOTION

There being no objection, the following title amendment was adopted:

On motion of Senator Hewitt, Senator Roach was excused.

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.130; and reenacting and amending RCW 74.15.020."

The President declared the question before the Senate to be the final passage of House Bill No. 1447.

MOTION

ROLL CALL

On motion of Senator Regala, the rules were suspended, House Bill No. 1377 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Secretary called the roll on the final passage of House Bill No. 1447 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Senators Regala and Stevens spoke in favor of passage of the bill.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

The President declared the question before the Senate to be the final passage of House Bill No. 1377 as amended by the Senate.

Excused: Senators Franklin, Murray and Prentice - 3

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1377 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

HOUSE BILL NO. 1447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

SECOND READING

Excused: Senators Clements, Franklin, Hobbs, Kohl-Welles and Prentice - 5

HOUSE BILL NO. 1051, by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia

Expanding high school completion programs.

HOUSE BILL NO. 1377 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The measure was read the second time.

SECOND READING

MOTION

HOUSE BILL NO. 1447, by Representative Morrell

Providing for temporary management in boarding homes.

The measure was read the second time.

Senator Rasmussen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at two community and technical colleges for older

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1447 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

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students who have not yet received a diploma but are eligible for state basic education support.

Sec. 2. RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) A pilot program is created for two community or technical colleges to make available courses or a program of study, on the college campus or a satellite site, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) The colleges participating in the pilot program in this section may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges participating in the pilot program that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges participating in the pilot program may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college;

(c) Colleges participating in the pilot program may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges participating in the pilot program may also make courses or programs under this section available for students at locations in addition to the college campus but not on a high school campus, except on satellite sites as provided in this subsection (1); or

(d) Colleges participating in the pilot program may enter into regional partnerships to carry out the provisions of this subsection (1).

(2) Regardless of the service delivery method chosen, colleges participating in the pilot program shall ensure that all eligible students have an opportunity to enroll in a course or program under this section.

(3) Colleges participating in the pilot program shall not require students enrolled under this section to pay tuition or services and activities fees; however this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is this section or section 4 of this act intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

(5) Community and technical colleges participating in the pilot program shall not be required to administer the Washington assessment of student learning.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061

or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under section 3 of this act from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under section 3 of this act.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 9 of this act to participate in the pilot program shall provide information about the high school completion option under section 3 of this act to students in grades ten, eleven, and twelve and the parents or guardians of those students.

(6) The Washington state institute for public policy shall conduct a review of the high school completion pilot program authorized under section 3 of this act. The institute shall begin the study after July 1, 2010, and report to the superintendent of public instruction, the state board for community and technical colleges, and the education and fiscal committees of the legislature by January 1, 2011. At a minimum, the report shall include the following:

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(a) The number of students taking part in the high school completion programs, reported by their high school of last attendance and the community or technical college that offered the program;

(b) The types of high school completion programs offered at the two community or technical colleges;

(c) The number of students successfully receiving a high school diploma and other identified outcome measures; and

(d) The amount of funds spent in support of this effort compared to actual reimbursement costs that are provided under subsection (3)(a), (b), (c), and (d) of this section.

Sec. 5. RCW 28A.230.120 and 2003 c 234 s 1 are each amended to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma. Students who satisfactorily complete all local and state graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045 may participate in high school graduation ceremonies.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

(3)(a) A school district may issue a high school diploma to a person who:

(i) Is an honorably discharged member of the armed forces of the United States;

(ii) Was scheduled to graduate from high school in the years 1940 through 1955; and

(iii) Left high school before graduation to serve in World War II or the Korean conflict.

(b) A school district may issue a diploma to or on behalf of a person otherwise eligible under (a) of this subsection notwithstanding the fact that the person holds a high school equivalency certification or is deceased.

(c) The superintendent of public instruction shall adopt a form for a diploma application to be used by a veteran or a person acting on behalf of a deceased veteran under this subsection (3). The superintendent of public instruction shall specify what constitutes acceptable evidence of eligibility for a diploma.

Sec. 6. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW

28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

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(b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion pilot program created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 7. RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 (~~and~~), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 8. RCW 28B.15.067 and 2006 c 161 s 6 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under section 3 of this act for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((8))~~ (9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year

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2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

NEW SECTION. Sec. 9. The office of the superintendent of public instruction and the state board for community and technical colleges shall:

(1) By June 30, 2007, select the two community and technical colleges to be involved in the pilot program created in section 3 of this act. The criteria for selecting the two pilot program sites shall include, but are not limited to: (a) The quality of the courses or program offerings; (b) having the appropriate type of staff and facility to deliver the program; (c) the number of eligible students; and (d) the willingness to participate and provide requested data and information for the evaluation under section 4(6) of this act conducted pursuant to section 4(6) of this act;

(2) Develop an estimate of the number of students statewide likely to participate in the program authorized under section 3 of this act if established on a statewide basis. The assumptions shall take into account programs and alternatives offered for fifth-year seniors by school districts and educational service districts;

(3) Identify and analyze possible service delivery models in addition to those described in section 3 of this act, particularly to address the challenges faced by community and technical colleges serving school districts dispersed across large geographic areas and with limited staffing and facilities resources for the programs; and

(4) Submit a report with an implementation plan for the two community and technical colleges participating in the pilot program created under section 3 of this act and submit findings and recommendations to the education and fiscal committees of the legislature by December 15, 2007."

MOTION

Senator Rasmussen moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On page 1, line 28 of the amendment, after "campus" strike "or a satellite site"

On page 2, at the beginning of line 23 of the amendment, after "campus" strike all material through "(1)" on line 24

Beginning on page 5, line 14, strike all of section 5

Reumber the remaining sections consecutively and correct any internal references accordingly.

Senator Rasmussen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 1, line 28 to the committee striking amendment to House Bill No. 1051.

The motion by Senator Rasmussen carried and the amendment to the committee striking amendment was adopted by voice vote.

Senators Holmquist and Pflug spoke against adoption of the committee striking amendment.

Senator McAuliffe spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to House Bill No. 1051.

The motion by Senator Rasmussen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.230.120, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; and creating new sections."

On page 13, at the beginning of line 3 of the title amendment, strike "28A.230.120,"

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1051 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Rasmussen, McAuliffe and Franklin spoke in favor of passage of the bill.

Senators Swecker, Clements, Holmquist and Benton spoke against passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

Senator Pflug spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1051 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1051 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senator Carrell - 1

HOUSE BILL NO. 1051 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

The President wished Senator Carrell a Happy Birthday.

MOTION

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At 12:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:51 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Finance (originally sponsored by Representatives Hasegawa, Haler, Pettigrew, Skinner, Santos, Hankins, Kenney, Walsh, McCoy, Kirby, Schual-Berke, Chase, Williams, Roberts, P. Sullivan, Hudgins, Ericks, Darneille, Kagi and Ormsby)

Increasing the amount the treasurer may use for the linked deposit program.

The measure was read the second time.

MOTION

Senator Berkey moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.86A.030 and 2005 c 302 s 2 are each amended to read as follows:

(1) Funds held in public depositories not as demand deposits as provided in RCW 43.86A.020 and 43.86A.030, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits shall be allocated among the participating depositories on a basis to be determined by the state treasurer.

(2) The state treasurer may use up to one hundred fifty million dollars per year of all funds available under this section for the purposes of RCW 43.86A.060. The amounts made available to these public depositories shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, if in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly.

Sec. 2. RCW 43.86A.060 and 2005 c 302 s 3 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;
(b) Where an individual loan does not exceed one million dollars;

(c) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(d) Where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senator Berkey spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1512.

The motion by Senator Berkey carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.86A.030 and 43.86A.060; and creating a new section."

MOTION

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On motion of Senator Berkey, the rules were suspended, Engrossed Substitute House Bill No. 1512 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1512 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1512 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 41

Voting nay: Senators Benton, Honeyford, McCaslin, Morton, Parlette, Pflug, Stevens and Zarelli - 8

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1370, by Representatives Green, Conway, Hasegawa, Chase, Simpson, Morrell and Wood

Regarding public workers excluded from prevailing wages on public works provisions.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1370.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig,

Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

HOUSE BILL NO. 1370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1693, by House Committee on Commerce & Labor (originally sponsored by Representatives Appleton, Flannigan and Rodne)

Modifying time periods for collective bargaining by state ferry employees.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1693 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1693.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1693 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

SUBSTITUTE HOUSE BILL NO. 1693, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1651, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Alexander, B. Sullivan, Walsh and Simpson)

Creating the boating activities program.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79A.60 RCW to read as follows:

The boating activities account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as authorized under sections 2 and 3 of this act.

Grants, gifts, or other financial assistance received by the interagency committee for outdoor recreation from state and nonstate sources for purposes of boating activities may be deposited into the account.

NEW SECTION. Sec. 2. A new section is added to chapter 79A.60 RCW to read as follows:

(1) The boating activities program is created in the interagency committee for outdoor recreation.

(2) The interagency committee for outdoor recreation shall distribute moneys appropriated from the boating activities account created in section 1 of this act as follows, or as otherwise appropriated by the legislature, after deduction for the committee's expenses in administering the boating activities grant program and for related studies:

(a) To the commission for boater safety, boater education, boating-related law enforcement activities, activities included in RCW 88.02.040, related administrative expenses, and boating-related environmental programs, such as pumpout stations, to enhance clean waters for boating;

(b) For grants to state agencies, counties, municipalities, port districts, federal agencies, nonprofit organizations, and Indian tribes to improve boating access to water and marine parks, enhance the boater experience, boater safety, boater education, and boating-related law enforcement activities, and to provide funds for boating-related environmental programs, such as pumpout stations, to enhance clean waters for boating; and

(c) If the amount available for distribution from the boating activities account is equal to or less than two million five hundred thousand dollars per fiscal year, then eighty percent of the amount available must be distributed to the commission for the purposes of (a) of this subsection and twenty percent for grants in (b) of this subsection. Amounts available for distribution in excess of two million five hundred thousand dollars per fiscal year shall be distributed by the committee for purposes of (a) and (b) of this subsection.

(3) The interagency committee for outdoor recreation shall establish an application process for boating activities grants.

(4) Agencies receiving grants for capital purposes from the boating activities account shall consider the possibility of contracting with the commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(5) To solicit input on the boating activities grant application process, criteria for grant awards, and use of grant moneys, and to determine the interests of the boating community, the interagency committee for outdoor recreation shall solicit input from a boating activities advisory committee. The interagency committee for outdoor recreation may utilize a currently established boating issues committee that has similar responsibility for input on recreational boating-related funding issues. Members of the boating activities advisory committee are not eligible for compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The interagency committee for outdoor recreation may adopt rules to implement this section.

NEW SECTION. Sec. 3. A new section is added to chapter 79A.60 RCW to read as follows:

(1) By December 1, 2007, the interagency committee for outdoor recreation shall complete an initial study of boater needs and make recommendations to the appropriate committees of the legislature on the initial amount of funding that should be

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provided to the commission for boating-related law enforcement purposes under section 2(2)(a) of this act.

(2) The interagency committee for outdoor recreation shall periodically update its study of boater needs as necessary and shall make recommendations to the governor and the appropriate committees of the legislature concerning funding allocations to state parks and other grant applicants."

Senator Jacobsen spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1651.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "activities;" strike the remainder of the title and insert "and adding new sections to chapter 79A.60 RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1651 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1651 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1651 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

SUBSTITUTE HOUSE BILL NO. 1651 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Orcutt, Takko and Haigh)

Authorizing a one-year deferral of hunter education training.

The measure was read the second time.

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MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1249.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1249 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 43

Voting nay: Senators Kline, Tom and Weinstein - 3

Absent: Senator McAuliffe - 1

Excused: Senators Brown and Poulsen - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1258, by House Committee on Local Government (originally sponsored by Representatives Alexander, Hunt, Curtis and Simpson)

Changing the disbursement of funds by air pollution control agencies.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1258 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1258.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1258 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, McAuliffe and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 1258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1525, by Representatives Chase, Kessler, Morris, Sump, B. Sullivan, Hunt and Hudgins

Reducing the impact of regulatory provisions on small businesses.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy;

(2) Small businesses bear a disproportionate share of regulatory costs and burdens;

(3) Fundamental changes that are needed in the regulatory and enforcement culture of state agencies to make them more responsive to small business can be made without compromising the statutory missions of the agencies;

(4) When adopting rules to protect the health, safety, and economic welfare of Washington, state agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens on small employers;

(5) Uniform regulatory and reporting requirements can impose unnecessary and disproportionately burdensome demands including legal, accounting, and consulting costs upon small businesses with limited resources;

(6) The failure to recognize differences in the scale and resources of regulated businesses can adversely affect competition in the marketplace, discourage innovation, and restrict improvements in productivity;

(7) Unnecessary regulations create entry barriers in many industries and discourage potential entrepreneurs from introducing beneficial products and processes;

(8) The practice of treating all regulated businesses the same leads to inefficient use of regulatory agency resources, enforcement problems, and, in some cases, to actions inconsistent with the legislative intent of health, safety, environmental, and economic welfare legislation;

(9) Alternative regulatory approaches which do not conflict with the state objective of applicable statutes may be available to minimize the significant economic impact of rules on small businesses; and

(10) The process by which state rules are developed and adopted should be reformed to require agencies to solicit the ideas and comments of small businesses, to examine the impact of proposed and existing rules on such businesses, and to review the continued need for existing rules.

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Sec. 2. RCW 19.85.020 and 2003 c 166 s 1 are each amended to read as follows:

~~((Unless the context clearly indicates otherwise,))~~ The definitions in this section apply through this chapter unless the context clearly requires otherwise.

(1) "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States department of commerce, or the North American industry classification system as published by the executive office of the president and the office of management and budget. However, if the use of a four-digit standard industrial classification or North American industry classification system would result in the release of data that would violate state confidentiality laws, "industry" means all businesses in a three-digit standard industrial classification or the North American industry classification system.

(2) "Minor cost" means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll. However, for the rules of the department of social and health services "minor cost" means cost per business that is less than fifty dollars of annual cost per client or other appropriate unit of service.

(3) "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.

~~((2))~~ (4) "Small business economic impact statement" means a statement meeting the requirements of RCW 19.85.040 prepared by a state agency pursuant to RCW 19.85.030.

~~((3))~~ "Industry" means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States department of commerce. However, if the use of a four-digit standard industrial classification would result in the release of data that would violate state confidentiality laws, "industry" means all businesses in a three-digit standard industrial classification.

Sec. 3. RCW 19.85.030 and 2000 c 171 s 60 are each amended to read as follows:

(1) In the adoption of a rule under chapter 34.05 RCW, an agency shall prepare a small business economic impact statement: (a) If the proposed rule will impose more than minor costs on businesses in an industry; or (b) if requested to do so by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320. However, if the agency has completed the pilot rule process as defined by RCW 34.05.313 before filing the notice of a proposed rule, the agency is not required to prepare a small business economic impact statement.

An agency shall prepare the small business economic impact statement in accordance with RCW 19.85.040, and file it with the code reviser along with the notice required under RCW 34.05.320. An agency shall file a statement prepared at the request of the joint administrative rules review committee with the code reviser upon its completion before the adoption of the rule. An agency shall provide a copy of the small business economic impact statement to any person requesting it.

(2) Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. Methods to reduce the costs on small businesses may include:

- (a) Reducing, modifying, or eliminating substantive regulatory requirements;
- (b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;
- (c) Reducing the frequency of inspections;
- (d) Delaying compliance timetables;

(e) Reducing or modifying fine schedules for noncompliance; or

(f) Any other mitigation techniques.

(3) If the agency determines it cannot reduce the costs imposed by the rule on small businesses, the agency shall provide a clear explanation of why it has made that determination and include that statement with its filing of the proposed rule pursuant to RCW 34.05.320.

(4)(a) All small business economic impact statements are subject to selective review by the joint administrative rules review committee pursuant to RCW 34.05.630.

(b) Any person affected by a proposed rule where there is small business economic impact statement may petition the joint administrative rules review committee for review pursuant to the procedure in RCW 34.05.655.

Sec. 4. RCW 19.85.040 and 1995 c 403 s 403 are each amended to read as follows:

(1) A small business economic impact statement must include a brief description of the reporting, recordkeeping, and other compliance requirements of the proposed rule, and the kinds of professional services that a small business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor, professional services, and increased administrative costs. It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. To determine whether the proposed rule will have a disproportionate cost impact on small businesses, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

(2) A small business economic impact statement must also include:

(a) A statement of the steps taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030~~((3))~~ (2), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030~~((3))~~ (2);

(b) A description of how the agency will involve small businesses in the development of the rule; ~~((and))~~

(c) A list of industries that will be required to comply with the rule. However, this subsection (2)(c) shall not be construed to preclude application of the rule to any business or industry to which it would otherwise apply; and

(d) An estimate of the number of jobs that will be created or lost as the result of compliance with the proposed rule.

(3) To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee under RCW 34.05.310(2) to assist in the accurate assessment of the costs of a proposed rule, and the means to reduce the costs imposed on small business."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed House Bill No. 1525.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 19.85.020, 19.85.030, and 19.85.040; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed House Bill No. 1525 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1525 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1525 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED HOUSE BILL NO. 1525 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1166, by Representatives Takko, Alexander, Curtis, Williams and Moeller

Modifying county treasurer administrative provisions.

The measure was read the second time.

MOTION

Senator Pridemore moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.61.210 and 1997 c 3 s 205 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed fifty cents per thousand dollars of assessed value of the property in such park district. In addition, the board of park commissioners may levy or cause to be levied a general tax on all property located in said park district each year not to exceed twenty-five cents per thousand dollars of assessed valuation. Although park districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW.

The board is hereby authorized to levy a general tax in excess of its regular property tax levy or levies when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and ~~((paid out on warrants))~~ disbursed under RCW 36.29.010(1) and 39.58.750.

Sec. 2. RCW 36.35.020 and 1972 ex.s. c 150 s 2 are each amended to read as follows:

The term "tax title lands" as used in this chapter shall mean any tract of land acquired by the county for lack of other bidders at a tax foreclosure sale. Tax title lands are held in trust for the taxing districts.

Sec. 3. RCW 36.35.100 and 1998 c 106 s 13 are each amended to read as follows:

All property deeded to the county under the provisions of this chapter shall be ~~((stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county))~~ treated as follows during the period the property is so held:

- (1) The property shall be:
 - (a) Stricken from the tax rolls as county property;
 - (b) Exempt from taxation;
 - (c) Exempt from special assessments except as provided in chapter 35.49 RCW and RCW 35.44.140 and 79.44.190; and
 - (d) Exempt from property owner association dues or fees.

(2) The sale, management, and leasing of tax title property shall be handled as under chapter 36.35 RCW.

Sec. 4. RCW 36.89.090 and 1991 c 36 s 1 are each amended to read as follows:

The county shall have a lien for delinquent ~~((service))~~ charges, including interest, penalties, and costs of foreclosure thereon, against any property against which they were levied for ~~((storm water control facilities))~~ the purposes authorized by this chapter, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective upon the charges becoming delinquent and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290 ~~((: PROVIDED, That))~~. However, a county may, by resolution or ordinance, adopt all or any part of the alternative interest rate, lien, and foreclosure procedures as set forth in RCW 36.89.092 through 36.89.094 or ((by RCW)) 36.94.150, or chapters 84.56, 84.60, and 84.64 RCW.

Sec. 5. RCW 84.56.070 and 1991 c 245 s 19 are each amended to read as follows:

On the fifteenth day of February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the

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accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative: PROVIDED, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distraint sufficient goods and chattels to pay the same.

Sec. 6. RCW 84.56.090 and 1985 c 83 s 1 are each amended to read as follows:

Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property, including mobile homes, manufactured homes, or park model trailers, being or about to be removed, dissipated, sold, disposed of, or removed from the county so as to jeopardize collection of taxes, the amount of the tax, the amount of accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in RCW 84.56.070.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about to be dissipated, or is being or about to be sold, disposed of, or removed from the county so as to jeopardize collection of taxes, at any time subsequent to the first day of January in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and RCW 84.56.120, together with the name of the owner and a brief description of the property assessed shall be entered forthwith by the county treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied in the year in which payment or collection is made.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the county treasurer, or his deputy, shall have the same power to distraint and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes, shall have the same powers as are now by law given to the sheriff in making levy and sale of property on execution.

Sec. 7. RCW 84.64.200 and 1981 c 322 s 6 are each amended to read as follows:

All lots, tracts and parcels of land upon which taxes levied prior to January 9, 1926 remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this title, and the same proceedings may be had to enforce the payment of such unpaid taxes, with interest and costs, and payment enforced and liens foreclosed under and by virtue of the provisions of this chapter. For the purposes of foreclosure under this chapter, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title ~~(thereon)~~ in trust for the taxing districts as absolutely as if purchased by an individual under the provisions of this chapter; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interest and costs for which judgment is rendered, together with all taxes, interest and costs which are delinquent at the time of sale, regardless of whether the taxes, interest, or costs are included in the judgment."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1166.

The motion by Senator Pridemore carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "and amending RCW 35.61.210, 36.35.020, 36.35.100, 36.89.090, 84.56.070, 84.56.090, and 84.64.200."

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MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1166 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1166 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1166 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1166 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1670, by Representatives Quall and Santos

Articulating the purpose and role of school counselors.

The measure was read the second time.

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1670 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1670.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1670 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1670, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1412, by Representatives Eddy, Curtis, Simpson and Upthegrove

Providing for a one-year extension for shoreline master program updates in RCW 90.58.080.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 1412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1412.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1412 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Upthegrove, B. Sullivan, Blake, Takko and VanDeWege)

Authorizing one additional hound hunting cougar season.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2004 c 264 s 1 (uncodified) is amended to read as follows:

(1) The department of fish and wildlife, in cooperation and collaboration with the county legislative authorities of Ferry, Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend rules to establish a three-year pilot program within select game management units of these counties, to pursue or

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kill cougars with the aid of dogs. A pursuit season and a kill season with the aid of dogs must be established through the fish and wildlife commission's rule-making process, utilizing local dangerous wildlife task teams comprised of the two collaborating authorities. The two collaborating authorities shall also develop a more effective and accurate dangerous wildlife reporting system to ensure a timely response. The pilot program's primary goals are to provide for public safety, to protect property, and to assess cougar populations.

(2) Any rules adopted by the fish and wildlife commission to establish a pilot project allowing for the pursuit or hunting of cougars with the aid of dogs under this section only must ensure that all pursuits or hunts are:

(a) Designed to protect public safety or property;

(b) Reflective of the most current cougar population data;

(c) Designed to generate data that is necessary for the department to satisfy the reporting requirements of section 3 of this act; and

(d) Consistent with any applicable recommendations emerging from research on cougar population dynamics in a multiprey environment conducted by Washington State University's department of natural resource sciences that was funded in whole or in part by the department of fish and wildlife.

(3) The department of fish and wildlife shall authorize one additional season in which cougars may be pursued or killed with dogs, subject to the other conditions of the pilot project.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

The department shall create a cougar control program that, based upon and consistent with the results and final recommendations contained within the pilot project report required by chapter 264, Laws of 2004, allows for the pursuit or killing of cougars with the aid of dogs. A county legislative authority may request inclusion in the cougar control program after taking the following actions:

(1) Adopting a resolution that requests inclusion in the cougar control program;

(2) Documenting the need to participate in the cougar control program by identifying the number of cougar/human encounters and livestock and pet depredations;

(3) Developing and agreeing to the implementation of an education program designed to disseminate to landowners and other citizens information about predator exclusion techniques and devices and other nonlethal methods of cougar management; and

(4) Demonstrating that existing cougar depredation permits, public safety cougar hunts, or other existing wildlife management tools have not been sufficient to deal with cougar incidents in the county."

On page 1, line 2 of the title, after "project," strike the remainder of the title and insert "amending 2004 c 264 s 1 (uncodified); and adding a new section to chapter 77.12 RCW."

The President declared the question before the Senate to be the motion by Senator Jacobsen to not adopt the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Engrossed Substitute House Bill No. 1756.

The motion by Senator Jacobsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

On motion of Senator Jacobsen, the rules were suspended, Engrossed Substitute House Bill No. 1756 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1756.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1756 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 41

Voting nay: Senators Fairley, Fraser, Kline, Kohl-Welles, Poulsen, Prentice, Regala and Weinstein - 8

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

Senator Benton gave notice of his intent to move to reconsider the vote by which House Bill No. 1166 passed the Senate.

SECOND READING

HOUSE BILL NO. 2240, by Representatives Conway, Condotta and Kenney

Allowing certain activities between domestic wineries, domestic breweries, microbreweries, certificate of approval holders, and retail sellers of beer or wine.

The measure was read the second time.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 2240 was deferred and the bill held its place on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 2388, by Representatives Alexander, P. Sullivan and Hunter

Financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2002 c 363 s 1 are each amended to read as follows:

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(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 82.14.390 and 2006 c 298 s 1 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district (a) created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004~~(~~2004~~)~~; (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on the effective date of this act, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall

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perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494."

On page 1, line 3 of the title, after "district," strike the remainder of the title and insert "and amending RCW 35.57.010 and 82.14.390."

The President declared the question before the Senate to be the motion by Senator Prentice to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2388.

The motion by Senator Prentice carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Prentice moved that the following striking amendment by Senators Prentice, Hatfield and Clements be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.57.010 and 2002 c 363 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly

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affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 82.14.390 and 2006 c 298 s 1 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district (a) created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004(~~or~~); (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on the effective date of this act, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose

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of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

NEW SECTION. Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:

(1) In a county with a population under three hundred thousand, the governing body of a public facilities district, which is created before August 1, 2001, under chapter 35.57 RCW or before January 1, 2000, under chapter 36.100 RCW, in which the total population in the public facilities district is greater than ninety thousand and less than one hundred thousand that commences improvement or rehabilitation of an existing regional center, to be used for community events, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances and having two thousand or fewer permanent seats, before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax may not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter-approved taxes authorized under chapter 35.57 RCW may not constitute a public or private source. For the purpose of this section, public or private sources include, but are not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district."

MOTION

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Senator Prentice moved that the following amendment by Senators Prentice and Eide to the striking amendment be adopted.

On page 1, line 23, strike "2008" and insert "2009"

Senator Prentice spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Prentice and Eide on page 1, line 23 to the striking amendment to Engrossed House Bill No. 2388.

The motion by Senator Prentice carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice, Hatfield and Clements as amended to Engrossed House Bill No. 2388.

The motion by Senator Prentice carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "district," strike the remainder of the title and insert "amending RCW 35.57.010 and 82.14.390; and adding a new section to chapter 82.14 RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2388 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2388 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2388 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Honeyford, Kilmer, McCaslin, Morton, Regala, Rockefeller and Schoesler - 7

Absent: Senator Murray - 1

ENGROSSED HOUSE BILL NO. 2388 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:05 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:02 p.m. by President Owen.

The Senate resumed consideration of House Bill No. 2240 which had been deferred earlier in the day.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a

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retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g)(i) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from ~~((jointly))~~ producing jointly or together with regional, state, or local wine industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products. (ii) Nothing in this section prohibits: (A) Domestic wineries, domestic breweries, microbreweries, and certificate of approval holders licensed under this chapter from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and (B) retailers licensed under this chapter from listing on their internet web sites information related to domestic wineries, domestic breweries, microbreweries, and certificate of approval holders whose products those retailers sell or promote, including direct links to the domestic wineries', domestic breweries', microbreweries', and certificate of approval holders' web sites.

(h) Nothing in this section prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder licensed under RCW 66.24.206(1)(a) for or on behalf of a licensed retail business

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when the personal services are (i) conducted at a licensed premises, and (ii) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, or a speciality wine shop license; bottle signings; and other similar informational or educational activities. A domestic winery, domestic brewery, microbrewery, or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery, domestic brewery, microbrewery, or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor. Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsections (1)(g) and (h) and (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

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Sec. 2. RCW 66.28.150 and 2004 c 160 s 14 are each amended to read as follows:

A domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, including chefs, on the subject of beer, wine, or spirituous liquor, including but not limited to, the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, or spirituous liquor, and what wines go well with different types of food. The domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may furnish beer, wine, or spirituous liquor and such other equipment, materials, and utensils as may be required for use in connection with the instruction or courses of instruction. The instruction or courses of instruction may be given at the premises of the domestic brewery, microbrewery, domestic winery, distillery, or authorized representative holding a certificate of approval, at the premises of a retail licensee, or elsewhere within the state of Washington."

On page 1, line 3 of the title, after "wine;" strike the remainder of the title and insert "amending RCW 66.28.150; and reenacting and amending RCW 66.28.010."

The President declared the question before the Senate to be the motion by Senator Kohl-Welles to not adopt the committee striking amendment by the Committee on Labor, Commerce, Research & Development to House Bill No. 2240.

The motion by Senator Kohl-Welles carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senator Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment

activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate

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of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g)(i) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from ~~(jointly)~~ producing ~~jointly or together with regional, state, or local wine industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.~~ (ii) Nothing in this section prohibits: (A) Domestic wineries, domestic breweries, microbreweries, and certificate of approval holders licensed under this chapter from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and (B) retailers licensed under this chapter from listing on their internet web sites information related to domestic wineries, domestic breweries, microbreweries, and certificate of approval holders whose products those retailers sell or promote, including direct links to the domestic wineries', domestic breweries', microbreweries', and certificate of approval holders' web sites.

(h) Nothing in this section prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder licensed under RCW 66.24.206(1)(a) for or on behalf of a licensed retail business when the personal services are (i) conducted at a licensed premises, and (ii) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, or a speciality wine shop license; bottle signings; and other similar informational or educational activities. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any liquor manufacturer, importer, or distributor. Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a

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compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsections (1)(g) and (h) and (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

Sec. 2. RCW 66.28.150 and 2004 c 160 s 14 are each amended to read as follows:

A domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, including chefs, on the subject of beer, wine, or spirituous liquor, including but not limited to, the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, or spirituous liquor, and what wines go well with different types of food. The domestic brewery, microbrewery, domestic winery, distillery, distributor, certificate of approval holder, or its licensed agent may furnish beer, wine, or spirituous liquor and such other equipment, materials, and utensils as may be required for use in connection with the instruction or courses of instruction. The instruction or courses of instruction may be given at the premises of the domestic brewery, microbrewery, domestic winery, distillery, or authorized representative holding a certificate of approval, at the premises of a retail licensee, or elsewhere within the state of Washington."

Senator Kohl-Welles spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kohl-Welles to House Bill No. 2240.

The motion by Senator Kohl-Welles carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "wine;" strike the remainder of the title and insert "amending RCW 66.28.150; and reenacting and amending RCW 66.28.010."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 2240 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

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On motion of Senator Marr, Senators Brown, Kastama and Poulsen were excused.

Senator Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2240 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2240 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Murray - 2

HOUSE BILL NO. 2240 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5032,
SECOND SUBSTITUTE SENATE BILL NO. 5114,
SENATE BILL NO. 5206,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5244,
SENATE BILL NO. 5258,
SENATE BILL NO. 5259
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,
SUBSTITUTE SENATE BILL NO. 5475,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5613,
SENATE BILL NO. 5778
SENATE BILL NO. 5798,
SECOND SUBSTITUTE SENATE BILL NO. 5806,
SUBSTITUTE SENATE BILL NO. 5919,
SENATE BILL NO. 6090,
SENATE BILL NO. 6129,
SUBSTITUTE SENATE BILL NO. 6141,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,

MOTION

On motion of Senator Kohl-Welles, the rules were suspended and the Senate immediately reconsidered the vote by which House Bill No. 1994 failed to pass the Senate.

The President declared the question before the Senate to be the final passage of House Bill No. 1994 on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1994 on reconsideration and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

Hargrove, Hatfield, Haugen, Hewitt, Honeyford, Jacobsen, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 38

Voting nay: Senators Hobbs, Holmquist, Kastama, Kauffman, Kilmer, Marr, Poulsen, Schoesler and Sheldon - 9

Absent: Senator Kline - 1

Excused: Senator Murray - 1

HOUSE BILL NO. 1994, on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1396, by House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, B. Sullivan, Upthegrove, Rodne, Eddy, Kagi, Chase and Schual-Berke)

Providing a single ballot proposition for regional transportation investment districts and regional transit authorities at the 2007 general election.

The measure was read the second time.

MOTION

Senator Haugen moved that the following committee amendment by the Committee on Transportation be adopted.

On page 6, line 17, after "RCW.", insert the following:

"However, as part of the single ballot proposition submitted to voters under this subsection, the authority shall include in the authority's plan assurances that the authority will not enter into any agreement that would restrict the type of transit station serving the west end of the SR 520 floating bridge such that it would be unable to accommodate a comprehensive and coordinated corridor-based multimodal public transportation system to serve the SR 520 bridge area from Seattle to Redmond, including a high capacity transportation system not limited to rail service."

Senator Haugen spoke in favor of adoption of the committee amendment.

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Transportation to Substitute House Bill No. 1396.

The motion by Senator Haugen carried and the committee amendment was adopted by voice vote.

POINT OF ORDER

Senator Pflug: "I believe there are more amendments on this bill that have been on the bar."

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1396 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1341, by Representatives Simpson, Curtis, Ericks and Alexander

Limiting the regulation of the practice of massage by

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 political subdivisions.

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The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1341.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1341 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

HOUSE BILL NO. 1341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute House Bill No. 1396 which had been deferred earlier in the day.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 3, after line 21, insert the following:

Sec. 3. RCW 81.104.160 and 2003 c 1 s 6 (Initiative Measure No. 776, approved November 5, 2002) are each amended to read as follows:

An agency may impose a sales and use tax (~~society~~) for the purpose of providing (~~high capacity~~) transportation services, including replacement, improvement, and construction of highways of statewide significance, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated and expire on December 5, 2002.

Sec. 4. RCW 81.104.170 and 1997 c 450 s 5 are each amended to read as follows:

Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use

tax in accordance with the terms of this chapter, (~~society~~) for the purpose of providing (~~high capacity~~) transportation services, including replacement, improvement, and construction of highways of statewide significance.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

Renumber the sections consecutively and correct any internal references accordingly.

Senators Pflug and Carrell spoke in favor of adoption of the amendment.

Senator Haugen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 3, after line 21 to Substitute House Bill No. 1396.

The motion by Senator Pflug failed and the amendment was not adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug be adopted.

On page 8, after line 19, insert the following:

"NEW SECTION. Sec. 6. The legislature finds that the replacement of the Alaskan Way Viaduct and the state route number 520 floating bridge are the highest priority transportation projects that represent an immediate threat to public safety and are vital to the economic strength of the Puget Sound region and the state as a whole. The legislature also finds that imposing tolls of seven dollars or more on the Lake Washington bridges would be a barrier to low and moderate-income households in the Puget Sound region and would serve to discourage free movement of people throughout the region.

NEW SECTION. Sec. 7. A new section is added to chapter 81.112 RCW to read as follows:

(1) As part of the proposition to support additional implementation phases of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.030(10), the authority shall not fund any planning, development, or construction that is not described in the sound transit 2 draft package, dated January 11, 2007. In addition, the authority may not apply any revenues received from the 2007 general election under RCW 36.120.070 and 81.112.040(10) toward planning, development, construction, acquisition of right-of-way, or financing of light rail over Lake Washington. This section is not intended to limit a regional transit authority's ability to expand light rail beyond the limitation of this section after November 2007.

(2) Revenues equal to the amount necessary to fund the expansion of light rail as proposed in the sound transit 2 draft

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package, dated January 11, 2007, shall be distributed to a regional transportation investment district established under chapter 36.120 RCW in accordance with section 10 of this act.

Sec. 8. RCW 81.104.160 and 2003 c 1 s 6 are each amended to read as follows:

An agency may impose a sales and use tax solely for the purpose of providing high capacity transportation service, except as otherwise provided in section 7 of this act, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated and expire on December 5, 2002.

Sec. 9. RCW 81.104.170 and 1997 c 450 s 5 are each amended to read as follows:

(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service except as otherwise provided in section 7 of this act.

(2) The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. The maximum rate of such tax shall be approved by the voters and shall not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed shall not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

NEW SECTION. Sec. 10. A new section is added to chapter 36.120 RCW to read as follows:

(1) As part of the proposition to support additional implementation phases of the regional transit authority's system and financing plan submitted to voters at the 2007 general election under RCW 36.120.070 and 81.112.040(10), funds received under section 7 of this act shall be allocated to the projects listed below in the amounts described and in the following order of priority:

(a) One billion one hundred million dollars for a tunnel replacement option for the Alaskan Way Viaduct that maintains or exceeds the current capacity.

(i) If a tunnel replacement option is not selected, these funds shall be used to ensure the completion of the projects listed in (b) through (e) of this subsection and to fund projects described in subsection (2) of this section. Any funds that are not necessary to carry out the purposes of this section shall be returned to the regional transit authority.

(ii) The district must reallocate these funds in accordance with subsection (2) of this section if, within one year of passage of the 2007 general election ballot measure approved in RCW 36.120.070 and RCW 81.112.040(10), local jurisdictions have not agreed to contribute seven hundred fifty million dollars in

funds from local sources that may include, but are not limited to, a local improvement district and a local utility tax.

(b) Two billion seven hundred million dollars for the improvement and replacement of the state route number 520 bridge replacement and HOV project between Interstate 5 and Interstate 405. The district must include in its ballot measure one billion one hundred million dollars for the state route number 520 floating bridge. These funds must be combined with any additional funds appropriated by federal, state, and local sources to fully fund the state route number 520 bridge replacement and improvements as designated by the district. The funding package for the state route number 520 bridge replacement and HOV project may not include tolling.

(c) Six hundred forty million dollars for the construction of state route number 167 to the port of Tacoma in addition to any other funds provided by the plan developed by the regional transportation investment district.

(d) One hundred thirteen million dollars for the construction of state route number 704 between Interstate 5 and state route number 7, in addition to any other funds provided by the plan developed by the regional transportation investment district.

(e) Ninety-four million dollars for the connection of state route number 509 and Interstate 5 at Sea-Tac in addition to funds already provided by the regional transportation investment district.

(2) Funds not necessary for the implementation of the projects in subsection (1) of this section shall be transferred to sound transit for the purpose of completing light rail to the Tacoma Dome transit center.

Sec. 11. RCW 36.120.040 and 2006 c 311 s 6 are each amended to read as follows:

(1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations of which a participating county is a member. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate its activities with affected cities, towns, and other local governments, including any regional transit authority existing within the participating counties' boundaries, that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the:

(i) Creation of a regional transportation investment district, including district boundaries; and

(ii) Construction of transportation projects to improve mobility within each county and within the region. Operations, maintenance, and preservation of facilities or systems may not be part of the plan, except for the limited purposes provided under RCW 36.120.020(8); and

(c) Recommend sources of revenue authorized by RCW

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36.120.050 and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in each county and the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) The plan must use tax revenues and related debt for projects that generally benefit a participating county in proportion to the general level of tax revenues generated within that participating county. This equity principle applies to all modifications to the plan, appropriation of contingency funds not identified within the project estimate, and future phases of the plan. Per agreement with a regional transit authority serving the counties participating in a district, the equity principle identified under this subsection may include using the combined district and regional transit authority revenues generated within a participating county to determine the distribution that proportionally benefits the county. Modifications made under section 10 of this act are in compliance with this equity principle. For purposes of the transportation subarea equity principle established under this subsection, a district may use the five subareas within a regional transit authority's boundaries as identified in an authority's system plan adopted in May 1996. During implementation of the plan, the board shall retain the flexibility to manage distribution of revenues, debt, and project schedules so that the district may effectively implement the plan. Nothing in this section should be interpreted to prevent the district from pledging district-wide tax revenues for payment of any contract or debt entered into under RCW 36.120.130.

(5) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(6) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(7) Once adopted by the planning committee, the plan must be forwarded to the participating county legislative authorities to initiate the election process under RCW 36.120.070. The planning committee shall at the same time provide notice to each

city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(8) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

Sec. 12. RCW 36.120.045 and 2006 c 311 s 7 are each amended to read as follows:

The planning committee must develop and include in the regional transportation investment plan a funding proposal for the state route number 520 bridge replacement and HOV project that assures full project funding for seismic safety and corridor connectivity on state route number 520 between Interstate 5 and Interstate 405 without assessing tolls on either state route number 520 or Interstate 90 across Lake Washington."

Renumber the remaining sections consecutively.

On page 8, beginning on line 24, strike all of section 7 and insert the following:

"NEW SECTION. Sec. 7. Sections 1 through 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 3 of the title, after "election;" strike the remainder of the title and insert "amending RCW 36.120.070, 81.112.030, 81.104.160, 81.104.170, 36.120.040, and 36.120.045; adding a new section to chapter 29A.36 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.120 RCW; creating new sections; and declaring an emergency."

POINT OF ORDER

Senator Pflug: "I object to being accused of 'sabotage.' I'm absolutely sincere in trying to find solutions to the transportation problem in a way that is responsible to the entire state."

Senator Pflug spoke in favor of adoption of the amendment.
Senator Haugen spoke against adoption of the amendment.

REMARKS BY THE PRESIDENT

President Owen: "Senator Haugen, you have spoken once. Senator Haugen, you can not make a point of personal privilege to argue an issue."

POINT OF PERSONAL PRIVILEGE

Senator Haugen: "I apologize if I have offended the drafter. I did not mean her personally. I was looking at the legislation."

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Pflug on page 8, after line 19 to Substitute House Bill No. 1396.

ROLL CALL

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The Secretary called the roll on the adoption of the amendment by Senator Pflug and the amendment was not adopted by the following vote: Yeas, 19; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Shin, Stevens, Swecker, Tom and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Spanel and Weinstein - 29

Excused: Senator Murray - 1

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 1396 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1396 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1396 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Carrell, Holmquist, McCaslin, Morton and Stevens - 5

Excused: Senator Murray - 1

SUBSTITUTE HOUSE BILL NO. 1396 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1747, by Representatives Simpson and Rodne

Removing the deadline for regional transit authorities to acquire insurance by bid or by negotiation on certain projects.

The measure was read the second time.

MOTION

On motion of Senator Haugen, the rules were suspended, House Bill No. 1747 was advanced to third reading, the second

reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1747.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1747 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Murray - 1

HOUSE BILL NO. 1747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

POINT OF ORDER

Senator Benton: "Mr. President, normally when we suspend the ninety minute rule for dinner it's because dinner has been arranged in the cafeteria. Can somebody tell us whether or not there is dinner on campus tonight?"

REPLY BY SENATOR EIDE

Senator Eide: "Yes sir, there is dinner on campus this evening - just for you."

REMARKS BY THE PRESIDENT

President Owen: "We would never deprive you."

REMARKS BY SENATOR BENTON

Senator Benton: "It's just, as you know, difficult to leave and get back if there's less than an hour."

REPLY BY SENATOR EIDE

Senator Eide: "Yes, we took that into consideration."

MOTION

At 5:54 p.m., on motion of Senator Eide, the Senate was recessed until 7:00 p.m.

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The Senate was called to order at 7:00 p.m. by President Owen.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164, by House Committee on Finance (originally sponsored by Representatives Dunshee, Morrell, Moeller and Ormsby)

Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes. Revised for 1st Substitute: Requiring approval from state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes. (REVISED FOR ENGROSSED: Requiring approval from certain state institutions of higher education to locate new or rehabilitated multiple-unit housing within the boundaries of a campus facilities master plan for property tax exemption purposes.)

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Substitute House Bill No. 2164 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Zarelli spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Delvin, Parlette and Schoesler were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2164.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2164 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Honeyford and Swecker - 3

Absent: Senators Kauffman and Poulsen - 2

Excused: Senators Delvin and Parlette - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Kauffman and Poulsen were excused.

SECOND READING

HOUSE BILL NO. 1224, by Representatives Kelley, Sells, Pedersen, Fromhold, Ormsby, Hasegawa, Upthegrove, Skinner, Appleton, Wallace, Roberts, Kagi, Kenney, P. Sullivan, Darneille, Simpson, McDonald, Moeller, Schual-Berke, Morrell, Green, Barlow and Lantz

Regarding cost savings on course materials for community and technical college students.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following striking amendment by Senators Hatfield, Delvin and Shin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.590 and 2006 c 81 s 2 are each amended to read as follows:

(1) The boards of regents of the state universities (~~and~~), the boards of trustees of the regional universities and The Evergreen State College, and the boards of trustees of each community and technical college district, in collaboration with affiliated bookstores and student and faculty representatives, shall adopt rules requiring that:

(a) Affiliated bookstores:

(i) Provide students the option of purchasing materials that are unbundled when possible, disclose to faculty and staff the costs to students of purchasing materials, and disclose publicly how new editions vary from previous editions;

(ii) Actively promote and publicize book buy-back programs; and

(iii) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available; and

(b) Faculty and staff members consider the least costly practices in assigning course materials, such as adopting the least expensive edition available when educational content is comparable as determined by the faculty and working closely with publishers and local bookstores to create bundles and packages if they deliver cost savings to students.

(2) As used in this section:

(a) "Materials" means any supplies or texts required or recommended by faculty or staff for a given course.

(b) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit."

Senator Hatfield spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hatfield, Delvin and Shin to House Bill No. 1224.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "colleges;" strike the remainder of the title and insert "and amending RCW 28B.10.590."

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1224 as amended by the Senate was advanced to

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third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1224 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1224 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Kline - 1

Excused: Senator Parlette - 1

HOUSE BILL NO. 1224 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1761, by House Committee on Capital Budget (originally sponsored by Representatives Linville, Hunter, Priest, Hunt, B. Sullivan, Upthegrove, Kessler, Sump, Hankins, Jarrett, Fromhold, Appleton, Rolfes, Darneille, Campbell, Conway, Green, O'Brien, Schual-Berke, Simpson, Ormsby and Chase)

Accelerating the cleanup of Puget Sound and hazardous waste and waste sites in the state. Revised for 1st Substitute: Regarding cleanup of hazardous waste.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.105D.030 and 2002 c 288 s 3 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(7) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(12)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii)

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concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before ~~((November 1st))~~ December 20th of each even-numbered year, the department shall ~~((develop, with public notice and hearing, and submit to))~~:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the ~~((ways and means and))~~ appropriate standing fiscal and environmental committees of the senate and house of representatives ~~((a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also)). This submittal must also include a ranked list of such remedial action projects for both accounts; and~~

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by

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appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its ~~((top two))~~ waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~((4))~~ (5) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(7) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((5))~~ (6) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

Sec. 2. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the ~~((top two))~~ hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the

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tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management

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priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 1761.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "cleanups;" strike the remainder of the title and insert "and amending RCW 70.105D.030 and 70.105D.070."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1761 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1761 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1761 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1761 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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On motion of Senator Regala, Senator Kline was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Hinkle, Morrell, Moeller and Ormsby)

Modifying provisions affecting medical benefits.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1826 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1826.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1826 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1826, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1722, by Representatives Conway, Curtis, Moeller, Darneille, Wood and Simpson

Clarifying the authority of physician assistants to execute certain certificates and other forms for labor and industries.

The measure was read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.28 RCW to read as follows:

The department shall accept the signature of a physician assistant on any certificate, card, form, or other documentation required by the department that the physician assistant's supervising physician or physicians may sign, provided that it is within the physician assistant's scope of practice, and is

consistent with the terms of the physician assistant's practice arrangement plan as required by chapters 18.57A and 18.71A RCW. Consistent with the terms of this section, the authority of a physician assistant to sign such certificates, cards, forms, or other documentation includes, but is not limited to, the execution of the certificate required in RCW 51.28.020. A physician assistant may not rate a worker's permanent partial disability under RCW 51.32.055.

NEW SECTION. Sec. 2. By December 1, 2008, the department of labor and industries shall report to the legislature on implementation of this act, including but not limited to the effects of this act on injured worker outcomes, claim costs, and disputed claims.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to House Bill No. 1722.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "industries;" strike the remainder of the title and insert "adding a new section to chapter 51.28 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1722 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1722 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1722 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1722 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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HOUSE BILL NO. 1888, by Representatives Linville, Newhouse, Grant, Hailey and B. Sullivan

Regarding Brassica seed production.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1888 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

MOTION

On motion of Senator Marr, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1888.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1888 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kastama - 1

HOUSE BILL NO. 1888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1431, by Representatives Goodman, Lantz, O'Brien, Rodne, Moeller and Hasegawa

Changing certificate of discharge requirements.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, House Bill No. 1431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1431.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1431 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

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Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1642, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Lantz, Williams, Moeller, Wood, Kirby, O'Brien, Chase, Ormsby and Green)

Concerning criminal violations of no-contact orders, protection orders, and restraining orders.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1642 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1642.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1642 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1135, by House Committee on Local Government (originally sponsored by Representatives Appleton, Rolfes, Lantz, Seaquist and Clibborn)

Allowing certain cities to designate aquifer conservation zones.

The measure was read the second time.

MOTION

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On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1135.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1135 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1677, by House Committee on Appropriations (originally sponsored by Representatives Quall, Rodne, Dunshee, Ormsby, B. Sullivan, Hurst, Chase, Hunt, P. Sullivan, Pettigrew, Lovick, Jarrett, McCoy, Anderson, Upthegrove, Santos, Sells, Conway and Rolfes)

Creating the outdoor education and recreation grant program for schools and others.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, Second Substitute House Bill No. 1677 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1677.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1677 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 1677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Upthegrove, Hudgins, Pedersen, P. Sullivan, Wallace and Morris)

Modifying the legislative youth advisory council.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the legislative youth advisory council provides a unique opportunity for middle and high school students to be actively involved in government. Councilmembers not only learn about, but exercise, the core values and democratic principles of our state and nation, along with the rights and responsibilities of citizenship and democratic civic involvement. As such, they are engaged in authentic practice of the essential academic learning requirements in civics. In the short time since its creation, the legislative youth advisory council has studied, debated, and begun to formulate positions and recommendations on such important topics as education reform, school finance, public school learning environments, health and fitness education, and standardized testing. The legislature continues to stress the importance of civics education and support the type of civic involvement by students exemplified by the legislative youth advisory council. The legislature intends to make improvements to the program and expand the opportunities for students to participate by creating regional councils.

Sec. 2. RCW 28A.300.801 and 2005 c 355 s 1 are each amended to read as follows:

(1) ((The) Nine regional legislative youth advisory councils ((is) are established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis. The boundaries of the nine regional councils shall be the same as the boundaries of the nine educational service districts.

(2) ((The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

—(a) Five members shall be selected by each of the two major caucuses in the senate, appointed by the secretary of the senate.

—(b) Five members shall be selected by each of the two major caucuses in the house of representatives, appointed by the chief clerk of the house of representatives.

—(c) The governor shall appoint two members.) Each regional council shall consist of at least five but no more than twelve members who, at the time of appointment, are students age fourteen to eighteen. Students may apply to the program by completing an application form and submitting the form to the office of the lieutenant governor. The lieutenant governor is encouraged to make the application forms available online.

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Students are encouraged to seek a letter of recommendation from a local state legislator to submit with the application.

(3)(a) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(b) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council's student application review committee. The student application review committee shall be selected by the current youth council participants. The application review committee shall be made up of members of the current legislative youth advisory council. The student application review committee shall be responsible for developing the selection criteria, establishing an application review process, and selecting the pool of recommended candidates that will be submitted to the educational service district contact person for final selection. When the educational service district has made its final selection of candidates for the program, it shall submit the names to the office of the lieutenant governor. The office of the lieutenant governor shall notify all applicants of the final selections.

(c) The office of the lieutenant governor shall make the application available by hard copy and online.

(4) ~~(The)~~ Each regional council shall have the following duties:

(a) Selecting a chair from among the regional councilmembers;

(b) Meeting three times a year at the educational service district within the region to discuss policy issues of importance to youth. Each regional council shall consider conducting at least some of the meetings via the K-20 telecommunications network. Councils are encouraged to invite local state legislators to participate in the meetings. Each regional council is encouraged to poll other students in order to get a broad perspective on the various issues. The regional councils are encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site;

(c) Advising the legislature on proposed and pending legislation~~(, including state budget expenditures))~~ and policy matters relating to youth;

~~((b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;~~

~~(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature; and))~~

(d) Selecting one member to attend a state meeting to present information to the lieutenant governor and members of the legislature. The presentation could include proposals that a legislator could subsequently have drafted as legislation;

(e) Accepting grants and donations from public and private sources to support the activities of the council; and

(f) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(5) ~~(In carrying out its duties under subsection (4) of this section, the council may meet at least three times but not more than six times per year, including not more than two public hearings on issues of importance to youth.~~

~~(6)) Regional councilmembers shall not receive per diem but shall be reimbursed as provided in RCW 43.03.050 and 43.03.060 only for travel and expenses incurred to attend the state meeting.~~

~~((7)) (6) The ((office of superintendent of public instruction)) educational service districts shall provide administration, coordination, and facilitation assistance to the regional councils. ((The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting~~

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~~proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision)) Each educational service district shall consider creating a web site for the regional council on the web site of the educational service district and is encouraged to conduct outreach to students to publicize the program. Each educational service district is encouraged with private and nonprofit youth organizations to conduct outreach to students and to promote the program.~~

~~((8)) (7) The office of the lieutenant governor, with assistance from the educational service districts, shall provide the administration, coordination, and facilitation assistance for the state meeting.~~

~~(8) The ((office of superintendent of public instruction, the)) educational service districts, office of the lieutenant governor, legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the regional youth advisory councils ~~((and))~~ that occurs while the member of ~~((the))~~ a council is performing duties of ~~((the))~~ a council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection ~~((6))~~ (5) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.~~

~~(9) This section expires June 30, ((2007)) 2009.~~

NEW SECTION. Sec. 3. RCW 28A.300.801 is recodified as a section in chapter 28A.310 RCW.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 28A.300.801; adding a new section to chapter 28A.310 RCW; creating a new section; recodifying RCW 28A.300.801; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator McAuliffe to not adopt the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1052.

The motion by Senator McAuliffe carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Holmquist be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the legislative youth advisory council provides a unique opportunity for middle and high school students to be actively involved in government. Council members not only learn about, but exercise, the core values and democratic principles of our state and nation, along with the rights and responsibilities of citizenship and democratic civic involvement. As such, they are engaged in authentic practice of the essential academic learning requirements in civics. In the short time since its creation, the legislative youth advisory council has studied, debated, and begun to formulate positions and recommendations on such important topics as education reform, school finance, public

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school learning environments, health and fitness education, and standardized testing. The legislature continues to stress the importance of civics education and support the type of civic involvement by students exemplified by the legislative youth advisory council.

Sec. 2. RCW 28A.300.801 and 2005 c 355 s 1 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

~~((a)) Five members shall be selected by each of the two major caucuses in the senate, appointed by the secretary of the senate.~~

~~((b)) Five members shall be selected by each of the two major caucuses in the house of representatives, appointed by the chief clerk of the house of representatives.~~

~~((c)) The governor shall appoint two members.))~~

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. The office of the lieutenant governor shall notify all applicants of the final selections.

(b) The office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) The council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature; ~~((and))~~

(d) Accepting grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

~~((5)) (6) In carrying out its duties under ((subsection (4) of)) this section, the council may meet at least three times but not more than six times per year (~~including not more than two public hearings on issues of importance to youth~~). The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. Councils are encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.~~

~~((6)) (7) Members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.~~

~~((7)) (8) The office of superintendent of public instruction shall provide administration, coordination, and facilitation~~

assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

~~((8)) (9) The office of the lieutenant governor, the office of superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection ((6)) (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.~~

~~((9)) (10) This section expires June 30, ((2007)) 2009.~~

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

MOTION

Senator Kilmer moved that the following amendment by Senators Kilmer, McAuliffe and Holmquist to the striking amendment be adopted.

On page 3, after line 35 of the amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The civic education travel grant program is created to provide travel grants to students participating in statewide, regional, national, or international civic education competitions or events.

(2) The superintendent of public instruction shall allocate grants under the program established in this section from private donations or with amounts appropriated for this specific purpose. The grants shall be awarded on a competitive basis.

(3) The superintendent of public instruction may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the superintendent of public instruction based on grant applications.

(4) The superintendent of public instruction shall select grant recipients from student applicants that meet all of the following criteria:

(a) Students must be residents of the state of Washington;

(b) Students must use the grants to fund travel to civic education-based competitions or events;

(c) Students must be participants in the civic education competition or event; and

(d) Students must be under the age of twenty-one and not yet have received their high school diploma.

(5) Students are encouraged to seek matching funds, in-kind contributions, or other sources of support to supplement their travel expenses.

(6) Applicants must include in the grant application the

following:

(a) A brief description of the civic education competition or event;

(b) A brief description of what the applicant expects to learn from the competition or event;

(c) The total travel costs and how much the applicant is requesting from the program; and

(d) The total amount of matching funds the applicant has already secured or expects to secure.

(7) The superintendent of public instruction may adopt other criteria as appropriate for the review of grant proposals. In reviewing student applications for funding, scoring shall be based on an evaluation of all application materials that may be requested of applicants. The superintendent of public instruction shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill the program's goal. Final grant awards may be for the full amount of the grant request or for a portion of the grant request.

(8) The office of the superintendent of public instruction may accept gifts, grants, or endowments from public or private sources for the program and may spend any gifts, grants, or endowments or income from public or private sources according to their terms."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Kilmer spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kilmer, McAuliffe and Holmquist on page 3, after line 35 to the striking amendment to Engrossed Substitute House Bill No. 1052.

The motion by Senator Kilmer carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Holmquist as amended to Engrossed Substitute House Bill No. 1052.

The motion by Senator McAuliffe carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 28A.300.801; creating a new section; providing an expiration date; and declaring an emergency."

On page 4, line 5 of the title amendment, after "28A.300.801;" insert "adding a new section to chapter 28A.300 RCW;"

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute House Bill No. 1052 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1052 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1052 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 44

Voting nay: Senators Honeyford, Schoesler, Stevens and Zarelli - 4

Absent: Senator Pridemore - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2070, by Representatives O'Brien, Goodman and Pearson

Concerning exceptional sentences.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. In *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

Sec. 2. RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) In any case where an exceptional sentence above the standard range was imposed and where a new sentencing hearing is required, the superior court may impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3), that were relied upon by the superior court in imposing the previous sentence, at the new sentencing hearing.

(3) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

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~~((3))~~ (4) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the jury has been impaneled solely for resentencing, or unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

~~((4))~~ (5) If the superior court conducts a separate proceeding to determine the existence of aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

~~((5))~~ (6) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Benton moved that the following amendment by Senators Benton, Hargrove and Kline to the committee striking amendment be adopted.

On page 2, after line 26 of the amendment, insert the following:

Sec. 3. RCW 9.94A.030 and 2006 c 139 s 5, 2006 c 124 s 1, 2006 c 122 s 7, and 2006 c 73 s 5 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess

the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

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(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is

ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more.

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(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (33)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(34) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the

victim was a member or participant of the organization under his or her authority.

(36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(37) "Public school" has the same meaning as in RCW 28A.150.010.

(38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(39) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

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(46) "Stranger" means that the victim did not know the offender during the two weeks prior to the offense.

(47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Kline spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Hargrove

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and Kline on page 2, after line 26 to the committee striking amendment to Engrossed House Bill No. 2070.

The motion by Senator Benton carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Kline moved that the following amendment by Senators Kline, Benton and Hargrove to the committee striking amendment be adopted.

On page 2, after line 26 of the amendment, insert the following:

NEW SECTION. Sec. 3. (1) The task force on sentencing of persistent offenders is hereby created for the purpose of conducting a review of the crimes considered a most serious offense. The objectives of the task force are to:

(a) Examine existing evidence concerning the types of offenses committed by individuals convicted only of the crimes of assault in the second degree and robbery in the second degree and sentenced to life in prison as a persistent offender;

(b) Evaluate whether the inclusion of assault in the second degree and robbery in the second degree as crimes classified as most serious offenses has resulted in disproportionate sentencing of individuals; and

(c) Assess the objectives of the three-strikes law and evaluate whether the crimes of assault in the second degree and robbery in the second degree should continue to be classified as most serious offenses.

(2) The task force shall be composed of:

(a) One member of each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member of each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) One police chief appointed by the Washington association of sheriffs and police chiefs;

(d) One representative of the Washington association of criminal defense lawyers;

(e) One representative of the Washington association of prosecuting attorneys; and

(f) One representative of the Washington coalition of crime victim advocates.

(3) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(4) The task force shall make a report, together with any recommendations, to the legislature not later than December 31, 2007.

NEW SECTION. Sec. 4. Section 3 of this act expires June 30, 2008."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Benton and Kline spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline, Hargrove and Benton on page 2, after line 26 to the committee striking amendment to Engrossed House Bill No. 2070.

The motion by Senator Kline carried and the amendment to the committee striking amendment was adopted by voice vote.

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary as amended to Engrossed House Bill No. 2070.

The motion by Senator Kline carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendments were adopted:

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.537; creating a new section; and declaring an emergency."

On page 3, line 1 of the title amendment, after "sentences;" strike the remainder of the title amendment and insert "amending RCW 9.94A.537; reenacting and amending RCW 9.94A.030; creating new sections; and declaring an emergency."

On page 3, line 1 of the title amendment, after "sentences;" strike the remainder of the title amendment and insert "amending RCW 9.94A.537; creating new sections; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed House Bill No. 2070 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators McAuliffe and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2070 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2070 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

ENGROSSED HOUSE BILL NO. 2070 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Seaquist, Hinkle, Pettigrew, Ormsby, Priest, Anderson, Wood, Hankins, Quall, Cody, Appleton, Morrell, Green, Kelley,

Schual-Berke, Hasegawa, Rolfes, Campbell, Ericks, Kenney, VanDeWege, Conway, Goodman, Simpson and Linville

Requesting that Congress reauthorize the State Children's Health Insurance Program.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Joint Memorial No. 4016 was advanced to third reading, the second reading considered the third and the memorial was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the memorial.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4016.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4016 and the memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

HOUSE JOINT MEMORIAL NO. 4016, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1287, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Hinkle, Walsh, Haler, Appleton, Simpson, Moeller and Kenney)

Modifying foster children placement provisions.

The measure was read the second time.

MOTION

Senator Regala moved that the following striking amendment by the Committee on Human Services & Corrections be adopted.

On page 12, after line 29, insert the following:

"Sec. 6. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

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(2) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(3) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

Sec. 7. RCW 74.13.285 and 2000 c 88 s 2 are each amended to read as follows:

(1) Within available resources, the department shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements after July 1, 1997, shall have first priority in the preparation of passports. Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.

(2) In addition to the requirements of subsection (1) of this section, the department shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1287.

The motion by Senator Regala carried and the committee amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendments was adopted:

On page 1, line 3 of the title, after "13.34.145," strike "and" and after "13.34.062" insert ", 74.13.280, and 74.13.285"

On page 1, line 3 of the title, after "13.34.062;" strike "and" and after "13.34 RCW" insert "; providing an effective date; and declaring an emergency"

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1287 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

MOTION

On motion of Senator Rockefeller, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1287 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1287 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Pridemore - 2

SUBSTITUTE HOUSE BILL NO. 1287 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Pettigrew, Seaquist, Upthegrove, Morrell, Kessler, P. Sullivan, Williams, Kenney, Haler, Ericksen, Moeller, Sells, Dunn, Rolfes, Lantz, McCoy, Lovick, Jarrett, Strow, Hurst, Springer, Campbell, Goodman, Simpson, Pearson, Curtis, Rodne, Schual-Berke, McDermott, Ormsby and Chase)

Expanding the presumption of occupational disease for firefighters.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares:

(1) By reason of their employment, firefighters are required to work in the midst of, and are subject to, smoke, fumes, infectious diseases, and toxic and hazardous substances;

(2) Firefighters enter uncontrolled environments to save lives, provide emergency medical services, and reduce property damage and are frequently not aware of the potential toxic and

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carcinogenic substances, and infectious diseases that they may be exposed to;

(3) Harmful effects caused by firefighters' exposure to hazardous substances may develop very slowly, manifesting themselves years after exposure;

(4) Firefighters frequently and at unpredictable intervals perform job duties under strenuous physical conditions unique to their employment when engaged in firefighting activities; and

(5) Firefighting duties exacerbate and increase the incidence of cardiovascular disease in firefighters.

Sec. 2. RCW 51.32.185 and 2002 c 337 s 2 are each amended to read as follows:

(1) In the case of fire fighters as defined in RCW 41.26.030(4) (a), (b), and (c) who are covered under Title 51 RCW and fire fighters, including supervisors, employed on a full-time, fully compensated basis as a fire fighter of a private sector employer's fire department that includes over fifty such fire fighters, there shall exist a prima facie presumption that: (a) Respiratory disease; (b) ~~((heart problems that are experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances))~~ any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion due to firefighting activities; (c) cancer; and (d) infectious diseases are occupational diseases under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) The presumption established in subsection (1)(c) of this section shall only apply to any active or former fire fighter who has cancer that develops or manifests itself after the fire fighter has served at least ten years and who was given a qualifying medical examination upon becoming a fire fighter that showed no evidence of cancer. The presumption within subsection (1)(c) of this section shall only apply to prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, and kidney cancer.

(4) The presumption established in subsection (1)(d) of this section shall be extended to any fire fighter who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) Beginning July 1, 2003, this section does not apply to a fire fighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a fire fighter from the provisions of this section.

(6) For purposes of this section, "firefighting activities" means fire suppression, fire prevention, emergency medical services, rescue operations, hazardous materials response, aircraft rescue, and training and other assigned duties related to emergency response.

(7)(a) When a determination involving the presumption established in this section is appealed to the board of industrial insurance appeals and the final decision allows the claim for benefits, the board of industrial insurance appeals shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

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(b) When a determination involving the presumption established in this section is appealed to any court and the final decision allows the claim for benefits, the court shall order that all reasonable costs of the appeal, including attorney fees and witness fees, be paid to the firefighter or his or her beneficiary by the opposing party.

(c) When reasonable costs of the appeal must be paid by the department under this section in a state fund case, the costs shall be paid from the accident fund and charged to the costs of the claim.

Sec. 3. RCW 51.52.120 and 2003 c 53 s 285 are each amended to read as follows:

(1) It shall be unlawful for an attorney engaged in the representation of any worker or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not more than thirty percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director or the director's designee for services performed by an attorney for such worker or beneficiary, if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the department is communicated to the party making the application.

(2) If, on appeal to the board, the order, decision, or award of the department is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his or her attorney in proceedings before the board if written application therefor is made by the attorney, worker, or beneficiary within one year from the date the final decision and order of the board is communicated to the party making the application. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by the director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney, worker, or beneficiary. The department or self-insured employer, as the case may be, shall be served a copy of the application and shall be entitled to appear and take part in the proceedings. Where the board, pursuant to this section, fixes the attorney's fee, it shall be unlawful for an attorney to charge or receive any fee for services before the board in excess of that fee fixed by the board.

(3) In an appeal to the board involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185.

(4) Any person who violates this section is guilty of a misdemeanor.

Sec. 4. RCW 51.52.130 and 1993 c 122 s 1 are each amended to read as follows:

(1) If, on appeal to the superior or appellate court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a worker or beneficiary, or in cases where a party other than the worker or beneficiary is the appealing party and the worker's or beneficiary's right to relief is sustained, a reasonable fee for the services of the worker's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If in a worker or beneficiary appeal the decision and order of the board is reversed or modified and if the accident fund or medical aid fund is affected by the litigation, or if in an

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appeal by the department or employer the worker or beneficiary's right to relief is sustained, or in an appeal by a worker involving a state fund employer with twenty- five employees or less, in which the department does not appear and defend, and the board order in favor of the employer is sustained, the attorney's fee fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department. In the case of self-insured employers, the attorney fees fixed by the court, for services before the court only, and the fees of medical and other witnesses and the costs shall be payable directly by the self-insured employer.

(2) In an appeal to the superior or appellate court involving the presumption established under RCW 51.32.185, the attorney's fee shall be payable as set forth under RCW 51.32.185."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Engrossed Substitute House Bill No. 1833.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "firefighters;" strike the remainder of the title and insert "amending RCW 51.32.185, 51.52.120, and 51.52.130; and creating a new section."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1833 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Roach and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1833 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1833 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senator Pridemore - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1409, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives B. Sullivan, Orcutt, Kretz and Takko)

Transferring jurisdiction over conversion-related forest practices to local governments.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.09.240 and 2002 c 121 s 2 are each amended to read as follows:

(1) ~~((By December 31, 2005, each county and each city shall adopt ordinances or promulgate regulations setting standards for those Class IV forest practices regulated by local government. The regulations shall: (a) Establish minimum standards for Class IV forest practices; (b) set forth necessary administrative provisions; and (c) establish procedures for the collection and administration of forest practices and recording fees as set forth in this chapter.~~

~~(2) Class IV forest practices regulations shall be administered and enforced by the counties and cities that promulgate them.~~

~~(3) The forest practices board shall continue to promulgate regulations and the department shall continue to administer and enforce the regulations promulgated by the board in each county and each city for all forest practices as provided in this chapter until such time as, in the opinion of the department, the county or city has promulgated forest practices regulations that meet the requirements as set forth in this section and that meet or exceed the standards set forth by the board in regulations in effect at the time the local regulations are adopted. Regulations promulgated by the county or city thereafter shall be reviewed in the usual manner set forth for county or city rules or ordinances. Amendments to local ordinances must meet or exceed the forest practices rules at the time the local ordinances are amended.~~

~~(a) Department review of the initial regulations promulgated by a county or city shall take place upon written request by the county or city. The department, in consultation with the department of ecology, may approve or disapprove the regulations in whole or in part.~~

~~(b) Until January 1, 2006, the department shall provide technical assistance to all counties or cities that have adopted forest practices regulations acceptable to the department and that have assumed regulatory authority over all Class IV forest practices within their jurisdiction.~~

~~(c) Decisions by the department approving or disapproving the initial regulations promulgated by a county or city may be appealed to the forest practices appeals board, which has exclusive jurisdiction to review the department's approval or disapproval of regulations promulgated by counties and cities.~~

~~(4)) On or before December 31, 2008:~~

~~(a) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, where more than a total of twenty-five Class IV forest practices applications, as defined in RCW 76.09.050(1) Class IV (a) through (d), have been filed with the department between January 1, 2003, and December 31, 2005, shall adopt and enforce ordinances or regulations as provided in subsection (2) of this section for the following:~~

~~(i) Forest practices classified as Class I, II, III, and IV that are within urban growth areas designated under RCW 36.70A.110, except for forest practices on ownerships of~~

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contiguous forest land equal to or greater than twenty acres where the forest landowner provides, to the department and the county, a written statement of intent, signed by the forest landowner, not to convert to a use other than growing commercial timber for ten years. This statement must be accompanied by either:

(A) A written forest management plan acceptable to the department; or

(B) Documentation that the land is enrolled as forest land of long-term commercial significance under the provisions of chapter 84.33 RCW; and

(i) Forest practices classified as Class IV, outside urban growth areas designated under RCW 36.70A.110, involving either timber harvest or road construction, or both on:

(A) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(B) Lands that have or are being converted to another use;

or
(C) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development;

(b) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, not included in (a) of this subsection, may adopt and enforce ordinances or regulations as provided in (a) of this subsection; and

(c) Counties not planning under RCW 36.70A.040, and the cities and towns within those counties, may adopt and enforce ordinances or regulations as provided in subsection (2) of this section for forest practices classified as Class IV involving either timber harvest or road construction, or both on:

(i) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(ii) Lands that have or are being converted to another use; or

(iii) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development.

(2) Before a county, city, or town may regulate forest practices under subsection (1) of this section, it shall ensure that its critical areas and development regulations are in compliance with RCW 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or town shall notify the department and the department of ecology in writing sixty days prior to adoption of the development regulations required in this section. The transfer of jurisdiction shall not occur until the county, city, or town has notified the department, the department of revenue, and the department of ecology in writing of the effective date of the regulations. Ordinances and regulations adopted under subsection (1) of this section and this subsection must be consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060, and shall at a minimum include:

(a) Provisions that require appropriate approvals for all phases of the conversion of forest lands, including land clearing and grading; and

(b) Procedures for the collection and administration of permit and recording fees.

(3) Activities regulated by counties, cities, or towns as provided in subsections (1) and (2) of this section shall be administered and enforced by those counties, cities, or towns. The department shall not regulate these activities under this chapter.

(4) The board shall continue to adopt rules and the department shall continue to administer and enforce those rules in each county, city, or town for all forest practices as provided in this chapter until such a time as the county, city, or town has updated its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215, and has adopted ordinances or regulations under subsections (1) and (2) of this section. However, counties, cities, and towns that have adopted ordinances or regulations regarding forest practices prior to the effective date of this section are not required to

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readopt their ordinances or regulations in order to satisfy the requirements of this section.

(5) Upon request, the department shall provide technical assistance to all counties, cities, and towns while they are in the process of adopting the regulations required by this section, and after the regulations become effective.

(6) For those forest practices over which the board and the department maintain regulatory authority no county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(a) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (i) Where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands have been or will be converted to a use other than commercial forest product production; or (ii) on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(b) Taxing powers;

(c) Regulatory authority with respect to public health; and

(d) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971".

(7) To improve the administration of the forest excise tax created in chapter 84.33 RCW, a county, city, or town that regulates forest practices under this section shall report permit information to the department of revenue for all approved forest practices permits. The permit information shall be reported to the department of revenue no later than sixty days after the date the permit was approved and shall be in a form and manner agreed to by the county, city, or town and the department of revenue. Permit information includes the landowner's legal name, address, telephone number, and parcel number.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) Each county, city, and town assuming regulation of forest practices as provided in RCW 76.09.240 (1) and (2) shall adopt development regulations that:

(a) Protect public resources, as defined in RCW 76.09.020, from material damage or the potential for material damage;

(b) Require appropriate approvals for all phases of the conversion of forest lands, including clearing and grading;

(c) Are guided by the planning goals in RCW 36.70A.020 and by the purposes and policies of the forest practices act as set forth in RCW 76.09.010; and

(d) Are consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060.

(2) If necessary, each county, city, or town that assumes regulation of forest practices under RCW 76.09.240 shall amend its comprehensive plan to ensure consistency between its comprehensive plan and development regulations.

(3) Before a county, city, or town may regulate forest practices under RCW 76.09.240 (1) and (2), it shall update its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215. Forest practices regulations adopted under RCW 76.09.240 (1) and (2) may be adopted as part of the legislative action taken under RCW 36.70A.130 or 36.70A.215."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1409.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

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MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 76.09.240; and adding a new section to chapter 36.70A RCW."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1409 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1409 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1409 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

SUBSTITUTE HOUSE BILL NO. 1409 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1054, by Representatives Hudgins, Crouse, Morris and Wallace

Modifying membership of the information services board.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1054.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1054 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell,

Clements, Delvin, Eide, Fairley, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Brown, Franklin, Fraser, McCaslin, Morton, Poulsen and Regala - 7

Excused: Senator Pridemore - 1

HOUSE BILL NO. 1054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1831, by Representatives Hunt, Armstrong, Appleton, Miloscia, Priest, Green, Ormsby, Williams, Hudgins, Condotta, Moeller and Chase

Modifying the dates of an election cycle.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1831 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1831.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1831 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Franklin, Fraser and Hargrove - 3

Excused: Senator Pridemore - 1

HOUSE BILL NO. 1831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111, by House Committee on Commerce & Labor (originally sponsored by Representatives Williams, Conway, Wood, Green, Moeller, Darneille, Miloscia, Dickerson, P. Sullivan, Morrell, McDermott, Grant, Hudgins, Simpson and Ormsby)

Making the governor the public employer of adult family home providers.

The measure was read the second time.

MOTION

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On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 2111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Keiser and Eide spoke in favor of passage of the bill.

Senators Clements, Jacobsen and Honeyford spoke against passage of the bill.

POINT OF INQUIRY

Senator Weinstein: "Would Senator Kohl-Welles yield to a question? Senator Kohl-Welles, on page seven of the bill there is a definition of the term 'adult family home provider'. Is it your understanding that this term includes those providers who have not only receive Medicaid payments but also those eligible to receive Medicaid payments?"

Senator Kohl-Welles: "Yes, it is."

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2111.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2111 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, McCaslin, Morton, Parlette, Pflug, Rockefeller, Schoesler, Stevens, Swecker and Zarelli - 17

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5039,
- SENATE BILL NO. 5042,
- SUBSTITUTE SENATE BILL NO. 5052,
- SUBSTITUTE SENATE BILL NO. 5228,
- SENATE BILL NO. 5247,
- ENGROSSED SENATE BILL NO. 5251,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5292,
- SENATE BILL NO. 5313,
- SENATE BILL NO. 5389,
- SUBSTITUTE SENATE BILL NO. 5391,

- SUBSTITUTE SENATE BILL NO. 5443,
- SUBSTITUTE SENATE BILL NO. 5461,
- SUBSTITUTE SENATE BILL NO. 5463,
- SENATE BILL NO. 5468,
- SUBSTITUTE SENATE BILL NO. 5511,
- SENATE BILL NO. 5607,
- SENATE BILL NO. 5640,
- SENATE BILL NO. 5711,
- SENATE BILL NO. 5732,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5827
- SUBSTITUTE SENATE BILL NO. 5839,
- SUBSTITUTE SENATE BILL NO. 5895,
- SUBSTITUTE SENATE BILL NO. 5910,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5920,
- ENGROSSED SENATE BILL NO. 6018,
- SENATE BILL NO. 6059,
- SENATE BILL NO. 6075,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The Speaker has signed:

- SUBSTITUTE SENATE BILL NO. 5078,
- SENATE BILL NO. 5086,
- SUBSTITUTE SENATE BILL NO. 5087,
- SUBSTITUTE SENATE BILL NO. 5118,
- SECOND SUBSTITUTE SENATE BILL NO. 5122,
- SENATE BILL NO. 5134,
- SENATE BILL NO. 5175,
- SUBSTITUTE SENATE BILL NO. 5190,
- SENATE BILL NO. 5199,
- ENGROSSED SENATE BILL NO. 5204,
- SUBSTITUTE SENATE BILL NO. 5242,
- SUBSTITUTE SENATE BILL NO. 5250,
- SENATE BILL NO. 5273,
- SENATE BILL NO. 5398,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
- SENATE BILL NO. 5421,
- SUBSTITUTE SENATE BILL NO. 5554,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The Speaker has signed:

- HOUSE BILL NO. 1145,
- HOUSE BILL NO. 1231,
- HOUSE BILL NO. 1235,
- HOUSE BILL NO. 1236,
- SUBSTITUTE HOUSE BILL NO. 1279,
- SECOND SUBSTITUTE HOUSE BILL NO. 1280,
- HOUSE BILL NO. 1311,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,
- HOUSE BILL NO. 1549,
- HOUSE BILL NO. 1556,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,
- HOUSE BILL NO. 1676,
- SUBSTITUTE HOUSE BILL NO. 2010,
- ENGROSSED HOUSE BILL NO. 2105,

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SUBSTITUTE HOUSE BILL NO. 2158,
SUBSTITUTE HOUSE BILL NO. 2361,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL
NO. 4011,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1145,
HOUSE BILL NO. 1231,
HOUSE BILL NO. 1235,
HOUSE BILL NO. 1236,
SUBSTITUTE HOUSE BILL NO. 1279,
SECOND SUBSTITUTE HOUSE BILL NO. 1280,
HOUSE BILL NO. 1311,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1497,
HOUSE BILL NO. 1549,
HOUSE BILL NO. 1556,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1649,
HOUSE BILL NO. 1676,
SUBSTITUTE HOUSE BILL NO. 2010,
ENGROSSED HOUSE BILL NO. 2105,
SUBSTITUTE HOUSE BILL NO. 2158,
SUBSTITUTE HOUSE BILL NO. 2361,
ENGROSSED SUBSTITUTE HOUSE JOINT MEMORIAL
NO. 4011,

MOTION

At 9:23 p.m., on motion of Senator Eide, the Senate
adjourned until 9:00 a.m. Wednesday, April 11, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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NINETY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 11, 2007

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Prentice, Rasmussen and Tom.

The Sergeant at Arms Color Guard consisting of Pages Joseph Woods and Monica Freshly, presented the Colors. Pastor Sandra Kreis of St. Christopher's Community Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Rockefeller moved that Gubernatorial Appointment No. 9224, Val Ogden, as a Chair of the Interagency Committee for Outdoor Recreation, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

APPOINTMENT OF VAL OGDEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9224, Val Ogden as Chair of the Interagency Committee for Outdoor Recreation.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9224, Val Ogden as Chair of the Committee for Outdoor Recreation and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senators Prentice, Rasmussen and Tom - 3

Gubernatorial Appointment No. 9224, Val Ogden, having received the constitutional majority was declared confirmed as Chair of the Interagency Committee for Outdoor Recreation.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Rockefeller moved that Gubernatorial Appointment No. 9225, Jeff Parsons, as a member of the Interagency Committee for Outdoor Recreation, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Prentice and Rasmussen were excused.

APPOINTMENT OF JEFF PARSONS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9225, Jeff Parsons as a member of the Interagency Committee for Outdoor Recreation.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9225, Jeff Parsons as a member of the Interagency Committee for Outdoor Recreation and the appointment was confirmed by the following vote: Yeas, 42; Nays, 2; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Honeyford and Schoesler - 2

Absent: Senators Brown, McCaslin and Pridemore - 3

Excused: Senators Prentice and Rasmussen - 2

Gubernatorial Appointment No. 9225, Jeff Parsons, having received the constitutional majority was declared confirmed as a member of the Interagency Committee for Outdoor Recreation.

SECOND READING

HOUSE BILL NO. 1073, by Representatives Schual-Berke, O'Brien, Anderson, Hudgins, Appleton, Green, Rodne, Ormsby, Cody, Dickerson, Morrell, Kenney and Pearson

Concerning limited emergency worker volunteer immunity.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 38.52.010 and 2002 c 341 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with

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the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person (~~including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW,~~) who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

(9) "Director" means the adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

(15) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority,

responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

(16) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

Sec. 4. RCW 38.52.180 and 1987 c 185 s 7 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of willful negligence by such owner or occupant or his servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done(;) or attempted during or while traveling to or from an emergency or disaster or search and rescue, or during training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue, under the color of this chapter in a bona fide attempt to comply therewith, except as provided in subsections (3), (4), and (5) of this section regarding covered volunteer emergency workers, shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency workers while actually engaged in emergency management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency management activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence or bad faith on the part of any agent of emergency management: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) No act or omission by a covered volunteer emergency worker while engaged in a covered activity shall impose any liability for civil damages resulting from such an act or omission upon:

- (a) The covered volunteer emergency worker;
- (b) The supervisor or supervisors of the covered volunteer emergency worker;
- (c) Any facility or their officers or employees;
- (d) The employer of the covered volunteer emergency worker;
- (e) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;
- (f) Any local organization that registered the covered volunteer emergency worker; and
- (g) The state or any state or local governmental entity.

(4) The immunity in subsection (3) of this section applies only when the covered volunteer emergency worker was engaged in a covered activity:

- (a) Within the scope of his or her assigned duties;
- (b) Under the direction of a local emergency management organization or the department, or a local law enforcement agency for search and rescue; and

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(c) The act or omission does not constitute gross negligence or willful or wanton misconduct.

(5) For purposes of this section:

(a) "Covered volunteer emergency worker" means an emergency worker as defined in RCW 38.52.010 who (i) is not receiving or expecting compensation as an emergency worker from the state or local government, or (ii) is not a state or local government employee unless on leave without pay status.

(b) "Covered activity" means:

(i) Providing assistance or transportation authorized by the department during an emergency or disaster or search and rescue as defined in RCW 38.52.010, whether such assistance or transportation is provided at the scene of the emergency or disaster or search and rescue, at an alternative care site, at a hospital, or while in route to or from such sites or between sites;
or

(ii) Participating in training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue.

(6) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during an emergency described in this chapter.

((4)) (7) The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the workers' compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

NEW SECTION. Sec. 5. RCW 38.52.570 (Immunity from liability for covered volunteers) and 2006 c 72 s 2 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1073.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 38.52.010 and 38.52.180; and repealing RCW 38.52.570."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1073 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Brown and McCaslin were excused.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1073 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1073 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

HOUSE BILL NO. 1073 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858, by House Committee on Transportation (originally sponsored by Representatives Fromhold, Curtis, Clibborn, Jarrett, Simpson, Springer and Moeller)

Regarding the imposition of fees by transportation benefit districts.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 2, after line 30, insert the following: "(6) Fees imposed without voter approval under this section shall not supplant existing funds used for transportation improvements. For purposes of this subsection, existing funds mean the actual operating or capital expenditures for the calendar year in which the fee is authorized. Actual operating or capital expenditures excludes lost federal funds, lost or expired state grants or loans."

On page 3, after line 24, insert the following: "(3) Fees imposed without voter approval under this section shall not supplant existing funds used for transportation improvements as defined under RCW 36.73.015. For purposes of this subsection, existing funds means the actual operating or capital expenditures for the calendar year in which the fee is authorized. Actual operating or capital expenditures excludes lost federal funds, lost or expired state grants or loans."

Renumber the subsections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 2, line 31 to Engrossed Substitute House Bill No. 1858 was withdrawn.

MOTION

On motion of Senator Murray, the rules were suspended, Engrossed Substitute House Bill No. 1858 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1858.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1858 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, by House Committee on Appropriations (originally sponsored by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos)

Creating an affordable housing for all program.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that there is a large, unmet need for affordable housing in the state of Washington. The legislature declares that a decent, appropriate, and affordable home in a healthy, safe environment for every household should be a state goal. Furthermore, this goal includes increasing the percentage of households who are able to obtain and retain housing without government subsidies or other public support.

(2) The legislature finds that there are many root causes of the affordable housing shortage and declares that these causal factors should be eliminated.

(3) The legislature finds that the support and commitment of all sectors of the statewide community is critical to accomplishing the state's affordable housing for all goal. The legislature finds that the provision of housing and housing-related services should be administered at the local level. However, the state should play a primary role in: Providing financial resources to achieve the goal at all levels of government; researching and evaluating statewide housing data; developing a state plan that integrates the strategies, goals, and objectives of all other state housing plans and programs; and coordinating and supporting county government plans and activities.

(4) The legislature declares that there is a state affordable housing goal of a decent, appropriate, and affordable home in a healthy, safe environment for every household in the state by 2020, as part of the statewide effort to end the affordable housing crisis.

NEW SECTION. Sec. 2. This chapter may be known and cited as the Washington affordable housing for all act.

NEW SECTION. Sec. 3. There is created within the department the state affordable housing for all program, which shall be funded by the affordable housing for all program

surcharge provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program. The goal of the program is a decent, appropriate, and affordable home in a healthy, safe environment for every very low-income household in the state by 2020. A priority must be placed upon achieving this goal for extremely low-income households. This goal includes increasing the percentage of households who access housing that is affordable for their income or wage level without government assistance by increasing the number of previously very low-income households who achieve self-sufficiency and economic independence. The goal also includes implementing strategies to keep the rising cost of housing below the relative rise in wages. The department shall develop and administer the affordable housing for all program. In the development and implementation of the program, the department shall consider: The funding level, number of county staff available to implement the program, and competency of each county to meet the goals of the program; and establish program guidelines and reporting requirements appropriate to the existing capacity of the participating counties.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing, with monthly rental housing costs, including utilities other than telephone, which do not exceed thirty percent of the household's monthly income, that has a sales price within the means of a household that may occupy low, very low, and extremely low-income housing. The department shall adopt policies for residential homeownership housing, occupied by extremely low, very low, and low-income households, that specify the percentage of household income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "First-time home buyer" means an individual or his or her spouse who have not owned a home during the three-year period prior to purchase of a home.

(5) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes, significant activities related to the provision of decent housing that is affordable to extremely low-income, very low-income, low-income, or moderate-income households and special needs populations.

(6) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies, including those embodied in statutes, ordinances, regulations, or administrative procedures or processes, required to be identified by the state, cities, towns, or counties in connection with strategies under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701 et seq.).

(7) "Affordable housing for all account" means the account in the custody of the state treasurer receiving the state's portion of income from the revenue of sources established by RCW 36.22.178 (as recodified by this act) and all other sources directed to the affordable housing for all program.

(8) "Performance evaluation" means the process of evaluating the performance by established objective, measurable criteria according to the achievement of outlined goals, measures, targets, standards, or other outcomes using a ranked scorecard from highest to lowest performance which employs a scale of one to one hundred, one hundred being the optimal score.

(9) "Affordable housing for all program" means the program authorized under this chapter, utilizing the funding from the affordable housing for all program surcharge in RCW 36.22.178 (as recodified by this act), and all other sources directed to the affordable housing for all program, as administered by the

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department at the state level and by each county at the local level.

(10) "State affordable housing for all plan" or "state plan" means the plan developed by the department in collaboration with the affordable housing advisory board with the goal of ensuring that every very low-income household in Washington has a decent, appropriate, and affordable home in a healthy, safe environment by 2020.

(11) "Low-income household," for the purposes of the affordable housing for all program, means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median household income, adjusted for household size for the county where the project is located.

(12) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size for the county where the project is located.

(13) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than thirty percent of the median family income, adjusted for household size for the county where the project is located.

(14) "County" means a county government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if the county government declines to participate in the affordable housing program.

(15) "Local government" means a county or city government in the state of Washington or, except under RCW 36.22.178 (as recodified by this act), a city government or collaborative of city governments within that county if the county government declines to participate in the affordable housing program.

(16) "Authority" or "housing authority" means any of the public corporations created by RCW 35.82.030.

Sec. 5. RCW 43.185B.040 and 1993 c 478 s 12 are each amended to read as follows:

(1) The department shall, in consultation with the affordable housing advisory board created in RCW 43.185B.020, prepare and, from time to time, amend a ((five-year)) state affordable housing ((advisory)) for all plan. The state plan must incorporate strategies, objectives, and goals, including those required for the state homeless housing strategic plan required under RCW 43.185C.040. The state affordable housing for all plan may be combined with the state homeless housing strategic plan required under RCW 43.185C.040 or any other existing state housing plan as long as the requirements of all of the plans to be merged are met.

(2) The purpose of the state affordable housing for all plan is to:

(a) Document the need for affordable housing in the state and the extent to which that need is being met through public and private sector programs~~((;+to));~~

(b) Evaluate and report upon all counties' use of the affordable housing for all program surcharge funds provided for in RCW 36.22.178 (as recodified by this act) and all other sources directed to the counties' affordable housing for all programs;

(c) Report upon housing trust fund awards within the previous five-year period; and

(d) Facilitate state and county government planning to meet the state affordable housing ~~((needs of the state, and to enable the development of sound strategies and programs for affordable housing))~~ for all goal.

(3) The information in the ((five-year)) state affordable housing ((advisory)) for all plan must include:

(a) An assessment of the state's housing market trends;

(b) An assessment of the housing needs for ~~((att))~~ economic segments of the state by low-income, very low-income, and extremely low-income households and special needs populations, including a report on the number and percentage of additional affordable rental housing units that are needed statewide and in each county to house low-income, very low-income, and extremely low-income households;

(c) An inventory of the supply and geographic distribution of affordable housing rental units made available through public and private sector programs;

(d) A summary of the activities of all state housing programs, as well as all housing programs operated by or coordinated by city and county governments, including local housing-related levy initiatives, housing-related tax exemption programs, and federally funded programs operated or coordinated by the state or local governments;

~~___~~ (e) A status report on the degree of progress made by the public and private sector toward meeting the housing needs of the state, including each county or city required by the United States department of housing and urban development to produce a consolidated plan, and any other city or county where information is readily available;

~~((=))~~ (f) An identification of state and local regulatory barriers to affordable housing and proposed regulatory and administrative techniques designed to remove barriers to the development and placement of affordable housing; ~~(and~~

~~___~~ (g) An analysis, statewide and within each county and major city, of the primary contributors to the cost of housing and an outline of potential strategies to keep the increasing cost of housing below the relative rise in wages;

~~___~~ (h) Specific recommendations, policies, or proposals for meeting the affordable housing needs of the state;

~~___~~ (i) A report on the growth in the population of low-income, very low-income, and extremely low-income households statewide and for each county;

~~___~~ (j) A determination of the cost to the state of the affordable housing shortage;

~~___~~ (k) A report of any differences in the rates of inflation between median house prices, median rent for a two-bedroom apartment, and median family income for low-income, very low-income, and extremely low-income households; and

~~___~~ (l) A summary of the recommendations of the affordable housing advisory board report as required in RCW 43.185B.030.

~~((2(a)))~~ (4) The ~~((five-year))~~ state affordable housing ~~((advisory))~~ for all plan required under ~~((subsection (1) of))~~ this section must be submitted to the appropriate committees of the legislature on or before ~~((February 1, 1994))~~ December 31, 2010, and subsequent updated plans must be submitted by December 31st every five years thereafter.

~~((b))~~ Each February 1st, beginning February 1, 1995, the department shall submit an annual progress report, to the legislature, detailing the extent to which the state's affordable housing needs were met during the preceding year and recommendations for meeting those needs)

(5) Based on changes to the general population and in the housing market, the department may revise the goals of the state affordable housing for all plan and set goals for years following December 31, 2020.

Sec. 6. RCW 36.22.178 and 2005 c 484 s 18 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all program surcharge.

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the ~~((Washington housing trust account))~~ affordable housing for all account created in section 7 of this act. ~~((The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support))~~ The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-

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income ((persons)) households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses. (2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing (projects or units within housing projects that are affordable to) activities as described in this subsection that serve very low-income ((persons)) households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income ((housing projects or units within such housing projects)) households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. ~~((The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Uses of))~~ A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these ((local)) county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income ((persons)) households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income ((persons)) households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing ~~((projects or))~~ units ~~((within housing projects))~~ that are affordable to very low-income ((persons)) households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

~~((2))~~ (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

~~((3))~~ The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i))

(4) All counties shall report at least annually upon receipts and expenditures of the affordable housing for all program surcharge funds created in this section to the department. The department may require more frequent reports. The report must include the amount of funding generated by the surcharge, the total amount of funding distributed to date, the amount of funding allocated to each eligible housing activity, a description of each eligible housing activity funded, including information on the income or wage level and numbers of extremely low, very low, and low-income households the eligible housing activity is intended to serve, and the outcome or anticipated outcome of each eligible housing activity.

NEW SECTION. Sec. 7. The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 (as recodified by this act) shall be deposited in the account, as well as all other sources directed to the affordable housing for all program. Expenditures from the account may only be used for affordable housing programs.

NEW SECTION. Sec. 8. This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in this act and other revenue that may be appropriated by the legislature for these purposes. However, neither the department nor any local government may use any funds authorized in this act to supplant or reduce any existing expenditures of public money to address the affordable housing shortage.

NEW SECTION. Sec. 9. (1) The department, the Washington state housing finance commission, the affordable housing advisory board, and all county governments, housing authorities, and other nonprofit organizations receiving state funds, county affordable housing for all surcharge funds, county homeless housing surcharge funds as authorized in RCW 36.22.179 (as recodified by this act), or financing through the housing finance commission shall, by December 31, 2007, and annually thereafter, review current housing reporting requirements related to housing programs and services and give recommendations to the legislature to streamline and simplify all planning and reporting requirements. The entities listed in this section shall also give recommendations for additional legislative actions that could promote the affordable housing for all goal.

(2) The department shall collaborate with the Washington state housing finance commission and representatives from statewide organizations representing counties, cities, housing authorities, nonprofit groups involved in affordable housing, and other interested parties, to create a strategy to streamline and, when possible, consolidate state, city, town, and county reporting requirements to address the inefficiencies associated with multiple reporting requirements. The department shall present the strategy to the appropriate committees of the legislature by December 31, 2007.

Sec. 10. RCW 43.63A.650 and 1999 c 267 s 3 are each amended to read as follows:

(1) The department shall be the principal state department responsible for coordinating federal and state resources and activities in housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW, and for evaluating the operations and accomplishments of other state departments and agencies as they affect housing, except for programs administered by the Washington state housing finance commission under chapter 43.180 RCW.

(2) The department shall work with ~~((local governments))~~ cities, towns, counties, tribal organizations, local housing authorities, nonprofit community or neighborhood-based organizations, and regional or statewide nonprofit housing assistance organizations, for the purpose of coordinating federal and state resources with local resources for housing.

(3) The department shall be the principal state department responsible for providing shelter and housing services to homeless families with children. The department shall have the principal responsibility to coordinate, plan, and oversee the state's activities for developing a coordinated and comprehensive plan to serve homeless families with children. The plan shall be developed collaboratively with the department of social and health services. The department shall include community organizations involved in the delivery of services to homeless families with children, and experts in the development and ongoing evaluation of the plan. The department shall follow professionally recognized standards and procedures. The plan shall be implemented within amounts appropriated by the legislature for that specific purpose in the operating and capital budgets. The department shall submit the plan to the appropriate committees of the senate and house of representatives no later than September 1, 1999, and shall update the plan and submit it to the appropriate committees of the legislature by January 1st of every odd-numbered year through 2007. The plan shall address at least the following: (a) The need for prevention assistance; (b) the need for emergency shelter; (c) the need for transitional assistance to aid families into permanent housing; (d) the need for linking services with shelter or housing; and (e) the need for ongoing monitoring of

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the efficiency and effectiveness of the plan's design and implementation.

Sec. 11. RCW 43.185C.005 and 2005 c 484 s 1 are each amended to read as follows:

Despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington is unacceptably high. The state's homeless population, furthermore, includes a large number of families with children, youth, and employed persons. The legislature finds that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness ~~(should)~~ must be a goal for state and local government.

The legislature finds that there are many causes of homelessness, including a shortage of affordable housing; a shortage of family-wage jobs which undermines housing affordability; a lack of an accessible and affordable health care system available to all who suffer from physical and mental illnesses and chemical and alcohol dependency; domestic violence; ~~(and)~~ a lack of education and job skills necessary to acquire adequate wage jobs in the economy of the twenty-first century; inadequate availability of services for citizens with mental illness and developmental disabilities living in the community; and the difficulties faced by formerly institutionalized persons in reintegrating to society and finding stable employment and housing.

The support and commitment of all sectors of the statewide community is critical to the chances of success in ending homelessness in Washington. While the provision of housing and housing-related services to the homeless should be administered at the local level to best address specific community needs, the legislature also recognizes the need for the state to play a primary coordinating, supporting, ~~(and)~~ monitoring, and evaluating role. There must be a clear assignment of responsibilities and a clear statement of achievable and quantifiable goals. Systematic statewide data collection on ~~(homelessness)~~ homeless individuals in Washington must be a critical component of such a program enabling the state to work with local governments not only to count all homeless people in the state, but to record and manage information about homeless persons ~~(and)~~ in order to assist them in finding housing and other supportive services.

The systematic collection and rigorous evaluation of homeless data, a nationwide search for and implementation through adequate resource allocation of best practices, and the systematic measurement of progress toward interim goals and the ultimate goal of ending homelessness are all necessary components of a statewide effort to end homelessness in Washington by July 1, 2015.

Sec. 12. RCW 43.185C.040 and 2005 c 484 s 7 are each amended to read as follows:

(1) ~~(Six months after the first Washington homeless census;)~~ The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, prepare and ~~(publish a ten-year homeless housing)~~ annually update a state homeless housing strategic plan which ~~(shall)~~ must outline statewide goals and performance measures ~~(and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650. To guide local governments in preparation of their first local homeless housing plans due December 31, 2005, the department shall issue by October 15, 2005, temporary guidelines consistent with this chapter and including the best available data on each community's homeless population).~~ Local governments' ~~(ten-year homeless housing)~~ homeless housing plans ~~(shall not)~~ must include all of the performance measures included in the state homeless housing strategic plan and must be substantially ~~(inconsistent)~~ consistent with the goals and program recommendations of ~~(the temporary guidelines and, when amended after 2005;)~~ the state homeless housing strategic plan.

(2) Program outcomes and performance measures and goals ~~(shall)~~ must be created by the department and reflected in the

department's ~~(homeless housing)~~ state homeless housing strategic plan ~~(as well as)~~ and all local homeless housing plans.

(3) Interim goals against which state and local governments' performance may be measured must also be described and reported upon in the state homeless housing strategic plan, including:

~~(a) (By the end of year one, completion of the first census as described in RCW 43.185C.030;~~

~~(b))~~ By the end of each subsequent year, goals common to all state and local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and

~~((c))~~ (b) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent.

~~((3))~~ (4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving homeless housing grants in order to determine compliance with the terms and conditions set forth in the homeless housing grant application or required by the department.

(5) The department shall, in consultation with the interagency council on homelessness, the state advisory council on homelessness, and the affordable housing advisory board, report annually to the governor and the appropriate committees of the legislature ~~(an assessment of)~~ the fiscal and societal costs of the homeless crisis, including identifying, to the extent practical, savings in state and local program costs that could be obtained through the achievement of stable housing for the clients served by those programs.

(6) The department shall also deliver a summary annual report, including information about:

(a) All state programs addressing homeless housing and services;

(b) The state's performance in furthering the goals of the state ~~(ten-year)~~ homeless housing strategic plan; and

(c) The performance of each participating local government in creating and executing a local homeless housing plan ~~(which)~~ that meets the requirements of this chapter. ~~((The annual report may include performance measures such as:~~

~~(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;~~

~~(b) The number of new units available and affordable for homeless families by housing type;~~

~~(c) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;~~

~~(d) The number of households at risk of losing housing who maintain it due to a preventive intervention;~~

~~(e) The transition time from homelessness to permanent housing;~~

~~(f) The cost per person housed at each level of the housing continuum;~~

~~(g) The ability to successfully collect data and report performance;~~

~~(h) The extent of collaboration and coordination among public bodies, as well as community stakeholders, and the level of community support and participation;~~

~~(i) The quality and safety of housing provided; and~~

~~(j) The effectiveness of outreach to homeless persons, and their satisfaction with the program.~~

~~(4))~~ (7) The state homeless housing plan must also include a response to each recommendation included in the local homeless housing plans for policy changes to assist in ending homelessness and a summary of the recommendations to the legislature to streamline and simplify all housing planning and reporting requirements, as required in section 9 of this act.

(8) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the ~~(annual)~~ census, the department may revise the performance measures and goals of the state homeless housing strategic plans, set goals for years following the initial ten-year period, and recommend changes in local governments' homeless housing plans.

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Sec. 13. RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1)(a)(i) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ~~((ten-year))~~ local homeless housing plan for its jurisdictional area ~~((which shall be not inconsistent))~~ that is consistent with the department's ((statewide temporary guidelines, for the December 31, 2005, plan, and thereafter the department's ten-year homeless housing)) state homeless housing strategic plan and ((which shall be)) is aimed at eliminating homelessness, with a minimum goal of reducing homelessness by fifty percent by July 1, 2015. ((The local government may amend the proposed local plan and shall adopt a plan by December 31, 2005. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department.))

(ii) Local plans must include specific strategic objectives, consistent with the state plan, and must include corresponding action plans. Local plans must address identified strategies to meet the needs of all homeless populations, including chronic homeless, short-term homeless, families, individuals, and youth. Each local plan must include the total estimated cost of accomplishing the goals of the plan to reduce homelessness by fifty percent by July 1, 2015, and must include an accounting of total committed funds for this purpose.

(b)(i) The department must conduct an annual performance evaluation of each local plan by December 31st of each year beginning in 2007. The department must also conduct an annual performance evaluation of each local government's performance related to its local plan by December 31st of each year beginning in 2007.

(ii) Local plans may include specific local performance measures adopted by the local government legislative authority(;) and ((may)) must include recommendations for ((any)) state legislation needed to meet the state or local plan goals. The recommendations must be specific and must, if funding is required, include an estimated amount of funding required and suggestions for an appropriate funding source.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs, including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless housing plans, including homeless census data collection(;) and information, identification of goals, performance measures, strategies, and costs, and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

Sec. 14. RCW 43.185C.080 and 2005 c 484 s 12 are each amended to read as follows:

(1) ~~((Only a local government is eligible to receive a homeless housing grant from the homeless housing account. Any city may assert responsibility for homeless housing within its borders if it so chooses, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. The city shall then receive a percentage of the surcharge assessed under RCW 36.22.179 equal to the percentage of the~~

city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing program grants. A city choosing to operate a separate homeless housing program shall be responsible for complying with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for county local plans. However, the city may by resolution of its legislative authority accept the county's homeless housing task force as its own and based on that task force's recommendations adopt a homeless housing plan specific to the city.

~~—(2))~~ Local governments ~~((applying for homeless housing funds))~~ may subcontract with any other local government, housing authority, community action agency, or other nonprofit organization for the execution of programs contributing to the overall goal of ending homelessness within a defined service area. All subcontracts ~~((shall))~~ must be consistent with the local homeless housing plan adopted by the legislative authority of the local government, time limited, and filed with the department, and ((shall)) must have specific performance terms. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its ((borders)) jurisdiction.

~~((3))~~ (2) A county may decline to participate in the homeless housing program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution ~~((shall))~~ must also be transmitted to the county auditor and treasurer. If ((such a) the resolution is adopted, all of the funds otherwise due to the county under RCW ((43.185C.060 shall)) 36.22.179 (as recodified by this act) and section 17 of this act, minus funds due to any city that has chosen to participate through the process established in subsection (3) of this section, must be remitted monthly to the state treasurer for deposit in the ((homeless housing)) home security fund account, without any reduction by the county for collecting or administering the funds. Upon receipt of the resolution, the department shall promptly begin to identify and contract with one or more entities eligible under this section to create and execute a local homeless housing plan for the county meeting the requirements of this chapter. The department shall expend all of the funds received from the county under this subsection to carry out the purposes of this chapter ((484, Laws of 2005)) in the county, ((provided that)) but the department may retain six percent of these funds to offset the cost of managing the county's program.

(3) Any city may assert responsibility for homeless housing within its borders, by forwarding a resolution to the legislative authority of the county stating its intention and its commitment to operate a separate homeless housing program. A city choosing to operate a separate homeless housing program receives a percentage of the surcharge assessed under RCW 36.22.179 (as recodified by this act) and under section 17 of this act equal to the percentage of the city's local portion of the real estate excise tax collected by the county. A participating city may also then apply separately for homeless housing grants. A city choosing to operate a separate homeless housing program must comply with all of the same requirements as counties and shall adopt a local homeless housing plan meeting the requirements of this chapter for local homeless housing plans.

(4) A resolution by the county declining to participate in the program ~~((shall have))~~ has no effect on the ((ability)) authority of each city in the county to assert its right to manage its own program under this chapter, and the county shall monthly transmit to ((the)) any such city the funds due under ((this chapter)) RCW 36.22.179 (as recodified by this act) and section 17 of this act.

Sec. 15. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten-year))~~ homeless housing plan addressing short-term and long-term services and housing ~~((for homeless persons))~~ to prevent and reduce homelessness by fifty percent by 2015.

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Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, at-large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body (~~(which)~~) that substantially conforms to this section and (~~which~~) includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

~~((A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.))~~

(2) In addition to developing a ~~((ten-year))~~ homeless housing plan, each task force shall establish guidelines consistent with the ~~((statewide))~~ state homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Rental voucher programs;
- ~~((and~~ (e) Supportive housing for chronically homeless persons;
- ~~((and~~ (e)) (f) Long-term housing; and
- (g) Prevention services.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county ~~((including counties exempted from creating a new task force under subsection (1) of this section,))~~ shall report to the department of community, trade, and economic development ~~((such))~~ any information ~~((as may be))~~ needed to ensure compliance with this chapter.

Sec. 16. RCW 36.22.179 and 2005 c 484 s 9 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178 ~~((as recodified by this act,))~~ and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter ~~((484, Laws of 2005)),~~ six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six

percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be ~~((distributed by the department to local governments through the homeless housing grant program))~~ used by the department to:

- (i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and
- (ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

NEW SECTION. Sec. 17. A new section is added to chapter 43.185C RCW to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179 (as recodified by this act), and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of two dollars for each document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080(3), to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, implementing and managing the Washington homeless client management information system established in RCW 43.185C.180, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

- (i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and
- (ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

Sec. 18. RCW 36.18.010 and 2005 c 484 s 19 and 2005 c 374 s 1 are each reenacted and amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

(1) For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the

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same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

(2) For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(3) For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

(4) For administering an oath or taking an affidavit, with or without seal, two dollars;

(5) For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

(6) For searching records per hour, eight dollars;

(7) For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

(8) For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

(9) For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170;

(10) For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees;

(11) For recording instruments, a surcharge as provided in RCW 36.22.178 (as recodified by this act); ~~(and~~ ~~—{(12)}))~~ (12) For recording instruments, except for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in RCW 36.22.179 (as recodified by this act); and

(13) For recording instruments, except for documents recorded by the department of revenue, the department of labor and industries, and the employment security department and for documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law, a surcharge as provided in section 17 of this act.

Sec. 19. RCW 43.185C.150 and 2005 c 484 s 21 are each amended to read as follows:

This chapter does not require either the department or any local government to expend any funds to accomplish the goals of this chapter other than the revenues authorized in (~~chapter 484, Laws of 2005~~) RCW 36.22.179 (as recodified by this act) and the revenues authorized in section 17 of this act. However, neither the department nor any local government may use any funds authorized in (~~chapter 484, Laws of 2005~~) RCW 36.22.179 (as recodified by this act) or the revenues authorized in section 17 of this act to supplant or reduce any existing expenditures of public money for the reduction or prevention of homelessness or services for homeless persons. Any costs associated with any new planning, evaluating, and reporting requirements of the department for the homeless housing and assistance program included in this chapter shall not be funded by the document recording fee surcharges authorized by RCW 36.22.178 and 36.22.179 (as recodified by this act).

Sec. 20. RCW 43.185C.060 and 2005 c 484 s 10 are each amended to read as follows:

The (~~homeless housing~~) home security fund account is created in the (~~custody of the~~) state (~~treasurer~~) treasury,

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subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 (as recodified by this act) and section 17 of this act must be deposited in the account. Expenditures from the account may be used only for (~~the~~) homeless housing programs (~~as described in this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures~~)).

NEW SECTION. Sec. 21. RCW 36.22.179 and 43.20A.790 are each recodified as sections in chapter 43.185C RCW.

NEW SECTION. Sec. 22. RCW 36.22.178, 43.63A.650, and 43.185B.040 are each recodified as sections in chapter 43.-- RCW (created in section 23 of this act).

NEW SECTION. Sec. 23. Sections 1 through 4 and 7 through 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 24. If specific funding for the purposes of sections 1 through 10 of this act, referencing sections 1 through 10 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 1 through 10 of this act are null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment to the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1359.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "all;" strike the remainder of the title and insert "amending RCW 43.185B.040, 36.22.178, 43.63A.650, 43.185C.005, 43.185C.040, 43.185C.050, 43.185C.080, 43.185C.160, 36.22.179, 43.185C.150, and 43.185C.060; reenacting and amending RCW 36.18.010; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 43 RCW; creating a new section; and recodifying RCW 36.22.179, 43.20A.790, 36.22.178, 43.63A.650, and 43.185B.040."

MOTION

On motion of Senator Weinstein, the rules were suspended, Engrossed Second Substitute House Bill No. 1359 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Honeyford: "Thank you Mr. President. I submit to you that this measure takes a two-thirds vote for final passage under Initiative 601 because it raises state revenue. Mr. President, this bill would oppose a two dollar surcharge on recording documents filed with the county auditor. Ten percent of the revenue generated by the surcharge, approximately six hundred, forty thousand dollars per biennium, would remit back to the state and deposit into a new home security fund account from which CTED is authorized to use the money to fight homelessness in a variety of ways. Mr. President, your previous rulings have indicated that the dispositive issue is whether the revenue is placed in the state appropriated account is generated by user fee or a tax. As you stated a few weeks ago, there must be reasonable connection between the fee, those paying it and the purpose on which the proceeds may be spent. Failing this is a tax and a super majority is required. This ruling is in accordance with Washington case law which has held a user fee

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is a charge related to and commensurate to either the service provider. The user or the burden imposed on the user activity. There's no such relationship here. County auditor records all types of documents including: deeds of trust, community property agreements, directing of marital assets, records of veterans' honorable military discharges and even notice of abandoned cemeteries. None of these have a requisite nexus to homelessness that would a two dollar surcharge on recording fees with the county auditor a user fee and not a tax. I believe this is a tax and requiring a two-thirds vote and request a ruling thereon."

MOTION

On motion of Senator Eide, further consideration of Engrossed Second Substitute House Bill No. 1359 was deferred and the bill held its place on the third reading calendar.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432, by House Committee on Appropriations (originally sponsored by Representatives P. Sullivan, Upthegrove, Simpson, Hunter, Moeller, Linville, Schual-Berke and Santos)

Granting service credit to educational staff associates for nonschool employment.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe and Prentice be adopted.

On page 2, line 16, strike "five" and insert "two"

Senator McAuliffe spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe and Prentice on page 2, line 16 to Engrossed Second Substitute House Bill No. 1432.

The motion by Senator McAuliffe carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Second Substitute House Bill No. 1432 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1432 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1432 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore,

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1805, by House Committee on Judiciary (originally sponsored by Representatives Morrell, Lantz, Linville, Wallace, Rodne, Conway, Kessler, Hudgins, Hunt, Chase, Hasegawa, VanDeWege, Campbell, Ericks, Green, Simpson and Schual-Berke)

Increasing the homestead exemption amount.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be not adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 6.13.030 and 1999 c 403 s 4 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of (~~forty~~) one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010, except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption."

On page 1, line 1 of the title, after "amount;" strike the remainder of the title and insert "and amending RCW 6.13.030."

The President declared the question before the Senate to be the motion by Senator Kline to not adopt the committee striking amendment by the Committee on Judiciary to Substitute House Bill No. 1805.

The motion by Senator Kline carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 6.13.030 and 1999 c 403 s 4 are each amended to read as follows:

A homestead may consist of lands, as described in RCW 6.13.010, regardless of area, but the homestead exemption amount shall not exceed the lesser of (1) the total net value of the lands, manufactured homes, mobile home, improvements, and other personal property, as described in RCW 6.13.010, or (2) the sum of (~~forty~~) one hundred twenty-five thousand dollars in the case of lands, manufactured homes, mobile home, and improvements, or the sum of fifteen thousand dollars in the case of other personal property described in RCW 6.13.010,

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except where the homestead is subject to execution, attachment, or seizure by or under any legal process whatever to satisfy a judgment in favor of any state for failure to pay that state's income tax on benefits received while a resident of the state of Washington from a pension or other retirement plan, in which event there shall be no dollar limit on the value of the exemption.

Sec. 2. RCW 6.13.080 and 2005 c 292 s 4 are each amended to read as follows:

The homestead exemption is not available against an execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, construction, maritime, automobile repair, materialmen's or vendor's liens arising out of and against the particular property claimed as a homestead;

(2) On debts secured (a) by security agreements describing as collateral the property that is claimed as a homestead or (b) by mortgages or deeds of trust on the premises that have been executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, other than in a joint case or a case in which their assets are jointly administered, and (b) the other spouse exempts property from property of the estate under the bankruptcy exemption provisions of 11 U.S.C. Sec. 522(d);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance;

(5) On debts owing to the state of Washington for recovery of medical assistance correctly paid on behalf of an individual consistent with 42 U.S.C. Sec. 1396p; ((or))

(6) On debts secured by a condominium's or homeowner association's lien. In order for an association to be exempt under this provision, the association must have provided a homeowner with notice that nonpayment of the association's assessment may result in foreclosure of the association lien and that the homestead protection under this chapter shall not apply. An association has complied with this notice requirement by mailing the notice, by first class mail, to the address of the owner's lot or unit. The notice required in this subsection shall be given within thirty days from the date the association learns of a new owner, but in all cases the notice must be given prior to the initiation of a foreclosure. The phrase "learns of a new owner" in this subsection means actual knowledge of the identity of a homeowner acquiring title after June 9, 1988, and does not require that an association affirmatively ascertain the identity of a homeowner. Failure to give the notice specified in this subsection affects an association's lien only for debts accrued up to the time an association complies with the notice provisions under this subsection; or

(7) On debts owed for taxes collected under chapters 82.08, 82.12, and 82.14 RCW but not remitted to the department of revenue.

Sec. 3. RCW 6.13.090 and 1988 c 231 s 4 are each amended to read as follows:

A judgment against the owner of a homestead shall become a lien on the value of the homestead property in excess of the homestead exemption from the time the judgment creditor records the judgment with the recording officer of the county where the property is located. However, if a judgment of a district court of this state has been transferred to a superior court, the judgment becomes a lien from the time of recording with such recording officer a duly certified abstract of the record of such judgment as it appears in the office of the clerk in which the transfer was originally filed. A department of revenue tax warrant filed pursuant to RCW 82.32.210 shall become a lien on the value of the homestead property in excess of the homestead exemption from the time of filing in superior court.

Senator Kline spoke in favor of adoption of the striking amendment.

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The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and McCaslin to Substitute House Bill No. 1805.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "amount;" strike the remainder of the title and insert "and amending RCW 6.13.030, 6.13.080, and 6.13.090."

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1805 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1805 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1805 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Schoesler - 1

SUBSTITUTE HOUSE BILL NO. 1805 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Benton was excused.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1906, by House Committee on Appropriations (originally sponsored by Representatives Hunter, Anderson, Wallace, Seaquist, Eddy, P. Sullivan, McDermott, Ormsby, McIntire, Pedersen, Rolfes, Barlow, Goodman, Rodne, O'Brien, Kenney, McDonald, Morrell, Newhouse, Hurst, Skinner, Wood and Bailey)

Improving mathematics and science education.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee

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striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.305 RCW to read as follows:

MATHEMATICS AND SCIENCE STANDARDS AND CURRICULUM. (1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3) and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under section 2 of this act, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4) By January 31, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2008 legislative session.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless

otherwise directed by the legislature during the 2009 legislative session.

(7)(a) By May 15, 2008, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) By June 30, 2008, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By May 15, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary, middle, and high school grade spans.

(d) By June 30, 2009, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under section 2 of this act, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

ADVISORY PANELS. (1) The state board of education shall appoint a mathematics advisory panel and a science advisory panel to advise the board regarding essential academic learning requirements, grade level expectations, and recommended curricula in mathematics and science and to monitor implementation of these activities. In conducting their work, the panels shall provide objective reviews of materials and information provided by any expert national consultants retained by the board and shall provide a public and transparent forum for consideration of mathematics and science learning standards and curricula.

(2) Each panel shall include no more than sixteen members with representation from individuals from academia in

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mathematics and science-related fields, individuals from business and industry in mathematics and science-related fields, mathematics and science educators, parents, and other individuals who could contribute to the work of the panel based on their experiences.

(3) Each member of each panel shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. School districts shall be reimbursed for the cost of substitutes for the mathematics and science educators on the panels as required under RCW 28A.300.035. Members of the panels who are employed by a public institution of higher education shall be provided sufficient time away from their regular duties, without loss of benefits or privileges, to fulfill the responsibilities of being a panel member.

(4) Panel members shall not have conflicts of interest with regard to association with any publisher, distributor, or provider of curriculum, assessment, or test materials and services purchased by or contracted through the office of the superintendent of public instruction, educational service districts, or school districts.

(5) This section expires June 30, 2012.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

AFTER-SCHOOL MATHEMATICS SUPPORT PROGRAM. (1) The after-school mathematics support program is created to study the effects of intentional, skilled mathematics support included as part of an existing after-school activity program.

(2) The office of the superintendent of public instruction shall provide grants to selected community-based, nonprofit organizations that provide after-school programs and include support for students to learn mathematics.

(3) Grant applicants must demonstrate the capacity to provide assistance in mathematics learning in the following ways:

(a) Identifying the mathematics content and instructional skill of the staff or volunteers assisting students;

(b) Identifying proposed learning strategies to be used, which could include computer-based instructional and skill practice programs and tutoring by adults or other students;

(c) Articulating the plan for connection with school mathematics teachers to coordinate student assistance; and

(d) Articulating the plan for assessing student and program success.

(4) Priority will be given to applicants that propose programs to serve middle school and junior high school students.

(5) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program continuation, program modification, and issues related to program sustainability and possible program expansion. An interim report is due November 1, 2008. The final report is due December 1, 2009.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.415 RCW to read as follows:

MATHEMATICS AND SCIENCE INSTRUCTIONAL COACH PROGRAM. (1) A mathematics and science instructional coach program is authorized, which shall consist of a coach development institute, coaching seminars, coaching activities in schools, and program evaluation.

(2) The office of the superintendent of public instruction shall develop a mathematics and science instructional coach program that includes an initial coach development experience for new coaches provided through an institute setting, coaching support seminars, and additional coach development services. The office shall draw upon the experiences of coaches in federally supported elementary literacy programs and other successful programs, research and policy briefs on adult professional development, and research that specifically addresses the instructional environments of middle, junior high, and high schools as well as the unique aspects of the fields of mathematics and science.

(3) The office of the superintendent of public instruction shall design the application process and select the program participants.

(4) Schools and school districts participating in the program shall carefully select the individuals to perform the role of mathematics or science instructional coach. Characteristics to be considered for a successful coach include:

(a) Expertise in content area;

(b) Expertise in various instructional methodologies and personalizing learning;

(c) Personal skills that include skilled listening, questioning, trust-building, and problem-solving;

(d) Understanding and appreciation for the differences in adult learners and student learners; and

(e) Capacity for strategic planning and quality program implementation.

(5) The role of the mathematics or science instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessment to guide instruction. Each coach shall be assigned to two schools as part of the program.

(6) Program participants have the following responsibilities:

(a) Mathematics and science coaches shall participate in the coach development institute as well as in coaching support seminars that take place throughout the school year, practice coaching activities as guided by those articulated in the role of the coach in subsection (5) of this section, collect data, and participate in program evaluation activities as requested by the institute pursuant to subsection (7) of this section.

(b) School and district administrators in districts in which the mathematics and science coaches are practicing shall participate in program evaluation activities.

(7)(a) The Washington state institute for public policy shall conduct an evaluation of the mathematics and science instructional coach program in this section. Data shall be collected through various instruments including surveys, program and activity reports, student performance measures, observations, interviews, and other processes. Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators.

(b) The institute for public policy shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

Sec. 5. RCW 28A.660.005 and 2001 c 158 s 1 are each amended to read as follows:

(1) The legislature finds and declares:

~~((1))~~ **(a)** Teacher qualifications and effectiveness are the most important influences on student learning in schools~~(-)~~;

~~((2))~~ **(b)** Preparation of individuals to become well-qualified, effective teachers must be high quality~~(-)~~;

~~((3))~~ **(c)** Teachers who complete high-quality alternative route programs with intensive field-based experience, adequate coursework, and strong mentorship do as well or better than teachers who complete traditional preparation programs~~(-)~~;

~~((4))~~ **(d)** High-quality alternative route programs can provide more flexibility and expedience for individuals to transition from their current career to teaching~~(-)~~;

~~((5))~~ **(e)** High-quality alternative route programs can help school districts fill subject matter shortage areas and areas with shortages due to geographic location~~(-)~~;

~~((6))~~ **(f)** Regardless of route, all candidates for residency teacher certification must meet the high standards required by the state; and

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(g) Teachers need an adequate background in subject matter content if they are to teach it well, and should hold full, appropriate credentials in those subject areas.

(2) The legislature recognizes widespread concerns about the potential for teacher shortages and finds that classified instructional staff in public schools, current certificated staff, and unemployed certificate holders represent a great untapped resource for recruiting ~~((the))~~ more teachers ~~((of the future))~~ in critical shortage areas.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.660 RCW to read as follows:

(1) The pipeline for paraeducators conditional scholarship program is created. Participation is limited to paraeducators without a college degree who have at least three years of classroom experience. It is anticipated that candidates enrolled in this program will complete their associate of arts degree at a community and technical college in two years or less and become eligible for a mathematics, special education, or English as a second language endorsement via route one in the alternative routes to teacher certification program provided in this chapter.

(2) Entry requirements for candidates include district or building validation of qualifications, including three years of successful student interaction and leadership as a classified instructional employee.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.660 RCW to read as follows:

(1) The retooling to teach mathematics and science conditional scholarship program is created. Participation is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate. It is anticipated that candidates enrolled in this program will complete the requirements for a mathematics or science endorsement, or both, in two years or less.

(2) Entry requirements for candidates include:

(a) Current K-12 teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement.

(b) Individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate shall pursue an endorsement in middle level mathematics or science only.

Sec. 8. RCW 28A.660.050 and 2004 c 23 s 5 are each amended to read as follows:

The ~~((alternative route))~~ conditional scholarship programs ~~((is))~~ in this chapter are created under the following guidelines:

(1) The programs shall be administered by the higher education coordinating board. In administering the programs, the higher education coordinating board has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the ~~((alternative route))~~ conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of the partnership grant programs under RCW 28A.660.040. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through the partnership grant program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of resident

undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by section 6 of this act. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The retooling to teach mathematics and science conditional scholarship program is limited to current K-12 teachers and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate as provided by section 7 of this act. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement, but not employed in positions requiring an elementary education certificate, shall pursue an endorsement in middle level mathematics or science, or both; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive a mathematics or science endorsement, or both, which shall include passing a mathematics or science endorsement test, or both tests, plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select ~~((interns))~~ individuals to receive conditional scholarships.

~~((3))~~ In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.)

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients ~~((that))~~ who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) ~~((To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification~~

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~~program in which the recipient is enrolled, not to exceed eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.~~

~~(7)) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the ((student loan)) future teachers conditional scholarship account authorized in RCW ((28B.102.060)) 28B.102.080.~~

Sec. 9. RCW 28B.102.080 and 2004 c 58 s 9 are each amended to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the future teachers conditional scholarship and loan repayment program and for conditional loan programs under chapter 28A.660 RCW. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, ~~((and))~~ receipts from participant repayments from the future teachers conditional scholarship and loan repayment program, and conditional loan programs established under chapter 28A.660 RCW. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the future teachers conditional scholarship and loan repayment program established by this chapter, conditional scholarships for participants in programs established in chapter 28A.660 RCW, and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.10 RCW to read as follows:

(1) By September 1, 2008, the state board for community and technical colleges, the council of presidents, the higher education coordinating board, and the office of the superintendent of public instruction, under the leadership of the transition math project and in collaboration with representatives of public two and four-year institutions of higher education, shall jointly revise the Washington mathematics placement test to serve as a common college readiness test for all two and four-year institutions of higher education.

(2) The revised mathematics college readiness test shall be implemented by all public two and four-year institutions of higher education by September 1, 2009. All public two and four-year institutions of higher education must use a common performance standard on the mathematics placement test for purposes of determining college readiness in mathematics. The performance standard must be publicized to all high schools in the state.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under section 10 of this act once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

NEW SECTION. Sec. 12. The legislature finds that knowledge, skills, and opportunities in mathematics, science, and technology should be increased for all students in

Washington. The legislature intends to foster capacity between and among the educational sectors to enable continuous and sustainable growth of the learning and teaching of mathematics, science, and technologies. The legislature intends to foster high quality mathematics, science, and technology programs to increase the number of students in the kindergarten through twelfth grade pipeline who are prepared and aspire to continue in the areas of mathematics, science, and technology, whether it be at a college, university, or in the workforce.

Sec. 13. RCW 28A.230.130 and 2003 c 49 s 2 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the opportunity to articulate to postsecondary education and training programs.

~~(3) Within funds specifically appropriated therefor, a middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in math and science with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding.~~

(4) The state board of education, upon request from local school districts, may grant waivers from the requirements to provide the program described in subsections (1) and (2) of this section for reasons relating to school district size and the availability of staff authorized to teach subjects which must be provided. In considering waiver requests related to programs in subsection (2) of this section, the state board of education shall consider the extent to which the school district has offered such programs before the 2003-04 school year.

Sec. 14. RCW 28A.230.130 and 2006 c 263 s 407 are each amended to read as follows:

(1) All public high schools of the state shall provide a program, directly or in cooperation with a community college or another school district, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under RCW 28B.10.050.

(2) All public high schools of the state shall provide a program, directly or in cooperation with a community or technical college, a skills center, an apprenticeship committee, or another school district, for students who plan to pursue career or work opportunities other than entrance to a baccalaureate-granting institution after being granted a high school diploma. These programs may:

(a) Help students demonstrate the application of essential academic learning requirements to the world of work, occupation-specific skills, knowledge of more than one career in a chosen pathway, and employability and leadership skills; and

(b) Help students demonstrate the knowledge and skill needed to prepare for industry certification, and/or have the

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opportunity to articulate to postsecondary education and training programs.

(3) Within funds specifically appropriated therefor, a middle school that receives approval from the office of the superintendent of public instruction to provide a career and technical program directly to students shall receive funding at the same rate as a high school operating a similar program. Additionally, a middle school that provides a hands-on experience in math and science with an integrated curriculum of academic content and career and technical education, and includes a career and technical education exploratory component shall also qualify for the career and technical education funding.

NEW SECTION. Sec. 15. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction shall provide support for statewide coordination for math, science, and technology, including employing a statewide director for math, science, and technology. The duties of the director shall include, but not be limited to:

(1) Within funds specifically appropriated therefor, obtain a statewide license, or otherwise obtain and disseminate, an interactive, project-based high school and middle school technology curriculum that includes a comprehensive professional development component for teachers and, if possible, counselors, and also includes a systematic program evaluation. The curriculum must be distributed to all school districts, or as many as feasible, by the 2007-08 school year;

(2) Within funds specifically appropriated therefor, supporting a public-private partnership to assist school districts with implementing an ongoing, inquiry-based science program that is based on a research-based model of systemic reform and aligned with the Washington state science grade level expectations;

(3) Within funds specifically appropriated therefor, supporting a public-private partnership to provide enriching opportunities in mathematics, engineering, and science for underrepresented students in grades kindergarten through twelve using exemplary materials and instructional approaches;

(4) In an effort to increase precollege and prework interest in math, science, and technology fields, in collaboration with the community and technical colleges, the four-year institutions of higher education, and the workforce training and education coordinating board, conducting outreach efforts to attract middle and high school students to careers in math, science, and technology and to educate students about the coursework that is necessary to be adequately prepared to succeed in these fields;

(5) Coordinating youth opportunities in math, science, and technology, including facilitating student participation in school clubs, state-level fairs, national competitions, and encouraging partnerships between students and university faculty or industry to facilitate such student participation;

(6) Developing and maintaining public-private partnerships to generate business and industry assistance to accomplish the following:

(a) Increasing student engagement and career awareness, including increasing student participation in the youth opportunities in subsection (5) of this section;

(b) Creation and promotion of student scholarships, internships, and apprenticeships;

(c) Provision of relevant teacher experience and training, including on-the-job professional development opportunities;

(d) Upgrading kindergarten through twelfth grade school equipment and facilities to support high quality math, science, and technology programs;

(7) Assembling a cadre of inspiring speakers employed or experienced in the relevant fields to speak to kindergarten through twelfth grade students to demonstrate the breadth of the opportunities in the relevant fields as well as share the types of coursework that is necessary for someone to be successful in the relevant field;

(8) Providing technical assistance to schools and school districts, including working with counselors in support of the math, science, and technology programs; and

(9) Reporting annually to the legislature about the actions taken to provide statewide coordination for math, science, and technology.

NEW SECTION. Sec. 16. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

NEW SECTION. Sec. 17. A new section is added to chapter 28B.76 RCW to read as follows:

As part of the state needs assessment process conducted by the board in accordance with RCW 28B.76.230, the board shall assess the need for additional baccalaureate degree programs in Washington that specialize in teacher preparation in mathematics, science, and technology. If the board determines that there is a need for additional programs, then the board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program.

NEW SECTION. Sec. 18. Beginning September 1, 2007, through December 1, 2008, the state board of education shall provide a status report at the beginning of each calendar quarter on the activities and progress in completing the requirements under section 1 of this act. The report shall be provided to the governor and the members of the education committees of the senate and the house of representatives.

NEW SECTION. Sec. 19. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 20. Section 13 of this act expires September 1, 2009.

NEW SECTION. Sec. 21. Section 14 of this act takes effect September 1, 2009.

NEW SECTION. Sec. 22. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace,

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health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the committee striking amendment be adopted.

On page 2, line 14, after "session." Insert the following:

"Prior to implementation, the superintendent shall present the revised math essential academic learning requirements and grade level expectations to the legislative education committees for formal approval through the omnibus appropriations act or by statute or concurrent resolution."

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 2, line 14 to the committee striking amendment to Second Substitute House Bill No. 1906.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements to the committee striking amendment be adopted.

On page 4, after line 9 insert the following:

"(9) For the graduating classes of 2008 and 2009, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics, reading, or writing standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have met all other state and school district graduation requirements; and

(10) In addition to the requirements under subsection (1) of this section, for the graduating classes of 2008 and 2009, students must:

(a) Continue to annually take high school courses or career and technical courses, designed to increase the individual student's proficiency toward meeting or exceeding the standards assessed on the high school Washington assessment of student learning in the content area in which the student did not meet the standard. The courses may include the course developed by the office of the superintendent of public instruction that presents the mathematics essential academic learning requirements in segments. The student and his or her parents or guardians shall meet with one of the student's classroom instructors for the content area in which the student failed to successfully meet the standard and the student's guidance counselor, advisor, or mentor to determine the appropriate coursework and include the information in the student success plan required under RCW 28A.655.061;

(b) Obtain at least the equivalent of a C grade in each of the mathematics courses taken; and

(c) Continue to take the Washington assessment of student learning or appropriate objective alternative mathematics assessment until graduation."

Renummer the sections consecutively and correct any internal references accordingly.

Senator Clements spoke in favor of adoption of the amendment to the committee striking amendment.

POINT OF ORDER

Senator Tom: "I believe this amendment is beyond the scope of this bill. The underlying bill deals with improving math and science education. The amendment that is being addressed right now deals with reading and writing and I would like a ruling as to the scope of this amendment."

Senator Clements spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of the amendment by Senator Clements, on page 4, line 9 to the committee striking amendment to Second Substitute House Bill No. 1906 was deferred.

MOTION

Senator Clements moved that the following amendment by Senator Clements to the committee striking amendment be adopted.

On page 6, after line 2, strike all material down and through "2009." on page 7, line 31, and insert the following:

"NEW SECTION. Sec. 1 MATHEMATICS AND SCIENCE INSTRUCTIONAL COACH PROJECT. (1) A mathematics and science instructional coach demonstration project is authorized to develop, pilot, and refine program elements as a first step in the creation of a new instructional staff professional development program. The mathematics and science instructional coach demonstration project coaching program shall consist of a coach development institute, coaching seminars, coaching activities in schools, and program evaluation.

(2) The office of the superintendent of public instruction shall develop a mathematics and science instructional coach program that includes an initial coach development experience for new coaches provided through an institute setting, coaching support seminars, and additional coach development services. The office shall draw upon the experiences of coaches in federally supported elementary literacy programs and other successful programs, research and policy briefs on adult professional development, and research that specifically addresses the instructional environments of middle, junior high, and high schools as well as the unique aspects of the fields of mathematics and science.

(3) The office of the superintendent of public instruction shall design the application process and select the demonstration project participants.

(4) Schools and school districts participating in the demonstration project shall carefully select the individuals to perform the role of mathematics or science instructional coach. Characteristics to be considered for a successful coach include:

(a) Expertise in content area;

(b) Expertise in various instructional methodologies and personalizing learning;

(c) Personal skills that include skilled listening, questioning, trust-building, and problem-solving; (d) Understanding and appreciation for the differences in adult learners and student learners; and

(e) Capacity for strategic planning and quality program implementation.

(5) The role of the mathematics or science instructional coach is focused on supporting teachers as they apply knowledge, develop skills, polish techniques, and deepen their understanding of content and instructional practices. This work

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takes a number of forms including: Individualized professional development, department-wide and school-wide professional development, guidance in student data interpretation, and using assessment to guide instruction. Each coach shall be assigned to two schools as part of this project.

(6) Project participants have the following responsibilities:

(a) Mathematics and science coaches shall participate in the coach development institute as well as in coaching support seminars that take place throughout the school year, practice coaching activities as guided by those articulated in the role of the coach in subsection (5) of this section, collect data, and participate in program evaluation activities as requested by the institute pursuant to subsection (7) of this section.

(b) School and district administrators in districts in which the mathematics and science coaches are practicing shall participate in program evaluation activities.

(7)(a) The Washington state institute for public policy shall conduct an evaluation of the mathematics and science instructional coach demonstration project in this section. Data shall be collected through various instruments including surveys, program and activity reports, student performance measures, observations, interviews, and other processes. Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to changes in the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators.

(b) The institute for public policy shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(8) This section expires September 1, 2010."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senators Clements and Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senators McAuliffe and Tom spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 6, after line 2 to the committee striking amendment to Second Substitute House Bill No. 1906.

The motion by Senator Clements failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator McAuliffe moved that the following amendment by Senator McAuliffe to the committee striking amendment be adopted.

On page 7, line 15, after "The" strike "Washington state institute for public policy" and insert "Washington state university social and economic sciences research center"

On page 7, line 27, after "The" strike "institute for public policy" and insert "Washington state university social and economic sciences research center"

Correct any internal references accordingly.

Senator McAuliffe spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 7, line 15 to the committee striking amendment to Second Substitute House Bill No. 1906.

The motion by Senator McAuliffe carried and the amendment to the committee striking amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and Clements to the committee striking amendment be adopted.

On page 16, beginning on line 16 of the amendment, after "including" strike all material through "to" on line 18

On page 16, line 19 of the amendment, after "therefor," strike "obtain" and insert "obtaining"

Senator Holmquist spoke in favor of adoption of the amendment to the committee striking amendment.

Senator McAuliffe spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Clements on page 16, line 16 to the committee striking amendment to Second Substitute House Bill No. 1906.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the committee striking amendment be adopted.

Beginning on page 17, line 34 of the amendment, strike all of section 16

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 20, beginning on line 7 of the title amendment, after "28A.320 RCW;" strike "adding a new section to chapter 28A.655 RCW;"

Senators Holmquist and Clements spoke in favor of adoption of the amendment to the committee striking amendment.

Senators McAuliffe and Tom spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 17, line 34 to the committee striking amendment to Second Substitute House Bill No. 1906.

The motion by Senator Holmquist failed and the amendment to the committee striking amendment was not adopted by voice vote.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Tom that Amendment 442 is beyond the scope and object of Second Substitute House Bill No.1906, the President finds and rules as follows:

House Bill 1906 as it was introduced in the Senate is a measure which relates to establishing math and science standards in school curricula. Amendment 442 does not relate to such curricula, but instead would extend an exception for Certificates of Academic Achievement for graduation in 2008 and 2009. This is clearly outside of the subject matter of the

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original bill.

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The President therefore finds that the amendment does change the scope and object of the bill, and the point of order is well-taken."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Second Substitute House Bill No. 1906.

The motion by Senator McAuliffe carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.660.005, 28A.660.050, 28B.102.080, 28A.230.130, and 28A.230.130; adding new sections to chapter 28A.305 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.415 RCW; adding new sections to chapter 28A.660 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.655 RCW; adding a new section to chapter 28B.76 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1906 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Pflug and Tom spoke in favor of passage of the bill.

Senators Holmquist, Swecker, Jacobsen, Clements and Hargrove spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1906 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1906 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom, Weinstein and Zarelli - 37

Voting nay: Senators Clements, Hargrove, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Schoesler, Sheldon, Stevens and Swecker - 12

SECOND SUBSTITUTE HOUSE BILL NO. 1906 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Morton moved adoption of the following resolution:

By Senator Morton

WHEREAS, Dr. Ed Gray, a Colville physician, was awarded the prestigious American Medical Association's Nathan Davis Award in March 2006 for outstanding public service in the advancement of public health; and

WHEREAS, Dr. Gray, a 1946 Colville High School graduate, was a founding physician of Colville's Northeast Washington Medical Group in 1979; and

WHEREAS, The Northeast Washington Medical Group is the second largest clinic in eastern Washington, with all the major specialties, and serves as a teaching institution for residents in the Rural Residency Training Track; and

WHEREAS, Dr. Gray served as Colville's public health officer for ten dollars per month in the 1960s; and

WHEREAS, Dr. Gray served as the Stevens County public health officer and in 1975 helped form the Tri-County Health District serving Stevens, Ferry, and Pend Orielle counties with all the counties having an equal role in governance and providing more resources than any of the counties could afford on their own; and

WHEREAS, Dr. Gray served as president of the Washington State Medical Association in 1985; and

WHEREAS, Dr. Gray retired from his regular practice in 1994, but has remained active in the Tri-County Health District; and

WHEREAS, Dr. Gray serves on the Colville City Council; and

WHEREAS, Dr. Gray has lived by a philosophy of giving and caring;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize and congratulate Dr. Gray for his lifetime achievements that earned him the Nathan David Award, and thank him for his selfless dedication to the advancement of rural health care in Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to Dr. Ed Gray, Colville Mayor Richard Nichols, the Ferry County Board of Commissioners, the Stevens County Board of Commissioners, the Pend Orielle County Board of Commissioners, the Tri-County Health District, and the Washington State Medical Association.

Senator Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8670.

The motion by Senator Morton carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. Edmund Gray and wife Jane and Secretary of Health, Mary Selecky, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Dr. Edmund Gray to address the Senate.

REMARKS BY DR. EDMUND GRAY

Dr. Edmund Gray: "What you see before you is the product bipartisanship. My mother was an Irish Catholic Latin teaching Democrat and my father was a Scotch continuing Presbyterian Physician Republican. We sat for hours listening or, rather, 'watching' radio in the days before television. We got to exchange a lot of bipartisanship. My mother usually voted with her husband no matter if she disagreed but I'm sure she took him the other way in voting for Harry Truman. I want to acknowledge and thank Senator Morton for the opportunity to be here and of course, Jane, my wife does that too. I should say

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that she added a Swedish element to that discussion and Mary Selecky, of course, with whom I worked for twenty years. I'm not sure what to call her, I think it's balkanized, Slavic or something like that. Our family is extremely proud and happy and some what over awed to accept this resolution. Thank you again."

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1891, by House Committee on Finance (originally sponsored by Representatives Linville, Orcutt, Quall, Cody, Hinkle, Hurst and Dunn)

Providing a business and occupation tax deduction for the sale of certain prescription drugs.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax imposed by RCW 82.04.290(2) amounts received by physicians or clinics for drugs for infusion or injection by licensed physicians or their agents for human use pursuant to a prescription, but only if the amounts: (1) Are separately stated on invoices or other billing statements; (2) do not exceed the then current federal rate; and (3) are covered or required under a health care service program subsidized by the federal or state government. The federal rate means the rate at or below which the federal government or its agents reimburse providers for prescription drugs administered to patients as provided for in the medicare, part B, drugs average sales price information resource as published by the United States department of health and human services, or any successor index thereto.

NEW SECTION. Sec. 2. This act takes effect October 1, 2007."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1891.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "prescription;" strike the remainder of the title and insert "adding a new section to chapter 82.04 RCW; and providing an effective date."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1891 as amended by the Senate was

advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Carrell was excused.

MOTION

On motion of Senator Regala, Senators Brown, Jacobsen and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1891 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1891 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Carrell, Jacobsen and McAuliffe - 4

SUBSTITUTE HOUSE BILL NO. 1891 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1599, by Representatives Hunt, Williams, Conway, Ormsby, McDermott and Wood

Allowing raffles by state employees.

The measure was read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Clements and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.0209 and 2000 c 233 s 1 are each amended to read as follows:

(1)(a) "Bona fide charitable or nonprofit organization," as used in this chapter, means: ((+))

(i) Any organization duly existing under the provisions of chapter 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, when found by the commission to be organized and operating for one or more

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of the aforesaid purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter; or ~~((2))~~

(ii) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same. ~~((Such))~~

(b) An organization defined under (a) of this subsection must:

(i) Have been organized and continuously operating for at least twelve calendar months immediately preceding making application for any license to operate a gambling activity, or the operation of any gambling activity authorized by this chapter for which no license is required. ~~(It must);~~

(ii) Have not less than fifteen bona fide active members each with the right to an equal vote in the election of the officers, or board members, if any, who determine the policies of the organization in order to receive a gambling license. ~~(An organization must); and~~

(iii) Demonstrate to the commission that it has made significant progress toward the accomplishment of the purposes of the organization during the twelve consecutive month period preceding the date of application for a license or license renewal. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the internal revenue code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

(c) Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(2) For the purposes of RCW 9.46.0315 and 9.46.110, a bona fide nonprofit organization also includes:

(a) A credit union organized and operating under state or federal law. All revenue less prizes and expenses received from raffles conducted by credit unions must be devoted to purposes authorized under this section for charitable and nonprofit organizations; and

(b) A group of executive branch state employees that:

(i) Has requested and received revocable approval from the agency's chief executive official, or such official's designee, to conduct one or more raffles in compliance with this section;

(ii) Conducts a raffle solely to raise funds for either the state combined fund drive, created under RCW 41.04.033; an entity approved to receive funds from the state combined fund drive; or a charitable or benevolent entity, including but not limited to a person or family in need, as determined by a majority vote of the approved group of employees. No person or other entity may receive compensation in any form from the group for services rendered in support of this purpose;

(iii) Promptly provides such information about the group's receipts, expenditures, and other activities as the agency's chief executive official or designee may periodically require, and otherwise complies with this section and RCW 9.46.0315; and

(iv) Limits the participation in the raffle such that raffle tickets are sold only to, and winners are determined only from, the employees of the agency.

NEW SECTION. Sec. 2. A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting gifts, grants, or donations solely to support the charitable activities of executive branch state employees conducted pursuant to RCW 9.46.0209, the

executive branch state officers and executive branch state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140. However, the gifts, grants, or donations must only be solicited from state employees or businesses and organizations that have no business dealings with the soliciting employee's agency. For the purposes of this subsection, "business dealings" includes being subject to regulation by the agency, having a contractual relationship with the agency, and purchasing goods or services from the agency.

(2) For purposes of this section, activities are deemed to be charitable if the activities are devoted to the purposes authorized under RCW 9.46.0209 for charitable and nonprofit organizations listed in that section, or are in support of the activities of those charitable or nonprofit organizations."

Senators Fraser and Clements spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser, Clements and Kohl-Welles to House Bill No. 1599.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 9.46.0209; and adding a new section to chapter 42.52 RCW."

MOTION

On motion of Senator Fraser, the rules were suspended, House Bill No. 1599 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1599 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1599 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Hewitt, Honeyford and Swecker - 3

Excused: Senators Jacobsen and McAuliffe - 2

HOUSE BILL NO. 1599 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016, by House Committee on Judiciary (originally sponsored by Representatives Springer, Lantz, Wallace, Seaquist, P. Sullivan,

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Moeller, Lovick, Takko, Kessler, Morrell, Rolfes, Ericks, VanDeWege, Goodman, Simpson, Linville and Ormsby)

Changing provisions pertaining to eminent domain.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senator Kline be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 8.25 RCW to read as follows:

(1) Whenever condemnation is sought, a condemnor shall document its consideration of any reasonable alternative to condemnation or any alternative to the nature and extent of condemnation that is suggested by a property owner in accordance with this section. The documentation shall include the condemnor's reasons for rejecting any suggested alternative.

(2) Not less than ninety days before taking final action, as defined in RCW 8.25.---(4) (section 1(4) of Substitute House Bill No. 1458), the condemnor shall provide notice to the same property owners and in the same manner as provided under RCW 8.25.---(2) (section 1(2) of Substitute House Bill No. 1458). The notice need not contain information about the time and location of the final action, but shall indicate the date of the final action. The notice shall inform property owners that their property may be the subject of condemnation and that any reasonable alternative to condemnation suggested by an owner in writing and received by the condemnor not less than sixty days before the date indicated for the final action will be considered by the condemnor.

(3) Not less than thirty days before the date indicated for final action, the condemnor shall respond to a property owner who has suggested an alternative under subsection (2) of this section. The condemnor shall respond by either: (a) Providing the property owner with written documentation of the condemnor's consideration of and reasons for rejecting the alternative; or (b) notifying the property owner that more time is needed for consideration of the alternative. The condemnor may extend the time to respond to a suggested alternative and postpone the indicated date of the final action, so long as the condemnor provides the required documentation not less than thirty days before final action is taken.

(4) Nothing in this section relieves a condemnor of the obligation to provide the notice required under RCW 8.25.--- (section 1 of Substitute House Bill No. 1458).

Sec. 2. RCW 8.25.020 and 1999 c 52 s 1 are each amended to read as follows:

There shall be paid by the condemnor in respect of each parcel of real property acquired by eminent domain or by consent under threat thereof, in addition to the fair market value of the property, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests in said parcel in the process of evaluating and responding to the condemnor's offer to buy the same, but not to exceed ((a total of seven hundred fifty dollars)) the lesser of: (1) Five thousand dollars; or (2) One percent of the value of the parcel as determined by the condemnor's fair market value appraisal or seven hundred fifty dollars, whichever is greater. Such actual and reasonable expenditures may include, but are not limited to, reasonable fees of appraisers, attorneys, architects, engineers, or other persons reasonably retained by the donee to evaluate the financial adequacy of the offer. Financial adequacy shall be narrowly construed and shall not include challenging the legality of the condemnation process or the legality of the ongoing project for which the condemnation is sought. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

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NEW SECTION. Sec. 3. A new section is added to chapter 8.25 RCW to read as follows:

(1) Whenever real property or a portion of real property is to be sold or otherwise disposed of within seven years after the date the property was transferred to an acquiring entity through or under the threat of condemnation, the former owner shall have a right of first refusal to purchase the property in accordance with this section. "Former owner" means the person or persons from whom the acquiring entity acquired title or that person's or those persons' successors or assigns to the right of first refusal.

(a) At least ninety days prior to the date on which the acquiring entity will announce a public process for property disposition or, if the sale is to be negotiated, at least ninety days prior to the date on which a purchase and sale agreement or similar document is to be signed, the acquiring entity shall: (i) Publish in a legal newspaper of general circulation in the area where the property to be sold is located, a notice indicating its determination to sell the property, identifying the property, and describing generally any easements, other restrictions, or reserved rights the acquiring entity intends to retain upon sale; and (ii) mail the same notice to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the acquiring entity with a forwarding address.

(b) If the former owner notifies the acquiring entity in writing within thirty days of the date of notice provided under (a) of this subsection that the former owner intends to exercise the right of first refusal granted by this section, the acquiring entity shall, unless it already has a completed current appraisal for the property, arrange for an appraisal to determine the fair market value of the property or portion of property subject to the right. In addition, the acquiring entity shall arrange for an alternative appraisal equal to the compensation received by the former owner from the acquiring entity when the property or portion of the property was condemned or sold under threat of condemnation, with interest accrued at the market rate, and with that amount adjusted to reflect the value of any physical changes made by the acquiring entity, such as improvements or removal of structures.

(c) If the former owner does not provide timely written notice to the acquiring entity of the intent to exercise a right of first refusal, that right is extinguished and the acquiring entity is relieved of any further obligation under this section.

(d) Within thirty days of receipt of the former owner's notice of intent to exercise the right of first refusal or following the acquiring entity's receipt of the appraisals, the acquiring entity shall provide the former owner with a written copy of the two appraisals. All costs of appraisal shall be paid by the acquiring entity.

(e) In the event that the acquiring entity and the former owner cannot agree on the amount of compensation paid for a portion of the property under (b) of this subsection, the acquiring entity and the former owner shall each arrange for an independent appraisal of the just compensation allocation to the portion of the property to be sold. If the acquiring entity and the former owner cannot then agree on the amount, either party may initiate a lawsuit to determine the amount, or they may agree to binding arbitration in which case the appraisals shall be submitted to a third, independent appraiser. The third appraiser shall sit as an arbitrator and determine the amount of compensation paid under (b) of this subsection. The arbitrator's decision shall be final and binding. The acquiring entity and former owner shall bear their own costs and fees, and pay equally the costs and fees of the arbitrator.

(f) Within thirty days of the date the acquiring entity provides a written copy of the appraisals to the former owner under (d) of this subsection, or within thirty days of the completion of any proceedings under (e) of this subsection, whichever is later, the former owner may exercise the right of first refusal granted by this section by delivering to the acquiring

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entity earnest money or a deposit in a form determined by the acquiring entity in an amount equal to five percent of the appraised fair market value, together with a written promise to pay, within thirty days, the following:

(i) The lesser of: (A) The appraised fair market value less the earnest money or deposit; or (B) an amount equal to the compensation received from the acquiring entity when the property or portion of property was condemned or sold under threat of condemnation, with interest accrued at the market rate, and with the amount adjusted to reflect the value of any physical changes made by the acquiring entity to the property, such as improvements or removal of structures, less the earnest money or deposit; and

(ii) All required fees and costs otherwise required for the transfer of real property.

(g) Upon receipt of the full payment required in (f) of this subsection, the acquiring entity shall transfer title to the former owner, subject to any easements, other restrictions, or reserved rights retained by the acquiring entity. If the former owner fails to complete the sale, the earnest money or deposit is forfeited to the acquiring entity, the former owner's right of first refusal is extinguished, and the acquiring entity is relieved of any further obligation under this section.

(2) The acquiring entity may reject a notice of intent under subsection (1)(b) of this section received from a person claiming to be a successor or assignee that is not accompanied by evidence sufficient to demonstrate that the person is the successor or assignee of the person from whom the acquiring entity acquired the right of first refusal.

(3) The obligations imposed on an acquiring entity in this section are in addition to any provided by law for the surplusage or sale of public property to private parties. Nothing in this section precludes an acquiring entity from retaining the property and determining not to surplus and sell the property.

(4) This section does not apply to the sale or disposal of property to a public entity for a public purpose. This section does not apply to the sale or disposal of property that implements and is consistent with a community renewal plan approved pursuant to RCW 35.81.060.

(5) For the purposes of this section, "market rate" means two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately following the date when the acquiring entity provided compensation to the former owner at the time the property was condemned or sold under threat of condemnation.

Sec. 4. RCW 28A.335.120 and 2006 c 263 s 913 are each amended to read as follows:

(1) The board of directors of any school district of this state may:

(a) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes; and

(b) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property.

(2) When the board of directors of any school district proposes a sale of school district real property pursuant to this section and the value of the property exceeds seventy thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper with a general circulation in the area in which the school district is located. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the

proposal to dispose of the school district property at the place and the day and hour fixed in the notice and admit evidence offered for and against the propriety and advisability of the proposed sale.

(3) The board of directors of any school district desiring to sell surplus real property shall publish a notice in a newspaper of general circulation in the school district. School districts shall not sell the property for at least forty-five days following the publication of the newspaper notice.

(4) Private schools shall have the same rights as any other person or entity to submit bids for the purchase of surplus real property and to have such bids considered along with all other bids.

(5) Any sale of school district real property authorized pursuant to this section shall be preceded by a market value appraisal by a professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board of directors and no sale shall take place if the sale price would be less than ninety percent of the appraisal made by the real estate appraiser: PROVIDED, That if the property has been on the market for one year or more the property may be reappraised and sold for not less than seventy-five percent of the reappraised value with the unanimous consent of the board.

(6) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded: PROVIDED, That the use of a licensed real estate broker will not eliminate the obligation of the board of directors to provide the notice described in this section: PROVIDED FURTHER, That the fee or commissions charged for any broker services shall not exceed seven percent of the resulting sale value for a single parcel: PROVIDED FURTHER, That any professionally designated real estate appraiser as defined in RCW 74.46.020 or a general real estate appraiser certified under chapter 18.140 RCW selected by the board to appraise the market value of a parcel of property to be sold may not be a party to any contract with the school district to sell such parcel of property for a period of three years after the appraisal.

(7) If in the judgment of the board of directors of any district the sale of real property of the district not needed for school purposes would be facilitated and greater value realized through sale on contract terms, a real estate sales contract may be executed between the district and buyer.

(8) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 5. RCW 35.58.340 and 1993 c 240 s 9 are each amended to read as follows:

Except as otherwise provided herein, a metropolitan municipal corporation may sell, or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan municipal corporation in the same manner as provided for cities. When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 6. RCW 35.80A.030 and 1989 c 271 s 241 are each amended to read as follows:

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A county, city, or town may dispose of real property acquired pursuant to this section to private persons only under such reasonable, competitive procedures as it shall prescribe. The county, city, or town may accept such proposals as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the county, city, or town may execute and deliver contracts, deeds, leases, and other instruments of transfer. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 7. RCW 35.94.040 and 1973 1st ex.s. c 95 s 1 are each amended to read as follows:

Whenever a city shall determine, by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative authority deems to be in the best public interest.

The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section.

This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 8. RCW 36.68.010 and 1963 c 4 s 36.68.010 are each amended to read as follows:

Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and condemnation. A county may lease or sell any park property, buildings or facilities surplus to its needs, or no longer suitable for park purposes: PROVIDED, That such park property shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34 RCW: PROVIDED FURTHER, That nothing in this section shall be construed as authorizing any county to sell any property which such county acquired by condemnation for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: PROVIDED FURTHER, That funds acquired from the lease or sale of any park property, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

NEW SECTION. Sec. 9. A new section is added to chapter 39.33 RCW to read as follows:

This chapter is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 10. RCW 43.43.115 and 1993 c 438 s 1 are each amended to read as follows:

Whenever real property owned by the state of Washington and under the jurisdiction of the Washington state patrol is no longer required, it may be sold at fair market value. All proceeds received from the sale of real property, less any real estate broker commissions, shall be deposited into the state patrol highway account: PROVIDED, That if accounts or funds other than the state patrol highway account have contributed to the purchase or improvement of the real property, the office of financial management shall determine the proportional equity of each account or fund in the property and improvements, and shall direct the proceeds to be deposited proportionally therein.

This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 11. RCW 43.82.010 and 2004 c 277 s 906 are each amended to read as follows:

(1) The director of general administration, on behalf of the agency involved, shall purchase, lease, lease purchase, rent, or otherwise acquire all real estate, improved or unimproved, as may be required by elected state officials, institutions, departments, commissions, boards, and other state agencies, or federal agencies where joint state and federal activities are undertaken and may grant easements and transfer, exchange, sell, lease, or sublease all or part of any surplus real estate for those state agencies which do not otherwise have the specific authority to dispose of real estate. This section does not transfer financial liability for the acquired property to the department of general administration.

(2) Except for real estate occupied by federal agencies, the director shall determine the location, size, and design of any real estate or improvements thereon acquired or held pursuant to subsection (1) of this section. Facilities acquired or held pursuant to this chapter, and any improvements thereon, shall conform to standards adopted by the director and approved by the office of financial management governing facility efficiency unless a specific exemption from such standards is provided by the director of general administration. The director of general administration shall report to the office of financial management annually on any exemptions granted pursuant to this subsection.

(3) The director of general administration may fix the terms and conditions of each lease entered into under this chapter, except that no lease shall extend greater than twenty years in duration. The director of general administration may enter into a long-term lease greater than ten years in duration upon a determination by the director of the office of financial management that the long-term lease provides a more favorable rate than would otherwise be available, it appears to a substantial certainty that the facility is necessary for use by the state for the full length of the lease term, and the facility meets the standards adopted pursuant to subsection (2) of this section. The director of general administration may enter into a long-term lease greater than ten years in duration if an analysis shows that the life-cycle cost of leasing the facility is less than the life-cycle cost of purchasing or constructing a facility in lieu of leasing the facility. For the 2003-05 biennium, any lease entered into after April 1, 2004, with a term of ten years or less shall not contain a nonappropriation clause.

(4) Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a public offering. Except as permitted under chapter 39.94 RCW, no lease for or on behalf of any state agency may be used or referred to as collateral or security for the payment of securities offered for sale through a private placement without the prior written approval of the state treasurer. However, this limitation shall not prevent a lessor from assigning or encumbering its interest in a lease as security for the repayment of a promissory note provided that the transaction would otherwise be an exempt transaction under RCW 21.20.320. The state treasurer shall adopt rules that establish the criteria under which any such approval may be granted. In establishing such criteria the state treasurer shall give primary consideration to the protection of the state's credit rating and the integrity of the state's debt management program. If it appears to the state treasurer that any lease has been used or referred to in violation of this subsection or rules adopted under this subsection, then he or she may recommend that the governor cause such lease to be terminated. The department of general administration shall promptly notify the state treasurer whenever it may appear to the department that any lease has

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been used or referred to in violation of this subsection or rules adopted under this subsection.

(5) It is the policy of the state to encourage the colocation and consolidation of state services into single or adjacent facilities, whenever appropriate, to improve public service delivery, minimize duplication of facilities, increase efficiency of operations, and promote sound growth management planning.

(6) The director of general administration shall provide coordinated long-range planning services to identify and evaluate opportunities for colocating and consolidating state facilities. Upon the renewal of any lease, the inception of a new lease, or the purchase of a facility, the director of general administration shall determine whether an opportunity exists for colocating the agency or agencies in a single facility with other agencies located in the same geographic area. If a colocation opportunity exists, the director of general administration shall consult with the affected state agencies and the office of financial management to evaluate the impact colocation would have on the cost and delivery of agency programs, including whether program delivery would be enhanced due to the centralization of services. The director of general administration, in consultation with the office of financial management, shall develop procedures for implementing colocation and consolidation of state facilities.

(7) The director of general administration is authorized to purchase, lease, rent, or otherwise acquire improved or unimproved real estate as owner or lessee and to lease or sublet all or a part of such real estate to state or federal agencies. The director of general administration shall charge each using agency its proportionate rental which shall include an amount sufficient to pay all costs, including, but not limited to, those for utilities, janitorial and accounting services, and sufficient to provide for contingencies; which shall not exceed five percent of the average annual rental, to meet unforeseen expenses incident to management of the real estate.

(8) If the director of general administration determines that it is necessary or advisable to undertake any work, construction, alteration, repair, or improvement on any real estate acquired pursuant to subsection (1) or (7) of this section, the director shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in his or her office and the state agency benefiting thereby is hereby authorized to pay for such work out of any available funds: PROVIDED, That the cost of executing such work shall not exceed the sum of twenty-five thousand dollars. Work, construction, alteration, repair, or improvement in excess of twenty-five thousand dollars, other than that done by the owner of the property if other than the state, shall be performed in accordance with the public works law of this state.

(9) In order to obtain maximum utilization of space, the director of general administration shall make space utilization studies, and shall establish standards for use of space by state agencies. Such studies shall include the identification of opportunities for colocation and consolidation of state agency office and support facilities.

(10) The director of general administration may construct new buildings on, or improve existing facilities, and furnish and equip, all real estate under his or her management. Prior to the construction of new buildings or major improvements to existing facilities or acquisition of facilities using a lease purchase contract, the director of general administration shall conduct an evaluation of the facility design and budget using life-cycle cost analysis, value-engineering, and other techniques to maximize the long-term effectiveness and efficiency of the facility or improvement.

(11) All conveyances and contracts to purchase, lease, rent, transfer, exchange, or sell real estate and to grant and accept easements shall be approved as to form by the attorney general, signed by the director of general administration or the director's designee, and recorded with the county auditor of the county in which the property is located.

(12) The director of general administration may delegate any or all of the functions specified in this section to any agency upon such terms and conditions as the director deems advisable.

(13) This section does not apply to the acquisition of real estate by:

(a) The state college and universities for research or experimental purposes;

(b) The state liquor control board for liquor stores and warehouses; and

(c) The department of natural resources, the department of fish and wildlife, the department of transportation, and the state parks and recreation commission for purposes other than the leasing of offices, warehouses, and real estate for similar purposes.

(14) Notwithstanding any provision in this chapter to the contrary, the department of general administration may negotiate ground leases for public lands on which property is to be acquired under a financing contract pursuant to chapter 39.94 RCW under terms approved by the state finance committee.

(15) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 12. RCW 47.12.063 and 2006 c 17 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;

(i) To any other owner of real property required for transportation purposes;

(j) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(3) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28

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RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

(6) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 13. RCW 47.12.283 and 1979 ex.s. c 189 s 1 are each amended to read as follows:

(1) Whenever the department of transportation determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for highway purposes and that it is in the public interest to do so, the department may, in its discretion, sell the property under RCW 47.12.063 or under subsections (2) through (6) of this section.

(2) Whenever the department determines to sell real property under its jurisdiction at public auction, the department shall first give notice thereof by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

(3) The department shall sell the property at the public auction, in accordance with the terms set forth in the notice, to the highest and best bidder providing the bid is equal to or higher than the appraised fair market value of the property.

(4) If no bids are received at the auction or if all bids are rejected, the department may, in its discretion, enter into negotiations for the sale of the property or may list the property with a licensed real estate broker. No property shall be sold by negotiations or through a broker for less than the property's appraised fair market value. Any offer to purchase real property pursuant to this subsection shall be in writing and may be rejected at any time prior to written acceptance by the department.

(5) Before the department shall approve any offer for the purchase of real property having an appraised value of more than ten thousand dollars, pursuant to subsection (4) of this section, the department shall first publish a notice of the proposed sale in a local newspaper of general circulation in the area where the property is located. The notice shall include a description of the property, the selling price, the terms of the sale, including the price and interest rate if sold by real estate contract, and the name and address of the department employee or the real estate broker handling the transaction. The notice shall further state that any person may, within ten days after the publication of the notice, deliver to the designated state employee or real estate broker a written offer to purchase the property for not less than ten percent more than the negotiated sale price, subject to the same terms and conditions. A subsequent offer shall not be considered unless it is accompanied by a deposit of twenty percent of the offer in the form of cash, money order, cashiers check, or certified check payable to the Washington state treasurer, to be forfeited to the state (for deposit in the motor vehicle fund) if the offeror fails to complete the sale if the offeror's offer is accepted. If a subsequent offer is received, the first offeror shall be informed by registered or certified mail sent to the address stated in his offer. The first offeror shall then have ten days, from the date of mailing the notice of the increased offer, in which to file with

the designated state employee or real estate broker a higher offer than that of the subsequent offeror. After the expiration of the ten day period, the department shall approve in writing the highest and best offer which the department then has on file.

(6) All moneys received pursuant to this section, less any real estate broker's commissions paid pursuant to RCW 47.12.320, shall be deposited in the motor vehicle fund.

(7) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 14. RCW 53.08.090 and 1994 c 26 s 1 are each amended to read as follows:

(1) A port commission may, by resolution, authorize the managing official of a port district to sell and convey port district property of ten thousand dollars or less in value. The authority shall be in force for not more than one calendar year from the date of resolution and may be renewed from year to year. Prior to any such sale or conveyance the managing official shall itemize and list the property to be sold and make written certification to the commission that the listed property is no longer needed for district purposes. Any large block of the property having a value in excess of ten thousand dollars shall not be broken down into components of ten thousand dollars or less value and sold in the smaller components unless the smaller components be sold by public competitive bid. A port district may sell and convey any of its real or personal property valued at more than ten thousand dollars when the port commission has, by resolution, declared the property to be no longer needed for district purposes, but no property which is a part of the comprehensive plan of improvement or modification thereof shall be disposed of until the comprehensive plan has been modified to find the property surplus to port needs. The comprehensive plan shall be modified only after public notice and hearing provided by RCW 53.20.010.

Nothing in this section shall be deemed to repeal or modify procedures for property sales within industrial development districts as set forth in chapter 53.25 RCW.

(2) The ten thousand dollar figures in subsection (1) of this section shall be adjusted annually based upon the governmental price index established by the department of revenue under RCW 82.14.200.

(3) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 15. RCW 53.25.040 and 1989 c 167 s 1 are each amended to read as follows:

(1) A port commission may, after a public hearing thereon, of which at least ten days' notice shall be published in a newspaper of general circulation in the port district, create industrial development districts within the district and define the boundaries thereof, if it finds that the creation of the industrial development district is proper and desirable in establishing and developing a system of harbor improvements and industrial development in the port district.

(2) The boundaries of an industrial development district created by subsection (1) of this section may be revised from time to time by resolution of the port commission, to delete land area therefrom, if the land area to be deleted was acquired by the port district with its own funds or by gift or transfer other than pursuant to RCW 53.25.050 or 53.25.060.

As to any land area to be deleted under this subsection that was acquired or improved by the port district with funds obtained through RCW 53.36.100, the port district shall deposit funds equal to the fair market value of the lands and improvements into the fund for future use described in RCW 53.36.100 and such funds shall be thereafter subject to RCW 53.36.100. The fair market value of the land and improvements shall be determined as of the effective date of the port commission action deleting the land from the industrial

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development district and shall be determined by an average of at least two independent appraisals by professionally designated real estate appraisers as defined in RCW 74.46.020 or licensed real estate brokers. The funds shall be deposited into the fund for future use described in RCW 53.36.100 within ninety days of the effective date of the port commission action deleting the land area from the industrial district. Land areas deleted from an industrial development district under this subsection shall not be further subject to the provisions of this chapter. This subsection shall apply to presently existing and future industrial development districts. Land areas deleted from an industrial development district under this subsection that were included within such district for less than two years, if the port district acquired the land through condemnation or as a consequence of threatened condemnation, shall be offered for sale, for cash, at the appraised price, to the former owner of the property from whom the district obtained title. Such offer shall be made by certified or registered letter to the last known address of the former owner. The letter shall include the appraised price of the property and notice that the former owner must respond in writing within thirty days or lose the right to purchase. If this right to purchase is exercised, the sale shall be closed by midnight of the sixtieth day, including nonbusiness days, following close of the thirty-day period. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 16. RCW 70.44.300 and 1997 c 332 s 17 are each amended to read as follows:

(1) The board of commissioners of any public hospital district may sell and convey at public or private sale real property of the district if the board determines by resolution that the property is no longer required for public hospital district purposes or determines by resolution that the sale of the property will further the purposes of the public hospital district.

(2) Any sale of district real property authorized pursuant to this section shall be preceded, not more than one year prior to the date of sale, by market value appraisals by three licensed real estate brokers or professionally designated real estate appraisers as defined in RCW 74.46.020 or three independent experts in valuing health care property, selected by the board of commissioners, and no sale shall take place if the sale price would be less than ninety percent of the average of such appraisals.

(3) When the board of commissioners of any public hospital district proposes a sale of district real property pursuant to this section and the value of the property exceeds one hundred thousand dollars, the board shall publish a notice of its intention to sell the property. The notice shall be published at least once each week during two consecutive weeks in a legal newspaper of general circulation within the public hospital district. The notice shall describe the property to be sold and designate the place where and the day and hour when a hearing will be held. The board shall hold a public hearing upon the proposal to dispose of the public hospital district property at the place and the day and hour fixed in the notice and consider evidence offered for and against the propriety and advisability of the proposed sale.

(4) If in the judgment of the board of commissioners of any district the sale of any district real property not needed for public hospital district purposes would be facilitated and greater value realized through use of the services of licensed real estate brokers, a contract for such services may be negotiated and concluded. The fee or commissions charged for any broker service shall not exceed seven percent of the resulting sale price for a single parcel. No licensed real estate broker or professionally designated real estate appraisers as defined in RCW 74.46.020 or independent expert in valuing health care property selected by the board to appraise the market value of a parcel of property to be sold may be a party to any contract with

the public hospital district to sell such property for a period of three years after the appraisal.

(5) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 17. RCW 79.36.330 and 2004 c 199 s 217 are each amended to read as follows:

In the event the department should determine that the property interests acquired under the authority of this chapter are no longer necessary for the purposes for which they were acquired, the department shall dispose of the same in the following manner, when in the discretion of the department it is to the best interests of the state of Washington to do so, except that property purchased with educational funds or held in trust for educational purposes shall be sold only in the same manner as are state lands:

(1) Where the state property necessitating the acquisition of private property interests for access purposes under authority of this chapter is sold or exchanged, the acquired property interests may be sold or exchanged as an appurtenance of the state property when it is determined by the department that sale or exchange of the state property and acquired property interests as one parcel is in the best interests of the state.

(2) If the acquired property interests are not sold or exchanged as provided in subsection (1) of this section, the department shall notify the person or persons from whom the property interest was acquired, stating that the property interests are to be sold, and that the person or persons shall have the right to purchase the same at the appraised price. The notice shall be given by registered letter or certified mail, return receipt requested, mailed to the last known address of the person or persons. If the address of the person or persons is unknown, the notice shall be published twice in an official newspaper of general circulation in the county where the lands or a portion thereof is located. The second notice shall be published not less than ten nor more than thirty days after the notice is first published. The person or persons shall have thirty days after receipt of the registered letter or five days after the last date of publication, as the case may be, to notify the department, in writing, of their intent to purchase the offered property interest. The purchaser shall include with his or her notice of intention to purchase, cash payment, certified check, or money order in an amount not less than one-third of the appraised price. No instrument conveying property interests shall issue from the department until the full price of the property is received by the department. All costs of publication required under this section shall be added to the appraised price and collected by the department upon sale of the property interests.

(3) If the property interests are not sold or exchanged as provided in subsections (1) and (2) of this section, the department shall notify the owners of land abutting the property interests in the same manner as provided in subsection (2) of this section and their notice of intent to purchase shall be given in the manner and in accordance with the same time limits as are set forth in subsection (2) of this section. However, if more than one abutting owner gives notice of intent to purchase the property interests, the department shall apportion them in relation to the lineal footage bordering each side of the property interests to be sold, and apportion the costs to the interested purchasers in relation thereto. Further, no sale is authorized by this section unless the department is satisfied that the amounts to be received from the several purchasers will equal or exceed the appraised price of the entire parcel plus any costs of publishing notices.

(4) If no sale or exchange is consummated as provided in subsections (1) through (3) of this section, the department shall sell the properties in the same manner as state lands are sold.

(5) Any disposal of property interests authorized by this chapter shall be subject to any existing rights previously granted by the department.

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(6) This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 18. RCW 80.28.230 and 1961 c 14 s 80.28.230 are each amended to read as follows:

Any property or interest acquired as provided in RCW 80.28.220 shall be used exclusively for the purposes for which it was acquired: PROVIDED, HOWEVER, That if any such property be sold or otherwise disposed of by said corporations, such sale or disposition shall be by public sale or disposition and advertised in the manner of public sales in the county where such property is located. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 19. RCW 80.40.030 and 1963 c 201 s 4 are each amended to read as follows:

Any natural gas company having received an order under RCW 80.40.040 shall have the right of eminent domain to be exercised in the manner provided in and subject to the provisions of chapter 8.20 RCW to acquire for its use for the underground storage of natural gas any underground reservoir, as well as such other property or interests in property as may be required to adequately maintain and utilize the underground reservoir for the underground storage of natural gas, including easements and rights of way for access to and egress from the underground storage reservoir. The right of eminent domain granted hereby shall apply to property or property interests held in private ownership, provided condemnor has exercised good faith in negotiations for private sale or lease. No property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid. Any property or interest therein so acquired by any natural gas company shall be used exclusively for the purposes for which it was acquired. Any decree of appropriation hereunder shall define and limit the rights condemned and shall provide for the reversion of such rights to the defendant or defendants or their successors in interest upon abandonment of the underground storage project. Good faith exploration work or development work relative to the storage reservoir is conclusive evidence that its use has not been abandoned. The court may include in such decree such other relevant conditions, covenants and restrictions as it may deem fair and equitable. This section is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation.

Sec. 20. RCW 81.112.080 and 1992 c 101 s 8 are each amended to read as follows:

An authority shall have the following powers in addition to the general powers granted by this chapter:

(1) To carry out the planning processes set forth in RCW 81.104.100;

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of high capacity transportation facilities and properties within authority boundaries including surface, underground, or overhead railways, tramways, busways, buses, bus sets, entrained and linked buses, ferries, or other means of local transportation except taxis, and including escalators, moving sidewalks, personal rapid transit systems or other people-moving systems, passenger terminal and parking facilities and properties, and such other facilities and properties as may be necessary for passenger, vehicular, and vessel access to and from such people-moving systems, terminal and parking facilities and properties, together with all lands, rights of way, property, equipment, and accessories necessary for such high capacity transportation systems. When developing specifications for high capacity transportation system operating equipment, an authority shall take into account efforts to establish or sustain a domestic manufacturing capacity for such

equipment. The right of eminent domain shall be exercised by an authority in the same manner and by the same procedure as or may be provided by law for cities of the first class, except insofar as such laws may be inconsistent with the provisions of this chapter. Public transportation facilities and properties which are owned by any city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation may be acquired or used by an authority only with the consent of the agency owning such facilities. Such agencies are hereby authorized to convey or lease such facilities to an authority or to contract for their joint use on such terms as may be fixed by agreement between the agency and the authority.

The facilities and properties of an authority whose vehicles will operate primarily within the rights of way of public streets, roads, or highways, may be acquired, developed, and operated without the corridor and design hearings that are required by RCW 35.58.273 for mass transit facilities operating on a separate right of way;

(3) To dispose of any real or personal property acquired in connection with any authority function and that is no longer required for the purposes of the authority, in the same manner as provided for cities of the first class. When an authority determines that a facility or any part thereof that has been acquired from any public agency without compensation is no longer required for authority purposes, but is required by the agency from which it was acquired, the authority shall by resolution transfer it to such agency. This subsection is subject to and operates only to the extent its application is not inconsistent with the operation of section 3 of this act with respect to property acquired through or under the threat of condemnation;

(4) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users.

NEW SECTION. Sec. 21. A new section is added to chapter 8.04 RCW to read as follows:

(1) No public entity that is subject to this chapter or that derives authority from this chapter may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

(a) The transfer of real property to public ownership;

(b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;

(c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;

(d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;

(e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or

(f) The lease of real property to a private entity that occupies an area within a public project or facility.

(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by

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implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 22. A new section is added to chapter 8.08 RCW to read as follows:

(1) No public entity that is subject to this chapter or that derives authority from this chapter may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

- (a) The transfer of real property to public ownership;
- (b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;
- (c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;
- (d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;
- (e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or
- (f) The lease of real property to a private entity that occupies an area within a public project or facility.

(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 23. A new section is added to chapter 8.12 RCW to read as follows:

(1) No public entity that is subject to this chapter or that derives authority from this chapter may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

- (a) The transfer of real property to public ownership;
- (b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;
- (c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;
- (d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;
- (e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or
- (f) The lease of real property to a private entity that occupies an area within a public project or facility.

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(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 24. A new section is added to chapter 8.16 RCW to read as follows:

(1) No public entity that is subject to this chapter or that derives authority from this chapter may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

- (a) The transfer of real property to public ownership;
- (b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;
- (c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;
- (d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;
- (e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or
- (f) The lease of real property to a private entity that occupies an area within a public project or facility.

(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 25. A new section is added to chapter 8.20 RCW to read as follows:

(1) No public entity that is subject to this chapter or that derives authority from this chapter may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

- (a) The transfer of real property to public ownership;
- (b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;
- (c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;
- (d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;
- (e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or

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(f) The lease of real property to a private entity that occupies an area within a public project or facility.

(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 26. A new section is added to chapter 8.25 RCW to read as follows:

(1) No public entity may take private property solely for the purpose of economic development.

(2) For the purposes of this section, "economic development" means the acquisition or use of real property to increase tax revenue, tax base, employment, or economic health. For the purposes of this section, "economic development" does not include the acquisition or use of real property for the primary purpose of:

(a) The transfer of real property to public ownership;

(b) The transfer of real property to a private entity that is a common carrier, such as a utility or railroad;

(c) The transfer of real property to a private entity when acquisition or appropriation is necessary to remove a threat to public health or safety based on the present condition and use of the real property;

(d) The transfer of real property to a private entity when acquisition or appropriation is necessary for the removal of unsanitary or unsafe conditions, conditions that endanger life or property by fire or other causes, conditions conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, hazardous soils, substances, or materials, or conditions detrimental to or constituting a menace to the public health, safety, welfare, and morals in its present condition and use;

(e) The transfer of real property to a private entity when acquisition or appropriation is necessary for the acquisition of abandoned property; or

(f) The lease of real property to a private entity that occupies an area within a public project or facility.

(3) This section does not apply to port districts or to common carriers such as utilities and railroads and does not by implication increase, decrease, or alter the powers of eminent domain of those districts or common carriers.

NEW SECTION. Sec. 27. A new section is added to chapter 35.81 RCW to read as follows:

Acquisitions of property through the exercise of the power of eminent domain under this chapter are subject to sections 22 and 23 of this act.

NEW SECTION. Sec. 28. This act applies to condemnation proceedings commenced on or after the effective date of this act."

On page 1, line 1 of the title, after "domain;" strike the remainder of the title and insert "amending RCW 8.25.020, 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010, 47.12.063, 47.12.283, 53.08.090, 53.25.040, 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; adding a new section to chapter 8.04 RCW; adding a new section to chapter 8.08 RCW; adding a new section to chapter 8.12 RCW; adding a new section to chapter 8.16 RCW; adding a new section to chapter 8.20 RCW; adding a new section to chapter 35.81 RCW; and creating a new section."

Senator Kline spoke in favor of adoption of the striking amendment.

POINT OF ORDER

Senator McCaslin: "This is one of the reasons I feel that major amendments should go back to the committee such as in Oregon. We always give the public five days notice when we

hear a bill in committee but yet we bring amendments on the floor that this party has not seen it. We have not discussed this in caucus. We had absolutely no knowledge of this coming on the floor and I would ask you to set it down until we have an opportunity to examine it. Thank you."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 2016 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1137, by Representatives Fromhold, McDonald, Ormsby, Moeller and Haler

Creating the water quality capital account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1137 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1137.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1137 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Green, Morrell, Moeller, Schual-Berke and Campbell)

Licensing ambulatory surgical facilities.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

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NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ambulatory surgical facility" means any distinct entity that operates for the primary purpose of providing specialty or multispecialty outpatient surgical services in which patients are admitted to and discharged from the facility within twenty-four hours and do not require inpatient hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act.

(2) "Department" means the department of health.

(3) "General anesthesia" means a state of unconsciousness intentionally produced by anesthetic agents, with absence of pain sensation over the entire body, in which the patient is without protective reflexes and is unable to maintain an airway.

(4) "Person" means an individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(5) "Practitioner" means any physician or surgeon licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or a podiatric physician or surgeon licensed under chapter 18.22 RCW.

(6) "Secretary" means the secretary of health.

(7) "Surgical services" means invasive medical procedures that:

(a) Utilize a knife, laser, cautery, cryogenics, or chemicals; and

(b) Remove, correct, or facilitate the diagnosis or cure of a disease, process, or injury through that branch of medicine that treats diseases, injuries, and deformities by manual or operative methods by a practitioner.

NEW SECTION. Sec. 2. The secretary shall:

(1) Issue a license to any ambulatory surgical facility that:

(a) Submits payment of the fee established in section 7 of this act;

(b) Submits a completed application that demonstrates the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule. An ambulatory surgical facility shall be deemed to have met the standards if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent standards to those of the department; and

(c) Successfully completes the survey requirements established in section 11 of this act;

(2) Develop an application form for applicants for a license to operate an ambulatory surgical facility;

(3) Initiate investigations and enforcement actions for complaints or other information regarding failure to comply with this chapter or the standards and rules adopted under this chapter;

(4) Conduct surveys of facilities, including reviews of medical records and documents required to be maintained under this chapter or rules adopted under this chapter;

(5) By March 1, 2008, determine which accreditation organizations have substantially equivalent standards for purposes of deeming specific licensing requirements required in statute and rule as having met the state's standards; and

(6) Adopt any rules necessary to implement this chapter.

NEW SECTION. Sec. 3. Except as provided in section 4 of this act, after June 30, 2009, no person or governmental unit of the state of Washington, acting separately or jointly with any other person or governmental unit, shall establish, maintain, or conduct an ambulatory surgical facility in this state or advertise by using the term "ambulatory surgical facility," "day surgery center," "licensed surgical center," or other words conveying similar meaning without a license issued by the department under this chapter.

NEW SECTION. Sec. 4. Nothing in this chapter:

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(1) Applies to an ambulatory surgical facility that is maintained and operated by a hospital licensed under chapter 70.41 RCW;

(2) Applies to an office maintained for the practice of dentistry;

(3) Applies to outpatient specialty or multispecialty surgical services routinely and customarily performed in the office of a practitioner in an individual or group practice that do not require general anesthesia; or

(4) Limits an ambulatory surgical facility to performing only surgical services.

NEW SECTION. Sec. 5. (1) An applicant for a license to operate an ambulatory surgical facility must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule, including:

(a) Submitting a written application to the department providing all necessary information on a form provided by the department, including a list of surgical specialties offered;

(b) Submitting building plans for review and approval by the department for new construction, alterations other than minor alterations, and additions to existing facilities, prior to obtaining a license and occupying the building;

(c) Demonstrating the ability to comply with this chapter and any rules adopted under this chapter;

(d) Cooperating with the department during on-site surveys prior to obtaining an initial license or renewing an existing license;

(e) Providing such proof as the department may require concerning the ownership and management of the ambulatory surgical facility, including information about the organization and governance of the facility and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(f) Submitting proof of operation of a coordinated quality improvement program in accordance with section 9 of this act;

(g) Submitting a copy of the facility safety and emergency training program established under section 6 of this act;

(h) Paying any fees established under section 7 of this act; and

(i) Providing any other information that the department may reasonably require.

(2) A license is valid for three years, after which an ambulatory surgical facility must submit an application for renewal of license upon forms provided by the department and the renewal fee as established in section 7 of this act. The applicant must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statutes, standards, and rules. The applicant must submit the license renewal document no later than thirty days prior to the date of expiration of the license.

(3) The applicant may demonstrate compliance with any of the requirements of subsection (1) of this section by providing satisfactory documentation to the secretary that it has met the standards of an accreditation organization or federal agency that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

NEW SECTION. Sec. 6. An ambulatory surgical facility shall have a facility safety and emergency training program. The program shall include:

(1) On-site equipment, medication, and trained personnel to facilitate handling of services sought or provided and to facilitate the management of any medical emergency that may arise in connection with services sought or provided;

(2) Written transfer agreements with local hospitals licensed under chapter 70.41 RCW, approved by the ambulatory surgical facility's medical staff; and

(3) A procedural plan for handling medical emergencies that shall be available for review during surveys and inspections.

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NEW SECTION. Sec. 7. The department of health shall convene a group of interested stakeholders to identify relevant regulatory issues related to the implementation of this act, including a reasonable fee schedule for licenses and renewal licenses. The group shall report to the department on their recommendations no later than December 15, 2007.

NEW SECTION. Sec. 8. (1) The secretary may deny, suspend, or revoke the license of any ambulatory surgical facility in any case in which he or she finds the applicant or registered entity knowingly made a false statement of material fact in the application for the license or any supporting data in any record required by this chapter or matter under investigation by the department.

(2) The secretary shall investigate complaints concerning operation of an ambulatory surgical facility without a license. The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed operation of an ambulatory surgical facility. If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. Any person operating an ambulatory surgical facility under this chapter without a license is guilty of a misdemeanor, and each day of operation of an unlicensed ambulatory surgical facility constitutes a separate offense.

(3) The secretary is authorized to deny, suspend, revoke, or modify a license or provisional license in any case in which it finds that there has been a failure or refusal to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(4) Pursuant to chapter 34.05 RCW, the secretary may assess monetary penalties of a civil nature not to exceed one thousand dollars per violation.

NEW SECTION. Sec. 9. (1) Every ambulatory surgical facility shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the ambulatory surgical facility, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise the policies and procedures of the ambulatory surgical facility;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the ambulatory surgical facility;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the ambulatory surgical facility's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability

premiums, settlements, awards, costs incurred by the ambulatory surgical facility for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual practitioners within the practitioner's personnel or credential file maintained by the ambulatory surgical facility;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee is not subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence of information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the management of the ambulatory surgical facility, as identified in the facility's application, in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical

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board, as appropriate, may review and audit the records of committee decisions in which a practitioner's privileges are terminated or restricted. Each ambulatory surgical facility shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained is not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of an ambulatory surgical facility to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department and any accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of the ambulatory surgical facility. Information so obtained is not subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each ambulatory surgical facility shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510 or 70.41.200, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents are not subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 70.41.200(3), 74.42.640 (7) and (9), and 4.24.250.

(9) An ambulatory surgical facility that participates in a coordinated quality improvement program under RCW 43.70.510 shall be deemed to have met the requirements of this section.

(10) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 10. The department shall establish and adopt such minimum standards and rules pertaining to the construction, maintenance, and operation of ambulatory surgical facilities and rescind, amend, or modify such rules, as are necessary in the public interest, and particularly for the establishment and maintenance of standards of patient care required for the safe and adequate care and treatment of patients. In establishing the format and content of these standards and rules, the department shall give consideration to maintaining consistency with such minimum standards and rules applicable to ambulatory surgical facilities in the survey standards of accrediting organizations or federal agencies that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

NEW SECTION. Sec. 11. (1) The department shall make or cause to be made a survey of all ambulatory surgical facilities every eighteen months. Every survey of an ambulatory surgical facility may include an inspection of every part of the surgical facility. The department may make an examination of all phases

of the ambulatory surgical facility operation necessary to determine compliance with all applicable statutes, rules, and regulations. In the event that the department is unable to make a survey or cause a survey to be made during the three years of the term of the license, the license of the ambulatory surgical facility shall remain in effect until the state conducts a survey or a substitute survey is performed if the ambulatory surgical facility is in compliance with all other licensing requirements.

(2) An ambulatory surgical facility shall be deemed to have met the survey standards of this section if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent survey standards to those of the department. A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:

(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and

(b) Within thirty days of learning the result of a survey, the ambulatory surgical facility provides the department with documentary evidence that the ambulatory surgical facility has been certified or accredited as a result of a survey and the date of the survey.

(3) Ambulatory surgical facilities shall make the written reports of surveys conducted pursuant to medicare certification procedures or by an approved accrediting organization available to department surveyors during any department surveys, upon request.

NEW SECTION. Sec. 12. The department shall require ambulatory surgical facilities to submit data related to the quality of patient care for review by the department. The data shall be submitted every eighteen months. The department shall consider the reporting standards of other public and private organizations that measure quality in order to maintain consistency in reporting and minimize the burden on the ambulatory surgical facility. The department shall review the data to determine the maintenance of quality patient care at the facility. If the department determines that the care offered at the facility may present a risk to the health and safety of patients, the department may conduct an inspection of the facility and initiate appropriate actions to protect the public. Information submitted to the department pursuant to this section shall be exempt from disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 13. (1) The chief administrator or executive officer of an ambulatory surgical facility shall report to the department when the practice of a health care provider licensed by a disciplining authority under RCW 18.130.040 is restricted, suspended, limited, or terminated based upon a conviction, determination, or finding by the ambulatory surgical facility that the provider has committed an action defined as unprofessional conduct under RCW 18.130.180. The chief administrator or executive officer shall also report any voluntary restriction or termination of the practice of a health care provider licensed by a disciplining authority under RCW 18.130.040 while the provider is under investigation or the subject of a proceeding by the ambulatory surgical facility regarding unprofessional conduct, or in return for the ambulatory surgical facility not conducting such an investigation or proceeding or not taking action. The department shall forward the report to the appropriate disciplining authority.

(2) Reports made under subsection (1) of this section must be made within fifteen days of the date of: (a) A conviction, determination, or finding by the ambulatory surgical facility that the health care provider has committed an action defined as unprofessional conduct under RCW 18.130.180; or (b) acceptance by the ambulatory surgical facility of the voluntary restriction or termination of the practice of a health care provider, including his or her voluntary resignation, while under investigation or the subject of proceedings regarding unprofessional conduct under RCW 18.130.180.

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(3) Failure of an ambulatory surgical facility to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

(4) An ambulatory surgical facility, its chief administrator, or its executive officer who files a report under this section is immune from suit, whether direct or derivative, in any civil action related to the filing or contents of the report, unless the conviction, determination, or finding on which the report and its content are based is proven to not have been made in good faith. The prevailing party in any action brought alleging that the conviction, determination, finding, or report was not made in good faith is entitled to recover the costs of litigation, including reasonable attorneys' fees.

(5) The department shall forward reports made under subsection (1) of this section to the appropriate disciplining authority designated under Title 18 RCW within fifteen days of the date the report is received by the department. The department shall notify an ambulatory surgical facility that has made a report under subsection (1) of this section of the results of the disciplining authority's case disposition decision within fifteen days after the case disposition. Case disposition is the decision whether to issue a statement of charges, take informal action, or close the complaint without action against a provider. In its biennial report to the legislature under RCW 18.130.310, the department shall specifically identify the case dispositions of reports made by ambulatory surgical facilities under subsection (1) of this section.

NEW SECTION. Sec. 14. Each ambulatory surgical facility shall keep written records of decisions to restrict or terminate privileges of practitioners. Copies of such records shall be made available to the medical quality assurance commission, the board of osteopathic medicine and surgery, or the podiatric medical board, within thirty days of a request, and all information so gained remains confidential in accordance with sections 9 and 13 of this act and is protected from the discovery process. Failure of an ambulatory surgical facility to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

NEW SECTION. Sec. 15. (1) Prior to granting or renewing clinical privileges or association of any practitioner or hiring a practitioner, an ambulatory surgical facility approved pursuant to this chapter shall request from the practitioner and the practitioner shall provide the following information:

(a) The name of any hospital, ambulatory surgical facility, or other facility with or at which the practitioner had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the practitioner deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the practitioner deems appropriate;

(e) A waiver by the practitioner of any confidentiality provisions concerning the information required to be provided to ambulatory surgical facilities pursuant to this subsection; and

(f) A verification by the practitioner that the information provided by the practitioner is accurate and complete.

(2) Prior to granting privileges or association to any practitioner or hiring a practitioner, an ambulatory surgical facility approved under this chapter shall request from any hospital or ambulatory surgical facility with or at which the practitioner had or has privileges, was associated, or was employed, the following information concerning the practitioner:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals or ambulatory surgical facilities pursuant to RCW 18.130.070.

(3) The medical quality assurance commission, board of osteopathic medicine and surgery, podiatric medical board, or dental quality assurance commission, as appropriate, shall be advised within thirty days of the name of any practitioner denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital, ambulatory surgical facility, or other facility that receives a request for information from another hospital, ambulatory surgical facility, or other facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital, ambulatory surgical facility, or other facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital, ambulatory surgical facility, or facility. A hospital, ambulatory surgical facility, other facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any, and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department to be made regarding the care and treatment received.

(6) Ambulatory surgical facilities shall be granted access to information held by the medical quality assurance commission, board of osteopathic medicine and surgery, or podiatric medical board pertinent to decisions of the ambulatory surgical facility regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 16. Ambulatory surgical facilities shall have in place policies to assure that, when appropriate, information about unanticipated outcomes is provided to patients or their families or any surrogate decision makers identified pursuant to RCW 7.70.065. Notifications of unanticipated outcomes under this section do not constitute an acknowledgement or admission of liability, nor may the fact of notification, the content disclosed, or any and all statements,

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affirmations, gestures, or conduct expressing apology be introduced as evidence in a civil action.

NEW SECTION. Sec. 17. Every ambulatory surgical facility shall post in conspicuous locations a notice of the department's ambulatory surgical facility complaint toll-free telephone number. The form of the notice shall be approved by the department.

NEW SECTION. Sec. 18. Information received by the department through filed reports, inspection, or as otherwise authorized under this chapter may be disclosed publicly, as permitted under chapter 42.56 RCW, subject to the following provisions:

(1) Licensing inspections, or complaint investigations regardless of findings, shall, as requested, be disclosed no sooner than three business days after the ambulatory surgical facility has received the resulting assessment report;

(2) Information regarding administrative action against the license shall, as requested, be disclosed after the ambulatory surgical facility has received the documents initiating the administrative action;

(3) Information about complaints that did not warrant an investigation shall not be disclosed except to notify the ambulatory surgical facility and the complainant that the complaint did not warrant an investigation; and

(4) Information disclosed under this section shall not disclose individual names.

NEW SECTION. Sec. 19. The ambulatory surgical facility account is created in the custody of the state treasurer. All receipts from fees and penalties imposed under this chapter must be deposited into the account. Expenditures from the account may be used only for administration of this chapter. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 20. RCW 70.56.010 and 2006 c 8 s 105 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adverse health event" or "adverse event" means the list of serious reportable events adopted by the national quality forum in 2002, in its consensus report on serious reportable events in health care. The department shall update the list, through adoption of rules, as subsequent changes are made by the national quality forum. The term does not include an incident.

(2) "Ambulatory surgical facility" means ~~((any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, whether or not the facility is certified under Title XVIII of the federal social security act))~~ a facility licensed under chapter 70.-- RCW (sections 1 through 19 of this act).

(3) "Childbirth center" means a facility licensed under chapter 18.46 RCW.

(4) "Correctional medical facility" means a part or unit of a correctional facility operated by the department of corrections under chapter 72.10 RCW that provides medical services for lengths of stay in excess of twenty-four hours to offenders.

(5) "Department" means the department of health.

(6) "Health care worker" means an employee, independent contractor, licensee, or other individual who is directly involved in the delivery of health services in a medical facility.

(7) "Hospital" means a facility licensed under chapter 70.41 RCW.

(8) "Incident" means an event, occurrence, or situation involving the clinical care of a patient in a medical facility that:

(a) Results in unanticipated injury to a patient that is not related to the natural course of the patient's illness or underlying condition and does not constitute an adverse event; or

(b) Could have injured the patient but did not either cause an unanticipated injury or require the delivery of additional health care services to the patient.

"Incident" does not include an adverse event.

(9) "Independent entity" means that entity that the department of health contracts with under RCW 70.56.040 to receive notifications and reports of adverse events and incidents, and carry out the activities specified in RCW 70.56.040.

(10) "Medical facility" means a childbirth center, hospital, psychiatric hospital, or correctional medical facility. An ambulatory surgical facility shall be considered a medical facility for purposes of this chapter upon the effective date of any requirement for state registration or licensure of ambulatory surgical facilities.

(11) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

Sec. 21. RCW 43.70.510 and 2006 c 8 s 113, 2005 c 291 s 2, 2005 c 274 s 302, and 2005 c 33 s 6 are each reenacted and amended to read as follows:

(1)(a) Health care institutions and medical facilities, other than hospitals, that are licensed by the department, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers approved pursuant to chapter 48.43 RCW, and any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200.

(b) All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the institution, facility, professional societies or organizations, health care service contractors, health maintenance organizations, health carriers, or any other person or entity providing health care coverage under chapter 48.42 RCW that is subject to the jurisdiction and regulation of any state agency or any subdivision thereof, unless an alternative quality improvement program substantially equivalent to RCW 70.41.200(1)(a) is developed. All such programs, whether complying with the requirement set forth in RCW 70.41.200(1)(a) or in the form of an alternative program, must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.56.360(1)(c) and subsection (5) of this section shall apply. In reviewing plans submitted by licensed entities that are associated with physicians' offices, the department shall ensure that the exemption under RCW 42.56.360(1)(c) and the discovery limitations of this section are applied only to information and documents related specifically to quality improvement activities undertaken by the licensed entity.

(2) Health care provider groups of five or more providers may maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice as set forth in RCW 70.41.200. For purposes of this section, a health care provider group may be a consortium of providers consisting of five or more providers in total. All such programs shall comply with the requirements of RCW 70.41.200(1) (a), (c), (d), (e), (f), (g), and (h) as modified to reflect the structural organization of the health care provider group. All such programs must be approved by the department before the discovery limitations provided in subsections (3) and (4) of this section and the exemption under RCW 42.56.360(1)(c) and subsection (5) of this section shall apply.

(3) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement

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committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (6) of this section is not subject to an action for civil damages or other relief as a result of the activity or its consequences. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(4) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts that form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action challenging the termination of a contract by a state agency with any entity maintaining a coordinated quality improvement program under this section if the termination was on the basis of quality of care concerns, introduction into evidence of information created, collected, or maintained by the quality improvement committees of the subject entity, which may be under terms of a protective order as specified by the court; (e) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (f) in any civil action, discovery and introduction into evidence of the patient's medical records required by rule of the department of health to be made regarding the care and treatment received.

(5) Information and documents created specifically for, and collected and maintained by, a quality improvement committee are exempt from disclosure under chapter 42.56 RCW.

(6) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or with RCW 70.41.200, a coordinated quality improvement committee maintained by an ambulatory surgical facility under section 8 of this act, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall

meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (4) of this section and RCW 4.24.250.

(7) The department of health shall adopt rules as are necessary to implement this section.

Sec. 22. RCW 70.41.200 and 2005 c 291 s 3 and 2005 c 33 s 7 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing

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evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a coordinated quality improvement committee maintained by an ambulatory surgical facility under section 8 of this act, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered

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to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 23. RCW 18.130.070 and 2006 c 99 s 2 are each amended to read as follows:

(1)(a) The secretary shall adopt rules requiring every license holder to report to the appropriate disciplining authority any conviction, determination, or finding that another license holder has committed an act which constitutes unprofessional conduct, or to report information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the other license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(b) The secretary may adopt rules to require other persons, including corporations, organizations, health care facilities, impaired practitioner programs, or voluntary substance abuse monitoring programs approved by a disciplining authority, and state or local government agencies to report:

(i) Any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct; or

(ii) Information to the disciplining authority, an impaired practitioner program, or voluntary substance abuse monitoring program approved by the disciplining authority, which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

(c) If a report has been made by a hospital to the department pursuant to RCW 70.41.210 or by an ambulatory surgical facility pursuant to section 12 of this act, a report to the disciplining authority is not required. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplining authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(d) Reporting under this section is not required by:

(i) Any entity with a peer review committee, quality improvement committee or other similarly designated professional review committee, or by a license holder who is a member of such committee, during the investigative phase of the respective committee's operations if the investigation is completed in a timely manner; or

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(ii) An impaired practitioner program or voluntary substance abuse monitoring program approved by a disciplining authority under RCW 18.130.175 if the license holder is currently enrolled in the treatment program, so long as the license holder actively participates in the treatment program and the license holder's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order is a contempt of court as provided in chapter 7.21 RCW.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4)(a) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority:

(i) Any conviction, determination, or finding that he or she has committed unprofessional conduct or is unable to practice with reasonable skill or safety; and

(ii) Any disqualification from participation in the federal medicare program, under Title XVIII of the federal social security act or the federal medicaid program, under Title XIX of the federal social security act.

(b) Failure to report within thirty days of notice of the conviction, determination, finding, or disqualification constitutes grounds for disciplinary action.

Sec. 24. RCW 18.71.0195 and 2005 c 274 s 227 are each amended to read as follows:

(1) The contents of any report filed under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.56 RCW, except that it may be reviewed (a) by the licensee involved or his or her counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the commission, or investigator thereof, who has been assigned to review the activities of a licensed physician.

Upon a determination that a report is without merit, the commission's records may be purged of information relating to the report.

(2) Every individual, medical association, medical society, hospital, ambulatory surgical facility, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, agency of the federal, state, or local government, or the entity established by RCW 18.71.300 and its officers, agents, and employees are immune from civil liability, whether direct or derivative, for providing information to the commission under RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260.

Sec. 25. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, section 9 of this act, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made

under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

Sec. 26. RCW 18.71.017 and 2000 c 171 s 23 are each amended to read as follows:

(1) The commission may adopt such rules as are not inconsistent with the laws of this state as may be determined necessary or proper to carry out the purposes of this chapter. The commission is the successor in interest of the board of medical examiners and the medical disciplinary board. All contracts, undertakings, agreements, rules, regulations, and policies continue in full force and effect on July 1, 1994, unless otherwise repealed or rejected by this chapter or by the commission.

(2) The commission may adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment.

Sec. 27. RCW 18.57.005 and 1986 c 259 s 94 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

(3) To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

(4) To adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment;

(5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

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Sec. 28. RCW 18.22.015 and 1990 c 147 s 5 are each amended to read as follows:

The board shall:

- (1) Administer all laws placed under its jurisdiction;
- (2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatric physician and surgeon licenses;
- (3) Examine and investigate all applicants for podiatric physician and surgeon licenses and certify to the secretary all applicants it judges to be properly qualified;
- (4) Adopt any rules which it considers necessary or proper to carry out the purposes of this chapter;
- (5) Adopt rules governing the administration of sedation and anesthesia in the offices of persons licensed under this chapter, including necessary training and equipment;
- (6) Determine which schools of podiatric medicine and surgery will be approved.

NEW SECTION. Sec. 29. Except for section 7 of this act, this act takes effect July 1, 2009.

NEW SECTION. Sec. 30. The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 31. Sections 1 through 6 and 8 through 19 of this act constitute a new chapter in Title 70 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Engrossed Substitute House Bill No. 1414.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 70.56.010, 18.130.070, 18.71.0195, 18.71.017, 18.57.005, and 18.22.015; reenacting and amending RCW 43.70.510, 70.41.200, and 42.56.360; adding a new chapter to Title 70 RCW; creating new sections; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1414 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1414 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1414 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Swecker - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1319, by House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives O'Brien, Pearson, Dickerson, Blake, Kenney and Ormsby)

Protecting employees, contract staff, and volunteers of a correctional agency from stalking.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.110 and 2006 c 95 s 3 are each amended to read as follows:

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class C felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or

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felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.602, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer((?)); judge((?)); juror((?)); attorney((?)); victim advocate((?)); legislator((?)); community correction's officer((?)); an employee, contract staff person, or volunteer of a correctional agency; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services((?)); and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

((b)) (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020.

((c)) (d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

((d)) (e) "Repeatedly" means on two or more separate occasions."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Substitute House Bill No. 1319.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "stalking;" strike the remainder of the title and insert "and amending RCW 9A.46.110."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1319 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1319 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1319 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hewitt - 1

SUBSTITUTE HOUSE BILL NO. 1319 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, by House Committee on Appropriations (originally sponsored by Representatives Dunshee, Haler, Kenney, Fromhold, Priest, Roberts, Jarrett, Kagi, Hunt, McDermott, Haigh, Ormsby, Chase, Wallace, Hudgins, Schual-Berke, Simpson, Conway, Morrell, Moeller and Santos)

Creating the passport to college promise program.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The legislature finds that in Washington, there are more than seven thousand three hundred children in foster family or group care. These children face unique obstacles and burdens as they transition to adulthood, including lacking continuity in their elementary and high school educations. As compared to the general population of students, twice as many foster care youth change schools at least once during their elementary and secondary school careers, and three times as many change schools at least three times. Only thirty-four percent of foster care youth graduate from high school within four years, compared to seventy percent for the general population. Of the former foster care youth who earn a high school diploma, more than twenty-eight percent earn a GED instead of a traditional high school diploma. This is almost six times the rate of the general population. Research indicates that GED holders tend not to be as economically successful as the holders of traditional high school diplomas. Only twenty percent of former foster care youth who earn a high school degree enroll in college, compared to over sixty percent of the population generally. Of the former foster care youth who do enroll in college, very few go on to earn a degree. Less than two percent of former foster care youth hold bachelor's degrees, compared to twenty-eight percent of Washington's population generally.

(b) Former foster care youth face two critical hurdles to enrolling in college. The first is a lack of information regarding preparation for higher education and their options for enrolling in higher education. The second is finding the financial resources to fund their education. As a result of the unique hurdles and challenges that face former foster care youth, a disproportionate number of them are part of society's large

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group of marginalized youth and are at increased risk of continuing the cycle of poverty and violence that frequently plagues their families.

(c) Former foster care youth suffer from mental health problems at a rate greater than that of the general population. For example, one in four former foster care youth report having suffered from posttraumatic stress disorder within the previous twelve months, compared to only four percent of the general population. Similarly, the incidence of major depression among former foster care youth is twice that of the general population, twenty percent versus ten percent.

(d) There are other barriers for former foster care youth to achieving successful adulthood. One-third of former foster care youth live in households that are at or below the poverty level. This is three times the rate for the general population. The percentage of former foster care youth who report being homeless within one year of leaving foster care varies from over ten percent to almost twenty-five percent. By comparison, only one percent of the general population reports having been homeless at sometime during the past year. One in three former foster care youth lack health insurance, compared to less than one in five people in the general population. One in six former foster care youth receive cash public assistance. This is five times the rate of the general population.

(e) Approximately twenty-five percent of former foster care youth are incarcerated at sometime after leaving foster care. This is four times the rate of incarceration for the general population. Of the former foster care youth who "age out" of foster care, twenty-seven percent of the males and ten percent of the females are incarcerated within twelve to eighteen months of leaving foster care.

(f) Female former foster care youth become sexually active more than seven months earlier than their nonfoster care counterparts, have more sexual partners, and have a mean age of first pregnancy of almost two years earlier than their peers who were not in foster care.

(2) The legislature intends to create the passport to college promise pilot program. The pilot program will initially operate for a six-year period, and will have two primary components, as follows:

(a) Significantly increasing outreach to foster care youth between the ages of fourteen and eighteen regarding the higher education opportunities available to them, how to apply to college, and how to apply for and obtain financial aid; and

(b) Providing financial aid to former foster care youth to assist with the costs of their public undergraduate college education.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the higher education coordinating board, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(2) "Emancipated from foster care" means a person who was a dependent of the state in accordance with chapter 13.34 RCW and who was receiving foster care in the state of Washington when he or she reached his or her eighteenth birthday.

(3) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(4) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges,

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and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) "Institution of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any independent college or university in Washington; or

(c) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the higher education coordinating board for the purposes of this section: PROVIDED, That any institution, branch, extension, or facility operating within the state of Washington that is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students.

(6) "Program" means the passport to college promise pilot program created in this chapter.

NEW SECTION. Sec. 3. The passport to college promise pilot program is created. The purpose of the program is:

(1) To encourage current and former foster care youth to prepare for, attend, and successfully complete higher education; and

(2) To provide current and former foster care youth with the educational planning, information, institutional support, and direct financial resources necessary for them to succeed in higher education.

NEW SECTION. Sec. 4. (1) The higher education coordinating board shall design and, to the extent funds are appropriated for this purpose, implement, a program of supplemental scholarship and student assistance for students who have emancipated from the state foster care system after having spent at least one year in care.

(2) The board shall convene and consult with an advisory committee to assist with program design and implementation. The committee shall include but not be limited to former foster care youth and their advocates; representatives from the state board for community and technical colleges, and from public and private agencies that assist current and former foster care recipients in their transition to adulthood; and student support specialists from public and private colleges and universities.

(3) To the extent that sufficient funds have been appropriated for this purpose, a student is eligible for assistance under this section if he or she:

(a) Emancipated from foster care on or after January 1, 2007, after having spent at least one year in foster care subsequent to his or her sixteenth birthday;

(b) Is a resident student, as defined in RCW 28B.15.012(2);

(c) Is enrolled with or will enroll on at least a half-time basis with an institution of higher education in Washington state by the age of twenty-one;

(d) Is making satisfactory academic progress toward the completion of a degree or certificate program, if receiving supplemental scholarship assistance;

(e) Has not earned a bachelor's or professional degree; and

(f) Is not pursuing a degree in theology.

(4) A passport to college scholarship under this section:

(a) Shall not exceed resident undergraduate tuition and fees at the highest-priced public institution of higher education in the state; and

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(b) Shall not exceed the student's financial need, less a reasonable self-help amount defined by the board, when combined with all other public and private grant, scholarship, and waiver assistance the student receives.

(5) An eligible student may receive a passport to college scholarship under this section for a maximum of five years after the student first enrolls with an institution of higher education or until the student turns age twenty-six, whichever occurs first. If a student turns age twenty-six during an academic year, and would otherwise be eligible for a scholarship under this section, the student shall continue to be eligible for a scholarship for the remainder of the academic year.

(6) The higher education coordinating board, in consultation with and with assistance from the state board for community and technical colleges, shall perform an annual analysis to verify that those institutions of higher education at which students have received a scholarship under this section have awarded the student all available need-based and merit-based grant and scholarship aid for which the student qualifies.

(7) In designing and implementing the passport to college student support program under this section, the board, in consultation with and with assistance from the state board for community and technical colleges, shall ensure that a participating college or university:

(a) Has a viable plan for identifying students eligible for assistance under this section, for tracking and enhancing their academic progress, for addressing their unique needs for assistance during school vacations and academic interims, and for linking them to appropriate sources of assistance in their transition to adulthood;

(b) Receives financial and other incentives for achieving measurable progress in the recruitment, retention, and graduation of eligible students.

NEW SECTION. Sec. 5. Effective operation of the passport to college promise pilot program requires early and accurate identification of former foster care youth so that they can be linked to the financial and other assistance that will help them succeed in college. To that end:

(1) All institutions of higher education that receive funding for student support services under section 4 of this act shall include on their applications for admission or on their registration materials a question asking whether the applicant has been in foster care in Washington state for at least one year since his or her sixteenth birthday. All other institutions of higher education are strongly encouraged to include such a question. No institution may consider whether an applicant may be eligible for a scholarship or student support services under this chapter when deciding whether the applicant will be granted admission.

(2) The department of social and health services shall devise and implement procedures for efficiently, promptly, and accurately identifying students and applicants who are eligible for services under section 4 of this act, and for sharing that information with the higher education coordinating board and with institutions of higher education. The procedures shall include appropriate safeguards for consent by the applicant or student before disclosure.

NEW SECTION. Sec. 6. (1) To the extent funds are appropriated for this purpose, the higher education coordinating board, with input from the state board for community and technical colleges, the foster care partnership, and institutions of higher education, shall develop and maintain an internet web site and outreach program to serve as a comprehensive portal for foster care youth in Washington state to obtain information regarding higher education including, but not necessarily limited to:

(a) Academic, social, family, financial, and logistical information important to successful postsecondary educational success;

(b) How and when to obtain and complete college applications;

(c) What college placement tests, if any, are generally required for admission to college and when and how to register for such tests;

(d) How and when to obtain and complete a federal free application for federal student aid (FAFSA); and

(e) Detailed sources of financial aid likely available to eligible former foster care youth, including the financial aid provided by this chapter.

(2) The board shall determine whether to design, build, and operate such program and web site directly or to use, support, and modify existing web sites created by government or nongovernmental entities for a similar purpose.

NEW SECTION. Sec. 7. (1) To the extent funds are appropriated for this purpose, the department of social and health services, with input from the state board for community and technical colleges, the higher education coordinating board, and institutions of higher education, shall contract with at least one nongovernmental entity through a request for proposals process to develop, implement, and administer a program of supplemental educational transition planning for youth in foster care in Washington state.

(2) The nongovernmental entity or entities chosen by the department shall have demonstrated success in working with foster care youth and assisting foster care youth in successfully making the transition from foster care to independent adulthood.

(3) The selected nongovernmental entity or entities shall provide supplemental educational transition planning to foster care youth in Washington state beginning at age fourteen and then at least every six months thereafter. The supplemental transition planning shall include:

(a) Comprehensive information regarding postsecondary educational opportunities including, but not limited to, sources of financial aid, institutional characteristics and record of support for former foster care youth, transportation, housing, and other logistical considerations;

(b) How and when to apply to postsecondary educational programs;

(c) What precollege tests, if any, the particular foster care youth should take based on his or her postsecondary plans and when to take the tests;

(d) What courses to take to prepare the particular foster care youth to succeed at his or her postsecondary plans;

(e) Social, community, educational, logistical, and other issues that frequently impact college students and their success rates; and

(f) Which web sites, nongovernmental entities, public agencies, and other foster care youth support providers specialize in which services.

(4) The selected nongovernmental entity or entities shall work directly with the school counselors at the foster care youths' high schools to ensure that a consistent and complete transition plan has been prepared for each foster care youth who emancipates out of the foster care system in Washington state.

NEW SECTION. Sec. 8. (1) The higher education coordinating board shall report to appropriate committees of the legislature by January 15, 2008, on the status of program design and implementation. The report shall include a discussion of proposed scholarship and student support service approaches; an estimate of the number of students who will receive such services; baseline information on the extent to which former foster care youth who meet the eligibility criteria in section 4 of this act have enrolled and persisted in postsecondary education; and recommendations for any statutory changes needed to promote achievement of program objectives.

(2) The state board for community and technical colleges and the higher education coordinating board shall monitor and analyze the extent to which eligible young people are increasing their participation, persistence, and progress in postsecondary education, and shall jointly submit a report on their findings to appropriate committees of the legislature by December 1, 2009, and by December 1, 2011.

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(3) The Washington state institute for public policy shall complete an evaluation of the passport to college promise pilot program and shall submit a report to appropriate committees of the legislature by December 1, 2012. The report shall estimate the impact of the program on eligible students' participation and success in postsecondary education, and shall include recommendations for program revision and improvement.

NEW SECTION. Sec. 9. Nothing in this chapter may be construed to:

(1) Guarantee acceptance by, or entrance into, any institution of higher education; or

(2) Limit the participation of youth, in or formerly in, foster care in Washington state in any other program of financial assistance for postsecondary education.

NEW SECTION. Sec. 10. This chapter expires June 30, 2013.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 28B RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1131.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "purpose;" strike the remainder of the title and insert "adding a new chapter to Title 28B RCW; and providing an expiration date."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1131 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin, Kilmer and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1131 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators McCaslin and Morton - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1456, by House Committee on Appropriations (originally sponsored by Representatives Green, Hinkle, Appleton, Cody, Moeller, Strow, Crouse, Curtis, Seaquist, Jarrett, Hasegawa, Walsh, P. Sullivan, Buri, Simpson, O'Brien, Lantz, Hunt, McDonald, Sells, Schual-Berke, Linville, Kessler, Hankins, Haler, Skinner, Campbell, Morrell, Darneille, Armstrong, Dunshee, Fromhold, Kagi, Williams, Conway, Barlow, Grant, Priest, Dunn, Hunter, Hurst, Ericks, Pearson, Anderson, Clibborn, Pettigrew, Flannigan, Lovick, Dickerson, Kenney, Ormsby, Haigh, Wood, Rolfes, Santos and McDermott)

Providing backup for mental health professionals doing home visits.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1456 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove and Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Regala, Senators Brown, Poulsen and Prentice were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1456.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1456 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Brown, Poulsen, Prentice and Zarelli - 4

SUBSTITUTE HOUSE BILL NO. 1456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1501, by Representatives Wood, Conway, Williams, Chase, Kenney and Moeller

Concerning adjustments to industrial insurance total disability compensation reductions.

The measure was read the second time.

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MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1501 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Cements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1501.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1501 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Brown, Poulsen, Prentice and Zarelli - 4

HOUSE BILL NO. 1501, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1565, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Dickerson and Kenney)

Revising provisions relating to public access to child in need of services and at-risk youth hearings.

The measure was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1565 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1565.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1565 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Excused: Senators Brown, Poulsen, Prentice and Zarelli - 4

SUBSTITUTE HOUSE BILL NO. 1565, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 11:58 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:17 p.m. by President Owen.

SECOND READING

ENGROSSED HOUSE BILL NO. 1667, by Representatives Green, Cody, Morrell, Ormsby, Moeller and Simpson

Regarding fairness and equity in health professions licensing fees.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. By January 1, 2008, the department of health shall submit to the appropriate policy and fiscal committees of the legislature an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the evaluation shall determine whether these economic benefits exceed the state expenditures to subsidize the cost of the licensing and regulatory program under RCW 43.70.250. The report may also examine the effectiveness of a credentialing surcharge to (1) reduce the variation in levels of credentialing fees paid by health care providers regulated by the department, (2) provide greater equity in credentialing fee amounts, and (3) increase the number of health care providers in those professions. This section expires on January 1, 2008." On page 1, line 2 of the title, strike "amending RCW 43.70.250;"

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1667.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following striking amendment by Senators Oemig and Pridemore be adopted:

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. By January 1, 2008, the department of health shall submit to the appropriate policy and fiscal committees of the legislature an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. Furthermore, the study shall identify the reasons for the high per-licensee costs of the midwifery licensure and regulatory program. To the extent such costs are the result of department of health investigations of midwives, the study shall identify the nature of the initiating complainant (including categories such as birth parent, other family members, other licensed midwives, certified midwives, obstetricians, gynecologists, other health care professional, paramedics, and department of health) for each investigation conducted during the previous three years, and whether the birth parents supported or opposed the investigation. The department shall identify the outcome and estimated costs of each such investigation, the average cost to the defending midwife of the investigations, and for the midwives whose licenses were not revoked, whether the midwife elected to continue seeking licensure in the subsequent two years.

The report may also examine the effectiveness of a health professions credentialing surcharge to (1) reduce the variation in levels of credentialing fees paid by health care providers regulated by the department, (2) provide greater equity in credentialing fee amounts, and (3) increase the number of health care providers in those professions. This section expires on January 1, 2008."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Oemig and Pridemore to Engrossed House Bill No. 1667.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, strike "amending RCW 43.70.250;"

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed House Bill No. 1667 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Carrell, Roach and Zarelli were excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1667 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1667 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 45

Absent: Senators McAuliffe and Prentice - 2

Excused: Senators Poulsen and Zarelli - 2

ENGROSSED HOUSE BILL NO. 1667 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1098, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace)

Authorizing suspension of restriction on the availability of vaccines during outbreaks.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95M.115 and 2006 c 231 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of ((a public health emergency)) an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the ((emergency)) outbreak or shortage.

(4) A person who is known to be pregnant or a parent or legal guardian of a child under three years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than

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the mercury limits per dose in subsections (1) and (2) of this section.

(5) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

On page 1, line 1 of the title, after "outbreaks;" strike the remainder of the title and insert "and amending RCW 70.95M.115."

MOTION

Senator Oemig moved that the following amendment by Senators Oemig and Rasmussen to the committee striking amendment be adopted.

On page 1, beginning on line 19 of the amendment, after "(4)" strike all material through "section" on line 23, and insert "Any person who is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section shall be informed before receiving such a vaccine or injection"

Senators Oemig, Roach, Rasmussen, Fairley, Pflug spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Keiser, Franklin spoke against the amendment to the committee striking amendment.

POINT OF ORDER

Senator Keiser: "Mr. President, I believe that the amendment before us is beyond the scope and object of the bill which does deal with 'An act relating to vaccines during outbreaks'"

Senator Oemig spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute House Bill No. 1098 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1084, by Representatives Blake, VanDeWege, Kessler, Takko, Morrell, Curtis, Eickmeyer, Moeller, McCoy, Pettigrew, Haigh, Simpson, Lantz, Upthegrove, B. Sullivan, Linville, Hunt, Conway, Kenney, Wallace and Santos

Designating the Lady Washington as the official ship of the state of Washington.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fairley, Hatfield and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1084.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1084 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 44

Voting nay: Senator Kilmer - 1

Excused: Senators Brown, Poulsen, Pridemore and Zarelli - 4

HOUSE BILL NO. 1084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mr. Les Bolton, Captain of the Lady Washington and Executive Director to the Grays Harbor Historical Seaport Authority who were seated in the gallery.

PERSONAL PRIVILEGE

Senator Brandland: "Last night I wanted to raise a point of personal privilege and we ran out of time. Yesterday was a pretty important event for me, a pretty important time in my life because on April 10, 1970, I walked into Denny's Restaurant and met my bride. I kind of get choked up talking about this, stuff even after thirty-seven years. I'd like you to know though she didn't like me at first, you don't either I know. There's another well-kept secret that I have not told many people about but when I went to meet her father he called me a stringbean. I can't say that I can use that sort of label anymore. Anyway, this is a very, very special time for me. This is a very, very special lady for me and I just wanted to let you all know about it."

SECOND READING

HOUSE BILL NO. 1416, by Representatives Grant, Chandler, Linville, Newhouse, Warnick and VanDeWege

Extending an asparagus exception to the standards for fruits and vegetables.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1416.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1416 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Poulsen and Pridemore - 3

HOUSE BILL NO. 1416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215, by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Sells, Buri, Hunt and Wood)

Eliminating prohibitions on the investment of certain state moneys.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Joint Resolution No. 4215 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Fraser, Schoesler and Marr spoke in favor of passage of the resolution.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Substitute House Joint Resolution No. 4215.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Resolution No. 4215 and the resolution passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, McAuliffe, Poulsen and Pridemore - 4

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1784, by House Committee on Capital Budget (originally sponsored by Representatives Kenney, Sells, Buri and Wood)

Eliminating limitations on the investment of certain state moneys.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1784 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1784.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1784 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Poulsen and Pridemore - 2

SUBSTITUTE HOUSE BILL NO. 1784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:10 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:26 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5336,
 SUBSTITUTE SENATE BILL NO. 5445,
 SUBSTITUTE SENATE BILL NO. 5972,
 SUBSTITUTE SENATE BILL NO. 5984
 SENATE JOINT RESOLUTION NO. 8212,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

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MESSAGE FROM THE HOUSE

Modifying privileged communications provisions.

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The measure was read the second time.

MR. PRESIDENT:

The House has passed the following bills:
 SENATE BILL NO. 6014,
 SUBSTITUTE SENATE BILL NO. 5676,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, by House Committee on Commerce & Labor (originally sponsored by Representatives Simpson, Conway and Ormsby)

Requiring certification for sprinkler fitters.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1968 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

Senator Clements spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1968.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1968 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Tom and Weinstein - 34

Voting nay: Senators Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Swecker and Zarelli - 13

Absent: Senators Haugen and Murray - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1939, by Representatives Goodman, Warnick, Rodne, Williams, Priest, Moeller, B. Sullivan, Cody, Chase, Pedersen, Lantz and Hinkle

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1939 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1939.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1939 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senators Haugen and Murray - 2

HOUSE BILL NO. 1939, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Haugen and Murray were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1039, by House Committee on Select Committee on Environmental Health (originally sponsored by Representatives B. Sullivan, Kenney and Chase)

Allowing the department of ecology to issue opinions for a portion of a facility under the model toxics control act.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 1039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1039.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1039 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser,

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Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Benton, the notice by Senator Benton to reconsider the vote by which House Bill No. 1166 pass the Senate was withdrawn.

MOTION

On motion of Senator Eide, House Bill No. 1166 was immediately transmitted to the House of Representatives.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Appropriations (originally sponsored by Representatives Moeller, Wallace, Linville, Wood and Dickerson)

Establishing work groups to periodically review and update the child support schedule.

The measure was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1009 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1009.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1009 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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HOUSE BILL NO. 1666, by Representatives Green, Conway, Morrell, Cody, Ormsby, Schual-Berke, Moeller and Simpson

Repealing the expiration provision in the act authorizing nurse practitioners to treat those covered by industrial insurance.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1666 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1666.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1666 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1338, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives P. Sullivan, Newhouse, B. Sullivan and Santos)

Authorizing the Washington beer commission to receive gifts, grants, and endowments.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 1338 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1338.

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ROLL CALL

The measure was read the second time.

The Secretary called the roll on the final passage of Substitute House Bill No. 1338 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1645, by Representatives Pedersen, Curtis, Schual-Berke, Ormsby and Moeller

Authorizing the administrator of the health care authority to administer grants on behalf of the authority.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 1645 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1645.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1645 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake)

Authorizing department of fish and wildlife employees to sample fish, wildlife, and shellfish.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends that sampling of fish, wildlife, and shellfish by department of fish and wildlife employees will ensure the conservation and management of fish, shellfish, and wildlife. Because the harvest of fish and wildlife is regulated by the department, the legislature finds that sampling by departmental employees will benefit the resource, and will further the department's research related to fish, wildlife, and shellfish. This section and section 2 of this act do not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

(1) Department employees, in carrying out their duties under this title on public lands or state waters, may:

(a) Collect samples of tissue, fluids, or other bodily parts of fish, wildlife, or shellfish; or

(b) Board vessels in state waters engaged in commercial and recreational harvest activities to collect samples of fish, wildlife, or shellfish.

(i) Department employees shall ask permission from the owner or his or her agent before boarding vessels in state waters.

(ii) If an employee of the department is denied access to any vessel where access was sought for the purposes of (b) of this subsection, the department employee may contact an enforcement officer for assistance in applying for a search warrant authorizing access to the vessel in order to carry out the department employee's duties under this section.

(2) Department employees must have official identification, announce their presence and intent, and perform their duties in a safe and professional manner while carrying out the activities in this section.

(3) This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(4) This section does not apply to fish and wildlife officers and ex officio fish and wildlife officers carrying out their duties under this title.

Sec. 3. RCW 77.15.360 and 2000 c 107 s 243 are each amended to read as follows:

(1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft; or

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under section 2 of this act.

(2) Unlawful interfering in department operations is a gross misdemeanor.

Sec. 4. RCW 77.15.568 and 2003 c 336 s 1 are each amended to read as follows:

~~((Since violation of rules of the department relating to the accounting of the commercial harvest of food fish, commercialized game fish, and shellfish result in damage to the resources of the state, persons selling such fish and shellfish at retail, including but not limited to stores, markets, and restaurants, must maintain sufficient records for the department to be able to ascertain the origin of the fish and shellfish in their possession.~~

~~(1) A retail fish seller is guilty of retail fish seller's failure to account for commercial harvest if the retail seller sells fish or~~

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~~shellfish at retail, the fish or shellfish were required to be entered on a Washington state fish receiving ticket, the seller is not a wholesale fish dealer or fisher selling under a direct retail sale endorsement, and the seller fails to maintain sufficient records at the location where the fish or shellfish are being sold to determine the following:~~

~~—(a) The name of the wholesale fish dealer or fisher selling under a direct retail sale endorsement from whom the fish were purchased;~~

~~—(b) The wholesale fish dealer's license number or the number of the fisher's sale under a direct retail sale endorsement;~~

~~—(c) The fish receiving ticket number documenting original receipt, if known;~~

~~—(d) The date of purchase; and~~

~~—(e) The amount of fish or shellfish originally purchased from the wholesale dealer or fisher selling under a direct retail sale endorsement.~~

~~—(2) A retail fish seller's failure to account for commercial harvest is a misdemeanor.)~~

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section does not apply to a wholesale fish dealer, a fisher selling under a direct retail sale endorsement, or a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1646.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 77.15.360 and 77.15.568; adding a new section to chapter 77.12 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1646 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1646 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1646 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist, Honeyford and Sheldon - 3

SUBSTITUTE HOUSE BILL NO. 1646 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2115, by House Committee on Capital Budget (originally sponsored by Representatives Newhouse, Lantz, B. Sullivan, Hailey, Grant, VanDeWege, Warnick, Kelley, Pedersen, Appleton, Quall, Seaquist, Hunt, Simpson, McDermott and Ormsby)

Creating the heritage barn preservation program.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that historic barns are essential symbols of Washington's heritage representing a pioneering spirit of industriousness. Important for their association with broad patterns of agricultural history and community development and as examples of distinct architectural styles and methods of construction, historic barns

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serve as highly visible icons for local residents and visitors alike. The legislature acknowledges that factors such as changes in the agricultural economy and farming technologies, prohibitive rehabilitation costs, development pressures, and regulations restricting new uses, collectively work to endanger historic barns statewide and contribute to their falling into decay or being demolished altogether.

As historic barns represent irreplaceable resources, and recognizing that barn preservation will work to retain these structures as functional and economically viable elements of working lands, the purpose of this act is to create a system acknowledging heritage barns statewide that provides emergency assistance to heritage barn owners through matching grants, assesses the need for long-term barn preservation, and considers additional incentives and regulatory revisions that work toward the preservation of heritage barns as integral components of Washington's historic landscapes.

NEW SECTION. Sec. 2. (1) The Washington state heritage barn preservation program is created in the department.

(2) The director, in consultation with the heritage barn preservation advisory board, shall conduct a thematic study of Washington state's barns. The study shall include a determination of types, an assessment of the most unique and significant barns in the state, and a condition and needs assessment of historic barns in the state.

(3)(a) The department, in consultation with the heritage barn preservation advisory board, shall establish a heritage barn recognition program. To apply for recognition as a heritage barn, the barn owner shall supply to the department photos of the barn, photos of the farm and surrounding landscape, a brief history of the farm, and a construction date for the barn.

(b) Three times a year, the governor's advisory council on historic places shall review the list of barns submitted by the department for formal recognition as a heritage barn.

(4) Eligible applicants for heritage barn preservation fund awards include property owners, nonprofit organizations, and local governments.

(5) To apply for support from the heritage barn preservation fund, an applicant must submit an application to the department in a form prescribed by the department. Applicants must provide at least fifty percent of the cost of the project through in-kind labor, the applicant's own moneys, or other funding sources.

(6) The following types of projects are eligible for funding:

(a) Stabilization of endangered heritage barns and related agricultural buildings, including but not limited to repairs to foundations, sills, windows, walls, structural framework, and the repair and replacement of roofs; and

(b) Work that preserves the historic character, features, and materials of a historic barn.

(7) In making awards, the advisory board shall consider the following criteria:

(a) Relative historical and cultural significance of the barn;

(b) Urgency of the threat and need for repair;

(c) Extent to which the project preserves historic character and extends the useful life of the barn or associated agricultural building;

(d) Visibility of the barn from a state designated scenic byway or other publicly traveled way;

(e) Extent to which the project leverages other sources of financial assistance;

(f) Provision for long-term preservation;

(g) Readiness of the applicant to initiate and complete the project; and

(h) Extent to which the project contributes to the equitable geographic distribution of heritage barn preservation fund awards across the state.

(8) In awarding funds, special consideration shall be given to barns that are:

(a) Still in agricultural use;

(b) Listed on the national register of historic places; or

(c) Outstanding examples of their type or era.

(9) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the heritage barn preservation program.

(a) Recipients must execute a contract with the department before commencing work. The contract must include a historic preservation easement for between five to fifteen years depending on the amount of the award. The contract must specify public benefit and minimum maintenance requirements.

(b) Recipients must proactively maintain their historic barn for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year.

(10) All work must comply with the United States secretary of the interior's standards for the rehabilitation of historic properties; however, exceptions may be made for the retention or installation of metal roofs on a case-by-case basis.

(11) The heritage barn preservation fund shall be acknowledged on any materials produced and in publicity for the project. A sign acknowledging the fund shall be posted at the worksite for the duration of the preservation agreement.

(12) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided by the department in writing.

(13) If a recipient of a heritage barn preservation fund award, or subsequent owner of a property that was assisted by the fund, takes any action within ten years of the funding award with respect to the assisted property such as dismantlement, removal, or substantial alteration, which causes it to be no longer eligible for listing in the Washington heritage register, the fund shall be repaid in full within one year.

NEW SECTION. Sec. 3. (1) The director shall establish a Washington state heritage barn preservation advisory board that includes:

(a) Two members representing owners of heritage barns nominated by recognized agricultural organizations;

(b) The chair of the advisory council, or the chair's designee;

(c) A representative of a statewide historic preservation organization;

(d) A representative of a county heritage commission that is recognized by the department as a certified local government;

(e) Two elected county officials, one appointed by the Washington state association of counties and one appointed by the Washington association of county officials;

(f) A representative of a private foundation with an interest in the preservation of barns;

(g) A representative of a land trust that is experienced with easements; and

(h) At least one at-large member with appropriate expertise in barn architecture, architectural history, construction, engineering, or a related field.

(2) The director may invite representatives of federal agencies that have barn preservation programs or expertise to participate on the advisory board, who shall serve as ex-officio members.

(3) The director shall work to assure that the advisory board members are from diverse geographic regions of the state. The director may serve as chair, or appoint a person to serve as chair.

(4) The advisory board shall provide advice to the director regarding:

(a) The criteria for designation of heritage barns;

(b) The criteria for determining eligibility for grant funds including contracting provisions between the department and grant recipients. In developing this criteria, the department and the advisory board shall consult with the state attorney general; and

(c) The criteria for awarding grants for barn rehabilitation.

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(5) The advisory board shall examine regulatory issues that impose constraints on the ability to use heritage barns for contemporary economically productive purposes including building and land use codes.

(6) By December 1, 2010, the department shall provide a final report to appropriate committees of the legislature that summarizes the accomplishments of the program, addresses regulatory issues examined under subsection (5) of this section, and makes final recommendations.

(7) This section expires December 31, 2010.

NEW SECTION. Sec. 4. (1) The heritage barn preservation fund is created as an account in the state treasury. All receipts from appropriations and private sources must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to provide assistance to owners of heritage barns in Washington state in the stabilization and restoration of their barns so that these historic properties may continue to serve the community.

(2) The department shall minimize the amount of funds that are used for program administration, which shall include consultation with the department of general administration's barrier-free facilities program for input regarding accessibility for people with disabilities where public access to historic barns is permitted.

(3) The primary public benefit of funding through the heritage barn preservation program is the preservation and enhancement of significant historic properties that provide economic benefit to the state's citizens and enrich communities throughout the state.

Sec. 5. RCW 27.34.020 and 2005 c 333 s 13 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Advisory council" means the advisory council on historic preservation.

(2) "Department" means the department of archaeology and historic preservation.

(3) "Director" means the director of the department of archaeology and historic preservation.

(4) "Federal act" means the national historic preservation act of 1966 (Public Law 89-655; 80 Stat. 915).

(5) "Heritage barn" means any large agricultural outbuilding used to house animals, crops, or farm equipment, that is over fifty years old and has been determined by the department to: (a) Be eligible for listing on the Washington heritage register or the national register of historic places; or (b) have been listed on a local historic register and approved by the advisory council. In addition to barns, "heritage barn" includes agricultural resources such as milk houses, sheds, silos, or other outbuildings, that are historically associated with the working life of the farm or ranch, if these outbuildings are on the same property as a heritage barn.

(6) "Heritage council" means the Washington state heritage council.

~~((6))~~ (7) "Historic preservation" includes the protection, rehabilitation, restoration, identification, scientific excavation, and reconstruction of districts, sites, buildings, structures, and objects significant in American and Washington state history, architecture, archaeology, or culture.

~~((7))~~ (8) "Preservation officer" means the state historic preservation officer as provided for in RCW 43.334.020.

~~((8))~~ (9) "Project" means programs leading to the preservation for public benefit of historical properties, whether by state and local governments or other public bodies, or private organizations or individuals, including the acquisition of title or interests in, and the development of, any district, site, building, structure, or object that is significant in American and Washington state history, architecture, archaeology, or culture, and property used in connection therewith, or for its development.

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~~((9))~~ (10) "State historical agencies" means the state historical societies and the department.

~~((10))~~ (11) "State historical societies" means the Washington state historical society and the eastern Washington state historical society.

~~((11))~~ (12) "Cultural resource management plan" means a comprehensive plan which identifies and organizes information on the state of Washington's historic, archaeological, and architectural resources into a set of management criteria, and which is to be used for producing reliable decisions, recommendations, and advice relative to the identification, evaluation, and protection of these resources.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 7. Sections 2 through 4 of this act are each added to chapter 27.34 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 2115.

The motion by Senator Rasmussen carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2115 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2115 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2115 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 46

Voting nay: Senators Tom and Weinstein - 2

Excused: Senator Kastama - 1

SUBSTITUTE HOUSE BILL NO. 2115 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008, by House Committee on Judiciary (originally sponsored by Representatives Moeller, Lovick, Kagi, Cody, Appleton, Conway, Morrell, Kenney, Simpson, B. Sullivan, Goodman and Lantz)

RCW, residential habilitation centers; or any other facility licensed by the department.

Protecting vulnerable adults.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

The measure was read the second time.

(7) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

MOTION

(8) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

~~((8))~~ (9) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.34.020 and 2006 c 339 s 109 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(10) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

~~((9))~~ (11) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

~~((10))~~ (12) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

~~((11))~~ (13) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

~~((12))~~ (14) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

~~((13))~~ (15) "Vulnerable adult" includes a person:

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(b) Found incapacitated under chapter 11.88 RCW; or

(4) "Department" means the department of social and health services.

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20

(d) Admitted to any facility; or

(e) Receiving services from an individual provider.

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Sec. 2. RCW 74.34.067 and 1999 c 176 s 9 are each amended to read as follows:

(1) Where appropriate, an investigation by the department may include a private interview with the vulnerable adult regarding the alleged abandonment, abuse, financial exploitation, neglect, or self-neglect.

(2) In conducting the investigation, the department shall interview the complainant, unless anonymous, and shall use its best efforts to interview the vulnerable adult or adults harmed, and, consistent with the protection of the vulnerable adult shall interview facility staff, any available independent sources of relevant information, including if appropriate the family members of the vulnerable adult.

(3) The department may conduct ongoing case planning and consultation with: (a) Those persons or agencies required to report under this chapter or submit a report under this chapter; (b) consultants designated by the department; and (c) designated representatives of Washington Indian tribes if client information exchanged is pertinent to cases under investigation or the provision of protective services. Information considered privileged by statute and not directly related to reports required by this chapter must not be divulged without a valid written waiver of the privilege.

(4) The department shall prepare and keep on file a report of each investigation conducted by the department for a period of time in accordance with policies established by the department.

(5) If the department ~~((determines))~~ has reason to believe that the vulnerable adult has suffered from abuse, neglect, self-neglect, abandonment, or financial exploitation, and lacks the ability or capacity to consent, and needs the protection of a guardian, the department may bring a guardianship action under chapter 11.88 RCW ~~((as an interested person))~~.

(6) When the investigation is completed and the department determines that an incident of abandonment, abuse, financial exploitation, neglect, or self-neglect has occurred, the department shall inform the vulnerable adult of their right to refuse protective services, and ensure that, if necessary, appropriate protective services are provided to the vulnerable adult, with the consent of the vulnerable adult. The vulnerable adult has the right to withdraw or refuse protective services.

(7) The department may photograph a vulnerable adult or their environment for the purpose of providing documentary evidence of the physical condition of the vulnerable adult or his or her environment. When photographing the vulnerable adult, the department shall obtain permission from the vulnerable adult or his or her legal representative unless immediate photographing is necessary to preserve evidence. However, if the legal representative is alleged to have abused, neglected, abandoned, or exploited the vulnerable adult, consent from the legal representative is not necessary. No such consent is necessary when photographing the physical environment.

(8) When the investigation is complete and the department determines that the incident of abandonment, abuse, financial exploitation, or neglect has occurred, the department shall inform the facility in which the incident occurred, consistent with confidentiality requirements concerning the vulnerable adult, witnesses, and complainants.

Sec. 3. RCW 74.34.110 and 1999 c 176 s 12 are each amended to read as follows:

An action known as a petition for an order for protection of a vulnerable adult in cases of abandonment, abuse, financial exploitation, or neglect is created.

(1) A vulnerable adult, or interested person on behalf of the vulnerable adult, may seek relief from abandonment, abuse, financial exploitation, or neglect, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner, or person on whose behalf the petition is brought, is a vulnerable adult and that the petitioner, or person on whose behalf the petition is brought, has been abandoned, abused, financially exploited, or

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neglected, or is threatened with abandonment, abuse, financial exploitation, or neglect by respondent.

(3) A petition shall be accompanied by affidavit made under oath, or a declaration signed under penalty of perjury, stating the specific facts and circumstances which demonstrate the need for the relief sought. If the petition is filed by an interested person, the affidavit or declaration must also include a statement of why the petitioner qualifies as an interested person.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action ~~((between the parties))~~ pending that relates to the issues presented in the petition for an order for protection.

(5) Within ninety days of receipt of the master copy from the administrative office of the courts, all court clerk's offices shall make available the standardized forms and instructions required by section 4 of this act.

(6) Any assistance or information provided by any person, including, but not limited to, court clerks, employees of the department, and other court facilitators, to another to complete the forms provided by the court in subsection (5) of this section does not constitute the practice of law.

(7) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

~~((6))~~ (8) An action under this section shall be filed in the county where the ~~((petitioner))~~ vulnerable adult resides; except that if the ~~((petitioner))~~ vulnerable adult has left or been removed from the residence as a result of abandonment, abuse, financial exploitation, or neglect, or in order to avoid abandonment, abuse, financial exploitation, or neglect, the petitioner may bring an action in the county of either the vulnerable adult's previous or new residence.

~~((7))~~ The filing fee for the petition may be waived at the discretion of the court.

(9) No filing fee may be charged to the petitioner for proceedings under this section. Standard forms and written instructions shall be provided free of charge.

NEW SECTION. Sec. 4. A new section is added to chapter 74.34 RCW to read as follows:

(1) The administrative office of the courts shall develop and prepare standard petition, temporary order for protection, and permanent order for protection forms, a standard notice form to provide notice to the vulnerable adult if the vulnerable adult is not the petitioner, instructions, and a court staff handbook on the protection order process. The standard petition and order for protection forms must be used after October 1, 2007, for all petitions filed and orders issued under this chapter. The administrative office of the courts, in preparing the instructions, forms, notice, and handbook, may consult with attorneys from the elder law section of the Washington state bar association, judges, the department, the Washington protection and advocacy system, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of the standard petition and order for protection forms.

(b) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order.

(c) The standard notice form shall be designed to explain to the vulnerable adult in clear, plain language the purpose and nature of the petition and that the vulnerable adult has the right to participate in the hearing and to either support or object to the petition.

(2) The administrative office of the courts shall distribute a master copy of the standard forms, instructions, and court staff handbook to all court clerks and shall distribute a master copy of the standard forms to all superior, district, and municipal courts.

(3) The administrative office of the courts shall determine the significant non-English-speaking or limited-English-speaking populations in the state. The administrator shall then arrange for translation of the instructions required by this section, which shall contain a sample of the standard forms, into

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the languages spoken by those significant non-English-speaking populations, and shall distribute a master copy of the translated instructions to all court clerks by December 31, 2007.

(4) The administrative office of the courts shall update the instructions, standard forms, and court staff handbook when changes in the law make an update necessary. The updates may be made in consultation with the persons and entities specified in subsection (1) of this section.

(5) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

Sec. 5. RCW 74.34.120 and 1986 c 187 s 6 are each amended to read as follows:

(1) The court shall order a hearing on a petition under RCW 74.34.110 not later than fourteen days from the date of filing the petition.

(2) Personal service shall be made upon the respondent not less than ~~((five))~~ six court days before the hearing. When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.

(3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be personally served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under section 4 of this act. When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.

(4) If timely service under subsections (2) and (3) of this section cannot be made, the court ~~((may set a new hearing date))~~ shall continue the hearing date until the substitute service approved by the court has been satisfied.

(5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.

(b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.

Sec. 6. RCW 74.34.130 and 2000 c 119 s 27 and 2000 c 51 s 2 are each reenacted and amended to read as follows:

The court may order relief as it deems necessary for the protection of the ~~((petitioner))~~ vulnerable adult, including, but not limited to the following:

(1) Restraining respondent from committing acts of abandonment, abuse, neglect, or financial exploitation against the vulnerable adult;

(2) Excluding the respondent from ~~((petitioner's))~~ the vulnerable adult's residence for a specified period or until further order of the court;

(3) Prohibiting contact with the vulnerable adult by respondent for a specified period or until further order of the court;

(4) Prohibiting the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

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(5) Requiring an accounting by respondent of the disposition of ~~((petitioner's))~~ the vulnerable adult's income or other resources;

(6) Restraining the transfer of the respondent's and/or vulnerable adult's property for a specified period not exceeding ninety days; and

(7) Requiring the respondent to pay ~~((the))~~ a filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed ~~((one year))~~ five years. The clerk of the court shall enter any order for protection issued under this section into the judicial information system.

Sec. 7. RCW 74.34.145 and 2000 c 119 s 2 are each amended to read as follows:

(1) An order for protection of a vulnerable adult issued under this chapter which restrains the respondent or another person from committing acts of abuse, prohibits contact with the ~~((petitioner))~~ vulnerable adult, excludes the person from any specified location, or prohibits the person from coming within a specified distance from a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(2) Whenever an order for protection of a vulnerable adult is issued under this chapter, and the respondent or person to be restrained knows of the order, a violation of a provision restraining the person from committing acts of abuse, prohibiting contact with the ~~((petitioner))~~ vulnerable adult, excluding the person from any specified location, or prohibiting the person from coming within a specified distance of a location, shall be punishable under RCW 26.50.110, regardless of whether the person is a family or household member as defined in RCW 26.50.010.

Sec. 8. RCW 74.34.150 and 1986 c 187 s 9 are each amended to read as follows:

The department of social and health services, in its discretion, may seek relief under RCW 74.34.110 through 74.34.140 on behalf of and with the consent of any vulnerable adult. When the department has reason to believe a vulnerable adult lacks the ability or capacity to consent, the department, in its discretion, may seek relief under RCW 74.34.110 through 74.34.140 on behalf of the vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for ~~((failure))~~ seeking or failing to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 74.34 RCW to read as follows:

(1) When a petition for protection under RCW 74.34.110 is filed by someone other than the vulnerable adult or the vulnerable adult's full guardian over either the person or the estate, or both, and the vulnerable adult for whom protection is sought advises the court at the hearing that he or she does not want all or part of the protection sought in the petition, then the court may dismiss the petition or the provisions that the vulnerable adult objects to and any protection order issued under RCW 74.34.120 or 74.34.130, or the court may take additional testimony or evidence, or order additional evidentiary hearings to determine whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order. If an additional evidentiary hearing is ordered and the court determines that there is reason to believe that there is a genuine issue about whether the vulnerable adult is unable to protect his or her person or estate in connection with the issues raised in the petition or order, the court may issue a temporary order for protection of the vulnerable adult pending a decision after the evidentiary hearing.

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(2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition. Notice of the time and place of the evidentiary hearing shall be personally served upon the vulnerable adult and the respondent not less than six court days before the hearing. When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained. If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be fully incapacitated over either the person or the estate, or both, under the guardianship laws, chapter 11.88 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

(3) At the hearing scheduled by the court, the court shall give the vulnerable adult, the respondent, the petitioner, and in the court's discretion other interested persons, the opportunity to testify and submit relevant evidence.

(4) If the court determines that the vulnerable adult is capable of protecting his or her person or estate in connection with the issues raised in the petition, and the individual continues to object to the protection order, the court shall dismiss the order or may modify the order if agreed to by the vulnerable adult. If the court determines that the vulnerable adult is not capable of protecting his or her person or estate in connection with the issues raised in the petition or order, and that the individual continues to need protection, the court shall order relief consistent with RCW 74.34.130 as it deems necessary for the protection of the vulnerable adult. In the entry of any order that is inconsistent with the expressed wishes of the vulnerable adult, the court's order shall be governed by the legislative findings contained in RCW 74.34.005.

NEW SECTION. Sec. 10. A new section is added to chapter 74.34 RCW to read as follows:

Any vulnerable adult who has not been adjudicated fully incapacitated under chapter 11.88 RCW, or the vulnerable adult's guardian, at any time subsequent to entry of a permanent protection order under this chapter, may apply to the court for an order to modify or vacate the order. In a hearing on an application to dismiss or modify the protection order, the court shall grant such relief consistent with RCW 74.34.110 as it deems necessary for the protection of the vulnerable adult, including dismissal or modification of the protection order.

Sec. 11. RCW 74.34.210 and 1995 1st sp.s. c 18 s 86 are each amended to read as follows:

A petition for an order for protection ~~((or))~~ may be brought by the vulnerable adult, the vulnerable adult's guardian or legal fiduciary, the department, or any interested person as defined in RCW 74.34.020. An action for damages under this chapter may be brought by the ~~((plaintiff))~~ vulnerable adult, or where necessary, by his or her family members and/or guardian or legal fiduciary ~~((, or as otherwise provided under this chapter))~~. The death of the ~~((plaintiff))~~ vulnerable adult shall not deprive the court of jurisdiction over a petition or claim brought under this chapter. Upon petition, after the death of the vulnerable ~~((person))~~ adult, the right to initiate or maintain the action shall be transferred to the executor or administrator of the deceased, for recovery of all damages for the benefit of the ((surviving spouse, child or children, or other heirs)) deceased person's beneficiaries set forth in chapter 4.20 RCW or if there are no beneficiaries, then for recovery of all economic losses sustained by the deceased person's estate."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to Engrossed Substitute House Bill No. 1008.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 74.34.020, 74.34.067, 74.34.110, 74.34.120, 74.34.145, 74.34.150, and 74.34.210; reenacting and amending RCW 74.34.130; and adding new sections to chapter 74.34 RCW."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kline and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1008 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kastama - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Delvin: "could you clarify that the two display boards on both sides of the chambers are kept up to date on what motion we're at and everything. Just so we know we're accurate when those things display that for the members. That that's where we are in the order of things."

REPLY BY THE PRESIDENT

President Owen: "The President believes that they have been. Do you want me to clarify it? Ok, they are being kept up."

MOTION

At 5:34 p.m., on motion of Senator Eide, the Senate was recessed until 6:30 p.m.

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MOTION

The Senate was called to order at 6:30 p.m. by President Owen.

SECOND READING

HOUSE BILL NO. 2004, by Representatives Rolfes, Armstrong, Eddy, Appleton, Clibborn and Jarrett

Providing comprehensive membership of significant jurisdictions on the executive board of regional transportation planning organizations.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.80.060 and 2005 c 334 s 1 are each amended to read as follows:

In order to qualify for state planning funds available to regional transportation planning organizations, the regional transportation planning organizations containing any county with a population in excess of one million shall provide voting membership on its executive board to the state transportation commission, the state department of transportation, ~~((and))~~ the four largest public port districts within the region as determined by gross operating revenues, any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and any incorporated city within the region with a population in excess of eighty thousand. It shall further assure that at least fifty percent of the county and city local elected officials who serve on the executive board also serve on transit agency boards or on a regional transit authority."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 2004.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "organizations;" strike the remainder of the title and insert "and amending RCW 47.80.060."

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 2004 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Murray and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senators Carrell and Delvin were excused.

On motion of Senator Regala, Senator Hargrove was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2004 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2004 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom and Weinstein - 41

Voting nay: Senators Haugen, Murray and Shin - 3

Absent: Senators Brown, Poulsen and Zarelli - 3

Excused: Senators Delvin and Hargrove - 2

HOUSE BILL NO. 2004 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen was excused.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1811, by House Committee on Finance (originally sponsored by Representatives Pedersen, Simpson, Wood, Moeller and Quall)

Regarding automatic sprinkler systems in nightclubs.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.27.500 and 2005 c 148 s 1 are each amended to read as follows:

~~((by December 1, 2005;))~~ (1) The building code council shall adopt rules requiring that all nightclubs be provided with an automatic sprinkler system. Rules adopted by the council shall consider applicable nationally recognized fire and building code standards and local conditions and require that the automatic sprinkler systems be installed by December 1, 2009.

~~((By December 15, 2005;))~~ (2) The council shall transmit to the fire protection policy board copies of the rules as adopted.

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The fire protection policy board shall respond to the council ~~((by February 15, 2006))~~ within sixty days after receipt of the rules. If changes are recommended by the fire protection policy board the council shall immediately consider those changes to the rules through its rule-making procedures. ~~((The rules shall be effective December 1, 2007.))~~

Sec. 2. RCW 19.27.510 and 2005 c 148 s 2 are each amended to read as follows:

As used in this chapter:

"Nightclub" means an ~~((establishment, other than a theater with fixed seating, which is characterized by all of the following:~~

~~— (1) Provides live entertainment by paid performing artists or by way of recorded music conducted by a person employed or engaged to do so;~~

~~— (2) Has as its primary source of revenue (a) the sale of beverages of any kind for consumption on the premises, (b) cover charges, or (c) both; and~~

~~— (3) Has an occupant load of one hundred or more where the occupant load for any portion of the occupancy is calculated at one person per ten square feet or less, excluding the entry foyer)~~ A-2 occupancy use under the 2006 international building code in which the aggregate area of concentrated use of unfixed chairs and standing space that is specifically designated and primarily used for dancing or viewing performers exceeds three hundred fifty square feet, excluding adjacent lobby areas. "Nightclub" does not include theaters with fixed seating, banquet halls, or lodge halls.

Sec. 3. RCW 84.36.660 and 2005 c 148 s 4 are each amended to read as follows:

(1) Prior to installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520, an owner or lessee of property who meets the requirements of this section may apply to the assessor of the county in which the property is located for a special property tax exemption. This application shall be made upon forms prescribed by the department of revenue and supplied by the county assessor.

(a)(i) If a lessee of the property has paid for all expenses associated with the installation and purchase of the automatic sprinkler system, then the benefit of the exemption must inure to the lessee.

(ii) A lessee, otherwise eligible to receive the benefit of the exemption under this section, is entitled to receive such benefit only to the extent that the lessee maintains a valid lease agreement with the property owner for the property in which the automatic sprinkler system was installed pursuant to RCW 19.27.500.

(b) An exemption may be granted under this section only to the property owner or lessee that pays for all expenses associated with the installation and purchase of the automatic sprinkler system. In no event may both the property owner and the lessee receive an exemption under this section in the same calendar year for the installation and purchase of the same automatic sprinkler system.

(c) After December 31, 2009, no new application for a special tax exemption under this section may be: Made by a property owner or lessee; or accepted by the county assessor.

(2) As used in this chapter, "special property tax exemption" means the determination of the assessed value of the property subtracting, for ten years, the increase in value attributable to the installation of an automatic sprinkler system under RCW 19.27.500 through 19.27.520.

(3) The county assessor shall, for ten consecutive assessment years following the calendar year in which application is made, place a special property tax exemption on property classified as eligible.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

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Senator Kohl-Welles spoke in favor of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1811.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "nightclubs;" strike the remainder of the title and insert "amending RCW 19.27.500, 19.27.510, and 84.36.660; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Second Substitute House Bill No. 1811 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1811 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1811 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Delvin - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1811 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1574, by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway, Hudgins, Condotta, Moeller and Kenney)

Modifying provisions concerning the uniform regulation of business and professions.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1574 was advanced to

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third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1574.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1574 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Delvin - 2

SUBSTITUTE HOUSE BILL NO. 1574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6167, by Senators Pridemore, Zarelli and Prentice

Clarifying the director's authority to determine interest in certain public retirement systems.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Senate Bill No. 6167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6167.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6167 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Delvin - 2

SENATE BILL NO. 6167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of House Bill No. 1430 which had been held on second reading on April 6, 2007.

MOTION

On motion of Senator Kastama, the rules were suspended, House Bill No. 1430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1430.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1430 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Delvin - 2

HOUSE BILL NO. 1430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1648, by Representatives B. Sullivan, Kretz, Grant, Linville and Strow

Increasing protections for agricultural operations, activities, and practices.

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following committee striking amendment by the Committee on Agriculture & Rural Economic Development be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that agricultural activities are often subjected to nuisance lawsuits. The legislature also finds that such lawsuits hasten premature conversion of agricultural lands to other uses. The legislature further finds that agricultural activities must be able to adopt new technologies and diversify into new crops and products if the agricultural industry is to survive and agricultural lands are to be conserved. Therefore, the legislature intends to enhance the protection of agricultural activities from nuisance lawsuits, and to further the clear legislative directive of the state growth management act to maintain and enhance the agricultural industry and conserve productive agricultural lands.

Sec. 2. RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each reenacted and amended to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and

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shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on ~~((the))~~ public health and safety.

If those agricultural activities and forest practices are undertaken in conformity with all applicable laws and rules, ~~((the activities))~~ they are presumed to be good agricultural and forest practices not adversely affecting the public health and safety for purposes of this section and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

Nothing in this section shall affect or impair any right to sue for damages.

Sec. 3. RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of agricultural or apicultural products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, shellfish culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, shellfish aquacultural, or other ~~((agricultural commodities))~~ farm products.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, shellfish, apiaries and apiary products, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

(5) "Forest practice" means "forest practice" as defined in RCW 76.09.020."

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Rasmussen to not adopt the committee striking amendment by the Committee on Agriculture & Rural Economic Development to Engrossed House Bill No. 1648.

The motion by Senator Rasmussen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Rasmussen moved that the following striking amendment by Senator Rasmussen and others be adopted:

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that agricultural activities are often subjected to nuisance lawsuits. The legislature also finds that such lawsuits hasten premature conversion of agricultural lands to other uses. The legislature further finds that agricultural activities must be able to adopt new technologies and diversify into new crops and products if the agricultural industry is to survive and agricultural lands are to be conserved. Therefore, the legislature intends to enhance the protection of agricultural activities from nuisance lawsuits, and to further the clear legislative directive of the state growth management act to maintain and enhance the agricultural industry and conserve productive agricultural lands.

Sec. 2. RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each reenacted and amended to read as follows:

Notwithstanding any other provision of this chapter, agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on ~~((the))~~ public health and safety.

If those agricultural activities and forest practices are undertaken in conformity with all applicable laws and rules, ~~((the activities))~~ they are presumed to be good agricultural and forest practices not adversely affecting the public health and safety for purposes of this section and RCW 7.48.300. An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

Nothing in this section shall affect or impair any right to sue for damages.

Sec. 3. RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as follows:

As used in RCW 7.48.305:

(1) "Agricultural activity" means a condition or activity which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; movement, including, but not limited to, use of current county road ditches, streams, rivers, canals, and drains, and use of water for agricultural activities; ground and aerial application of seed, fertilizers, conditioners, and plant protection products; keeping of bees for production of agricultural or apicultural products; employment and use of labor; roadway movement of equipment and livestock; protection from damage by wildlife; prevention of trespass; construction and maintenance of buildings, fences, roads, bridges, ponds, drains, waterways, and similar features and maintenance of streambanks and watercourses; and conversion from one agricultural activity to another, including a change in the type of plant-related farm product being produced. The term includes use of new practices and equipment consistent with technological development within the agricultural industry.

(2) "Farm" means the land, buildings, freshwater ponds, freshwater culturing and growing facilities, and machinery used in the commercial production of farm products.

(3) "Farmland" means land or freshwater ponds devoted primarily to the production, for commercial purposes, of livestock, freshwater aquacultural, or other ~~((agricultural commodities))~~ farm products.

(4) "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, dairy and dairy products, poultry and poultry products, livestock, including breeding, grazing, and recreational equine use, fruits, vegetables, flowers, seeds, grasses, trees, freshwater fish and fish products, apiaries and apiary products, equine and

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other similar products, or any other product which incorporates the use of food, feed, fiber, or fur.

(5) "Forest practice" means "forest practice" as defined in RCW 76.09.020."

Senator Rasmussen spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rasmussen and others to Engrossed House Bill No. 1648.

The motion by Senator Rasmussen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "practices;" strike the remainder of the title and insert "amending RCW 7.48.310; reenacting and amending RCW 7.48.305; and creating a new section."

MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1648 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen, Honeyford and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1648 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1648 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Brown and Delvin - 2

ENGROSSED HOUSE BILL NO. 1648 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727, by House Committee on Local Government (originally sponsored by Representatives Springer, Eddy, Dunn, Pettigrew, B. Sullivan, Buri, Strow, Ahern, Orcutt, Takko, Anderson, Haler, Upthegrove, Simpson, Jarrett, Rodne, Sells, O'Brien, Newhouse, Miloscia, Hinkle, Walsh, McCune, Kagi, Williams, Lovick, Linville, Quall, McDonald, Warnick, Kristiansen, Hurst, Seauquist, Kenney and P. Sullivan)

Planning to ensure sufficient land and densities available to accommodate growth.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall designate, as appropriate, a sufficient quantity of land needed for residential, commercial, and industrial uses. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to ~~((manage))~~ accommodate projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies a sufficient quantity of land suitable for meeting the existing and projected housing needs identified in (a) of this subsection, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

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(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population.

Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+4))~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+4))~~) (15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must

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include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((six-year))~~ ten-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent

with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year plan required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 2. RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each amended to read as follows:

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, mixed-use development, accessory dwelling units, and the transfer of development rights.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county and one or more of its cities, or two or more counties sharing a common border and their cities, may adopt countywide planning policies or multicounty planning policies establishing subregions in order to address housing and employment markets that cross jurisdictional boundaries. Policies adopted under this section may include, but are not limited to:

(a) Policies that reallocate among the counties and cities in the subregion the population growth established for each local government under RCW 36.70A.110;

(b) Policies that provide for a sufficient number of housing units to accommodate the existing housing needs and projected population growth in the subregion; and

(c) Policies that provide for sufficient land suitable for development to meet the needs for commercial and industrial growth in the subregion.

(2) The local governments within the subregion may use the countywide planning policies or multicounty planning policies, interlocal agreements under chapter 39.34 RCW, or any other appropriate mechanism to implement the policies established under subsection (1) of this section.

Sec. 4. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

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(1) In accordance with the requirements of this section, each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Counties planning under RCW 36.70A.040 with populations of at least one hundred seventy-five thousand must:

(a) Consult and cooperate with each city within an urban growth area proposed for modification prior to and concurrent with actions to modify the urban growth area within which the city or cities are located; and

(b) Report to the appropriate committees of the house of representatives and the senate by December 1, 2007, on the implementation of, and any impediments related to, the requirements of (a) of this subsection.

(4) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

~~((4))~~ (5) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

~~((5))~~ (6) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((6))~~ (7) Each county shall include designations of urban growth areas in its comprehensive plan.

~~((7))~~ (8) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

NEW SECTION. Sec. 5. (1) Population in western Washington is growing and will continue to grow. Models indicate that the central Cascades region can expect a doubling of the population within the next one hundred years.

(2) The growth management act has used large lot zoning to discourage residential development of rural and resource lands. However, historical entitlement of smaller lots coupled with rapidly increasing real estate values have led to widespread development of nonurban lots of a variety of sizes, locations, and zoning categories. This problem is exacerbated by recent trends in the timber industry, resulting in ownership changes, accelerated harvesting regimes, and likely conversion of many properties to residential development in the near term. It is reasonable to assume that under a one hundred-year timeframe all nonurban lots are likely to be developed.

(3) The increase in nonurban development has disproportionate undesirable impacts to landscape and watershed integrity, environmental functions, economic viability of resource lands, and public costs.

(4) Additional approaches to managing rural growth are needed. Success will likely not come from a single strategy; rather, a multifaceted approach is required. Implementation of a region-wide or statewide transfer of development rights program could play a major role in finding a solution.

(5) The most important component in building a successful transfer of development rights program is creating adequate receiving area capacity. Accommodating dramatic population growth while meeting resource conservation goals over the next one hundred years will require greatly increasing receiving area capacity. It is a regional goal to direct growth to urban areas, and therefore it is a priority to develop this receiving capacity primarily in urban areas. In addition, the potential for additional receiving areas in appropriate nonurban areas is being explored concurrently.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county planning under RCW 36.70A.040 that meets the criteria in subsection (2) of this section may designate no more than one rural village in the rural area outside of limited areas of more intensive rural development established pursuant to RCW 36.70A.070(5)(d). For the purposes of this section,

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"rural village" is defined as a compact, environmentally friendly rural development created using transfer of development rights. Rural villages will be located in the rural area, and shall coexist with traditional rural land uses such as farming and forestry. Rural villages are not urban growth, nor are they lands "characterized by urban growth" for purposes of citing adjacent or nearby lands as new urban growth areas pursuant to RCW 36.70A.110(2).

(2) Under this chapter, a county may designate a rural village in the rural area outside of limited areas of more intensive rural development established pursuant to RCW 36.70A.070(5)(d) as follows:

(a) Residential Development. The rural village may contain fifty to three hundred fifty dwelling units and may include single-family detached or attached housing, multifamily housing, and accessory dwelling units. The maximum allowable lot size for single-family detached units is seven thousand square feet within a rural village.

(b) Nonresidential Development. The rural village may include nonresidential development that is designed to serve the village population and nearby existing and projected rural residents.

(c) Development Right Transfers. All rural village nonresidential square footage or dwelling units that exceed base zoning shall require the transfer or purchase of development rights from designated land within the rural area or natural resource lands ("sending areas") as follows:

(i) For the purposes of this section, one transferable development right shall be allocated for each unrealized dwelling unit permitted by applicable development regulations, as calculated on a gross basis (allowed density x gross acreage of the property). In determining how these development rights transfer to the rural village, the county may consider local circumstances, but is encouraged to provide incentives to transfer or purchase development rights from existing nonconforming lots and authorize the transfer or purchase of development rights from larger properties that will provide landscape scale conservation benefits consistent with RCW 36.70A.011 and reduce transactions and acquisition costs helping to make the end product more affordable.

(ii) At least one-half of the development rights included in a rural village shall be transferred from the rural area, with any remainder coming from resource lands.

(iii) Each development right transferred from an existing rural lot nonconforming as to minimum lot size or density shall be given a 0.25 development rights bonus when used within a rural village.

(d) Conservation Easements. Development rights purchased or transferred from sending area properties shall be extinguished with conservation easements held jointly by a nonprofit organization and the relevant local government. The conservation easement shall permanently restrict development of the property, but shall allow for typical rural land uses, including agriculture and working forestry. A stewardship fund established by endowment, contractually established annual homeowners association fees, or a perpetual resale fee shall be created for the sending area property to ensure capacity for stewardship of conservation easement lands held in fee by the homeowners association of the rural village, and to monitor and enforce the conservation easement for all sending lands by the responsible parties.

(e) Siting Criteria. A county shall establish the criteria for siting a rural village in the rural element of its comprehensive plan. The criteria shall be in keeping with local circumstances, RCW 36.70A.070(5)(c), and favor sites with limited visual impacts, proximity to existing transportation networks, limited need for service improvements, affordability of housing in the rural village, and appropriate environmental characteristics.

(f) Designation. A rural village shall be designated in the rural element of the comprehensive plan. The regulations governing its development, including location of sending areas,

shall be included in the county's development regulations. The rural village must comply with all relevant development regulations, including critical areas regulations and transportation concurrency requirements. The county may adopt level of service or concurrency standards to address the consolidation of traffic that will result from a rural village.

(g) Boundaries. Clear boundaries shall be delineated for each rural village and shall not be expanded. Boundaries shall be buffered from surrounding land uses by physical barriers (e.g., river or undeveloped bluff) or a swath of permanently conserved land at least two hundred fifty feet wide. Boundary delineations shall maintain and integrate riparian buffers required under previous land use designation, or as required by existing critical areas designation, whichever is greater. A conservation easement restricting development in this buffer shall be held jointly by a nonprofit organization and the relevant local government.

(h) Public Services and Public Facilities.

(i) Public services and public facilities shall be limited to those necessary to serve the rural village and shall be provided in a manner that does not permit low-density sprawl. For the purposes of this section, "public services and public facilities" shall not include public schools or school facilities.

(ii) New or improved infrastructure necessary to serve the rural village shall be provided or applicable impact fees paid. New or improved infrastructure may be provided by the applicant, the county, or by a public-private partnership.

(iii) Transportation.

(A) Multimodal site planning shall be implemented and may include, but is not limited to, neighborhood circulators; bicycle paths; and park and ride, community vanpool, and carshare parking spaces.

(B) A pedestrian or nonmotorized transportation network of trails or walkways should connect residences to services and open space within and adjacent to the rural village. Walkways are pedestrian lanes that provide people with space to travel within the public right-of-way that is separated from roadway vehicles. They also provide places for children to walk, run, skate, ride bikes, and play. These facilities also improve mobility for pedestrians and provide access for all types of pedestrian travel. Walkways should be part of every new and renovated facility and every effort should be made to retrofit streets that currently do not have sidewalks. Walkways may be constructed of asphalt, crushed stone, or other materials if they are properly maintained and accessible as well as firm, stable, and slip-resistant.

(C) Road capacity exists to accommodate the projected needs of the village population and it shall meet county standards. Necessary roadway improvements may include safety enhancements, site access projects, signage revisions, and traffic facility flow and management tools.

(D) Counties shall develop innovative road standards for rural villages that are compatible with rural character and minimize impervious surfaces and storm water runoff.

(E) Rural villages are not to be gated communities. Legal instruments shall be recorded granting to the general public the right to access and utilize the transportation facilities described in (h)(iii)(A) through (D) of this subsection.

(iv) Water rights. A community water system shall be appropriately sized to serve the rural village and shall rely on existing water law to obtain adequate water rights. Such water system shall incorporate efficiency and conservation measures designed to reduce water usage.

(v) Wastewater treatment. Counties are encouraged to authorize innovative techniques for wastewater treatment in rural villages, including, but not limited to, membrane bioreactor systems. Greywater reuse for flushing, irrigation, and other appropriate uses should be authorized.

(vi) Storm water management. Counties should authorize innovative techniques for storm water management, including, but not limited to, bioswales and other natural storm water

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management systems and alternative uses for storm water that encourage water reuse, groundwater infiltration, or both.

(i) Open Space. The rural village shall contain community open space. Uses of this open space may include, but are not limited to, community gathering space, village green, park, or rural resource use. A portion of the open space must function as a village green or gathering place able to accommodate the population of the rural village.

(j) Green Building. All rural villages shall meet the national association of home builders gold level green building guidelines. Equivalent or more stringent green building standards may be substituted for this requirement (e.g., leadership in energy and environmental design, green globes, or other recognized green building standards).

(k) Native Vegetation. Disturbance of some native vegetation is likely unavoidable in the development of rural villages. However, maintaining forest cover and other native vegetation is important to the health of watersheds and the Puget Sound. Thus, to the maximum extent possible, clearing of native vegetation shall be avoided or mitigated.

(i) The disturbance of native plants and forest cover on the development site shall be minimized.

(ii) Disturbance of the development site shall be mitigated via on-site or off-site restoration or replanting of an area roughly equivalent in size to the cleared area via a fee paid to a qualified government or nonprofit land management organization.

(iii) Native plant species for landscaping of nonlawn areas of private residences shall be used. Public rights-of-way, street planting strips, and common areas shall be replanted with a regionally appropriate native plant community and structure.

(l) Design Standards. A county shall include in its development regulations design standards to protect the rural character of the area. At a minimum these design standards should address the following:

- (i) Utilities;
- (ii) Roadways and transportation;
- (iii) Visual impacts (e.g., protecting view sheds along roadways, ridgelines, hillsides, etc.); and
- (iv) Lighting and the preservation of dark skies.

(m) Notice on Title. Each county designating a rural village pilot project shall require that all plats, short plats, development permits, and building permits issued for development activities within a rural village demonstration project contain a notice that the subject property is located in a rural area where a variety of traditional rural activities may occur that may generate sights, sounds, and smells associated with farming, forestry, and other traditional rural uses. In addition, the notice for lands within a rural village demonstration project shall advise that services in rural areas are often limited and consist of rural governmental services rather than urban governmental services. The notice shall run with the land.

(3) A county may not issue groundwater well permits for any groundwater uses except stock-watering purposes, or agricultural industrial purposes allowed under RCW 90.44.050 on properties from which development rights have been sold or transferred (sending sites).

(4) Any county intending to designate a rural village demonstration project shall notify the department. The department shall ensure that a maximum of three demonstration projects may be established under this section. Any county choosing to withdraw a demonstration project shall notify the department and the department may accept an alternate project.

(5) The department shall report to the appropriate committees of the legislature annually on the progress of any rural villages established under this section. Additionally, the department shall prepare a final report to be submitted no later than December 1, 2012, on the efficacy of this section in accomplishing the purposes of RCW 36.70A.011. In preparing this report, the department shall consult with sending and receiving area landowners, project developers, builders, the

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county, and any other interested individuals or organizations. The report shall:

(a) Review the county adopted policies and regulations to enable rural village demonstration projects for consistency with the goals of section 5 of this act and RCW 36.70A.011;

(b) Provide pertinent information on the permitting and development of the rural village demonstration projects;

(c) Provide a project-specific analysis for each demonstration project looking at the effect of the rural village on the following:

(i) Rural population capacity including the impacts of the transfers from resource lands;

(ii) Land disturbance and impervious surfaces;

(iii) Water resources and watershed health; and

(iv) Wildlife habitat; and

(d) Recommend whether additional rural villages should be authorized and, if so, whether changes should be made to this section to foster the purposes of rural villages and rural lands as described in section 5 of this act, RCW 36.70A.011, and 36.70A.070(5).

(6) The authority of a county meeting the criteria of subsection (2) of this section to designate a rural village in its development regulations terminates on December 31, 2009, unless a county has notified the department, pursuant to subsection (4) of this section, of its intent to designate a rural village. Any rural village designated under this authority shall be available for the approved uses as long as the rural village is in compliance with the conditions of approval adopted by the county.

(7) This section applies to counties that are located within the Puget Sound regional council's planning area.

(8) This section is intended to further the purposes of RCW 36.70A.070(5)(c), and should in no way be interpreted to alter the requirements therein."

On page 1, line 2 of the title, after "growth;" strike the remainder of the title and insert "amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; adding new sections to chapter 36.70A RCW; and creating a new section."

The President declared the question before the Senate to be the motion by Senator Fairley to not adopt the committee striking amendment by the Committee on Government Operations & Elections to Engrossed Substitute House Bill No. 1727.

The motion by Senator Fairley carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Fairley moved that the following striking amendment by Senator Fairley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities,

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building intensities, and estimates of future population growth. The land use element shall designate, as appropriate, a sufficient quantity of land needed for residential, commercial, and industrial uses. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to ~~((manage))~~ accommodate projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies a sufficient quantity of land suitable for meeting the existing and projected housing needs identified in (a) of this subsection, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+4))~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+4))~~) (15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if

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limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide

multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ((~~six-year~~) ten-year) improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year plan required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) a summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, work force, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to

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provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

Sec. 2. RCW 36.70A.090 and 1990 1st ex.s. c 17 s 9 are each amended to read as follows:

A comprehensive plan should provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments, mixed-use development, accessory dwelling units, and the transfer of development rights. Jurisdictions that are not subject to the requirements of RCW 43.63A.215 may provide for accessory dwelling units in their comprehensive plans and development regulations.

NEW SECTION. Sec. 3. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county and one or more of its cities, or two or more counties sharing a common border and their cities, may adopt countywide planning policies or multicounty planning policies establishing subregions in order to address housing and employment markets that cross jurisdictional boundaries. Policies adopted under this section may include, but are not limited to:

(a) Policies that reallocate among the counties and cities in the subregion the population growth established for each local government under RCW 36.70A.110;

(b) Policies that provide for a sufficient number of housing units to accommodate the existing housing needs and projected population growth in the subregion; and

(c) Policies that provide for sufficient land suitable for development to meet the needs for commercial and industrial growth in the subregion.

(2) The local governments within the subregion may use the countywide planning policies or multicounty planning policies, interlocal agreements under chapter 39.34 RCW, or any other appropriate mechanism to implement the policies established under subsection (1) of this section.

Sec. 4. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) In accordance with the requirements of this section, each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve.

An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Counties subject to RCW 36.70A.215 and counties east of the crest of the Cascade mountain range with a population greater than four hundred thousand must:

(a) Consult with cities within each urban growth area in the county about developing criteria and procedures that may improve the process of modifying or designating new urban growth areas;

(b) Upon request, consult with any city or cities within the county that abut an unincorporated urban growth area or areas about adopting consistent development standards with those of the city or cities located within or adjacent to the urban growth areas; and

(c) Submit a report to the appropriate committees of the house of representatives and the senate by December 1, 2007, summarizing findings and recommendations resulting from the consultations required in (a) and (b) of this subsection. The reports required in this subsection may be submitted by individual jurisdictions or jointly by participating jurisdictions.

(4) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

((4)) (5) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

((5)) (6) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only

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occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

~~((6))~~ (7) Each county shall include designations of urban growth areas in its comprehensive plan.

~~((7))~~ (8) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

NEW SECTION. Sec. 5. (1) Population in western Washington is growing and will continue to grow. Models indicate that the central Cascades region can expect a doubling of the population within the next one hundred years.

(2) The growth management act has used large lot zoning to discourage residential development of rural and resource lands. However, historical entitlement of smaller lots coupled with rapidly increasing real estate values have led to widespread development of nonurban lots of a variety of sizes, locations, and zoning categories. This problem is exacerbated by recent trends in the timber industry, resulting in ownership changes, accelerated harvesting regimes, and likely conversion of many properties to residential development in the near term. It is reasonable to assume that under a one hundred-year timeframe all nonurban lots are likely to be developed.

(3) The increase in nonurban development has disproportionate undesirable impacts to landscape and watershed integrity, environmental functions, economic viability of resource lands, and public costs.

(4) The most important component in building a successful transfer of development rights program is creating adequate receiving area capacity. Accommodating dramatic population growth while meeting resource conservation goals over the next one hundred years will require greatly increasing receiving area capacity. It is a regional goal to direct growth to urban areas, and therefore it is a priority to develop this receiving capacity primarily in urban areas. In addition, the potential for additional receiving areas in appropriate nonurban areas is being explored concurrently.

NEW SECTION. Sec. 6. A new section is added to chapter 36.70A RCW to read as follows:

(1) A county planning under RCW 36.70A.040 that meets the criteria in subsection (2) of this section may designate no more than one rural village in the rural area outside of limited areas of more intensive rural development established pursuant to RCW 36.70A.070(5)(d). For the purposes of this section, "rural village" is defined as a compact, environmentally friendly rural development created using transfer of development rights. Rural villages will be located in the rural area, and shall coexist with traditional rural land uses such as farming and forestry. Rural villages are not urban growth, nor are they lands "characterized by urban growth" for purposes of citing adjacent or nearby lands as new urban growth areas pursuant to RCW 36.70A.110(2).

(2) Under this chapter, a county may designate a rural village in the rural area outside of limited areas of more intensive rural development established pursuant to RCW 36.70A.070(5)(d) as follows:

(a) Residential Development. The rural village may contain fifty to two hundred dwelling units and may include single-family detached or attached housing, multifamily housing, and accessory dwelling units. The maximum allowable lot size for single-family detached units is seven thousand square feet within a rural village.

(b) Nonresidential Development. The rural village may include nonresidential development that is designed to serve the village population and nearby existing and projected rural residents.

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(c) Development Right Transfers. All rural village nonresidential square footage or dwelling units that exceed base zoning shall require the transfer or purchase of development rights from designated land within the rural area or natural resource lands ("sending areas") as follows:

(i) For the purposes of this section, one transferable development right shall be allocated for each unrealized dwelling unit permitted by applicable development regulations, as calculated on a gross basis (allowed density x gross acreage of the property). In determining how these development rights transfer to the rural village, the county may consider local circumstances, but is encouraged to provide incentives to transfer or purchase development rights from existing nonconforming lots and authorize the transfer or purchase of development rights from larger properties that will provide landscape scale conservation benefits consistent with RCW 36.70A.011 and reduce transactions and acquisition costs helping to make the end product more affordable.

(ii) At least one-half of the development rights included in a rural village shall be transferred from the rural area, with any remainder coming from resource lands.

(iii) Each development right transferred from an existing rural lot nonconforming as to minimum lot size or density shall be given a 0.25 development rights bonus when used within a rural village.

(d) Conservation Easements. Development rights purchased or transferred from sending area properties shall be extinguished with conservation easements held jointly by a nonprofit organization and the relevant local government. The conservation easement shall permanently restrict development of the property, but shall allow for typical rural land uses, including agriculture and working forestry. A stewardship fund established by endowment, contractually established annual homeowners association fees, or a perpetual resale fee shall be created for the sending area property to ensure capacity for stewardship of conservation easement lands held in fee by the homeowners association of the rural village, and to monitor and enforce the conservation easement for all sending lands by the responsible parties.

(e) Siting Criteria. A county shall establish the criteria for siting a rural village in the rural element of its comprehensive plan. The criteria shall be in keeping with local circumstances, RCW 36.70A.070(5)(c), and favor sites with limited visual impacts, proximity to existing transportation networks, limited need for service improvements, affordability of housing in the rural village, and appropriate environmental characteristics.

(f) Designation. A rural village shall be designated in the rural element of the comprehensive plan. The regulations governing its development, including location of sending areas, shall be included in the county's development regulations. The rural village must comply with all relevant development regulations, including critical areas regulations and transportation concurrency requirements. The county may adopt level of service or concurrency standards to address the consolidation of traffic that will result from a rural village.

(g) Boundaries. Clear boundaries shall be delineated for each rural village and shall not be expanded. Boundaries shall be buffered from surrounding land uses by physical barriers (e.g., river or undeveloped bluff) or a swath of permanently conserved land at least two hundred fifty feet wide. Boundary delineations shall maintain and integrate riparian buffers required under previous land use designation, or as required by existing critical areas designation, whichever is greater. A conservation easement restricting development in this buffer shall be held jointly by a nonprofit organization and the relevant local government.

(h) Public Services and Public Facilities.

(i) Public services and public facilities shall be limited to those necessary to serve the rural village and shall be provided in a manner that does not permit low-density sprawl. For the

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purposes of this section, "public services and public facilities" shall not include public schools or school facilities.

(ii) New or improved infrastructure necessary to serve the rural village shall be provided or applicable impact fees paid. New or improved infrastructure may be provided by the applicant, the county, or by a public-private partnership.

(iii) Transportation.

(A) Multimodal site planning shall be implemented and may include, but is not limited to, neighborhood circulators; bicycle paths; and park and ride, community vanpool, and carshare parking spaces.

(B) A pedestrian or nonmotorized transportation network of trails or walkways should connect residences to services and open space within and adjacent to the rural village. Walkways are pedestrian lanes that provide people with space to travel within the public right-of-way that is separated from roadway vehicles. They also provide places for children to walk, run, skate, ride bikes, and play. These facilities also improve mobility for pedestrians and provide access for all types of pedestrian travel. Walkways should be part of every new and renovated facility and every effort should be made to retrofit streets that currently do not have sidewalks. Walkways may be constructed of asphalt, crushed stone, or other materials if they are properly maintained and accessible as well as firm, stable, and slip-resistant.

(C) Road capacity exists to accommodate the projected needs of the village population and it shall meet county standards. Necessary roadway improvements may include safety enhancements, site access projects, signage revisions, and traffic facility flow and management tools.

(D) Counties shall develop innovative road standards for rural villages that are compatible with rural character and minimize impervious surfaces and storm water runoff.

(E) Rural villages are not to be gated communities. Legal instruments shall be recorded granting to the general public the right to access and utilize the transportation facilities described in (h)(iii)(A) through (D) of this subsection.

(iv) Water rights. A community water system shall be appropriately sized to serve the rural village and shall rely on existing water law to obtain adequate water rights. Such water system shall incorporate efficiency and conservation measures designed to reduce water usage.

(v) Wastewater treatment. Counties are encouraged to authorize innovative techniques for wastewater treatment in rural villages, including, but not limited to, membrane bioreactor systems. Greywater reuse for flushing, irrigation, and other appropriate uses should be authorized.

(vi) Storm water management. Counties should authorize innovative techniques for storm water management, including, but not limited to, bioswales and other natural storm water management systems and alternative uses for storm water that encourage water reuse, groundwater infiltration, or both.

(i) Open Space. The rural village shall contain community open space. Uses of this open space may include, but are not limited to, community gathering space, village green, park, or rural resource use. A portion of the open space must function as a village green or gathering place able to accommodate the population of the rural village.

(j) Green Building. All rural villages shall meet the national association of home builders gold level green building guidelines. Equivalent or more stringent green building standards may be substituted for this requirement (e.g., leadership in energy and environmental design, green globes, or other recognized green building standards).

(k) Native Vegetation. Disturbance of some native vegetation is likely unavoidable in the development of rural villages. However, maintaining forest cover and other native vegetation is important to the health of watersheds and Puget Sound. Thus, to the maximum extent possible, clearing of native vegetation shall be avoided or mitigated.

(i) The disturbance of native plants and forest cover on the development site shall be minimized.

(ii) Disturbance of the development site shall be mitigated via on-site or off-site restoration or replanting of an area roughly equivalent in size to the cleared area via a fee paid to a qualified government or nonprofit land management organization.

(iii) Native plant species for landscaping of nonlawn areas of private residences shall be used. Public rights-of-way, street planting strips, and common areas shall be replanted with a regionally appropriate native plant community and structure.

(l) Design Standards. A county shall include in its development regulations design standards to protect the rural character of the area. At a minimum these design standards should address the following:

(i) Utilities;

(ii) Roadways and transportation;

(iii) Visual impacts (e.g., protecting view sheds along roadways, ridgelines, hillsides, etc.); and

(iv) Lighting and the preservation of dark skies.

(m) Notice on Title. Each county designating a rural village pilot project shall require that all plats, short plats, development permits, and building permits issued for development activities within a rural village demonstration project contain a notice that the subject property is located in a rural area where a variety of traditional rural activities may occur that may generate sights, sounds, and smells associated with farming, forestry, and other traditional rural uses. In addition, the notice for lands within a rural village demonstration project shall advise that services in rural areas are often limited and consist of rural governmental services rather than urban governmental services. The notice shall run with the land.

(3) Any county intending to designate a rural village demonstration project shall notify the department. The department shall ensure that a maximum of three demonstration projects may be established under this section. Any county choosing to withdraw a demonstration project shall notify the department and the department may accept an alternate project.

(4) The department shall report to the appropriate committees of the legislature annually on the progress of any rural villages established under this section. Additionally, the department shall prepare a final report to be submitted no later than December 1, 2012, on the efficacy of this section in accomplishing the purposes of RCW 36.70A.011. In preparing this report, the department shall consult with sending and receiving area landowners, project developers, builders, the county, and any other interested individuals or organizations. The report shall:

(a) Review the county adopted policies and regulations to enable rural village demonstration projects for consistency with the goals of section 5 of this act and RCW 36.70A.011;

(b) Provide pertinent information on the permitting and development of the rural village demonstration projects;

(c) Provide a project-specific analysis for each demonstration project looking at the effect of the rural village on the following:

(i) Rural population capacity including the impacts of the transfers from resource lands;

(ii) Land disturbance and impervious surfaces;

(iii) Water resources and watershed health; and

(iv) Wildlife habitat; and

(d) Recommend whether additional rural villages should be authorized and, if so, whether changes should be made to this section to foster the purposes of rural villages and rural lands as described in section 5 of this act, RCW 36.70A.011, and 36.70A.070(5).

(5) The authority of a county meeting the criteria of subsection (2) of this section to designate a rural village in its development regulations terminates on December 31, 2009, unless a county has notified the department, pursuant to subsection (3) of this section, of its intent to designate a rural village. Any rural village designated under this authority shall

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be available for the approved uses as long as the rural village is in compliance with the conditions of approval adopted by the county.

(6) This section applies to counties that are located within the Puget Sound regional council's planning area.

(7) This section is intended to further the purposes of RCW 36.70A.070(5)(c), and should in no way be interpreted to alter the requirements therein.

NEW SECTION. Sec. 7. If specific funding for the purposes of section 6 of this act, referencing section 6 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 6 of this act is null and void."

On page 1, line 2 of the title, after "growth;" strike the remainder of the title and insert "amending RCW 36.70A.070, 36.70A.090, and 36.70A.110; adding new sections to chapter 36.70A RCW; and creating new sections."

POINT OF ORDER

Senator Spanel: "Mr. President, I believe that sections 5 & 6 of the striking amendment exceed the scope and object of the bill. I have an explanation. Engrossed Substitute House Bill No. 1727 is a bill that amends existing Growth Management requirements to ensure sufficient land densities and are available to accommodate urban growth. Under the Growth Management Act growth is encouraged in urban areas where adequate public facilities and services exist or can be provided in an efficient manner. The bill seeks to ensure.....I just have a question, May I have a second? The amendment that was adopted was....That was put on the table.....?"

RULING BY THE PRESIDENT

President Owen: "The committee amendment was not adopted and then a striking amendment has been placed on the desk."

POINT OF ORDER

Senator Spanel: "Ok, I was just making sure that I was talking to the right thing. By requiring the land use and housing elements of comprehensive plans designate and identifies sufficient quantity of land needed for residential and commercial industrial use-all of which are urban growth issues; by allowing counties and cities that share a border to adopt planning policies that establish sub-regions that can urban growth among the sub-region and growth and provide for residential, commercial industrial development of sub region; and, three, by requiring certain counties to adopt development regulations for unincorporated territory within urban growth areas that are consistent with development regulations of the city or cities surrounding the area. The committee striking amendment introduces an entirely new rural concept to the growth Management Act. The amendment authorizes a rural village pilot project. A rural village is a rural development created using a transfer of development rights program. The amendment requires, specifies requirements of rural villages including requirements, related to the transfer of development rights. The siting of rural village or rural villages including and development regulations. Rural villages are specifically defined as not urban growth and they do not ensure sufficient land and densities available for residential, commercial industrial use. Because the underlying bill contemplates urban growth and the amendment authorizes a rural village pilot project that is completely unrelated urban growth, the amendment is outside the scope of the underlying bill."

Senator Swecker spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute House Bill No. 1727 was deferred and the bill held its place on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Benton: "This amendment that has just been scoped or, has just been objected to, is nineteen pages, nineteen page striking amendment. It was dropped on my desk literally forty-five seconds before the bill came up for discussion and I'd like to know; (a) how long the amendments been on the bar because I just got it? and (b) you know we have a rule that in order to publicly hear a bill we have to give a five day notice so the public knows what the content is going to be in the bill, but we have no such rule about amendments and we can get an amendment dropped on the desk here that's nineteen pages long. Again, we hear a two minute argument on it and no wonder your going to run into scope problems because I....."

REMARKS BY THE PRESIDENT

President Owen: "Senator Benton, what is you point of inquiry?"

PARLIAMENTARY INQUIRY

Senator Benton: "What is the rule on timeliness of amendments and how much time and is this..... are members entitled to caucus on a nineteen page amendment before they're asked to vote on it?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you raised two questions that the President can recall correctly. The first was, is there a rule relative to the time of amendment to be on the desk? The answer is no. Secondly, can you caucus on that? That is at the will of the body. You can ask for a caucus anytime you want and it's at the will of the body whether or not you go at ease or recess to caucus."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1953, by House Committee on Insurance, Financial Services & Consumer Protection (originally sponsored by Representatives Wood, Buri, Wallace, Rodne, Schindler, Ahern, Morrell and Ormsby)

Requiring premium reductions for older insureds completing an accident prevention course.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Substitute House Bill No. 1953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

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On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1953.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Kastama - 2

SUBSTITUTE HOUSE BILL NO. 1953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2118, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Conway, Wood and Ormsby)

Transferring responsibilities related to mobile and manufactured home installation from the department of community, trade, and economic development to the department of labor and industries.

The measure was read the second time.

MOTION

Senator Weinstein moved that the following committee striking amendment by the Committee on Consumer Protection & Housing be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.63A.460 and 1993 c 280 s 76 are each amended to read as follows:

Beginning on July 1, ~~((1994))~~ 2007, the department ~~((of community, trade, and economic development))~~ shall ~~((be responsible for performing))~~ perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department ~~((of community, trade, and economic development))~~ may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The department of ~~((labor and industries))~~ community, trade, and economic development shall transfer all records, files, books, and documents necessary for the department ~~((of~~

~~community, trade, and economic development))~~ to assume these new functions.

The directors of community, trade, and economic development and ~~((the department))~~ of labor and industries shall immediately take such steps as are necessary to ensure that ~~((chapter 176, Laws of 1990))~~ this act is implemented on ~~((June 7, 1990))~~ July 1, 2007.

Sec. 2. RCW 43.63A.465 and 1995 c 399 s 74 are each amended to read as follows:

The director ~~((of the department of community, trade, and economic development))~~ shall enforce manufactured housing safety and construction standards adopted by the secretary of housing and urban development under the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government, state agencies, or private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured housing construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) regarding the state administrative agency program.

Sec. 3. RCW 43.63B.010 and 1998 c 124 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authorized representative" means an employee of a state agency, city, or county acting on behalf of the department.

(2) "Certified manufactured home installer" means a person who is in the business of installing mobile or manufactured homes and who has been issued a certificate by the department as provided in this chapter.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ labor and industries.

(4) "Director" means the director of ~~((community, trade, and economic development))~~ labor and industries.

(5) "Manufactured home" means a single-family dwelling built in accordance with the department of housing and urban development manufactured home construction and safety standards act, which is a national, preemptive building code.

(6) "Mobile or manufactured home installation" means all on-site work necessary for the installation of a manufactured home, including:

(a) Construction of the foundation system;

(b) Installation of the support piers and earthquake resistant bracing system;

(c) Required connection to foundation system and support piers;

(d) Skirting;

(e) Connections to the on-site water and sewer systems that are necessary for the normal operation of the home; and

(f) Extension of the pressure relief valve for the water heater.

(7) "Manufactured home standards" means the manufactured home construction and safety standards as promulgated by the United States department of housing and urban development (HUD).

(8) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since introduction of the HUD manufactured home construction and safety standards act.

(9) "Training course" means the education program administered by the department, or the education course administered by an approved educational provider, as a prerequisite to taking the examination for certification.

(10) "Approved educational provider" means an organization approved by the department to provide education and training of manufactured home installers and local inspectors.

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Sec. 4. RCW 43.63B.150 and 1994 c 284 s 29 are each amended to read as follows:

~~((All violations designated as an infraction shall be adjudicated in accordance with the administrative procedure act, chapter 34.05 RCW.))~~ If a party desires to contest a notice of infraction and civil penalty issued under this chapter, the party must file a notice of appeal with the department within twenty days of the department mailing the notice of civil penalty. An administrative law judge of the office of administrative hearings shall hear and determine the appeal. Appeal proceedings must be conducted under chapter 34.05 RCW. An appeal of the administrative law judge's determination or order must be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

Sec. 5. RCW 43.63B.170 and 1994 c 284 s 31 are each amended to read as follows:

(1) A person found to have committed an infraction under this chapter shall be assessed a monetary penalty of one thousand dollars.

(2) The administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction.

(3) Monetary penalties collected under this chapter shall be ~~((remitted as provided in chapter 3.62 RCW))~~ deposited into the manufactured home installation training account created in RCW 43.63B.080 (as recodified by this act) for the purposes specified in this chapter.

Sec. 6. RCW 43.22.431 and 2001 c 335 s 3 are each amended to read as follows:

The director of the department of labor and industries may enforce manufactured home safety and construction standards adopted by the secretary of housing and urban development under the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the director may make agreements with the United States government and private inspection organizations to implement the development and enforcement of applicable provisions of this chapter and the national manufactured home construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Any fees or contract moneys collected under these agreements shall be deposited into the manufactured home installation training account created in RCW 43.63B.080 (as recodified by this act).

Sec. 7. RCW 43.22.495 and 1995 c 399 s 69 are each amended to read as follows:

Beginning on July 1, ~~((1994))~~ 2007, the department ~~((of community, trade, and economic development))~~ of labor and industries shall ((be responsible for performing)) perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.

The department ~~((of community, trade, and economic development))~~ of labor and industries may enter into state or local interagency agreements to coordinate site inspection activities with record monitoring and complaint handling. The interagency agreement may also provide for the reimbursement for cost of work that an agency performs. The department may include other related areas in any interagency agreements which are necessary for the efficient provision of services.

The directors of the department of community, trade, and economic development and the department of labor and industries shall immediately take such steps as are necessary to ensure that ~~((chapter 176, Laws of 1990))~~ this act is implemented on ((June 7, 1990)) July 1, 2007.

Sec. 8. RCW 46.70.136 and 1994 c 284 s 12 are each amended to read as follows:

The department may mediate disputes that arise regarding any warranty required in chapter 46.70 RCW pertaining to the purchase or installation of a manufactured home. The

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department may charge reasonable fees for this service and shall deposit the moneys collected in accordance with RCW 43.63B.080 (as recodified by this act).

Sec. 9. RCW 59.22.050 and 1991 c 327 s 3 are each amended to read as follows:

(1) In order to provide general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs ~~((which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing)).~~

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance to resident organizations or persons in the process of forming a resident organization pursuant to chapter 59.22 RCW. The office will keep records of its activities in this area.

~~((The office shall perform all the consumer complaint and related functions of the state administrative agency that are required for purposes of complying with the regulations established by the federal department of housing and urban development for manufactured housing, including the preparation and submission of the state administrative plan.))~~

~~((3))~~ The office shall administer the mobile home relocation assistance program established in chapter 59.21 RCW, including verifying the eligibility of tenants for relocation assistance.

Sec. 10. RCW 59.22.070 and 1995 c 399 s 156 are each amended to read as follows:

There is created in the custody of the state treasurer a special account known as the ~~((mobile home affairs))~~ manufactured housing account.

Disbursements from this special account shall be as follows:

(1) For the two-year period beginning July 1, 1988, forty thousand dollars, or so much thereof as may be necessary for costs incurred in registering landlords and collecting fees, and thereafter five thousand dollars per year for that purpose.

(2) All remaining amounts shall be remitted to the department for the purpose of implementing RCW 59.22.050 ~~((and 59.22.060)), except those funds needed to implement the state administrative agency function and manufactured home installation training and certification program under chapter 43.-~~ RCW (as created in section 13 of this act), as well as all appropriated and nonappropriated funds related to department of labor and industries functions.

Sec. 11. RCW 43.63B.070 and 1994 c 284 s 22 are each amended to read as follows:

(1) The department shall charge reasonable fees to cover the costs to administer the certification program which shall include but not be limited to the issuance, renewal, and reinstatement of all certificates, training courses, and examinations required under this chapter. All fees collected under this chapter shall be deposited in the manufactured home installation training account created in RCW 43.63B.080 and used only for the purposes specified in this chapter.

The fees shall be limited to covering the direct cost of issuing the certificates, administering the examinations, and administering and enforcing this chapter. The costs shall include only essential travel, per diem, and administrative support costs.

(2) For the purposes of implementing this act, until July 1, 2008, the department may increase fees for the certification program in excess of the fiscal growth factor under chapter 43.135 RCW.

NEW SECTION. Sec. 12. (1) All powers, duties, and functions of the department of community, trade, and economic development pertaining to mobile and manufactured home installation are transferred to the department of labor and industries.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of community, trade, and economic development pertaining to the

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powers, functions, and duties transferred shall be delivered to the custody of the department of labor and industries. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of community, trade, and economic development in carrying out the powers, functions, and duties transferred shall be made available to the department of labor and industries. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of labor and industries.

(b) Any appropriations made to the department of community, trade, and economic development for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of labor and industries.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of community, trade, and economic development engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of labor and industries. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of labor and industries to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of community, trade, and economic development pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of labor and industries. All existing contracts and obligations shall remain in full force and shall be performed by the department of labor and industries.

(5) The transfer of the powers, duties, functions, and personnel of the department of community, trade, and economic development shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 13. The following sections are each recodified as a new chapter in Title 43 RCW: RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 15. Section 2 of this act expires if the contingency in RCW 43.63A.490 occurs."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

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Committee on Consumer Protection & Housing to Substitute House Bill No. 2118.

The motion by Senator Weinstein carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 4 of the title, after "industries;" strike the remainder of the title and insert "amending RCW 43.63A.460, 43.63A.465, 43.63B.010, 43.63B.150, 43.63B.170, 43.22.431, 43.22.495, 46.70.136, 59.22.050, 59.22.070, and 43.63B.070; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 43.63B.005, 43.63B.010, 43.63B.020, 43.63B.030, 43.63B.035, 43.63B.040, 43.63B.050, 43.63B.060, 43.63B.070, 43.63B.080, 43.63B.090, 43.63B.100, 43.63B.110, 43.63B.120, 43.63B.130, 43.63B.140, 43.63B.150, 43.63B.160, 43.63B.170, 43.63B.800, 43.63B.900, 43.63B.901, 43.63A.460, 43.63A.465, and 46.70.136; providing a contingent expiration date; and declaring an emergency."

MOTION

On motion of Senator Weinstein, the rules were suspended, Substitute House Bill No. 2118 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Weinstein and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2118 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2118 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Hargrove, Hewitt and Holmquist - 3
Absent: Senator Kline - 1

Excused: Senators Brown, Kastama and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 2118 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1843, by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Condotta, Chandler and Moeller)

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Modifying provisions regulating contractors.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 1843 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1843.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1843 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

SUBSTITUTE HOUSE BILL NO. 1843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2154, by Representatives Fromhold, Priest, P. Sullivan, Quall, Kenney and Moeller

Regarding election dates for educational service district board members.

The measure was read the second time.

MOTION

On motion of Senator Tom, the rules were suspended, House Bill No. 2154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Tom and Holmquist spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2154.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2154 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig,

Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

HOUSE BILL NO. 2154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2130, by House Committee on Judiciary (originally sponsored by Representatives Goodman, Lantz, Moeller and Rodne)

Providing a means to determine "prior offenses" to implement chapter 73, Laws of 2006, regarding driving under the influence.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2130.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2130 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Brown - 1

SUBSTITUTE HOUSE BILL NO. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2152, by Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer, Lantz and Ormsby

Regarding election certification.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 2152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of House Bill No. 2152.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2152 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1106, by House Committee on Appropriations (originally sponsored by Representatives Campbell, Chase, Hankins, Morrell, Appleton, Hudgins, McDermott and Wallace)

Requiring reporting of hospital-acquired infections in health care facilities.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that each year health care-associated infections affect two million Americans. These infections result in the unnecessary death of ninety thousand patients and costs the health care system 4.5 billion dollars. Hospitals should be implementing evidence-based measures to reduce hospital-acquired infections. The legislature further finds the public should have access to data on outcome measures regarding hospital-acquired infections. Data reporting should be consistent with national hospital reporting standards.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

(iii) Beginning January 1, 2010, surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft

(B) Total hip and knee replacement surgery; and

(C) Hysterectomy, abdominal and vaginal.

(b) Until required otherwise under (c) of this subsection, a hospital must routinely collect and submit the data required to be collected under (a) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, 2011, submit a report to the appropriate committees of the legislature based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations;

(c) Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at

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individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; and

(e) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

Sec. 3. RCW 70.41.200 and 2005 c 291 s 3 and 2005 c 33 s 7 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

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(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in section 2 of this act, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

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(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 4. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a

hospital, as defined in section 2 of this act, for reporting of health care-associated infections under section 2 of this act, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

The hospital infection control grant account is created in the custody of the state treasury. All receipts from gifts, grants, bequests, devises, or other funds from public or private sources to support its activities must be deposited into the account. Expenditures from the account may be used only for awarding hospital infection control grants to hospitals and public agencies for establishing and maintaining hospital infection control and surveillance programs, for providing support for such programs, and for the administrative costs associated with the grant program. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. A stakeholder group shall be convened by the department of health to review available data regarding existing infection control protocols at ambulatory surgical facilities. Based on its review of the data, the stakeholder group must make a recommendation to the department no later than December 15, 2008, regarding whether these facilities should be included within the coverage of this act. The department must report the stakeholder group recommendation to the appropriate committees of the legislature by January 1, 2009.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 70.41.200 and 42.56.360; adding new sections to chapter 43.70 RCW; and creating new sections."

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The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Health & Long-Term Care to Second Substitute House Bill No. 1106.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that each year health care-associated infections affect two million Americans. These infections result in the unnecessary death of ninety thousand patients and costs the health care system 4.5 billion dollars. Hospitals should be implementing evidence-based measures to reduce hospital-acquired infections. The legislature further finds the public should have access to data on outcome measures regarding hospital-acquired infections. Data reporting should be consistent with national hospital reporting standards.

NEW SECTION. Sec. 2. A new section is added to chapter 43.70 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

(iii) Beginning January 1, 2010, surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) Hysterectomy, abdominal and vaginal.

(b) Until required otherwise under (c) of this subsection, a hospital must routinely collect and submit the data required to be collected under (a) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one

hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, 2011, submit a report to the appropriate committees of the legislature based on the recommendations of the advisory committee established in subsection (5) of this section for additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations;

(c) Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; and

(e) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to

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review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

Sec. 3. RCW 70.41.200 and 2005 c 291 s 3 and 2005 c 33 s 7 are each reenacted and amended to read as follows:

(1) Every hospital shall maintain a coordinated quality improvement program for the improvement of the quality of health care services rendered to patients and the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality improvement committee with the responsibility to review the services rendered in the hospital, both retrospectively and prospectively, in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the quality improvement and medical malpractice prevention program and shall ensure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients including health care-associated infections as defined in section 2 of this act, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with quality improvement, patient safety, medication errors, injury prevention, infection control, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the quality improvement and medical malpractice prevention program or who, in substantial good faith, participates on the quality improvement committee shall not be subject to an action for civil damages or other relief as a result of such activity. Any person or entity participating in a coordinated quality improvement program that, in substantial good faith, shares information or documents with one or more other programs, committees, or boards under subsection (8) of this section is not subject to an action for civil damages or other relief as a result of the activity. For the purposes of this section, sharing information is presumed to be

in substantial good faith. However, the presumption may be rebutted upon a showing of clear, cogent, and convincing evidence that the information shared was knowingly false or deliberately misleading.

(3) Information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee are not subject to review or disclosure, except as provided in this section, or discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(4) Each quality improvement committee shall, on at least a semiannual basis, report to the governing board of the hospital in which the committee is located. The report shall review the quality improvement activities conducted by the committee, and any actions taken as a result of those activities.

(5) The department of health shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(6) The medical quality assurance commission or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the commission or board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(7) The department, the joint commission on accreditation of health care organizations, and any other accrediting organization may review and audit the records of a quality improvement committee or peer review committee in connection with their inspection and review of hospitals. Information so obtained shall not be subject to the discovery process, and confidentiality shall be respected as required by subsection (3) of this section. Each hospital shall produce and make accessible to the department the appropriate records and otherwise facilitate the review and audit.

(8) A coordinated quality improvement program may share information and documents, including complaints and incident reports, created specifically for, and collected and maintained by, a quality improvement committee or a peer review committee under RCW 4.24.250 with one or more other coordinated quality improvement programs maintained in accordance with this section or RCW 43.70.510, a quality assurance committee maintained in accordance with RCW 18.20.390 or 74.42.640, or a peer review committee under RCW 4.24.250, for the improvement of the quality of health care

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services rendered to patients and the identification and prevention of medical malpractice. The privacy protections of chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and its implementing regulations apply to the sharing of individually identifiable patient information held by a coordinated quality improvement program. Any rules necessary to implement this section shall meet the requirements of applicable federal and state privacy laws. Information and documents disclosed by one coordinated quality improvement program to another coordinated quality improvement program or a peer review committee under RCW 4.24.250 and any information and documents created or maintained as a result of the sharing of information and documents shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section, RCW 18.20.390 (6) and (8), 74.42.640 (7) and (9), and 4.24.250.

(9) A hospital that operates a nursing home as defined in RCW 18.51.010 may conduct quality improvement activities for both the hospital and the nursing home through a quality improvement committee under this section, and such activities shall be subject to the provisions of subsections (2) through (8) of this section.

(10) Violation of this section shall not be considered negligence per se.

Sec. 4. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in section 2 of this act, for reporting of health care-associated infections under section 2 of this act, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; and

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(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

The hospital infection control grant account is created in the custody of the state treasury. All receipts from gifts, grants, bequests, devises, or other funds from public or private sources to support its activities must be deposited into the account. Expenditures from the account may be used only for awarding hospital infection control grants to hospitals and public agencies for establishing and maintaining hospital infection control and surveillance programs, for providing support for such programs, and for the administrative costs associated with the grant program. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. A stakeholder group shall be convened by the department of health to review available data regarding existing infection control protocols at ambulatory surgical facilities. Based on its review of the data, the stakeholder group must make a recommendation to the department no later than December 15, 2008, regarding whether these facilities should be included within the coverage of this act. The department must report the stakeholder group recommendation to the appropriate committees of the legislature by January 1, 2009.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senators Keiser and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Second Substitute House Bill No. 1106.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "reenacting and amending RCW 70.41.200 and 42.56.360; adding new sections to chapter 43.70 RCW; and creating new sections."

MOTION

On motion of Senator Keiser, the rules were suspended, Second Substitute House Bill No. 1106 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1106 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1106 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 1106 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2319, by Representatives Kagi, P. Sullivan, Wallace, Seaquist, Appleton, Morrell, Goodman, Santos, Wood, Ormsby and Kenney

Supporting early learning and parenting education opportunities at community colleges.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 2319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2319.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2319 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 2319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1064, by Representatives Seaquist, Morrell, Haigh, Kelley, Miloscia, Hunt, Appleton, Conway, P. Sullivan, McDonald, Haler, Wallace, Moeller, B. Sullivan, Kenney, Hunter, Chase, Ormsby, Upthegrove and Hurst

Addressing veterans' benefits.

The measure was read the second time.

MOTION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1064.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1064 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1218, by Representatives Conway, Wood, Condotta, Kenney and Moeller

Modifying gambling commission powers and duties to temporarily issue, suspend, and renew licenses.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1218.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1218 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

HOUSE BILL NO. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SUBSTITUTE HOUSE BILL NO. 1654, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Haigh and Hunt)

Modifying canvassing provisions.

The measure was read the second time.

MOTION

Senator Oemig moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.60.160 and 2005 c 243 s 15 and 2005 c 153 s 11 are each reenacted and amended to read as follows:

~~(1) Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, (([and] except Sundays and legal holidays;)) the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than ((twenty-five)) five hundred ballots that have yet to be canvassed. ((The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.~~

~~— Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.))~~

~~(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.~~

~~(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.~~

~~(4) Tabulation results must be made available to the public immediately upon completion of the canvass.~~

Sec. 2. RCW 29A.60.160 and 2005 c 243 s 15 are each amended to read as follows:

~~((Except Sundays and legal holidays;)) (1) The county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than ((twenty-five)) five hundred ballots that have yet to be canvassed. ((The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining~~

~~when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.~~

~~— Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass.))~~

~~(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.~~

~~(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process absentee ballots and canvass the votes.~~

~~(4) Tabulation results must be made available to the public immediately upon completion of the canvass.~~

Sec. 3. RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to read as follows:

(1) The counting center in a county using voting systems is under the direction of the county auditor and must be observed by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(2) In counties in which ballots are not counted at the polling place, the official political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the votes cast on any office or issue. The ballots for that precinct must then be counted by the vote tallying system, and this result will be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

(3) In counties using poll-site ballot counting devices, the political party observers, upon mutual agreement, may choose as many as three precincts and request that a manual count be made of the number of ballots and the votes cast on any office or issue. The results of this count will be compared to the count of the precinct made by the poll-site ballot counting device. These selections must be made no later than thirty minutes after the close of the polls. The manual count must be completed within forty-eight hours after the close of the polls. The process must take place at a location designated by the county auditor for that purpose. The political party observers must receive timely notice of the time and location, and have the right to be present. However, the process must proceed as scheduled if the observers are unable to attend.

(4) In counties voting entirely by mail, a random check of the ballot counting equipment may be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board prior to the processing of ballots. The random check process shall involve a comparison of a manual count to the machine count and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check.

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The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board and the check must be completed no later than forty-eight hours after election day.

SECOND READING

NEW SECTION. Sec. 4. Section 1 of this act expires July 1, 2013.

NEW SECTION. Sec. 5. Section 2 of this act takes effect July 1, 2013."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1654.

The motion by Senator Oemig carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "ballots;" strike the remainder of the title and insert "amending RCW 29A.60.160 and 29A.60.170; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Oemig, the rules were suspended, Substitute House Bill No. 1654 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

Senator Benton moved that further consideration of Substitute House Bill No. 1654 be deferred and the bill hold its place on the second reading calendar.

On motion of Senator Benton the motion by Senator Benton to defer consideration of Substitute House Bill No. 1654 was withdrawn.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1654 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1654 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1654 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1298, by House Committee on Health Care & Wellness (originally sponsored by Representatives Green, Campbell, Cody, Morrell, Moeller and Conway)

Regarding dental hygienist employment by health care facilities and sealant programs in schools.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.29.056 and 1997 c 37 s 2 are each amended to read as follows:

(1)(a) Subject to section 3 of this act and (c) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may be employed or retained by health care facilities to perform authorized dental hygiene operations and services without dental supervision, limited to removal of deposits and stains from the surfaces of the teeth, application of topical preventive or prophylactic agents, polishing and smoothing restorations, and performance of root planing and soft-tissue curettage, but shall not perform injections of anesthetic agents, administration of nitrous oxide, or diagnosis for dental treatment.

(b) The performance of dental hygiene operations and services in health care facilities shall be limited to patients, students, and residents of the facilities.

(c) A dental hygienist employed or retained to perform services under this section in a senior center must, before providing services:

(i) Enter into a written practice arrangement plan, approved by the department, with a dentist licensed in this state, under which the dentist will provide off-site supervision of the dental services provided. This agreement does not create an obligation for the dentist to accept referrals of patients receiving services under the program;

(ii) Collect data on the patients treated by dental hygienists under the program, including age, treatments rendered, insurance coverage, if any, and patient referral to dentists. This data must be submitted to the department of health at the end of each annual quarter, commencing October 1, 2007; and

(iii) Obtain information from the patient's primary health care provider about any health conditions of the patient that would be relevant to the provision of preventive dental care. The information may be obtained by the dental hygienist's direct contact with the provider or through a written document from the provider that the patient presents to the dental hygienist.

(d) For dental planning and dental treatment, dental hygienists shall refer patients to licensed dentists.

(2) For the purposes of this section(1):

(a) "Health care facilities" are limited to hospitals; nursing homes; home health agencies; group homes serving the elderly, ((handicapped)) individuals with disabilities, and juveniles; state-operated institutions under the jurisdiction of the department of social and health services or the department of corrections; and federal, state, and local public health facilities, state or federally funded community and migrant health centers, and tribal clinics. Until July 1, 2009, "health care facilities" also include senior centers.

(b) "Senior center" means a multipurpose community facility operated and maintained by a nonprofit organization or local

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government for the organization and provision of a broad spectrum of health, social, nutritional, and educational services and recreational activities for persons sixty years of age or older.

Sec. 2. RCW 18.29.220 and 2001 c 93 s 3 are each amended to read as follows:

~~((+))~~ For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions, a dental hygienist licensed in this state ~~((as of April 19, 2001,))~~ may assess for and apply sealants and apply fluoride varnishes, and may remove deposits and stains from the surfaces of teeth until July 1, 2009, in community-based sealant programs carried out in schools;

(1) Without attending the department's school sealant endorsement program~~(-)~~ if the dental hygienist was licensed as of April 19, 2001; or

~~(2) ((For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions;)) If the dental hygienist((s who are)) is school sealant endorsed under RCW 43.70.650 ((may assess for and apply sealants and fluoride varnishes in community-based sealant programs carried out in schools)).~~

A hygienist providing services under this section must collect data on patients treated, including age, treatment rendered, methods of reimbursement for treatment, evidence of coordination with local public health jurisdictions and local oral health coalitions, and patient referrals to dentists. These data must be submitted to the department of health at the end of each annual quarter, commencing October 1, 2007.

NEW SECTION. Sec. 3. A new section is added to chapter 18.29 RCW to read as follows:

A dental hygienist participating in a program under RCW 18.29.056 that involves providing services at senior centers, as defined in RCW 18.29.056, or under RCW 18.29.220 that involves removing deposits and stains from the surfaces of teeth in a community-based sealant program must:

(1) Provide the patient or, if the patient is a minor, the parent or legal guardian of the patient, if reasonably available, with written information that includes at least the following:

(a) A notice that the treatment being given under the program is not a comprehensive oral health care service, but is provided as a preventive service only; and

(b) A recommendation that the patient should be examined by a licensed dentist for comprehensive oral health care services; and

(2) Assist the patient in obtaining a referral for further dental planning and treatment, including providing a written description of methods and sources by which a patient may obtain a referral, if needed, to a dentist, and a list of licensed dentists in the community. Written information should be provided to the parent on the potential needs of the patient.

NEW SECTION. Sec. 4. The secretary of health, in consultation with representatives of dental hygienists and dentists, shall provide a report to the appropriate committees of the legislature by December 1, 2008, that:

(1) Provides a summary of the information about patients receiving dental services in senior centers that is collected under RCW 18.29.056(1)(c)(ii), and in community-based sealant programs carried out in schools under RCW 18.29.220, and describing the dental health outcomes, including both effects on dental health and adverse incidents, if any, related to the services these patients receive under the programs; and

(2) Makes recommendations, as appropriate, with regard to the services that could be appropriately provided by dental hygienists in senior centers and community-based sealant programs carried out in schools, and the effects on dental health of patients treated."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 1298.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "hygiene;" strike the remainder of the title and insert "amending RCW 18.29.056 and 18.29.220; adding a new section to chapter 18.29 RCW; and creating a new section."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1298 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1298 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1298 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1298 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1379, by Representatives Hinkle, Green, Campbell, Cody and Morrell

Revising the qualifications of an applicant for licensure as a hearing instrument fitter/dispenser.

The measure was read the second time.

MOTION

On motion of Senator Pflug, the rules were suspended, Engrossed House Bill No. 1379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pflug and Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1379.

ROLL CALL

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The Secretary called the roll on the final passage of Engrossed House Bill No. 1379 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Franklin - 1

ENGROSSED HOUSE BILL NO. 1379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Substitute House Bill No. 1098 which had been deferred earlier in the day.

MOTION

On motion of Senator Keiser, the objection by Senator Keiser to the amendment by Senators Oemig and Rasmussen to the committee striking amendment was withdrawn.

MOTION

On motion of Senator Oemig, the motion to adopt the amendment by Senators Oemig and Rasmussen to the committee striking amendment was withdrawn.

The motion by Senator Oemig carried.

MOTION

On motion of Senator Keiser, the to adopt the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 1058 was withdrawn.

The motion by Senator Keiser carried.

MOTION

Senator Keiser moved that the committee striking amendment by the Committee on Health & Long-Term Care be not adopted.

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment.

The motion by Senator Keiser carried and the committee striking amendment was not adopted.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Oemig be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95M.115 and 2006 c 231 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of ((a public health emergency)) an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the ((emergency)) outbreak or shortage.

(4) A person who is known to be pregnant or a parent or legal guardian of a child under eighteen years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section.

(5) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

Senators Keiser, Oemig and Pflug spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Oemig to Substitute House Bill No. 1098.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objections, the following title amendment was adopted.

On page 1, line 1 of the title, after "outbreaks;" strike the remainder of the title and insert "and amending RCW 70.95M.115."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1098 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1098 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1098 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1098 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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At 8:55 p.m., on motion of Senator Eide, the Senate
adjourned until 9:00 a.m. Thursday, April 12, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-FIFTH DAY, APRIL 12, 2007

2007 REGULAR SESSION

NINETY-FIFTH DAY

SENATE BILL NO. 5123,
SENATE BILL NO. 5773,
and the same are herewith transmitted.

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 12, 2007

RICHARD NAFZIGER, Chief Clerk

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Haugen, Jacobsen, Spanel and Zarelli.

The Sergeant at Arms Color Guard consisting of Pages Kember Call and Matthew Hudgins, presented the Colors. Reverend Anna Grace of Unity Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5032,
SECOND SUBSTITUTE SENATE BILL NO. 5114,
SENATE BILL NO. 5206,
SUBSTITUTE SENATE BILL NO. 5219,
SUBSTITUTE SENATE BILL NO. 5225,
SUBSTITUTE SENATE BILL NO. 5244,
SENATE BILL NO. 5258,
SENATE BILL NO. 5259,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5373,
SUBSTITUTE SENATE BILL NO. 5475,
SUBSTITUTE SENATE BILL NO. 5483,
SENATE BILL NO. 5613,
SENATE BILL NO. 5778,
SENATE BILL NO. 5798,
SECOND SUBSTITUTE SENATE BILL NO. 5806,
SUBSTITUTE SENATE BILL NO. 5919,
SENATE BILL NO. 6090,
SENATE BILL NO. 6129,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 2378

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED HOUSE BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1344,
SUBSTITUTE HOUSE BILL NO. 1500,
HOUSE BILL NO. 1528,
SUBSTITUTE HOUSE BILL NO. 1669,
ENGROSSED HOUSE BILL NO. 1688,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Hargrove moved that Gubernatorial Appointment No. 9127, Roger K. Jackson, as a member of the Western State Hospital Advisory Board, be confirmed.

Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Zarelli was excused.

MOTION

On motion of Senator Regala, Senators Haugen and Spanel were excused.

APPOINTMENT OF ROGER K. JACKSON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9127, Roger K. Jackson as a member of the Western State Hospital Advisory Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9127, Roger K. Jackson as a member of the Western State Hospital Advisory Board and the appointment was confirmed by the following vote:
Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

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Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Weinstein - 44

Absent: Senators Brown and Jacobsen - 2

Excused: Senators Haugen, Spanel and Zarelli - 3

Gubernatorial Appointment No. 9127, Roger K. Jackson, having received the constitutional majority was declared confirmed as a member of the Western State Hospital Advisory Board.

MOTION

On motion of Senator Regala, Senators Brown, Jacobsen and Prentice were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9142, Sheryl Lamberton, Ph. D., as a member of the Western State Hospital Advisory Board, be confirmed.

Senator Hargrove spoke in favor of the motion.

APPOINTMENT OF SHERYL LAMBERTON, PH. D.

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9142, Sheryl Lamberton, Ph. D. as a member of the Western State Hospital Advisory Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9142, Sheryl Lamberton, Ph. D. as a member of the Western State Hospital Advisory Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Haugen, Jacobsen, Prentice and Spanel - 4

Gubernatorial Appointment No. 9142, Sheryl Lamberton, Ph. D., having received the constitutional majority was declared confirmed as a member of the Western State Hospital Advisory Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hargrove moved that Gubernatorial Appointment No. 9181, David Stewart, as a member of the Western State Hospital Advisory Board, be confirmed.

Senator Hargrove spoke in favor of the motion.

APPOINTMENT OF DAVID STEWART

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9181,

David Stewart as a member of the Western State Hospital Advisory Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9181, David Stewart as a member of the Western State Hospital Advisory Board and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Haugen, Jacobsen and Spanel - 3

Gubernatorial Appointment No. 9181, David Stewart, having received the constitutional majority was declared confirmed as a member of the Western State Hospital Advisory Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9101, Brian Comstock, as a member of the Lottery Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Poulsen was excused.

MOTION

On motion of Senator Regala, Senators Hobbs and Shin were excused.

APPOINTMENT OF BRIAN COMSTOCK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9101, Brian Comstock as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9101, Brian Comstock as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Excused: Senators Berkey, Haugen, Jacobsen, Poulsen, Shin and Spanel - 6

Gubernatorial Appointment No. 9101, Brian Comstock, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

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Senator Rockefeller moved that Gubernatorial Appointment No. 9128, Lyle Jacobsen, as a member of the Lottery Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF LYLE JACOBSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9128, Lyle Jacobsen as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9128, Lyle Jacobsen as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Excused: Senators Berkey, Haugen, Hobbs, Jacobsen, Poulsen, Shin and Spanel - 7

Gubernatorial Appointment No. 9128, Lyle Jacobsen, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9157, Bob Myers, as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

APPOINTMENT OF BOB MYERS

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9157, Bob Myers as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9157, Bob Myers as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15 and the appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Hewitt, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker,

Tom, Weinstein and Zarelli - 40

Excused: Senators Berkey, Hargrove, Haugen, Hobbs, Holmquist, Jacobsen, Poulsen, Shin and Spanel - 9

Gubernatorial Appointment No. 9157, Bob Myers, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Wenatchee Valley Community College District No. 15.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Haler, Moeller and Lantz)

Modifying plurality voting for directors.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee amendment by the Committee on Judiciary be adopted.

Beginning on page 3, line 19, strike all of section 5 and insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 23B.10 RCW to read as follows:

(1) Unless the articles of incorporation (a) specifically prohibit the adoption of a bylaw pursuant to this section, (b) alter the vote specified in RCW 23B.07.280(2), or (c) allow for or do not exclude cumulative voting, a public company may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for, voted against, or withheld for one or more candidates up to that number of candidates that is equal to the number of directors to be elected but without cumulating the votes, or a shareholder may indicate an abstention for one or more candidates;

(ii) To be elected, a candidate must have received the number, percentage, or level of votes specified in the bylaws; provided that holders of shares entitled to vote in the election and constituting a quorum are present at the meeting. A candidate who does not receive the number, percentage, or level of votes specified in the bylaws but who was a director at the time of the election shall continue to serve as a director for a term that shall terminate on the date that is the earlier of (A) the date specified in the bylaw, but not longer than ninety days from the date on which the voting results are determined pursuant to RCW 23B.07.300(2), or (B) the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which RCW 23B.08.100 applies;

(iii) A bylaw adopted pursuant to this section may provide that votes cast against and/or withheld as to a candidate are to be taken into account in determining whether the number, percentage, or level of votes required for election has been received. Unless the bylaw specifies otherwise, only votes cast are to be taken into account and a ballot marked "withheld" in respect to a share is deemed to be a vote cast. Unless the bylaws specify otherwise, shares otherwise present at the meeting but for which there is an abstention or as to which no authority or direction to vote in the election is given or specified, are not deemed to be votes cast in the election;

(iv) The board of directors may select any qualified individual to fill the office held by a director who did not receive the specified vote for election referenced in (c)(ii) of this subsection; and

(v) Unless the bylaw specifies otherwise, a bylaw adopted pursuant to this subsection (1) shall not apply to an election of directors by a voting group if (A) at the expiration of the time fixed under a provision requiring advance notification of director candidates, or (B) absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting

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group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this subsection (1)(c)(v) if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(2) A bylaw containing an election to be governed by this section may be repealed or amended:

(a) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(b) If adopted by the board of directors, by the board of directors or the shareholders."

The President declared the question before the Senate to be the adoption of the committee amendment by the Committee on Judiciary to Substitute House Bill No. 1041.

The motion by Senator Kline carried and the committee amendment was adopted by voice vote.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1041 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1041 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1041 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Excused: Senators Berkey, Haugen, Hobbs, Jacobsen, Poulsen, Shin and Spanel - 7

SUBSTITUTE HOUSE BILL NO. 1041 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1099, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Green, Bailey, Schual-Berke, Campbell, McCoy, Morrell, Ormsby, Kenney and Moeller)

Regulating certain dental professions.

The measure was read the second time.

MOTION

Senator Marr moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Close supervision" means that a supervising dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. The supervising dentist is continuously on-site and physically present in the treatment facility while the procedures are performed by the assistive personnel and capable of responding immediately in the event of an emergency. The term does not require a supervising dentist to be physically present in the operator.

(2) "Commission" means the Washington state dental quality assurance commission created in chapter 18.32 RCW.

(3) "Dental assistant" means a person who is registered by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the close supervision of a dentist.

(4) "Dentist" means an individual who holds a license to practice dentistry under chapter 18.32 RCW.

(5) "Department" means the department of health.

(6) "Expanded function dental auxiliary" means a person who is licensed by the commission to provide supportive services to a licensed dentist to the extent provided in this chapter and under the specified level of supervision of a dentist.

(7) "General supervision" means that a supervising dentist has examined and diagnosed the patient and provided subsequent instructions to be performed by the assistive personnel, but does not require that the dentist be physically present in the treatment facility.

(8) "Secretary" means the secretary of health.

(9) "Supervising dentist" means a dentist licensed under chapter 18.32 RCW that is responsible for providing the appropriate level of supervision for dental assistants and expanded function dental auxiliaries.

NEW SECTION. Sec. 2. (1) No person may practice or represent himself or herself as a registered dental assistant by use of any title or description without being registered by the commission as having met the standards established for registration under this chapter unless he or she is exempt under section 11 of this act.

(2) No person may practice or represent himself or herself as a licensed expanded function dental auxiliary by use of any title or description without being licensed by the commission under this chapter unless he or she is exempt under section 11 of this act.

NEW SECTION. Sec. 3. The commission shall issue a registration to practice as a dental assistant to any applicant who pays any applicable fees, as established by the secretary in accordance with RCW 43.70.110 and 43.70.250, and submits, on forms provided by the secretary, the applicant's name, address, and other information as determined by the secretary.

NEW SECTION. Sec. 4. (1) The commission shall issue a license to practice as an expanded function dental auxiliary to any applicant who:

(a) Pays any applicable fees as established by the secretary in accordance with RCW 43.70.110 and 43.70.250;

(b) Submits, on forms provided by the secretary, the applicant's name, address, and other applicable information as determined by the secretary; and

(c) Demonstrates that the following requirements have been met:

(i) Successful completion of a dental assisting education program approved by the commission. The program may be an approved on-line education program;

(ii) Successful completion of an expanded function dental auxiliary education program approved by the commission; and

(iii) Successful passage of both a written examination and a clinical examination in restorations approved by the commission.

(2)(a) An applicant that holds a limited license to practice dental hygiene under chapter 18.29 RCW is considered to have

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met the dental assisting education program requirements of subsection (1)(c)(i) of this section.

(b) An applicant that holds a full license to practice dental hygiene under chapter 18.29 RCW is considered to have met the requirements of subsection (1)(c) of this section upon demonstrating the successful completion of training in taking final impressions as approved by the commission.

NEW SECTION. Sec. 5. (1) The commission shall adopt rules relating to the scope of dental assisting services related to patient care and laboratory duties that may be performed by dental assistants. All dental services performed by dental assistants must be performed under the close supervision of a supervising dentist as the dentist may allow.

(2) In addition to any other limitations established by the commission, dental assistants may not perform the following procedures:

- (a) Any scaling procedure;
- (b) Any oral prophylaxis, except coronal polishing;
- (c) Administration of any general or local anesthetic, including intravenous sedation;
- (d) Any removal of or addition to the hard or soft tissue of the oral cavity;
- (e) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth, jaw, or adjacent structures; and
- (f) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

(3) A dentist may not assign a dental assistant to perform duties until the dental assistant has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

NEW SECTION. Sec. 6. (1) The commission shall adopt rules relating to the scope of expanded function dental auxiliary services related to patient care and laboratory duties that may be performed by expanded function dental auxiliaries.

(2) The scope of expanded function dental auxiliary services that the commission identifies in subsection (1) of this section includes:

(a) In addition to the dental assisting services that a dental assistant may perform under the close supervision of a supervising dentist, the performance of the following services under the general supervision of a supervising dentist as the dentist may allow:

- (i) Performing coronal polishing;
 - (ii) Giving fluoride treatments;
 - (iii) Applying sealants;
 - (iv) Placing dental x-ray film and exposing and developing the films;
 - (v) Giving patient oral health instruction; and
- (b) Notwithstanding any prohibitions in section 5 of this act, the performance of the following services under the close supervision of a supervising dentist as the dentist may allow:

- (i) Placing and carving direct restorations; and
 - (ii) Taking final impressions.
- (3) A dentist may not assign an expanded function dental auxiliary to perform services until the expanded function dental auxiliary has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

NEW SECTION. Sec. 7. A supervising dentist is responsible for:

(1) Maintaining the appropriate level of supervision for dental assistants and expanded function dental auxiliaries; and

(2) Ensuring that the dental assistants and expanded function dental auxiliaries that the dentist supervises are able to competently perform the tasks that they are assigned.

NEW SECTION. Sec. 8. The commission shall issue an initial credential or renewal credential to an applicant who has met the requirements for a credential or deny an initial credential or renewal credential based upon failure to meet the requirements for a credential or unprofessional conduct or impairment governed by chapter 18.130 RCW.

NEW SECTION. Sec. 9. An applicant holding a license in another state may be licensed as an expanded function dental

auxiliary in this state without examination if the commission determines that the other state's licensing standards are substantially equivalent to the standards in this state.

NEW SECTION. Sec. 10. (1) The commission may approve a written examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act. The requirement that the examination be written does not exclude the use of computerized test administration.

(2) The commission, upon consultation with the dental hygiene examining committee, may approve a clinical examination prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the licensing requirements under section 4 of this act.

NEW SECTION. Sec. 11. Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a dental assistant in the discharge of official duties by dental assistants in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs; or

(2) Expanded function dental auxiliary education and training programs approved by the commission and the practice as an expanded function dental auxiliary by students in expanded function dental auxiliary education and training programs approved by the commission, when acting under the direction and supervision of persons licensed under chapter 18.29 or 18.32 RCW.

NEW SECTION. Sec. 12. The commission may adopt rules under chapter 34.05 RCW as required to implement this chapter.

NEW SECTION. Sec. 13. Chapter 18.130 RCW governs unregistered or unlicensed practice, the issuance and denial of credentials, and the discipline of those credentialed under this chapter. The commission is the disciplining authority under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 18.29 RCW to read as follows:

A person who holds a license under this chapter and who has met the requirements under section 4 of this act and has been issued a license to practice as an expanded function dental auxiliary may perform those expanded function dental auxiliary services identified in section 6 of this act under the specified supervision of a supervising dentist.

Sec. 15. RCW 18.32.030 and 2003 c 282 s 1 are each amended to read as follows:

The following practices, acts, and operations are excepted from the operation of the provisions of this chapter:

(1) The rendering of dental relief in emergency cases in the practice of his or her profession by a physician or surgeon, licensed as such and registered under the laws of this state, unless the physician or surgeon undertakes to or does reproduce lost parts of the human teeth in the mouth or to restore or to replace in the human mouth lost or missing teeth;

(2) The practice of dentistry in the discharge of official duties by dentists in the United States federal services on federal reservations, including but not limited to the armed services, coast guard, public health service, veterans' bureau, or bureau of Indian affairs;

(3) Dental schools or colleges approved under RCW 18.32.040, and the practice of dentistry by students in accredited dental schools or colleges approved by the commission, when acting under the direction and supervision of Washington state-licensed dental school faculty;

(4) The practice of dentistry by licensed dentists of other states or countries while appearing as clinicians at meetings of the Washington state dental association, or component parts thereof, or at meetings sanctioned by them, or other groups approved by the commission;

(5) The use of roentgen and other rays for making radiographs or similar records of dental or oral tissues, under the supervision of a licensed dentist or physician;

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(6) The making, repairing, altering, or supplying of artificial restorations, substitutions, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered, or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models, or impressions furnished by the dentist, and the prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the secretary or the secretary's authorized representatives;

(7) The removal of deposits and stains from the surfaces of the teeth, the application of topical preventative or prophylactic agents, and the polishing and smoothing of restorations, when performed or prescribed by a dental hygienist licensed under the laws of this state;

(8) A qualified and licensed physician and surgeon or osteopathic physician and surgeon extracting teeth or performing oral surgery pursuant to the scope of practice under chapter 18.71 or 18.57 RCW;

(9) ~~The performing of dental operations or services by ((persons not licensed under this chapter)) registered dental assistants and licensed expanded function dental auxiliaries holding a credential issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this act) when performed under the supervision of a licensed dentist, or by other persons not licensed under this chapter if the person is licensed pursuant to chapter 18.29, 18.57, 18.71, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, each while acting within the scope of the person's permitted practice under the person's license: PROVIDED HOWEVER, That such ((nonlicensed)) persons shall in no event perform the following dental operations or services unless permitted to be performed by the person under this chapter or chapters 18.29, 18.57, 18.71, ((and)) 18.79 as it applies to registered nurses and advanced registered nurse practitioners, and 18.-- (sections 1 through 13 and 18 of this act) RCW ((as it applies to registered nurses and advanced registered nurse practitioners)):~~

(a) Any removal of or addition to the hard or soft tissue of the oral cavity;

(b) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure;

(c) Any administration of general or injected local anaesthetic of any nature in connection with a dental operation, including intravenous sedation;

(d) Any oral prophylaxis;

(e) The taking of any impressions of the teeth or jaw or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Sec. 16. RCW 18.32.0351 and 1994 sp.s. c 9 s 204 are each amended to read as follows:

The Washington state dental quality assurance commission is established, consisting of ~~((fourteen)) sixteen~~ members each appointed by the governor to a four-year term. No member may serve more than two consecutive full terms. In appointing the initial members of the commission, it is the intent of the legislature that, to the extent possible, members of the previous boards and committees regulating these professions be appointed to the commission. Members of the commission hold office until their successors are appointed. The governor may appoint members of the initial commission to staggered terms of from one to four years. Thereafter, all members shall be appointed to full four-year terms. Twelve members of the commission must be dentists, two members must be expanded function dental auxiliaries licensed under chapter 18.-- RCW (sections 1 through 13 and 18 of this act), and two members must be public members.

Sec. 17. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section.

This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW; and

(xxii) Recreational therapists.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.-- RCW (sections 1 through 13 and 18 of this act);

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

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(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 18. By November 15, 2012, the department, in consultation with the commission and the dental hygiene examining committee, shall conduct a review of the effectiveness of the creation of the dental assistant and expanded function dental auxiliary professions as related to:

(1) Increasing professional standards in dental practices;

(2) Increasing efficiency in dental practices and community health clinics;

(3) Promoting career ladders in the dental professions; and

(4) Recommendations for expanding or contracting the practice of dental assistants and expanded function dental auxiliaries.

NEW SECTION. Sec. 19. Sections 1 through 13 and 18 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 20. Section 16 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 21. (1) The provisions of this act apply to registered dental assistants effective July 1, 2008.

(2) The provisions of this act apply to expanded function dental auxiliaries effective December 1, 2008.

NEW SECTION. Sec. 22. The secretary of health and the Washington state dental quality assurance commission may take the necessary steps to ensure that this act is implemented on its effective date."

Senator Marr spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Substitute House Bill No. 1099.

The motion by Senator Marr carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "professionals;" strike the remainder of the title and insert "amending RCW 18.32.030, 18.32.0351, and 18.130.040; adding a new section to chapter 18.29 RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Marr, the rules were suspended, Substitute House Bill No. 1099 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Marr and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1099 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1099 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Hobbs, Poulsen, Shin and Spanel - 5

SUBSTITUTE HOUSE BILL NO. 1099 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2281, by Representatives Appleton and Hunt

Revising provisions for shared leave.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.665 and 2003 1st sp.s. c 12 s 3 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; ~~((or))~~

(ii) The employee has been called to service in the uniformed services; or

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services;

(b) The illness, injury, impairment, condition, ~~((or))~~ call to service, or emergency volunteer service has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection; ~~((or))~~

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

(iii) Annual leave if he or she qualifies under (a)(iii) of this subsection;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) of this subsection; or

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(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Before the agency head makes a determination to return unused leave in connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 2281.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "leave;" strike the remainder of the title and insert "and amending RCW 41.04.665."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 2281, as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2281 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2281 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Hobbs, Poulsen, Shin and Spanel - 5

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HOUSE BILL NO. 2281 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1079, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Upthegrove, Ormsby, O'Brien, Morrell, Conway, Haigh, Moeller, McCune and Simpson)

Merging fishing and hunting license fees for certain veterans and persons with disabilities.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.
- (6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the

commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~(27) ("Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.~~

~~(28))~~ (28)) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((29))~~ (28) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((30))~~ (29) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

~~((31))~~ (30) "Senior" means a person seventy years old or older.

~~((32))~~ (31) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

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~~((33))~~ (32) "Saltwater" means those marine waters seaward of river mouths.

~~((34))~~ (33) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((35))~~ (34) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((36))~~ (35) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((37))~~ (36) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((38))~~ (37) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((39))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((40))~~ (39) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((41))~~ (40) "Commercial" means related to or connected with buying, selling, or bartering.

~~((42))~~ (41) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((43))~~ (42) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((44))~~ (43) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

~~((45))~~ (44) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((46))~~ (45) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((47))~~ (46) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((48))~~ (47) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((49))~~ (48) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((50))~~ (49) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((51))~~ (50) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((52))~~ (51) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (52) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal

species, or an unregulated aquatic animal species by the commission.

~~((54))~~ (53) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

~~((55))~~ (54) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

Sec. 2. RCW 77.32.400 and 1998 c 191 s 1 are each amended to read as follows:

(1) The commission shall authorize the director to issue designated harvester cards to persons ~~((of))~~ with a disability. The commission shall adopt rules defining who is a person with a disability and rules governing the conduct of persons ~~((of))~~ with a disability who fish and harvest shellfish and their designated harvesters.

(2) It is lawful for a designated harvester to fish for, take, or possess the personal-use daily bag limit of fish or shellfish ~~((; game fish, or food fish))~~ for a ~~((disabled))~~ person with a disability if the harvester is licensed and has a designated harvester card, and if the ~~((disabled))~~ person with a disability is present on site and in possession of ~~((a combination))~~ the appropriate fishing license issued under ~~((RCW 77.32.490))~~ this chapter. Except as provided in subsection (4) of this section, the person with a disability must be present and participating in the fishing activity.

(3) A designated harvester card will be issued to such a ~~((licensee))~~ person with a disability upon written application to the director. The application must be submitted on a department official form and must be accompanied by a licensed medical doctor's certification of disability.

(4) A person with a ~~((combination fishing license issued under RCW 77.32.490))~~ disability utilizing the services of a designated harvester is not required to be present at the location where the designated harvester is harvesting shellfish for the ~~((disabled))~~ person with a disability. The ~~((licensee))~~ person with a disability is required to be in the direct line of sight of the designated harvester who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the ~~((licensee))~~ person with a disability is required to be within one-quarter mile of the designated harvester who is harvesting shellfish for him or her.

~~((5) Except as provided in subsection (4) of this section, the disabled person needs to be present and participating in the fishing activity.)~~

Sec. 3. RCW 77.32.480 and 1998 c 191 s 18 are each amended to read as follows:

Upon written application, a combination fishing license shall be issued at the reduced rate of five dollars, and all hunting licenses shall, ~~((upon written application,))~~ be issued at the reduced rate of a youth hunting license fee for the following individuals:

(1) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;

~~((2) Residents who are honorably discharged veterans of the United States armed forces))~~ A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability; ~~((and))~~

~~((3) An honorably discharged veteran of the United States armed forces who is))~~ A resident ~~((and is confined to))~~ with a disability who permanently uses a wheelchair;

(4) A resident who is blind or visually impaired; and

(5) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.

Sec. 4. RCW 77.32.550 and 2006 c 16 s 1 are each amended to read as follows:

(1) A group fishing permit allows a group of individuals to fish, and harvest shellfish, without individual licenses or the payment of individual license fees.

(2) The director must issue a group fishing permit on a seasonal basis to a state-operated facility or state-licensed nonprofit facility or program for ~~((physically or mentally disabled))~~ persons ~~((; mentally ill persons))~~ with physical or

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mental disabilities, hospital patients, (~~handicapped persons,~~) seriously or terminally ill persons, persons who are dependent on the state because of emotional or physical developmental disabilities, or senior citizens who are in the care of the facility. The permit is valid only for use during open season.

(3) The director may set conditions and issue a group fishing permit to groups working in partnership with and participating in department outdoor education programs. At the discretion of the director, a processing fee may be applied.

(4) The commission may adopt rules that provide the conditions under which a group fishing permit is issued.

Sec. 5. RCW 77.32.238 and 1989 c 297 s 2 are each amended to read as follows:

(1) The commission shall adopt rules defining who is a person with a disability and governing the conduct of persons with a disability who hunt and their designated licensed hunters. It is unlawful for any person to possess a loaded firearm in or on a motor vehicle except a ((disabled hunter)) person with a disability who possesses a disabled hunter permit and all appropriate hunting licenses may ((possess a loaded firearm or other legal hunting device in and may)) discharge a firearm or other legal hunting device from a nonmoving motor vehicle that has the engine turned off. ((Disabled hunters)) A person with a disability who possesses a disabled hunter permit shall not be exempt from permit requirements for carrying concealed weapons, or from rules, laws, or ordinances concerning the discharge of these weapons. No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road, except as authorized by the commission by rule.

(2) A person (~~of~~) with a disability holding a disabled hunter permit may be accompanied by one (~~nondisabled~~) licensed hunter who may assist the (~~disabled hunter~~) person with a disability by killing game wounded by the (~~disabled hunter~~) person with a disability, and by tagging and retrieving game killed by the (~~disabled hunter~~) person with a disability or the designated licensed hunter. A nondisabled hunter shall not possess a loaded gun in, or shoot from, a motor vehicle.

Sec. 6. RCW 77.32.237 and 1989 c 297 s 1 are each amended to read as follows:

The commission shall attempt to enhance the hunting opportunities (~~of~~) for persons (~~of~~) with a disability. The commission shall authorize the director to issue disabled hunter permits to persons (~~of~~) with a disability. The commission shall adopt rules governing the conduct of (~~disabled hunters~~) persons with a disability who hunt and their (~~nondisabled companions~~) designated licensed hunter.

NEW SECTION. Sec. 7. RCW 77.32.490 (Reduced rate combination fishing license) and 1998 c 191 s 19 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Substitute House Bill No. 1079.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 77.08.010, 77.32.400, 77.32.480, 77.32.550, 77.32.238, and 77.32.237; and repealing RCW 77.32.490."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1079 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1079 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1079 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Berkey, Hobbs, Shin and Spanel - 4

SUBSTITUTE HOUSE BILL NO. 1079 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Delvin and Pflug were excused.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by House Committee on Appropriations (originally sponsored by Representatives VanDeWege, B. Sullivan, O'Brien, Eickmeyer, Lovick, McCoy, Lantz, Simpson, Williams and Dickerson)

Adding the department of natural resources to the definition of "employer" under RCW 41.37.010.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1124 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1124.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1124 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Excused: Senators Berkey, Delvin, Hobbs, Kastama, Pflug, Shin and Spanel - 7

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SUBSTITUTE HOUSE BILL NO. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1005, by Representatives Kessler, Ericks and B. Sullivan

Determining rates for the rental of county equipment.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.33A.040 and 1977 c 67 s 4 are each amended to read as follows:

Rates for the rental of equipment owned by the fund shall be set to cover all costs of maintenance and repair, material and supplies consumed in operating or maintaining the equipment, and the future replacement thereof. The rates shall be determined by the county engineer or other appointee of the county legislative body and shall be subject to annual review by the legislative body. This section does not restrict the ability of the county road administration board to directly inquire into the process of setting rental rates while performing its statutory oversight responsibility."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1005.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "equipment;" strike the remainder of the title and insert "and amending RCW 36.33A.040."

MOTION

On motion of Senator Fairley, the rules were suspended, House Bill No. 1005 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1005 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1005 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach,

Rockefeller, Schoesler, Sheldon, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Berkey, Hobbs, Shin and Spanel - 4

HOUSE BILL NO. 1005 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1526, by Representatives Hunt, Chandler, Armstrong, Ormsby, Kenney, Linville and Moeller

Modifying the form of the presidential primary ballot.

The measure was read the second time.

MOTION

On motion of Senator Oemig, the rules were suspended, House Bill No. 1526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Oemig spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Delvin was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1526.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1526 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Kastama and Sheldon - 2

Absent: Senator Poulsen - 1

Excused: Senators Berkey, Delvin, Hobbs, Shin and Spanel - 5

HOUSE BILL NO. 1526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1181, by Representatives Ericks, O'Brien, Lovick, Ormsby, McDonald, Haler and Wallace

Modifying the powers and funding of the forensic investigations council.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of House Bill No. 1181.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1181 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Berkey and Spanel - 2

HOUSE BILL NO. 1181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish the Journal to reflect that I mistakenly voted "Yes" on the final passage of Engrossed House Bill No. 1181, which increases fees charged for copies of vital records to fund certain forensic and death investigation activities. I consistently opposed fee increases this year and, had I not been distracted by discussions about Engrossed House Joint Resolution No. 4204 and eliminating the super majority requirement for school levies, I would have voted against Engrossed House Bill No. 1181.

SENATOR JANEA HOLMQUIST, 13th Legislative District

SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 4204, by Representatives Schual-Berke, Chase, Wallace, Hudgins, Sells, Kenney, Appleton, Pedersen, Ormsby, Hasegawa, Lovick, Haigh, Dunshee, Hunt, Simpson, Lantz, Hunter, Williams, Linville, Goodman, Conway, Springer, Hurst, Campbell, P. Sullivan, Miloscia, Kelley, Moeller, Green, Rolfes, Eddy, Santos, Fromhold and Haler

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

The measure was read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 2, line 30, after "proposition" insert "if the affirmative vote is equal to fifteen percent or more of the registered voters in the school district"

Re-number the sections consecutively and correct any internal references accordingly.

Senators Schoesler and Holmquist spoke in favor of adoption of the amendment.

Senator McAuliffe spoke against adoption of the amendment.

Senator Carrell demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 30 to Engrossed House Joint Resolution No. 4204.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 19; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Keiser, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove be adopted.

Strike everything after page 1, line 7, and insert the following:

"Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money(~~(= Provided, however, That)~~). Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election(~~(= Provided, That)~~). Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or ((remodelling)) remodeling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition, if

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the proposition is approved at the general election, in which case the proposition to levy such additional tax shall be submitted not more than fourteen months before the date on which the proposed initial levy is to be made and not oftener than twice during the fourteen-month period beginning with the general election at which the proposition was first submitted. However, a proposition to levy an additional tax for a school district may be submitted at the 2008 general election if the proposition has been submitted no more than three times in such fourteen-month period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election(~~(-Provided, That)~~). Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein(~~(-And provided further, That)~~). The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler to the striking amendment be adopted.

On page 2, line 12, after "proposition", insert "if the affirmative vote is equal to fifteen percent or more of the registered voters in the school district"

Renumber the sections consecutively and correct any internal references accordingly.

PARLIAMENTARY INQUIRY

Senator Hargrove: "Have we not passed judgement on this amendment already? This is exactly the same as..."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, he is now attempting to amend the striking amendment which really makes a whole new issue before us. Therefore he may introduce the amendment again."

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator McAuliffe spoke against adoption of the

amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 2, line 12 to the striking amendment to Engrossed House Joint Resolution No. 4204.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove to Engrossed House Joint Resolution No.

Senator Eide spoke against the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

ROLL CALL

The Secretary called the roll on the adoption of the striking amendment by Senator Hargrove and amendment was not adopted by the following vote: Yeas, 18; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed House Joint Resolution No. 4204 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

Senators Eide, McAuliffe, Prentice, Shin, Jacobsen, Pflug, Franklin, Tom, Kohl-Welles and Oemig spoke in favor of passage of the resolution.

Senators Holmquist, Benton, Hargrove, Schoesler, McCaslin, Stevens, Honeyford, Parlette, Hewitt and Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Joint Resolution No. 4204.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 4204 and the resolution passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 33

Voting nay: Senators Benton, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

ENGROSSED HOUSE JOINT RESOLUTION NO. 4204, having received the constitutional majority, was declared passed.

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MOTION

At 11:23 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:45 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8682

By Senators Shin, Tom, Honeyford, Eide, Delvin, Rasmussen, Regala, Kohl-Welles, Spanel, McCaslin, Clements, Kauffman, Benton, Oemig, Franklin, Brandland, Sheldon, Weinstein, Poulsen, Hargrove, Kastama, Kline, Jacobsen, Pridmore, Hatfield, Haugen, Keiser, Holmquist, Fraser, McAuliffe, Rockefeller, Zarelli, Marr, Hobbs, Kilmer, Stevens, Swecker, Pflug, Murray, Fairley, Hewitt, Schoesler, Carrell and Roach

WHEREAS, Men and women of the United States Armed Forces have been protecting our country since its inception; and

WHEREAS, The terrorist attacks of September 11, 2001, gave rise to a new type of war; and

WHEREAS, Operation Enduring Freedom, which began in October 2001 in Afghanistan against the Taliban, has claimed the lives of 374 United States service members; and

WHEREAS, Nine servicemen from Washington state have been killed while deployed in Afghanistan, Pakistan, and the Philippines: Sgt. Nathan Paul Hays from Wilbur; Staff Sgt. Juan Miguel Ridout from Oak Harbor; Spc. Harley D.R. Miller from Spokane; Chief Warrant Officer 2nd Class Clint Jeffrey Prather from Cheney; Staff Sgt. Travis Wayne Nixon from Parsons; 1st Lt. Forrest Pinkerton Ewens from Gig Harbor; Spec. Thomas F. Allison from Tacoma; Sgt. Jay A. Blessing from Tacoma; and Sgt. 1st Class Nathan Ross Chapman from Puyallup; and

WHEREAS, The War on Terror expanded to include Iraq with the launch of "Operation Iraqi Freedom" in March 2003; and

WHEREAS, This operation has taken the lives of 3,279 United States service members in Iraq and Kuwait; and

WHEREAS, 67 of those fallen servicemen and women called Washington their home: 1st Lt. Michael Robert Adams from Seattle; Sgt. Corey James Aultz from Port Orchard; Spec. Ryan M. Bell from Colville; Spc. Robert Theodore Benson from Spokane; Staff Sgt. Marvin Leslie Best from Prosser; Cpl. Joseph Phillip Bier from Centralia; Chief Petty Officer Gregory J. Billiter from Oak Harbor; Spec. Joshua M. Boyd from Seattle; Lance Cpl. Cedric Eugene Bruns from Vancouver; Staff Sgt. Christopher Bunda from Bremerton; Staff Sgt. Michael Lee Burbank from Bremerton; Pfc. Cody Shea Calavan from Lake Stevens; 1st Lt. Jamie Lynn Campbell from Ephrata; Lance Cpl. Daniel Chavez from Seattle; Petty Officer 1st Class Regina R. Clark from Centralia; 1st Lt. Benjamin Joseph Colgan from Kent; Sgt. Jason Chesley Cook from Malott; Staff Sgt. Casey J. Crate from Spanaway; Sgt. Jacob Henry Demand from Palouse; Spc. Christopher Wayne Dickinson from Seattle; Spc. Blain Matthew Ebert from Washtucna; Lance Cpl. Adam Quitugua Emul from Vancouver; Sgt. Damien T. Ficek from Pullman; Lance Cpl. Kane Michael Funke from Vancouver; Sgt. Mickel Davied Garrigus from Elma; Pfc. Devon James Gibbons from Port Orchard; Pfc. Jason Hanson from Forks; Spc. Justin William Hebert from Arlington; Sgt. Jacob Robert Herring from Kirkland; Spc. Jordan William Hess from Marysville; Maj. Alan Ricardo Johnson from Yakima; Cpl. Jeremiah Jewel Johnson

from Vancouver; Sgt. Curt Edward Jordan Jr. from Greenacres; Spc. Eric Dean King from Vancouver; Sgt. 1st Class Steven Michael Langmack from Seattle; Sgt. Velton Locklear III from Lacey; Pfc. Duane E. Longstreth from Tacoma; Sgt. Charles E. Matheny IV from Stanwood; Maj. Megan Malia McClung from Coupeville; Petty Officer 1st Class Joseph Adam McSween from Oak Harbor; Staff Sgt. Tracey Lee Melvin from Seattle; Cpl. Darrel James Morris from Spokane Valley; Sgt. 1st Class Lawrence Emerson Morrison from Yakima; Master Sgt. Robb Gordon Needham from Vancouver; Sgt. Juston Dean Norton from Rainier; Staff Sgt. Ronald Lee Paulsen from Vancouver; Sgt. Travis Dwight Pfister from Richland; Lance Cpl. Caleb John Powers from Mansfield; Spc. David Joseph Ramsey from Tacoma; Capt. Gregory Alm Ratzlaff from Olympia; Sgt. Yadir Gumercindo Reynoso from Wapato; Sgt. James Daniel Riekema from Redmond; Staff Sgt. David George Ries from Vancouver; Cpl. Steven Arnold Rintamaki from Lynnwood; Cpl. Jonathan Jose Santos from Bellingham; Spc. Jeremiah Wesley Schmunck from Richland; Pfc. Kerry David Scott from Concrete; Sgt. Jeffrey Ross Shaver from Maple Valley; Lance Cpl. Dustin Lee Sides from Yakima; Cpl. Jeffrey Brian Starr from Snohomish; Lance Cpl. Shane Clanin Swanberg from Kirkland; Staff Sgt. Abraham George Twitchell from Yelm; Staff Sgt. Christopher Jon Vanderhorn from Pierce County; Pfc. Andrew Martin Ward from Kirkland; Sgt. Lucas Timothy White from Moses Lake; Lance Cpl. Nathan Raymond Wood from Kirkland; and Spc. Curtis Lorenza Wooten III from Spanaway; and

WHEREAS, These men and women who died defending our nation leave family and friends in Washington mourning their loss;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate honor the fallen servicemen and women who gave their lives for this country with courage, self-sacrifice, and patriotic devotion; and

BE IT FURTHER RESOLVED, That the Washington State Senate extend appreciation and solace to the families of the servicemen and women who died fighting for this great nation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to members of the Washington State Senate, the families of the aforementioned servicemen and women, and to the United States Air Force, Army, Coast Guard, National Guard, Navy, and the Marine Corps.

REMARKS BY SENATOR SHIN

Senator Shin: "I feel very honored and humble to stand before you to present this resolution. It's amazing how experience helps itself. Sixty years ago I was a little orphaned boy in the street corner begging for food to survive. During the Korean War one of those American soldiers took me as a house boy while we were in a combat situation. In the morning, you folks going to combat, in the evening some of you come back without an arm. Some of you come back without a leg, some of you never came back. I wonder why, stranger from foreign land, come to a country like Korea, given their lives and from then on my heart just wept for them. I was adopted by one of you. 1955, I came here. I got drafted in the Army. 1958, went to Fort Hood, Texas, taking basic training. There we made a commit and swear that we will only address name, rank and serial number at any circumstances. My unit second armor division, was sent to Germany during 1950 Lebanon crisis. Part of my unit's second armor division went in TDY to Lebanon crisis. I was one of them and then and there in the airfield I saw some of the bodies got killed and I wonder why but these kind of experience held me to appreciate those soldiers men and women in uniform even to devote your own lives in defense for freedom and defense of the country. This is why I bring you, this is a small resolution to honor our fallen soldiers in the Middle East. You heard the names. So far 3,653 soldiers died and from our state just adding one more, seventy-five as of today. I like to bear my testimony to you that their sacrifice is not in vain. I wish you'd join me in

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honoring these families in the gallery and valiant men and women uniform. I'm getting so emotional I can not speak anymore but to express my heart-felt feeling. Mr. President, with you permission I'd like to read a letter from President Abraham Lincoln to Mrs. Lydia Bixby, 1864 whose son died in a combat situation.

'I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.'

And I join President Lincoln expressing sorrow, condolence and thank you for all the families who gave their lives in defense of freedom. Thank you Mr. President."

REMARKS BY SENATOR HOBBS

Senator Hobbs: "Mr. President, Specialist William Mayor was a great company clerk when I was the XO of the HHC 136 Infantry. He joined the Army late. He had a degree in Culinary Arts. You know, he really didn't want to be in the Army, he wanted to be a sous chef and I always relied on him on getting, finding what the men felt about the company and the company commander and myself and some of it wasn't very good. He told us how it was and he would put together trips for the company, Ski trips for the men. He'd cook for them. Before I transferred out of there to take on another assignment at Fort Benning, I had this pasta maker. Hand crank pasta maker my dad gave to me because he didn't want, I was never going to use it. I gave it to him, I said; 'Specialist you know, I admire your conviction to this company and the hard work you've done and I know that you want to get out of the Army and become a sous chef. I don't know why. That's a weird dream but you know if you want to follow it fine.' I gave him the pasta maker. He was so happy that he got that. We emailed each other. The unit First Armor Division got deployed to Iraq and I was at Fort Benning. He had told that he had gotten a contract to work for Hilton to be a sous chef and he was getting out. I found out that he got killed. He was doing a convoy operations and that's when I knew the reality of war. You know you're always trained for it as a soldier especially as an infantry officer. Then I got deployed to Iraq, did my mission, and one week before I was suppose to leave, one week before I was suppose to leave, we had a rocket attack and several rockets land, one between fifty and one-hundred yards away. Another great American hero, not from Washington State, Sergeant Cunningham, I didn't know it was Sergeant Cunningham but I had to go over there and do the blast analysis and walking up there you know debris was every where. And you see pictures of him and his family with the two children that he had and you find out Sergeant Cunningham was going to leave one week later just like me. We was going to be on the same plane and he, the unique thing about him, he served over twenty years. He was going to retire but because he had the dedication and loyalty and he believed in service. He wanted to be with his unit. Those are the type of men and women who are serving out there today, who are giving their lives. I want to thank you, Senator, for writing up this resolution. Thank you so much. You know, we watch on the news, stuff on there about Imus and sports, it's almost like we forget and they're just a number. It's not a number. Those are names. Those are fathers. Those are daughters, mothers. This is more than just a piece of paper and I hope we never forget. Thank you."

REMARKS BY SENATOR MCCASLIN

Senator McCaslin: "Thank you Mr. President. I hope I don't get as emotional as Senator Hobbs but Senator Shin asked me yesterday if I'd say a couple of words. I just want to tell you that my father was in World War I in the Navy. My older brother was in four years. He was two years in a 'tin can,' which was a destroyer in the Pacific. I served twenty-seven months but I remember World War II, many of you may not know it, but one they lost a son or a daughter, they would hang gold star in the window. There were three Sullivan brothers in World War II that were on the same ship and when it was destroyed by the Japanese. The services then changed their procedure allowing brothers to serve together but those are sad memories when we saw the gold star in the window. It was a terrible thing to lose a son or a daughter because nothing can compensate for it, not words or papers or resolutions but I thank Senator Shin bringing it forth. I just finished a book by Bradley, the 'Flags of our Fathers.' It's a horrible book about Iwo Jima and why we need to take the island. It tells us the story of twenty-two thousand Japanese not on the island but in the island. They had three stories underground. They dropped five-thousand, eight-hundred tons of bombs on that Island and when they started there was about four-hundred in campus and when they went under there was seven -hundred, in other words, the Japanese improved their position while we bombed them. I think they lost all twenty-two thousand and I think we lost fifteen or twenty thousand. War is hell. Unfortunately it's necessary some times. World War I, World War II, the Korean War, Vietnam War, he served in Iraq, we're losing men there. I hope we accomplish something. One of the things we've accomplished in I and II was our freedoms. I've lived in Australia and I've lived in India. This is the finest country in the world bar none. We are so fortunate to have our system of government and our freedoms. We should all appreciate them. Thank you Mr. President."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you Mr. President. Rising to speak in favor of the resolution, commending it's sponsor. So many families throughout the nation have lost loved ones in Iraq or Afghanistan since that war started. Many Washington families have lost loved ones as well-including some from my own legislative district. When I served in Vietnam, several of my buddies were lost in battle. I so remember the pain I felt when they were killed. I remember them as they were nearly forty years ago. I must remind myself that today they would in their late fifties or early sixties. They gave up a lot, but my memories of them are good. I hope this resolution helps us remember these men and women forty years from today. Thank you."

REMARKS BY SENATOR HAUGEN

Senator Haugen: "Thank you Mr. President. Well this last weekend we lost three sailors from Whidbey Island and with the permission of the body I would like to amend this resolution to add the two men from Oak Harbor who call Washington their home. It's Chief Petty Officer Gregory Billiter and Petty Officer First Class Joseph Adam McSween. They made the ultimate sacrifice and I know we can never be up to date anytime with what's happening but this happened this weekend. Their families and the community are in great sorrow and I think this would be one way to help."

REPLY BY THE PRESIDENT

President Owen: "If there are no objections, Senator, the names will be added."

REMARKS BY SENATOR Prentice

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Senator Prentice: “Thank you Mr. President. Yes, sometimes these really do hit home. On the bottom line says, ‘Staff Sergeant Abraham George Twitchell from Yelm’ and he was the son of Mary Anne, my legislative assistant since 1992. I had known this young man. He was proud to be a Marine but I hate to think each time we read about these they’re names and statistics. I always think, having lost a son in the Vietnam war, and knowing how it truly just tears you apart. It’s something that I don’t talk about often because it does tear you apart and I would shedding tears if I did it much but knowing how many mothers asking how many wives, how many children, will not have that person home with them. They deserve to have a dad to grow up with and yes, I remember the five Sullivan brothers, because one of the things that they did not tell the family when they were out at sea on the ships, as people could hear them, one of them, yelling as the sharks were eating him. Some of these stories are so terrible and I remember at the end of World War II they told the servicemen don’t talk to the families, don’t tell them. They told us, don’t ask. I thought, of course, they don’t want us to know how absolutely terrible war is and that we can almost understand why some soldiers who were really decent people do brutal awful things and people would say they were always a decent person but war brutalizes everybody who’s near it. I would just say, if we really were aware of how terrible war is we would be very reluctant to enter into it. Thank you Senator Shin.”

REMARKS BY SENATOR FRANKLIN

Senator Franklin: “Thank you Mr. President and ladies and gentlemen of the Senate; rising to support this resolution and to thank the good Senator Shin for bringing it forward. Yes, war is terrible and as the good Senator McCaslin says, sometimes it’s necessary. I think with us here at home the greatest nation that we a lot of times here at home don’t really realize what is going on. Those who have served and are serving in order for us to have some measure of comfort, if you will, or sleep without fear that our shores are protected. How the present day, let’s go back, World War I, up until this day of Iraqi Freedom and those men and women who are serving there are doing a great job and we know when there is a war, lives are going to be lost. We’d hope that that would not happen. It’s painful. It’s painful to families, but our job here is to help them, to be of service to them, to do what we can in order to re-iterate them back and to bring them home and to provide for their needs. What upsets me is what they are coming back to now and the type of treatment that they are getting. When we look and see and read what had happened at Walter Reed that is no way to treat our returning veterans and I’m not saying it’s happening here but we have got to see that they get the services that they need to have. When I attend, and I visited cemeteries, it’s sad but there’s a proud moment. To go to Arlington, to visit the cemeteries in France, to go to Auburn, to go, eventually, to Eastern side of the Mountain and to be able to meditate and to say here, they have given their lives for our freedom and we must see that their families, their children receive the services they need. When I was actively practice at Madigan and I also cared for Vietnam casualties and they came in and I took care of them and were heart-felt moments also of injuries that they received. We can never say thank you enough to the families, to the spouses to all of those families who might have lost loved ones but we are here to try to help you and to support you and to those deceased veterans that each time we see their names in our Washingtonians and not only them but across the country that we will say that they gave their lives for our freedom and they would not have given their lives in vain. We will remember them. Thank you.”

REMARKS BY SENATOR CLEMENTS

Senator Clements: “Thank you Mr. President. Thank you Senator Shin. On this list are three people, these men that died in my district. One of the elected officials in town is Lance Corporal Sides, a dear friend of mine, and lost her family member. That was the first loss. Sergeant Yadir Gumercindo Reynoso, I never met his mother. His sister called one day and said that when he went to Iraq his mother cosigned on his cell phone with him and the young man had rung up quite a few thousand dollars in telephone bills. It took about a year with some help with some lobbyist here and the cell phone company but while this mother and family were grieving, there was great pressure on this poor family to pay a debt and the goodness of people they forgave it. And then here a few days ago this body decided to help Victoria Johnson. Major Allen Ricardo Johnson died and we gave a special recognition to her in Ways & Means and the death benefit was made whole. I don’t think Victoria would mind this comment, we talked about the personal tragedy but every night when she goes to bed she puts his cologne the pillow next to her. There is a memorial out here, where there’s a brick with my father and my wife’s father who was with Doolittle Raiders, thirty seconds over Tokyo plane number thirteen. He crash landed and spent months walking out of China and today as we celebrate those people who have fallen we have to hold in prayers those people that go off to war. I have a nephew today on his way to Iraq as a Marine. The great sacrifices that people have made and the sacrifices today the living are making. Today we honor both. I thank you Senator Shin.”

REMARKS BY SENATOR ROCKEFELLER

Senator Rockefeller: “Thank you Mr. President. Hearing these names here that were recited this morning so diverse and hearing the names of communities from which they came, the home towns of all of us, reminded me that these individuals are part of the fabric of our communities and we share their loss with their families and with their loved one and community towns people every where. That loss is embedded inside each of us as well. I think we can never repay the debt that we owe to these patriots or to their families but we can, as we love our country, cherish the memory of these gallant men and women and their families who endure the scars and wounds of war. We can cherish the fact that they were prepared to stand up in defense of freedom and in defense of each of us. Let us resolve today to demonstrate our continuing care and compassion and support for each of those family members as they endure the aftermath of this ultimate sacrifice. At the same time, let us also remember those who continue to serve in harms way, because they too deserve our love and support and I’m honored to join with Senator Shin in behalf of this resolution. Thank you.”

REMARKS BY SENATOR PARLETTE

Senator Parlette: “Thank you Mr. President. I rise in support of this resolution. There is a gentleman from my district, Marine Lance Caleb John Powers from Mansfield. I spoke at his memorial service two years ago. I spoke at his memorial service the day after I returned from visiting Japan because the city of Wenatchee has a sister city in Misawa, Japan and my husband were part of the delegation. That was a very moving experience for me because I was in Japan on my fifty-ninth birthday and my father, who will be eighty-four years old tomorrow, April 13th, served as a Marine in World War II and he was over seas at that time. I actually was born six days after World War II ended and my dad always told me how many points I was worth because he came a father he got to move up when he returned so he got home in November because he was a new father. But the experience that I will always remember when visiting Japan was

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riding down in that parade route in a jeep with my husband and a military officer and behind us was a Japanese van and in the streets were all the Japanese waving the American flag and the band was playing over, over and over 'Stars and Stripes Forever' and, all of a sudden, I thought about it because it was my birthday and that feeling of how lucky I was that my father came home. Also, the feeling that if only we can have world peace and let's remember those young men and women who are still fighting for our country and for others. They are fighting for world peace and all those freedoms we in the United States and only in some parts of the country have. Thank you Senator Shin for sponsoring this."

Senators Shin, Hobbs, McCaslin, Swecker, Haugen, Prentice, Franklin, Clements, Rockefeller and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8682.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed the friends and families of service men and women and all the armed forces who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced First Gentleman, Mike Gregoire, who was seated at the rostrum.

The President welcome and introduced Washington State Department of Affairs, Director John Lee.

REMARKS BY COLONEL MICHAEL MCCAFFREE, COMMANDER, 81ST BRIGADE COMBAT TEAM

Colonel McCaffree: "Lieutenant Governor Owen, Senators, Mr. Gregoire, Mr. Lee, distinguished guests, Gold Star families, Soldiers, Sailors, Airmen and Marines. Thank you for inviting us here today to participate in this Senate Resolution honoring our fallen warriors from Washington State. As a soldier who spent more than thirteen months in Iraq with the 81st Brigade Combat Team of your Washington National Guard, I can say I know what it is like to lose friends and comrades in arms. Several of the names that were read this morning were soldiers that I knew and served with. I see other members of our 81st Brigade in the gallery, all veterans of combat in Iraq. I also see other members of Washington National Guard units, both Army and Air, as well as other soldiers, sailors, airmen, marines and veterans. The soldiers, sailors, airmen and Marines that are here today are all veterans of combat in many far flung as part of America's global war on terrorism. While we all know the pain of losing friends on the battle field, our experience does not compare to the pain and anguish of the Gold Star families that have lost their loved ones. I would like to especially acknowledge the Gold Star families that are here today in the gallery to witness this resolution recognizing our friends and their family members who gave their lives in service to our nation. The warriors that we recognize today represent many of America's best. They were men and women that were not content to sit idly by and wait for others to do the jobs that needed to be done for America, to help keep all of us free and safe. While there are many ways to serve America, the men and women we honor today agreed to actively contribute to America through service in our Military. None of them sought to give their lives but all knew that it was possible and believed that the risks of service to the nation were worth it. Those of us that continue to serve America through Military service believe the same way. On behalf of our Gold Star families and all the

Military services and components, I would like to thank Senator Shin for sponsoring this resolution. I would also like to thank the many other Senators that supported this resolution to honor our fallen warriors. We will remember them always. God Bless you all and thank you for your service."

REMARKS BY THE PRESIDENT

President Owen: "The President would like to make one final introduction and that is I would appreciate it very much if those people serving in the Military service that are with us today would stand and be recognized as well."

MOTION

At 12:24 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 12, 2007

SGA 9253 KEVEN ROJECKI, appointed July 15, 2006, for the term ending June 30, 2012, as Member of the Gambling Commission. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

April 12, 2007

SGA 9275 JUDY SCHURKE, appointed March 5, 2007, for the term ending at the governor's pleasure, as a Director of the Department of Labor and Industries. Reported by Committee on Labor, Commerce, Research & Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Franklin, Holmquist, Murray and Prentice

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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SHB 2378 by House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, Clibborn, Eddy, Seaquist and Roberts)

AN ACT Relating to construction of new vessels for Washington state ferries; adding a new section to chapter 47.60 RCW; creating a new section; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and that Substitute House Bill No. 2378 was placed on the second reading calendar.

MOTION

At 1:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:49 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE SENATE BILL NO. 5568,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1270, by Representatives Kirby, Roach and Moeller

Modifying provisions of the consumer loan act with respect to loan restrictions.

The measure was read the second time.

MOTION

Senator Berkey moved that the following amendment by Senator Berkey be adopted.

On page 2, after line 29, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 30.04 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as

defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent.

NEW SECTION. Sec. 3. A new section is added to chapter 31.04 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent.

NEW SECTION. Sec. 4. A new section is added to chapter 31.12 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent.

NEW SECTION. Sec. 5. A new section is added to chapter 31.45 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as

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defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent.

NEW SECTION. Sec. 6. A new section is added to chapter 32.08 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent.

NEW SECTION. Sec. 7. A new section is added to chapter 33.12 RCW to read as follows:

(1) A creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007 may consider whether any person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007, in connection with an application for or an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007.

(2) Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for a creditor, as defined in 10 U.S.C. Sec. 987(i)(5) as it exists on April 1, 2007, to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, as defined in 10 U.S.C. Sec. 987(i)(6) as it exists on April 1, 2007, offered to or entered into with a covered member or dependent because such person is a covered member or dependent, as defined in 10 U.S.C. Sec. 987(i)(1) and (2) as each exists on April 1, 2007. Nothing in this subsection permits any such creditor to refuse to offer, to deny, to offer different terms and conditions, or to otherwise place restrictions upon an extension of consumer credit, to a covered member or dependent, based upon status protected by chapter 49.60 RCW other than the honorably discharged veteran or military status of the covered member or dependent."

On page 1, line 1 of the title, after "Relating to the" strike the remainder of the title and insert "extension of credit; amending RCW 31.04.125; adding a new section to chapter 30.04 RCW; adding a new section to chapter 31.04 RCW;

adding a new section to chapter 31.12 RCW; adding a new section to chapter 31.45 RCW; adding a new section to chapter 32.08 RCW; and adding a new section to chapter 33.12 RCW."

Senator Berkey spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Kline: "Mr. President, I believe the proposed amendment exceeds the scope and object of the underlying bill, House Bill No. 1270."

Senator Kline spoke in favor of the point of order.
Senator Berkey spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1270 was deferred and the bill held its place on the second reading calendar.

SECOND READING

HOUSE BILL NO. 1371, by Representative Appleton

Addressing traffic infractions involving rental vehicles.

The measure was read the second time.

MOTION

Senator Murray moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.073 and 2005 c 331 s 2 are each amended to read as follows:

(1) In the event a traffic infraction is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. ~~((2))~~ For the purpose of this ~~(section)~~ subsection, a "traffic infraction based on a vehicle's identification" includes, but is not limited to, parking infractions, high-occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

(2) In the event a parking infraction is issued by a private parking facility and is based on a vehicle's identification, and the registered owner of the vehicle is a rental car business, the parking facility shall, before a notice of infraction may be issued, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within thirty days of receiving the written notice, provide to the parking facility by return mail:

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(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft.

Timely mailing of this statement to the parking facility relieves a rental car business of any liability under this chapter for the notice of infraction. In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty. For the purpose of this subsection, a "parking infraction based on a vehicle's identification" is limited to parking infractions occurring on a private parking facility's premises.

Sec. 2. RCW 46.63.160 and 2004 c 231 s 6 are each amended to read as follows:

(1) This section applies only to traffic infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the

exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120.

(9) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

Sec. 3. RCW 46.63.170 and 2005 c 167 s 1 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(d) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

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(e) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(f) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(g) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(h) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or

exceeds a speed limit in a school speed zone as detected by a speed measuring device."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to House Bill No. 1371.

The motion by Senator Murray carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.63.073, 46.63.160, and 46.63.170."

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1371 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1371 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1371 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Benton - 1

HOUSE BILL NO. 1371 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1255, by House Committee on Local Government (originally sponsored by Representatives Simpson, Curtis, Sells, Walsh, Buri, B. Sullivan, Ericks, Ormsby and Moeller)

Prohibiting municipal officers from being beneficially interested in any personal services contract that is made by, through, or under the supervision of that officer.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.23.030 and 2006 c 121 s 1 are each amended to read as follows:

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No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

(1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;

(2) The designation of public depositaries for municipal funds;

(3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;

(4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;

(5) The employment of any person by a municipality for unskilled day labor at wages not exceeding two hundred dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a first class school district;

(6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.

(b) However, in the case of a particular officer of a second class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.

(c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW 70.44.460, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.

(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to:

(i) A sale or lease by the municipality as the seller or lessor (~~The exceptions provided in this subsection (6) also do not apply to~~);

(ii) The letting of any contract by a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing more than fifty thousand acres; or

(iii) Contracts for legal services, except for reimbursement of expenditures.

(e) The municipality shall maintain a list of all contracts that are awarded under this subsection (6). The list must be made available for public inspection and copying;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a second class school district if the terms of such contract are commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a second class school district that has two hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(10) The letting of any employment contract to the spouse of an officer of a school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW 28A.330.240, that there is a shortage of substitute teachers in the school district;

(11) The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee with the school district before the date in which the officer assumes office and the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district. However, in a second class school district that has less than two hundred full-time equivalent students enrolled at the start of the school year as defined in RCW 28A.150.040, the spouse is not required to be under contract as a certificated or classified employee before the date on which the officer assumes office;

(12) The authorization, approval, or ratification of any employment contract with the spouse of a public hospital district commissioner if: (a) The spouse was employed by the public hospital district before the date the commissioner was initially elected; (b) the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district for similar employees; (c) the interest of the commissioner is disclosed to the board of commissioners and noted in the official minutes or similar records of the public hospital district prior to the letting or continuation of the contract; and (d) and the commissioner does not vote on the authorization, approval, or ratification of the contract or any conditions in the contract.

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Substitute House Bill No. 1255.

The motion by Senator Fairley carried and the committee striking amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "contracts;" strike the remainder of the title and insert "and amending RCW 42.23.030."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1255 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1255 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1255 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 1255 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1038, by Representatives Morris, Hudgins, Anderson, Moeller and B. Sullivan

Developing regional compacts for siting electric transmission lines.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to create a regional process for the siting of new electric transmission lines related to the national energy policy act of 2005. This regional process will facilitate the siting of new cross borders electric transmission lines by providing a "one stop" licensing process. This act calls for the creation of a legislative task force to establish an interstate compact to assert jurisdiction over national interest electric transmission corridors.

NEW SECTION. Sec. 2. A new section is added to chapter 80.50 RCW to read as follows:

(1)(a) A legislative task force on national interest electric transmission corridors is established, with members as provided in this subsection.

(i) The chair and the ranking minority member from the senate water, energy and telecommunications committee or their designees;

(ii) The chair and the ranking minority member from the house of representatives technology, energy and communications committee or their designees;

(iii) The governor shall appoint five members representing the energy facility site evaluation council, local governments, resource agencies, or other persons with appropriate expertise.

(b) The task force shall choose its cochair representing the senate and house of representatives from among its legislative membership.

(2)(a) The task force shall negotiate the terms of an interstate compact that establishes a regional process for siting national interest electric transmission corridors satisfactory to the national energy policy act of 2005.

(b) In negotiating the terms of the compact, the task force shall ensure that the compact reflects as close as possible the Washington state energy facility site evaluation council model under this chapter and its procedures to ensure appropriate adjudicative proceedings and mitigation of environmental impacts.

(c) The task force shall negotiate the terms of the compact through processes established and supported by the Pacific Northwest economic region for which the state of Washington is a party as referenced in RCW 43.147.010.

(3) Staff support for the task force members shall be provided from respective committees and appropriate agencies appointed by the governor.

(4) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The task force shall report its preliminary recommendations on the compact to the appropriate committees of the legislature by January 1, 2008.

(6) The task force shall report its final recommendations on the compact to the appropriate committees of the legislature by September 1, 2008.

(7) This section expires July 1, 2009."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to House Bill No. 1038.

The motion by Senator Poulsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "lines;" strike the remainder of the title and insert "adding a new section to chapter 80.50 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Poulsen, the rules were suspended, House Bill No. 1038 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1038 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1038 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0;

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Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Pridemore - 1

HOUSE BILL NO. 1038 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1264, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, B. Sullivan, Kenney, Ericks, Haigh, Ormsby, Simpson and Moeller)

Addressing the portability of public retirement benefits.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1264 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1644, by Representatives Kenney, Sells, Anderson, Appleton, Morrell, Linville, Roberts, Ormsby, McDermott, Conway, Schual-Berke and Haigh

Modifying health care eligibility provisions for part-time academic employees of community and technical colleges.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Higher Education be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2006 c 308 s 1 (uncodified) is amended to read as follows:

Part-time academic employees at community and technical colleges are currently eligible for full health care benefits beginning the second consecutive quarter of employment, at half-time or more of an academic workload, as defined in RCW 28B.50.489. They are also eligible for health benefits through the summer even if they receive no work at all that quarter, if they have worked half-time or more of an academic workload in each of the three ((of the four)) preceding quarters. However, workload fluctuations below these thresholds may result in the loss of employer contributions for health care benefits. It is the intent of the legislature to provide for continuous health care eligibility for part-time academic employees based on averaging workload gained during the two preceding academic years.

Sec. 2. RCW 41.05.053 and 2006 c 308 s 2 are each amended to read as follows:

(1) Part-time academic employees, as defined in RCW 28B.50.489, who have established eligibility as determined from the payroll records of the employing community or technical college districts, for employer contributions for benefits under this chapter and who have worked an average of half-time or more in each of the two preceding academic years, through employment at one or more community or technical college districts, are eligible for continuation of employer contributions for the subsequent summer quarter period including the break between summer and fall quarters.

(2) Once a part-time academic employee meets the criteria in subsection (1) of this section, the employee shall continue to receive uninterrupted employer contributions for benefits if the employee works at least ((three of the four)) two quarters of the academic year with an average academic workload of half-time or more for three quarters of the academic year. Benefits provided under this section cease ((at the end of the academic year)) if this criteria is not met. Continuous benefits shall be reinstated once the employee reestablishes eligibility under subsection (1) of this section ((and will be maintained as long as the employee works at least three of the four quarters of the academic year with an average academic workload of half-time or more)).

(3) As used in this section, "academic year" means summer, fall, winter, and spring quarters.

(4) This section does not modify rules in existence on June 7, 2006, adopted under this chapter regarding the initial establishment of eligibility for benefits.

(5) This section does not preclude individuals from being eligible for benefits under other laws or rules that may apply or for which they may be eligible.

(6) The employer must notify part-time academic employees of their potential right to benefits under this section.

(7) To be eligible for maintenance of benefits through averaging, part-time academic employees must notify their employers of their potential eligibility. The state board for community and technical colleges shall report back to the legislature by November 15, 2009, on the feasibility of eliminating the self-reporting requirement for employees."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Higher Education to House Bill No. 1644.

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The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "colleges;" strike the remainder of the title and insert "amending RCW 41.05.053; and amending 2006 c 308 s 1 (uncodified)."

MOTION

On motion of Senator Shin, the rules were suspended, House Bill No. 1644 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

MOTION

On motion of Senator Brandland, Senator Holmquist was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1644 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1644 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Holmquist and McAuliffe - 2

HOUSE BILL NO. 1644 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1312, by House Committee on Transportation (originally sponsored by Representatives Hudgins and Hankins)

Modifying provisions concerning transportation providers.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1312 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1312.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1312 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Holmquist and McAuliffe - 2

SUBSTITUTE HOUSE BILL NO. 1312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1141, by House Committee on Human Services (originally sponsored by Representatives Roberts, Haler, O'Brien, Green, Goodman, Kagi, Appleton, Walsh, Williams, Dickerson, Darneille, Flannigan, McCoy, Hinkle, Pettigrew and Hasegawa)

Modifying diversion records provisions.

The measure was read the second time.

MOTION

Senator Regala moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.050 and 2004 c 42 s 1 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the

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investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12) The court shall not grant any motion to seal records made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless it finds that:

(a) For class B offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in conviction. For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(c) No proceeding is pending seeking the formation of a diversion agreement with that person;

(d) The person has not been convicted of a class A or sex offense; and

(e) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

~~(17)(a) ((A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the diversion agreement.)) (i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:~~

~~____(A) The person who is the subject of the information or complaint is at least eighteen years of age;~~

~~____(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after the effective date of this act;~~

~~____(C) Two years have elapsed since completion of the agreement or counsel and release;~~

~~____(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and~~

~~____(E) There is no restitution owing in the case.~~

~~____(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.~~

~~____(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.~~

~~(b) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to the effective date of this act, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.~~

~~____(c) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have~~

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been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(b) or (c) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older (~~or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement~~) or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault."

MOTION

Senator Prentice moved that the following amendment by Senator Prentice to the committee striking amendment be adopted.

On page 7, after line 4 of the committee amendment, insert "NEW SECTION: Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

Senator Prentice spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Prentice on page 7, after line 4 to the committee striking amendment to Substitute House Bill No. 1141.

The motion by Senator Prentice carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections as amended to Substitute House Bill No. 1141.

The motion by Senator Regala carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 13.50.050."

MOTION

On motion of Senator Regala, the rules were suspended, Substitute House Bill No. 1141 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Regala spoke in favor of passage of the bill.

Senator Delvin spoke on final passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1141 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1141 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Holmquist and McAuliffe - 2

SUBSTITUTE HOUSE BILL NO. 1141 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of inquiry raised by Senator Honeyford that Engrossed Second Substitute House Bill 1359 takes a two-thirds vote on final passage under statutes enacted by Initiative 601 because it increases revenue, the President finds and rules as follows:

The President finds that determining whether a revenue measure takes a simple majority or a 2/3 vote is one of the most difficult rulings to make. In part, this is because the initiative was poorly written, and it does not clearly set forth definitions as to various categories of revenue. Therefore, the President must look to several sources of authority when making rulings, starting with the plain language of the law itself, court rulings if pertinent, and previous parliamentary rulings of this body.

The President believes that, although the law does allow for revenue increases, it is meant to limit these increases, and he has therefore endeavored to rule very narrowly in determining when a new revenue source is a fee, needing only a simple majority

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vote, rather than a tax needing a 2/3 vote to pass. In previous rulings, the President has maintained that there needs to be a relationship, or nexus, between the source of the revenue and the purposes for which its proceeds may be used. The President acknowledges that this determination can be somewhat subjective and difficult to determine absolutely. The situation is complicated further by the need of the body to tie together complicated matters of policy with the complexities of budgeting, all while trying to work within the constraints of this initiative and the constantly evolving body of case law and parliamentary authority. With this in mind, the President suggests that there is a need for the Legislature to put into law certain definitions as to taxes and fees for the purpose of raising revenue.

In the case before us, the President takes note of a similar ruling in 2001 where an increase in recording fees for real estate documents was used to fund a specific program on low-income housing. The President must note again, at this point, that just calling something a specific program but using the revenue for a very broad purpose would be improperly gaming the law, and the President, as he has in the past, would rule such an action as being, in fact, a tax which would need a 2/3 vote for passage.

The bill before us raises revenue through an increase in the recording fees on real estate documents to fund a program to provide housing for the homeless. This is a classic example of walking the fine line between a fee and a tax, and a specific versus a broad purpose. The President is concerned that the entirety of the bill's language could allow the revenue raised to be used for multiple purposes, such as providing many very worthy yet additional services that may not be directly related to housing. Because this is all new law, it is unclear precisely how, in practice, all of the proceeds will ultimately be used. Nonetheless, the President believes that he must rely on past precedent and defer to stated intent rather than speculation. The President therefore finds, in keeping with a past ruling on this same subject, that the revenue source is sufficiently limited so as to be considered a fee for a dedicated purpose.

For these reasons, the measure will take only a simple majority for final passage, 25 votes."

The Senate resumed consideration of Engrossed Second Substitute House Bill No. 1359 which had been deferred on the previous day.

Senators Weinstein, Tom spoke in favor of passage of the bill.

Senators Honeyford, Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1359 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1359 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 16; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Absent: Senator Haugen - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1488, by House Committee on Finance (originally sponsored by Representatives B. Sullivan, Upthegrove, Appleton, Dunshee, Hunt, Dickerson, VanDeWege, Campbell, Kessler, Eickmeyer, McCoy, Chase, Green, Sells, Kenney, Ericks, Roberts, Lantz, Goodman, Wood, Kagi, Moeller and Rolfes)

Enhancing the state's oil spill response program.

The measure was read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel, Poulsen and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the state's oil spill prevention and response programs perform essential services in protecting the environment and natural resource economy of Washington. Due to increased demand for services, the legislature finds that these programs have been expanded several times in the twenty years since the funding mechanisms for these programs were authorized, but the funding mechanisms for these programs have remained unchanged. Without additional funding, these programs face a structural funding deficit beginning in the 2007-2009 biennium. The legislature further finds that the current source of funding for these programs is derived from only one segment of activities that present oil spill risks in the state, and that there is a need for a comprehensive assessment of the sources of oil spill risks and potential funding mechanisms by which all sectors that are a source of oil spill risks may contribute to ensuring adequate funding for programs that prevent as well as prepare for and respond to oil spills.

(2) The legislature finds that the Strait of Juan de Fuca is a significant international avenue of waterborne commerce. Over five thousand transits by vessels greater than three hundred gross tons occur in the Strait each year. Reliable, safe vessel transits are vitally important to Washington state, the United States, and Canada. The legislature finds that comprehensive measures to prevent oil spills must be implemented in the Strait. The legislature further finds that stationing a response tug at the west entrance to the Strait is a critical component of such comprehensive measures, evidenced by the fact that the seasonal tug stationed at Neah Bay has conducted more than thirty assists since 1999. Because of the national significance of this waterway and the national interest in preventing oil spills there, the federal government should undertake to ensure that a year-round response tug is stationed at the west entrance to the Strait, either by providing sufficient federal funding for this purpose or to require through federal regulation that the commercial shipping interests benefiting from this service provide for a stationed tug. The legislature therefore directs the department of ecology to request that federal agencies with jurisdiction seek to require or fund the stationing of a response tug at such location, and seek reimbursement for the funding provided by the state for this purpose commencing with the fiscal year 2008 costs to the state.

NEW SECTION. Sec. 2. By September 1, 2008, the joint legislative audit and review committee shall examine the funding mechanism for the oil spill prevention and response programs. This study shall evaluate the state's oil spill prevention, preparedness, and response programs to compare the

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sources of oil spill risk with the funding mechanism. The study shall include:

(1) A review of existing oil spill risk evaluations and qualitative models, including:

(a) Evaluations or models for a risk evaluation framework, considering such factors as volume of oil, time at sea, proximity to water, organizational readiness, and damage done; and

(b) Evaluations or models for risk allocation, assessing how much of the risk goes with the product and how much with where and how the product is handled and who is handling it;

(2) A review of empirical data related to actual spill numbers, spill volumes, spill locations, and other circumstances related to individual spills;

(3) Comparisons of the risk allocation to the actual funding contributed by sector; and

(4) Options to allocate the state's costs to the major risk categories, by sector."

Senator Spanel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel, Poulsen and Swecker to Second Substitute House Bill No. 1488.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "program," strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Spanel, the rules were suspended, Second Substitute House Bill No. 1488 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel and Honeyford spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Haugen and Prentice were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1488 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1488 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 1488 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1555, by House Committee on Judiciary (originally sponsored by Representatives Williams, Rodne, Lantz, Chase and Ericks)

Addressing sexual assault protection orders.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 1555 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1555.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1555 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Pridemore - 1

SUBSTITUTE HOUSE BILL NO. 1555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1680, by Representatives Hunter, Haler, P. Sullivan, Priest, Hurst, Conway, Schual-Berke, Haigh and Simpson

Addressing transfers of service credit for emergency medical technicians under the law enforcement officers' and firefighters' retirement system plan 2.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1680.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1680 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer,

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Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE BILL NO. 1680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1679, by House Committee on Appropriations (originally sponsored by Representatives Ericks, Hinkle, Conway, Buri, McDonald, Hurst, Haigh and Simpson)

Determining membership on the law enforcement officers' and firefighters' retirement system plan 2 board.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.26.715 and 2003 c 2 s 4 are each amended to read as follows:

(1) An eleven member board of trustees is hereby created.

(a) Before January 1, 2007, three of the board members shall be active law enforcement officers who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active law enforcement officers who are participants in the plan and one board member shall be either an active or a retired law enforcement officer who is a ((member)) participant of the plan. The law enforcement officer board members shall be appointed by the governor from a list provided by a recognized statewide council whose membership consists exclusively of guilds, associations, and unions representing state and local government police officers, deputies, and sheriffs and excludes federal law enforcement officers.

(b) Before January 1, 2007, three of the board members shall be active firefighters who are participants in the plan. Beginning with the first vacancy on or after January 1, 2007, two board members shall be active firefighters who are participants in the plan and one board member shall be either an active or a retired firefighter who is a ((member)) participant of the plan. The firefighter board members shall be appointed by the governor from a list provided by a recognized statewide council, affiliated with an international association representing the interests of firefighters.

(c) Three of the board members shall be representatives of employers and shall be appointed by the governor.

(d) One board member shall be a member of the house of representatives who is appointed by the governor based on the recommendation of the speaker of the house of representatives.

(e) One board member shall be a member of the senate who is appointed by the governor based on the recommendation of the majority leader of the senate.

(f) After January 1, 2008, at least one board member must be a retired participant of the law enforcement officers' and firefighters' retirement system plan 2. This member may be appointed under (a) through (e) of this subsection.

(2) The initial law enforcement officer and firefighter board members shall serve terms of six, four, and two years, respectively. Thereafter, law enforcement officer and firefighter board members serve terms of six years. ((The remaining board

~~members serve terms of four years.)) The initial employer representative board members shall serve terms of four, five, and six years, respectively. Thereafter, employer representative board members serve terms of four years. The initial legislative board members shall serve terms of five years and six months. Thereafter, legislative board members serve terms of two years, which begin on January 1st of odd-numbered years. Board members may be reappointed to succeeding terms without limitation. Board members shall serve until their successors are appointed and seated.~~

(3) In the event of a vacancy on the board, the vacancy shall be filled in the same manner as prescribed for an initial appointment.

NEW SECTION. Sec. 2. A new section is added to chapter 41.26 RCW to read as follows:

The legislative board members appointed under RCW 41.26.715 must include one member from the two largest political parties. The speaker of the house of representatives shall request a recommendation from the minority leader of the house of representatives if a member from the opposite party must be recommended for appointment. The majority leader of the senate shall request a recommendation from the minority leader of the senate if a member from the opposite party must be recommended for appointment."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1679.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "board," strike the remainder of the title and insert "amending RCW 41.26.715; and adding a new section to chapter 41.26 RCW."

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1679 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1679 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1679 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

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Absent: Senator Hewitt - 1

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1679 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1897, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Williams and Hunt)

Expressing the legislature's intent that public disclosure requirements do not allow attorney invoices to be exempt in their entirety.

The measure was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Substitute House Bill No. 1897 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1897.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1897 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Benton, Carrell, Delvin and McCaslin - 4

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1897, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1037, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins, Moeller and B. Sullivan)

Regarding electrical transmission.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.020 and 2006 c 205 s 1 and 2006 c 196 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages (~~((in excess))~~) of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission(~~(t)~~).

~~((t))~~ (8) "Electrical transmission facilities" (~~((in excess of))~~) means electrical power lines and related equipment, including substations, operating at a nominal voltage of at least 115,000 volts ((in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the secretary or the federal energy regulatory commission adopts to implement the act)).

~~((t))~~ (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

~~((t))~~ (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

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~~((10))~~ (11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

~~((11))~~ (12) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

~~((12))~~ (13) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

~~((13))~~ (14) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

~~((14))~~ (15) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

~~((15))~~ (16) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by this act.

~~((16))~~ (17) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by this act.

~~((17))~~ (18) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

~~((18))~~ (19) "Secretary" means the secretary of the United States department of energy.

(20) "Preapplication process" means the process which is initiated by written correspondence from the applicant to the council, and includes the process adopted by the council for consulting with the applicant and with cities, towns, and

counties prior to accepting applications for all transmission facilities.

(21) "Preapplicant" means the applicant intending to apply for a site certificate agreement for an electrical transmission facility specified in subsection (8) of this section.

Sec. 2. RCW 80.50.060 and 2006 c 196 s 4 are each amended to read as follows:

(1) The provisions of this chapter ~~(shall)~~ apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and ~~((14))~~ (15). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3)~~(a)~~ The provisions of this chapter apply to the construction ~~(of new)~~, reconstruction, or modification of electrical transmission facilities ~~(or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary)~~;

(i) In a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) In transmission corridors as designated by a city, town, or county as part of its land use plans and zoning maps based on policies adopted in the plans and as designated by the council pursuant to section 3 of this act, if an applicant proposing to construct, reconstruct, or modify the electrical transmission facilities chooses to receive certification under this chapter; and

(iii) In transmission corridors identified in the process described in section 3 of this act.

(b) The provisions of this chapter shall not apply in instances where an applicant proposes to construct, reconstruct, or modify electrical transmission facilities in a transmission corridor wholly within a city or town's boundary provided, however, that a city or town within one hundred twenty days from the date of application will accept or decline jurisdiction and if jurisdiction is declined refer the applicant to the council for certification under this chapter.

(c) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and ~~((14))~~ (15).

(5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

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NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW to read as follows:

(1) For applications to site electrical transmission facilities, the council shall conduct a preapplication process pursuant to rules adopted by the council to govern such process, receive applications as prescribed in RCW 80.50.071, and conduct a public meeting pursuant to RCW 80.50.090(1).

(2) The council shall consider and may recommend certification of electrical transmission facilities in corridors designated for this purpose by affected cities, towns, or counties:

(a) Where the jurisdictions have identified electrical transmission facility corridors as part of their land use plans and zoning maps based on policies adopted in their plans;

(b) Where the proposed electrical transmission facility is consistent with any adopted development regulations that govern the siting of electrical transmission facilities in such corridors; and

(c) Where contiguous jurisdictions and jurisdictions in which related regional electrical transmission facilities are located have either prior to or during the preapplication process undertaken good faith efforts to coordinate the locations of their corridors consistent with RCW 36.70A.100.

(3) In the absence of a corridor designation in the manner prescribed in subsection (2) of this section, the council shall as part of the preapplication process require the preapplicant to negotiate, as provided by rule adopted by the council, for a reasonable time with affected cities, towns, and counties to attempt to reach agreement about a site corridor plan. The application for certification shall identify the corridor agreed to by the applicant and cities, towns, and counties within the proposed corridor pursuant to the preapplication process.

(4) If no corridor plan is agreed to by the applicant and cities, towns, and counties pursuant to subsection (3) of this section, the applicant shall propose a recommended corridor and electrical transmission facilities to be included within the proposed corridor.

(5) The council shall consider the applicant's proposed corridor and electrical transmission facilities as provided in RCW 80.50.090 (2) and (4), and shall make a recommendation consistent with the relevant land use plans, zoning ordinances, or development regulations adopted by the cities, towns, and counties.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) A preapplicant shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within sixty days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to section 3 of this act."

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 80.50.060; reenacting and amending RCW 80.50.020; and adding new sections to chapter 80.50 RCW."

The President declared the question before the Senate to be the motion by Senator Poulsen to not adopt the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 1037.

The motion by Senator Poulsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Delvin be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.50.020 and 2006 c 205 s 1 and 2006 c 196 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages (~~in excess~~) of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility, except an interstate natural gas pipeline regulated by the United States federal power commission~~(?)~~;

~~((c)) (8) "Electrical transmission facilities" ((in excess of 115,000 volts in national interest electric transmission corridors as designated by the United States secretary of the department of energy or the federal energy regulatory commission pursuant to section 1221 of the national energy policy act, and such rules and regulations as the secretary or the federal energy regulatory commission adopts to implement the act)) means electrical power lines and related equipment.~~

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~~((8))~~ (9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

~~((9))~~ (10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel, including nuclear materials, for distribution of electricity by electric utilities.

~~((10))~~ (11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

~~((11))~~ (12) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

~~((12))~~ (13) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

~~((13))~~ (14) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

~~((14))~~ (15) "Energy plant" means the following facilities together with their associated facilities:

(a) Any stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is suspended on the surface of water by means of a barge, vessel, or other floating platform;

(b) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

(c) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

(d) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

(e) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum into refined products.

~~((15))~~ (16) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by this act.

~~((16))~~ (17) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by this act.

~~((17))~~ (18) "Alternative energy resource" means: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

~~((18))~~ (19) "Secretary" means the secretary of the United States department of energy.

(20) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the

council, and includes the process adopted by the council for consulting with the preapplicant and with cities, towns, and counties prior to accepting applications for all transmission facilities.

(21) "Preapplicant" means a person considering applying for a site certificate agreement for any transmission facility.

Sec. 2. RCW 80.50.060 and 2006 c 196 s 4 are each amended to read as follows:

(1) The provisions of this chapter ~~(shall)~~ apply to the construction of energy facilities which includes the new construction of energy facilities and the reconstruction or enlargement of existing energy facilities where the net increase in physical capacity or dimensions resulting from such reconstruction or enlargement meets or exceeds those capacities or dimensions set forth in RCW 80.50.020 (7) and ~~((14))~~ (15). No construction of such energy facilities may be undertaken, except as otherwise provided in this chapter, after July 15, 1977, without first obtaining certification in the manner provided in this chapter.

(2) The provisions of this chapter apply to the construction, reconstruction, or enlargement of a new or existing energy facility that exclusively uses alternative energy resources and chooses to receive certification under this chapter, regardless of the generating capacity of the project.

(3)(a) The provisions of this chapter apply to the construction ~~(of new)~~, reconstruction, or modification of electrical transmission facilities ~~(or the modification of existing electrical transmission facilities in a national interest electric transmission corridor designated by the secretary)~~ when:

(i) The facilities are located in a national interest electric transmission corridor as specified in RCW 80.50.045;

(ii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage of at least one hundred fifteen thousand volts and are located in a completely new corridor, except for the terminus of the new facility or interconnection of the new facility with the existing grid, and the corridor is not otherwise used for electrical transmission facilities; and (B) located in more than one jurisdiction that has promulgated land use plans or zoning ordinances; or

(iii) An applicant chooses to receive certification under this chapter, and the facilities are: (A) Of a nominal voltage in excess of one hundred fifteen thousand volts; and (B) located outside an electrical transmission corridor identified in (a)(i) and (ii) of this subsection (3).

(b) For the purposes of this subsection, "modify" means a significant change to an electrical transmission facility and does not include the following: (i) Minor improvements such as the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures; (ii) the relocation of existing electrical transmission line facilities; (iii) the conversion of existing overhead lines to underground; or (iv) the placing of new or additional conductors, supporting structures, insulators, or their accessories on or replacement of supporting structures already built.

(4) The provisions of this chapter shall not apply to normal maintenance and repairs which do not increase the capacity or dimensions beyond those set forth in RCW 80.50.020 (7) and ~~((14))~~ (15).

(5) Applications for certification of energy facilities made prior to July 15, 1977 shall continue to be governed by the applicable provisions of law in effect on the day immediately preceding July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall apply to such prior applications and to site certifications prospectively from July 15, 1977.

(6) Applications for certification shall be upon forms prescribed by the council and shall be supported by such information and technical studies as the council may require.

NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW to read as follows:

(1) For applications to site electrical transmission facilities, the council shall conduct a preapplication process pursuant to rules adopted by the council to govern such process, receive applications as prescribed in RCW 80.50.071, and conduct public meetings pursuant to RCW 80.50.090.

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(2) The council shall consider and may recommend certification of electrical transmission facilities in corridors designated for this purpose by affected cities, towns, or counties:

(a) Where the jurisdictions have identified electrical transmission facility corridors as part of their land use plans and zoning maps based on policies adopted in their plans;

(b) Where the proposed electrical transmission facility is consistent with any adopted development regulations that govern the siting of electrical transmission facilities in such corridors; and

(c) Where contiguous jurisdictions and jurisdictions in which related regional electrical transmission facilities are located have either prior to or during the preapplication process undertaken good faith efforts to coordinate the locations of their corridors consistent with RCW 36.70A.100.

(3)(a) In the absence of a corridor designation in the manner prescribed in subsection (2) of this section, the council shall as part of the preapplication process require the preapplicant to negotiate, as provided by rule adopted by the council, for a reasonable time with affected cities, towns, and counties to attempt to reach agreement about a corridor plan. The application for certification shall identify only the corridor agreed to by the applicant and cities, towns, and counties within the proposed corridor pursuant to the preapplication process.

(b) If no corridor plan is agreed to by the applicant and cities, towns, and counties pursuant to (a) of this subsection, the applicant shall propose a recommended corridor and electrical transmission facilities to be included within the proposed corridor.

(c) The council shall consider the applicant's proposed corridor and electrical transmission facilities as provided in RCW 80.50.090 (2) and (4), and shall make a recommendation consistent with RCW 80.50.090 and 80.50.100.

NEW SECTION. Sec. 4. A new section is added to chapter 80.50 RCW to read as follows:

(1) A preapplicant shall pay to the council a fee of ten thousand dollars to be applied to the cost of the preapplication process as a condition precedent to any action by the council, provided that costs in excess of this amount shall be paid only upon prior approval by the preapplicant, and provided further that any unexpended portions thereof shall be returned to the preapplicant.

(2) The council shall consult with the preapplicant and prepare a plan for the preapplication process which shall commence with an informational public hearing within sixty days after the receipt of the preapplication fee as provided in RCW 80.50.090.

(3) The preapplication plan shall include but need not be limited to:

(a) An initial consultation to explain the proposal and request input from council staff, federal and state agencies, cities, towns, counties, port districts, tribal governments, property owners, and interested individuals;

(b) Where applicable, a process to guide negotiations between the preapplicant and cities, towns, and counties within the corridor proposed pursuant to section 3 of this act.

NEW SECTION. Sec. 5. 2006 c 196 s 2 (uncodified) is repealed."

Senators Poulsen and Delvin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Delvin to Substitute House Bill No. 1037.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "council;" strike the remainder of the title and insert "amending RCW 80.50.060; reenacting and amending RCW 80.50.020; adding new sections

to chapter 80.50 RCW; and repealing 2006 c 196 s 2 (uncodified)."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1037 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1037 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1037 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 1037 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:30 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:33 p.m. by President Owen.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2220, by House Committee on Appropriations (originally sponsored by Representative Lantz)

Regarding shellfish. Revised for 2nd Substitute: Regarding shellfish aquaculture.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) The sea grant program at the University of Washington shall, consistent with this section, commission a series of scientific research studies that examines the possible effects, including the cumulative effects, of the current prevalent geoduck aquaculture techniques and practices on the natural environment in and around Puget Sound, including the Strait of Juan de Fuca. The sea grant program shall use funding provided from the geoduck aquaculture research account created in

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section 2 of this act to review existing literature, directly perform research identified as needed, or to enter into and manage contracts with scientific organizations or institutions to accomplish these results.

(2) Prior to entering into a contract with a scientific organization or institution, the sea grant program must:

(a) Analyze, through peer review, the credibility of the proposed party to the contract, including whether the party has credible experience and knowledge and has access to the facilities necessary to fully execute the research required by the contract; and

(b) Require that all proposed parties to a contract fully disclose any past, present, or planned future personal or professional connections with the shellfish industry or public interest groups.

(3) All research commissioned under this section must be subjected to a rigorous peer review process prior to being accepted and reported by the sea grant program.

(4) In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4 of this act as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that is beneficial to complete other than what is listed in subsection (5) of this section.

(5) To satisfy the minimum requirements of subsection (1) of this section, the sea grant program shall review all scientific research that is existing or in progress that examines the possible effect of currently prevalent geoduck practices, on the natural environment, and prioritize and conduct new studies as needed, to measure and assess the following:

(a) The environmental effects of structures commonly used in the aquaculture industry to protect juvenile geoducks from predation;

(b) The environmental effects of commercial harvesting of geoducks from intertidal geoduck beds, focusing on current prevalent harvesting techniques, including a review of the recovery rates for benthic communities after harvest;

(c) The extent to which geoducks in standard aquaculture tracts alter the ecological characteristics of overlying waters while the tracts are submerged, including impacts on species diversity, and the abundance of other benthic organisms;

(d) Baseline information regarding naturally existing parasites and diseases in wild and cultured geoducks, including whether and to what extent commercial intertidal geoduck aquaculture practices impact the baseline;

(e) Genetic interactions between cultured and wild geoduck, including measurements of differences between cultured geoducks and wild geoducks in terms of genetics and reproductive status; and

(f) The impact of the use of sterile triploid geoducks and whether triploid animals diminish the genetic interactions between wild and cultured geoducks.

(6) If adequate funding is not made available for the completion of all research required under this section, the sea grant program shall consult with the shellfish aquaculture regulatory committee, via the department of ecology, to prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for regulatory decisions. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(7) When appropriate, all research commissioned under this section must address localized and cumulative effects of geoduck aquaculture.

(8) The sea grant program and the University of Washington are prohibited from retaining greater than fifteen percent of any

funding provided to implement this section for administrative overhead or other deductions not directly associated with conducting the research required by this section.

(9) Individual commissioned contracts under this section may address single or multiple components listed for study under this section.

(10) All research commissioned under this section must be completed and the results reported to the appropriate committees of the legislature by December 1, 2013. In addition, the sea grant program shall provide the appropriate committees of the legislature with annual reports updating the status and progress of the ongoing studies that are completed in advance of the 2013 deadline.

2. **NEW SECTION. Sec. 3.** A new section is added to chapter 28B.20 RCW to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by section 1 of this act. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 79.135.100 and 1984 c 221 s 10 are each amended to read as follows:

(1) If state-owned aquatic lands are used for aquaculture production or harvesting, rents and fees shall be established through competitive bidding or negotiation.

(2) The department is prohibited from offering leases that would permit the intertidal commercial aquaculture of geoducks on more than a total of twenty-three acres of state-owned aquatic lands until: (a) The department of ecology and the shellfish aquaculture regulatory committee have submitted a final report containing recommendations as required under section 4 of this act; and (b) the legislature has had at least one full legislative session to consider and act upon the recommendations. If the legislature does not take action limiting the department's authority to lease state-owned aquatic lands for geoduck aquaculture under (b) of this subsection, then the department may resume leasing property consistent with any applicable federal, state, and local guidelines or regulations.

(3) All rents and fees collected from leases of state-owned aquatic lands for purposes of geoduck aquaculture must be deposited into the geoduck aquaculture research account created under section 2 of this act.

(4) Any intertidal leases entered into by the department for geoduck aquaculture must be conditioned in such a way that: (a) The department can engage in monitoring of the environmental impacts of the lease's execution, without unreasonably diminishing the economic viability of the lease, and that the lease tracts are eligible to be made part of the studies conducted under section 1 of this act; and (b) any aquaculture equipment and materials used in the cultivation, protection, or harvest of geoducks be marked with the registration number of the aquatic farmer as required under RCW 77.115.040. The department must notify all abutting landowners of the intent of the department to lease the tidal and subtidal lands for the purposes of geoduck aquaculture. An intertidal lease entered into by the department for the purpose of geoduck aquaculture may not contain an automatic right of renewal.

NEW SECTION. Sec. 5. (1) The shellfish aquaculture regulatory committee is established to, consistent with this section, serve as an advisory body to the department of ecology on regulatory processes and approvals for all current and new shellfish aquaculture activities, and the activities conducted pursuant to RCW 90.58.060, as the activities relate to shellfish. The shellfish aquaculture regulatory committee is advisory in nature, and no vote or action of the committee may overrule existing statutes, regulations, or local ordinances.

(2) The shellfish aquaculture regulatory committee shall develop recommendations as to:

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(a) A regulatory system or permit process for all current and new shellfish aquaculture projects and activities that integrates all applicable existing local, state, and federal regulations and is efficient both for the regulators and the regulated; and

(b) Appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act.

(3)(a) The members of the shellfish aquaculture regulatory committee shall be appointed by the director of the department of ecology as follows:

(i) Two representatives of county government, one from a county located on the Puget Sound, and one from a county located on the Pacific Ocean;

(ii) Two individuals who are professionally engaged in the commercial aquaculture of shellfish, one who owns or operates an aquatic farm in Puget Sound, and one who owns or operates an aquatic farm in state waters other than the Puget Sound;

(iii) Two representatives of organizations representing the environmental community;

(iv) Two individuals who own shoreline property, one of which does not have a commercial geoduck operation on his or her property and one of which does have a commercial geoduck operation on his or her property; and

(v) One representative each from the following state agencies: The department of ecology, the department of fish and wildlife, the department of agriculture, and the department of natural resources.

(b) In addition to the other participants listed in this subsection, the governor shall invite the full participation of two tribal governments, at least one of which is located within the drainage of the Puget Sound.

(4) The department of ecology shall provide administrative and clerical assistance to the shellfish aquaculture regulatory committee and all agencies listed in subsection (3) of this section shall provide technical assistance.

(5) Nonagency members of the shellfish aquaculture regulatory committee will not be compensated, but are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) Any participation by a Native American tribe on the shellfish aquaculture regulatory committee shall not, under any circumstances, be viewed as an admission by the tribe that any of its activities, or those of its members, are subject to any of the statutes, regulations, ordinances, standards, or permit systems reviewed, considered, or proposed by the committee.

(7) The shellfish aquaculture regulatory committee is authorized to form technical advisory panels as needed and appoint to them members not on the shellfish aquaculture regulatory committee.

(8) The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

NEW SECTION. Sec. 6. (1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4 of this act, which shall serve as the advisory committee for the development of the guidelines. The guidelines must include abutting landowner notification of proposed tidal and subtidal aquaculture activities.

(2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4 of this act.

(3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under section 1 of this act.

Sec. 7. RCW 77.115.040 and 1993 sp.s. c 2 s 58 are each amended to read as follows:

(1) All aquatic farmers as defined in RCW 15.85.020 shall register with the department. The director shall develop and maintain a registration list of all aquaculture farms and assign each farm a registration number. The department shall periodically update the list to ensure accuracy. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2) Registered aquaculture farms shall provide the department ~~((production statistical data))~~ with the following information: (a) The name of the aquatic farmer; (b) the address of the aquatic farmer; (c) contact information such as telephone, fax, web site, and email address, if available; (d) the number of acres under cultivation; (e) the name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation; (f) the private sector cultured aquatic product being propagated, farmed, or cultivated; and (g) production statistical data. As a condition of registration, all aquatic farmers shall provide the department with proof of abutting landowner notification of geoduck farming activities.

(3) The department shall require a registered aquatic farmer who commercially farms and manages the cultivation of geoduck to mark any aquaculture equipment and materials used in the cultivation, protection, or harvest of geoducks with the registration number.

(4) The department must publish the contact information of a staff person responsible for managing the registration list who is available to answer questions from the public regarding aquatic farms that cultivate geoducks.

(5) The state veterinarian shall be provided with registration and statistical data by the department.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to Second Substitute House Bill No. 2220.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "shellfish;" strike the remainder of the title and insert "amending RCW 79.135.100 and 77.115.040; adding new sections to chapter 28B.20 RCW; and creating new sections."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Second Substitute House Bill No. 2220 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

Senator Swecker spoke against passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, Hargrove and Prentice were excused.

Senators Sheldon spoke against passage of the bill.

Senators Spanel, Fraser, Morton and Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2220 as amended by the Senate.

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ROLL CALL

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The Secretary called the roll on the final passage of Second Substitute House Bill No. 2220 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 37

Voting nay: Senators Brandland, Clements, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Schoesler, Sheldon and Swecker - 11

Excused: Senator Hargrove - 1

SECOND SUBSTITUTE HOUSE BILL NO. 2220 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,
SUBSTITUTE SENATE BILL NO. 5336,
SUBSTITUTE SENATE BILL NO. 5445,
SUBSTITUTE SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5676,
SENATE BILL NO. 5773,
SUBSTITUTE SENATE BILL NO. 5972,
SUBSTITUTE SENATE BILL NO. 5984,
SENATE BILL NO. 6014,
SENATE JOINT RESOLUTION NO. 8212,

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569, by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Linville, Moeller, Green, Seaquist, Conway, Dickerson, Appleton, McIntire, McCoy, Kagi, Pedersen, Kenney, Lantz, Santos, Wood and Ormsby)

Reforming the health care system in Washington state.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.47A.010 and 2006 c 255 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a ~~((small employer))~~ health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and

employee participation in employer-sponsored health benefit plan coverage.

Sec. 2. RCW 70.47A.020 and 2006 c 255 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in section 4 of this act.

~~((3))~~ (3) "Eligible ~~((employee))~~ partnership participant" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income ~~((less than))~~ that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

~~((3))~~ (4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 ~~((or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended))~~.

~~((4))~~ (5) "Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan.

~~((6))~~ (6) "Partnership" means the ~~((small employer))~~ health insurance partnership ~~((program))~~ established in RCW 70.47A.030.

~~((5))~~ (7) "Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

~~((8))~~ (8) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((6))~~ (9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible ~~((employee))~~ partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

Sec. 3. RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ~~((small employer))~~ health insurance partnership ~~((program))~~ is established. The administrator shall be responsible for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~, directly or by contract. The administrator shall offer premium subsidies to eligible ~~((employees))~~ partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 4 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan

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premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

- (a) Two representatives of small employers;
- (b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;
- (c) Four employee health plan benefits specialists; and
- (d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be the chair of the board. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the

powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

NEW SECTION. Sec. 5. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will qualify for premium subsidy payments. At least four health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan. Every effort shall be made to include health benefit plans that include components to maximize the quality of care provided and result in improved health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group community rating with the partnership principle of allowing each employee to choose their health benefit plan, and consider options to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees through risk adjustment, reinsurance, or other mechanisms;

(f) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

Sec. 6. RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

~~((1))~~ Beginning ~~(July 1, 2007)~~ September 1, 2008, the administrator shall accept applications from eligible ~~((employees)) partnership participants~~, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the ~~((small employer)) health insurance partnership ((program))~~.

~~((2)) Premium subsidy payments may be provided to eligible employees if:~~

- ~~—(a) The eligible employee is employed by a small employer;~~
- ~~—(b) The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and~~
- ~~—(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.~~

~~(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees~~

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under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan:

~~(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.~~

~~(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.)~~

Sec. 7. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January

1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer

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may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 9. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization

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from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health

benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 10. On or before December 1, 2008, the health insurance partnership board shall submit a report to the governor and the legislature that includes an implementation plan to incorporate the individual and small group health insurance markets into the partnership program. In preparing the report, the board shall examine at least the following issues:

(1) The impact of these markets being incorporated into the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(2) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(3) How the composition of the board should be modified to reflect the incorporation of the individual and small group markets in the partnership.

NEW SECTION. Sec. 11. On or before December 1, 2009, the health insurance partnership board shall submit a report and recommendations to the governor and the legislature regarding:

(1) The risks and benefits of additional markets participating in the partnership:

- (a) The report shall examine the following markets:
 - (i) Washington state health insurance pool under chapter 48.41 RCW;
 - (ii) Basic health plan under chapter 70.47 RCW;
 - (iii) Public employees' benefits board enrollees under chapter 41.05 RCW; and

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(iv) Public school employees; and

(b) The report shall examine at least the following issues:

(i) The impact of these markets participating in the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(iv) If the board recommends the inclusion of additional markets, how the composition of the board should be modified to reflect the participation of these markets; and

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

Sec. 12. RCW 70.47A.050 and 2006 c 255 s 5 are each amended to read as follows:

Enrollment in the (~~small employer~~) health insurance partnership (~~program~~) is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

Sec. 13. RCW 70.47A.060 and 2006 c 255 s 6 are each amended to read as follows:

The administrator shall adopt all rules necessary for the implementation and operation of the (~~small employer~~) health insurance partnership (~~program~~). As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 14. RCW 70.47A.080 and 2006 c 255 s 8 are each amended to read as follows:

The (~~small employer~~) health insurance partnership (~~program~~) account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the (~~small employer~~) health insurance partnership (~~program~~) shall be deposited in the (~~small employer~~) health insurance partnership (~~program~~) account. Moneys in the account shall be used exclusively for the purposes of administering the (~~small employer~~) health insurance partnership (~~program~~), including payments to (~~participating managed health care systems~~) insurance carriers on behalf of (~~small employer~~) health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 15. (1) The office of the insurance commissioner shall contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed.

(2) The office of the insurance commissioner shall submit an interim report to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008.

NEW SECTION. Sec. 16. 2006 c 255 s 10 (uncodified) is repealed.**NEW SECTION. Sec. 17.** Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.**NEW SECTION. Sec. 18.** If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

(1) Section 5 (health insurance partnership board);

(2) Section 15 (office of insurance commissioner independent study)."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "improving health insurance coverage by establishing a health insurance partnership for the purchase of small employer health insurance coverage, evaluating the inclusion of additional health insurance markets in the health insurance partnership, and studying the impact of health insurance mandates; amending RCW 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 70.47A.050, 70.47A.060, and 70.47A.080; adding new sections to chapter 70.47A RCW; creating new sections; repealing 2006 c 255 s 10 (uncodified); providing an effective date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Keiser to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1569.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Franklin be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 70.47A.010 and 2006 c 255 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a (~~small employer~~) health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.**Sec. 2.** RCW 70.47A.020 and 2006 c 255 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in section 4 of this act.

(3) "Eligible (~~employee~~) partnership participant" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income (~~less than~~) that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

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~~((3))~~ (4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 ~~((or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended)).~~

~~((4))~~ "Program" (5) "Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan.

(6) "Partnership" means the ~~((small employer))~~ health insurance partnership ~~((program))~~ established in RCW 70.47A.030.

~~((5))~~ (7) "Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

(8) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((6))~~ (9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible ~~((employee))~~ partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

Sec. 3. RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ~~((small employer))~~ health insurance partnership ~~((program))~~ is established. The administrator shall be responsible for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~, directly or by contract. The administrator shall offer premium subsidies to eligible ~~((employees))~~ partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 4 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

NEW SECTION, Sec. 4. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

(a) Two representatives of small employers;

(b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;

(c) Four employee health plan benefits specialists; and

(d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be the chair of the board. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

NEW SECTION, Sec. 5. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will qualify for premium subsidy payments. At least four health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan. Every effort shall be made to include health benefit plans that include components to maximize the quality of care provided and result in improved

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health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group community rating with the partnership principle of allowing each employee to choose their health benefit plan, and consider options to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees through risk adjustment, reinsurance, or other mechanisms;

(f) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

Sec. 6. RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

~~((+))~~ Beginning ~~((July 1, 2007))~~ September 1, 2008, the administrator shall accept applications from eligible ~~((employees))~~ partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the ~~((small employer))~~ health insurance partnership ~~((program))~~.

~~((2))~~ Premium subsidy payments may be provided to eligible employees if:

~~—(a) The eligible employee is employed by a small employer;~~

~~—(b) The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and~~

~~—(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.~~

~~—(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.~~

~~—(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.~~

~~—(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.)~~

Sec. 7. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of

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benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose

all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a

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member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 9. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the enrollment of the small employer;

(ii) Changes to the family composition of the employee;

(iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining

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whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 10. On or before December 1, 2008, the health insurance partnership board shall submit a report to the governor and the legislature that includes an implementation plan to incorporate the individual and small group health insurance markets into the partnership program. In preparing the report, the board shall examine at least the following issues:

(1) The impact of these markets being incorporated into the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(2) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(3) How the composition of the board should be modified to reflect the incorporation of the individual and small group markets in the partnership.

NEW SECTION. Sec. 11. On or before December 1, 2009, the health insurance partnership board shall submit a report and recommendations to the governor and the legislature regarding:

(1) The risks and benefits of additional markets participating in the partnership:

(a) The report shall examine the following markets:

(i) Washington state health insurance pool under chapter 48.41 RCW;

(ii) Basic health plan under chapter 70.47 RCW;

(iii) Public employees' benefits board enrollees under chapter 41.05 RCW; and

(iv) Public school employees; and

(b) The report shall examine at least the following issues:

(i) The impact of these markets participating in the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(iv) If the board recommends the inclusion of additional markets, how the composition of the board should be modified to reflect the participation of these markets; and

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in

the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

Sec. 12. RCW 70.47A.050 and 2006 c 255 s 5 are each amended to read as follows:

Enrollment in the ~~((small employer))~~ health insurance partnership ~~((program))~~ is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

Sec. 13. RCW 70.47A.060 and 2006 c 255 s 6 are each amended to read as follows:

The administrator shall adopt all rules necessary for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~. As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 14. RCW 70.47A.080 and 2006 c 255 s 8 are each amended to read as follows:

The ~~((small employer))~~ health insurance partnership ~~((program))~~ account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the ~~((small employer))~~ health insurance partnership ~~((program))~~ shall be deposited in the ~~((small employer))~~ health insurance partnership ~~((program))~~ account. Moneys in the account shall be used exclusively for the purposes of administering the ~~((small employer))~~ health insurance partnership ~~((program))~~, including payments to ~~((participating managed health care systems))~~ insurance carriers on behalf of ~~((small employer))~~ health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 15. (1) The office of the insurance commissioner shall contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed.

(2) The office of the insurance commissioner shall submit an interim report to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008.

NEW SECTION. Sec. 16. 2006 c 255 s 10 (uncodified) is repealed.

NEW SECTION. Sec. 17. Sections 1 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

NEW SECTION. Sec. 18. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

(1) Section 5 (health insurance partnership board);

(2) Section 15 (office of insurance commissioner independent study)."

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

On page 1, line 24 of the amendment, after "(2)" strike all material through "(3)" on line 26

On page 2, beginning on line 4 of the amendment, after "employer" strike all material through "(6)" on line 19 and insert

".

(3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended.

(4) (~~"Program"~~)

On page 2, line 21 of the amendment, strike "~~((5)) (7)~~" and insert "(5)"

On page 2, beginning on line 22 of the amendment, after "employer" strike all material through "employment" on line 24

On page 2, line 25 of the amendment, strike "~~(8)~~" and insert "(6)"

On page 2, line 27 of the amendment, strike "~~(9)~~" and insert "(7)"

On page 2, line 34 of the amendment, strike "~~(1)~~"

Beginning on page 3, after line 3 of the amendment, strike all material through "study)." on page 20, line 19, and insert the following:

"**Sec. 4.** RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees if:

(a) The eligible employee is employed by a small employer; and

(b) ~~(The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and~~

~~(c))~~ The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

PART I: FINDINGS AND INTENT

NEW SECTION. Sec. 101. LEGISLATIVE FINDINGS.

The legislature finds that:

(1) The people of Washington have expressed strong concerns about health care costs and access to needed health services. Even if currently insured, they are not confident that they will continue to have health insurance coverage in the future and feel that they are getting less, but spending more.

(2) Many employers, especially small employers, struggle

with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. In addition, small employers continue to invest a significant amount of their time in the health insurance business as they are the lone gateway to group coverage for their employees. This is time better served meeting their customers' needs and fulfilling the many demands and challenges of our ever-changing marketplace. Even after much research has been done by the employer to secure a health benefit plan that works for everyone, it is, too often, that some individuals are forced into a choice of health care coverage they would have never made on their own, if given that chance.

(3) Six hundred thousand Washingtonians are uninsured. Three-quarters work or have a working family member; two-thirds are low income; and one-half are young adults. Many are low-wage workers who are not offered, or eligible for, employer-sponsored coverage. Others struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while still others turn down their employer's offer of coverage due to its costs.

(4) Lack of portability remains a constant problem as thousands of Washington residents go uninsured every year simply because they are temporarily between jobs or their new job does not offer an affordable option for them. In addition, two-income earner families are punished by the system as they are forced to choose one employer's health insurance plan over another without a chance to collect premium contributions from both.

(5) Access to health insurance and other health care spending has resulted in improved health for many Washingtonians. Yet, we are not receiving as much value as we should for each health care dollar spent in Washington state. By failing to sufficiently focus our efforts on prevention and management of chronic diseases, such as diabetes, asthma, and heart disease, too many Washingtonians suffer from complications of their illnesses. By failing to make health insurance coverage affordable for low-wage workers and self-employed people, health problems that could be treated in a doctor's office are treated in the emergency room or hospital. By failing to focus on the most effective ways to maintain our health and treat disease, Washingtonians have not made lifestyle changes proven to improve health, nor do they receive the most effective care.

(6) There are very few incentives for young adults, nineteen through thirty years old, to purchase their own health coverage. Young, healthy adults are often quoted rates that are incongruent with their level of risk and do not make financial sense when they look at the cost benefit ratio. By failing to offer the right incentives for this population to enroll in a health insurance plan, we have created layers of problems such as increased uncompensated care and less preventative care being sought.

(7) The concept of a health insurance exchange has the potential for offering a strong value to Washington's health insurance market. It is necessary and advisable to fully consider the potential success and drawbacks of this concept through an interim study group of health policy stakeholders and legislators. The study's findings and recommendations will provide a template or guide for further consideration of health care market reform in Washington state.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT. The legislature intends, through the public/private partnership reflected in this act, to improve our current health care system so that:

(1) Health insurance coverage is more affordable for employers, employees, self-employed people, and other individuals;

(2) The process of choosing and purchasing health insurance coverage is well-informed, clearer, and simpler;

(3) Prevention, chronic care management, wellness, and improved quality of care are a fundamental part of our health care system;

(4) Administrative costs at every level are reduced;

(5) As a result of these changes, more people in Washington

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state have access to affordable health insurance coverage and health outcomes in Washington state are improved;

(6) More insurance coverage choices are available to all health consumers;

(7) Competition is increased between health plans based on quality, cost, and positive health outcomes;

(8) Employer incentives to keep an employee below twenty hours per week are diminished creating wider access to health insurance for part-time employees and thereby reducing state costs for subsidizing health care to low-wage and part-time workers;

(9) More workers and employers are able to take advantage of section 125 plans to gain tax preferred status for health care premium payments resulting in significantly reduced costs.

PART II: WASHINGTON HEALTH INSURANCE EXCHANGE

NEW SECTION. Sec. 201. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Carrier" means a carrier as defined in RCW 48.43.005.

(2) "Commissioner" means the insurance commissioner established under RCW 48.02.010.

(3) "Health plan" or "health benefit plan" means a health plan or health benefit plan as defined in RCW 48.43.005.

(4) "Small employer" or "small group" means a business as defined in RCW 48.43.005(24).

NEW SECTION. Sec. 202. (1) The Washington state health insurance exchange interim study group is hereby established. The function of the group is to thoroughly study the health insurance exchange concept and all possible implications of its full introduction in Washington state.

(2) The study group shall be composed of twenty members. Four members of the legislature, two from the house of representatives, one from each of the two largest caucuses, and two from the senate, one from each of the two largest caucuses. The remaining sixteen members will be appointed by the governor as follows:

(a) One member of the governor's policy staff;

(b) One representative of small employers;

(c) One employee health plan benefits specialist;

(d) One representative of health care consumers;

(e) One representative of public employees;

(f) One representative of a business association that offers its members access to an association health plan;

(g) A physician licensed in good standing under chapter 18.57 RCW;

(h) One representative each from those insurance carriers that have more than five hundred thousand Washington state subscribers;

(i) A health insurance broker licensed in good standing under chapter 48.17 RCW;

(j) The secretary of the department of social and health services, or designee;

(k) The secretary of the department of health, or designee;

(l) The insurance commissioner, or designee;

(m) The administrator of the health care authority, or designee; and

(n) The chair of the board of directors of the Washington state health insurance pool, or designee.

(3) Appointments to the study group shall be made on or before June 1, 2007. Members of the study group shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The study group shall prescribe rules for the conduct of its business. The study group shall choose a chair and a vice-chair from among its members. Meetings of the study group shall be at the call of the chair. Supporting staff to the study group shall be provided by the governor's office and/or the health care authority as deemed necessary.

NEW SECTION. Sec. 203. HEALTH INSURANCE EXCHANGE IMPLEMENTATION PLAN. On or before July 1, 2007, the health care authority shall commission a

comprehensive implementation study to be carried out by an independent firm in consultation with all government agencies and stakeholders affected by changes prescribed in this section. The firm designated for this task shall be provided all nonproprietary information necessary to complete its task in a timely fashion. The recommendations of the study shall be drafted in such a way as to provide a complete and comprehensive plan that will facilitate the expedient implementation of the exchange upon the study's conclusion. The implementation plan shall address the following issues in an actuarially sound and statistically significant manner using independent expertise from the public and private sector as is necessary to complete the task:

(1) The consolidation of markets in the exchange and its effect on consumers:

(a) The implementation plan shall assume the participation and consolidation of the following markets:

(i) Small group health insurance market;

(ii) Individual health insurance market;

(iii) Washington state health insurance pool under chapter 48.41 RCW;

(iv) Basic health plan under chapter 70.47 RCW;

(v) Public employees' benefits board enrollees under chapter 41.05 RCW;

(vi) Public school employees; and

(vii) Association health plans; and

(b) The report shall examine at least the following issues:

(i) The direct impact of these markets participating in the exchange on the consumer, with respect to the utilization of services and cost of health plans offered through the exchange;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) Whether any special allowance or provision can be made for employees who are satisfied with their current insurance product that would assure them access to that same product within the exchange;

(iv) The process by which public or private self-funded plans can be modified in such a way to allow them participation as carriers in the exchange. This issue shall be evaluated with special attention paid to the feasibility of incorporating the uniform medical plan of the public employees' benefits board within the exchange to encourage competition between the public and private sector for better risk management, product design, and wellness activities while addressing the effect this would have on consumers and the market as a whole;

(v) The impact of applying the insurance regulations in RCW 48.43.015, 48.43.025, and 48.43.035, on access to health services and the cost of coverage for these markets;

(vi) If the exchange board should be modified in any way to adequately reflect the participation of these markets; and

(vii) Any additional areas of concern relating to carrier participation in the exchange and information necessary to effectively rate plans in a new risk environment.

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

(3) The participation of categorically needy medicaid and state children's health insurance program enrollees in the exchange. The study shall examine the following issues:

(a) The impact on medicaid and state children's health insurance program enrollees participating in the exchange, with respect to the utilization of services and cost of health plans offered through the exchange;

(b) Whether any distinction should be made between adult and child enrollees;

(c) Opportunities to provide plan design flexibility through medicaid state plan amendments;

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(d) The need for a new section 1115 waiver from the federal government for moving a sizable portion of the medicaid and state children's health insurance program population into a defined contribution model;

(e) A study of other states that have attempted similar reforms involving a defined contribution model within their medicaid population and whether any ideas should be incorporated to facilitate the move of enrollees to the exchange;

(f) Whether any cost savings to the state would result from the incorporation of medicaid and state children's health insurance program enrollees to the exchange;

(g) The effect any such move would have on the premiums of current exchange enrollees;

(h) The capacity of participating carriers in the exchange to properly manage the care of medicaid and state children's health insurance program enrollees;

(i) The impact of expanded choice and cost sharing on medicaid enrollees; and

(j) What specific categories of categorically needy medicaid and state children's health insurance program enrollees, if any, should be excluded from participation in the exchange.

(4) A study of health benefit mandates and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed:

(a) The effect this would have on premium rates across the age and health risk spectrum;

(b) Whether adverse selection would occur between carriers and/or benefit plan types; and

(c) What the expected take-up rate of mandate/free plans would be among young adults and other age groups previously uninsured.

(5) Reforming the way health benefit plans are rated for different groups and the process by which they receive approval for market consumption. Possible changes to analyze include but should not be limited to:

(a) Expanding the adjusted community rating band to four hundred twenty-five percent for plans offered through the exchange;

(b) Changing the community rating formula to allow for certain percentage variations between age groups as opposed to one all-encompassing age rating band;

(c) Introducing a separate rating band for young adults between the ages of nineteen and thirty-four to allow for more affordable plans for this population;

(d) Changing the role of the office of insurance commissioner in approving rate submittals by allowing the American academy of actuaries to justify the rate and thus bypassing a costly administrative hurdle;

(e) Expediting the rate-approval process by which plans are able to enter the market by limiting all rate review that is within the acceptable range to thirty days or less; and

(f) Allowing additional rate adjustment flexibility for health insurance carriers and what the optimal range of discretion is for the consumers that purchase those products.

(6) The manner in which premium assistance should be provided to prospective enrollees of the exchange:

(a) What expectation for contribution, if any, should be placed on small and large employers whose employees apply for premium assistance through the exchange;

(b) How the previously negotiated and widely accepted small employer health insurance partnership can be incorporated into the exchange; and

(c) The most effective means for determining contribution levels and what, if any, benchmark plans should be used in such an evaluation.

(7) The most effective means of equitably transferring risk among and between carriers to ensure rampant competition, lower costs, and wider access to health insurance:

(a) An evaluation of risk transfer mechanisms should include a thorough consultation with the office of the insurance commissioner in order to incorporate any previous reports, studies, or other material published by the commissioner in dealing with the subject.

(b) The implementation plan shall fully consider the

following goals for risk transfer arrangements when evaluating the best approach:

(i) Reduction of insurer incentives to avoid risk;

(ii) Ability of insured individuals to find coverage easily and move among plans;

(iii) Incentives for the primary insurer to manage high costs effectively; and

(iv) Ability to stabilize a merged small group and individual health insurance market for carriers and consumers.

(c) A recommendation should be made as to the most effective way of phasing out the Washington state health insurance pool with concurrent implementation of a new risk transfer arrangement.

(8) The streamlined process by which brokers will be compensated for their involvement in bringing new enrollees to the exchange:

(a) What standard commission rate is deemed most appropriate and fair by the various agency and broker associations;

(b) How interaction between employer groups and brokers will be documented and compensated;

(c) How plan information will be shared between the exchange and broker community; and

(d) Other issues that are deemed worthy of addressing to ensure active participation from insurance brokers in the implementation of the exchange.

(9) New employer contribution strategies that will be utilized in the exchange. Strategies to be investigated for their risk and benefit to the employer and employee include:

(a) A set dollar amount or defined contribution;

(b) Pro rata contribution for part-time or seasonal employees based on hours worked;

(c) A percentage of premium contribution with or without a cap; and

(d) Other strategies as they are referred for further investigation and discussion by the exchange board or stakeholders.

(10) The interim study group shall submit a timeline and work plan for the study to the governor and appropriate committees of the legislature by August 1, 2007, to include a schedule of interim study group meetings, a schedule for stakeholder input, a detailed timeline of the study, the identity of the consulting actuarial firm, and any other information necessary to ensure the completion of a comprehensive health insurance exchange study. A final report with findings and recommendations related to each of the items in the study plan and recommendations for next steps shall be completed and submitted to the legislature and governor no later than January 1, 2008.

PART III: MISCELLANEOUS

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Beginning on page 20, line 20 of the title amendment, after "line" strike all material through "date;" on page 21, line 2, and insert "2 of the title, after "state;" insert "amending RCW 70.47A.010, 70.47A.020, 70.47A.030, and 70.47A.040; creating new sections;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 1, line 24 to the striking amendment to Engrossed Second Substitute House Bill No. 1569 was withdrawn.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

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On page 1, line 24 of the amendment, after "(2)" strike all material through "(3)" on line 26

On page 2, beginning on line 4 of the amendment, after "employer" strike all material through "(6)" on line 19 and insert "

(3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended.

(4) ("Program")

On page 2, line 21 of the amendment, strike "((5)) (7)" and insert "(5)"

On page 2, beginning on line 22 of the amendment, after "employer" strike all material through "employment" on line 24

On page 2, line 25 of the amendment, strike "(8)" and insert "(6)"

On page 2, line 27 of the amendment, strike "(9)" and insert "(7)"

On page 2, line 34 of the amendment, strike "(1)"

Beginning on page 3, after line 3 of the amendment, strike all material through "study)." on page 20, line 19, and insert the following:

"PART I: FINDINGS AND INTENT

NEW SECTION. Sec. 101. LEGISLATIVE FINDINGS.

The legislature finds that:

(1) The people of Washington have expressed strong concerns about health care costs and access to needed health services. Even if currently insured, they are not confident that they will continue to have health insurance coverage in the future and feel that they are getting less, but spending more.

(2) Many employers, especially small employers, struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. In addition, small employers continue to invest a significant amount of their time in the health insurance business as they are the lone gateway to group coverage for their employees. This is time better served meeting their customers' needs and fulfilling the many demands and challenges of our ever-changing marketplace. Even after much research has been done by the employer to secure a health benefit plan that works for everyone, it is, too often, that some individuals are forced into a choice of health care coverage they would have never made on their own, if given that chance.

(3) Six hundred thousand Washingtonians are uninsured. Three-quarters work or have a working family member; two-thirds are low income; and one-half are young adults. Many are low-wage workers who are not offered, or eligible for, employer-sponsored coverage. Others struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while still others turn down their employer's offer of coverage due to its costs.

(4) Lack of portability remains a constant problem as thousands of Washington residents go uninsured every year simply because they are temporarily between jobs or their new job does not offer an affordable option for them. In addition, two-income earner families are punished by the system as they are forced to choose one employer's health insurance plan over another without a chance to collect premium contributions from both.

(5) Access to health insurance and other health care spending has resulted in improved health for many Washingtonians. Yet, we are not receiving as much value as we should for each health care dollar spent in Washington state. By failing to sufficiently focus our efforts on prevention and management of chronic diseases, such as diabetes, asthma, and

heart disease, too many Washingtonians suffer from complications of their illnesses. By failing to make health insurance coverage affordable for low-wage workers and self-employed people, health problems that could be treated in a doctor's office are treated in the emergency room or hospital. By failing to focus on the most effective ways to maintain our health and treat disease, Washingtonians have not made lifestyle changes proven to improve health, nor do they receive the most effective care.

(6) There are very few incentives for young adults, nineteen through thirty years old, to purchase their own health coverage. Young, healthy adults are often quoted rates that are incongruent with their level of risk and do not make financial sense when they look at the cost benefit ratio. By failing to offer the right incentives for this population to enroll in a health insurance plan, we have created layers of problems such as increased uncompensated care and less preventative care being sought.

(7) The concept of a health insurance exchange has the potential for offering a strong value to Washington's health insurance market. It is necessary and advisable to fully consider the potential success and drawbacks of this concept through an interim study group of health policy stakeholders and legislators. The study's findings and recommendations will provide a template or guide for further consideration of health care market reform in Washington state.

NEW SECTION. Sec. 102. LEGISLATIVE INTENT. The legislature intends, through the public/private partnership reflected in this act, to improve our current health care system so that:

(1) Health insurance coverage is more affordable for employers, employees, self-employed people, and other individuals;

(2) The process of choosing and purchasing health insurance coverage is well-informed, clearer, and simpler;

(3) Prevention, chronic care management, wellness, and improved quality of care are a fundamental part of our health care system;

(4) Administrative costs at every level are reduced;

(5) As a result of these changes, more people in Washington state have access to affordable health insurance coverage and health outcomes in Washington state are improved;

(6) More insurance coverage choices are available to all health consumers;

(7) Competition is increased between health plans based on quality, cost, and positive health outcomes;

(8) Employer incentives to keep an employee below twenty hours per week are diminished creating wider access to health insurance for part-time employees and thereby reducing state costs for subsidizing health care to low-wage and part-time workers;

(9) More workers and employers are able to take advantage of section 125 plans to gain tax preferred status for health care premium payments resulting in significantly reduced costs.

PART II: WASHINGTON HEALTH INSURANCE EXCHANGE

NEW SECTION. Sec. 201. The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Carrier" means a carrier as defined in RCW 48.43.005.

(2) "Commissioner" means the insurance commissioner established under RCW 48.02.010.

(3) "Health plan" or "health benefit plan" means a health plan or health benefit plan as defined in RCW 48.43.005.

(4) "Small employer" or "small group" means a business as defined in RCW 48.43.005(24).

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NEW SECTION. Sec. 202. (1) The Washington state health insurance exchange interim study group is hereby established. The function of the group is to thoroughly study the health insurance exchange concept and all possible implications of its full introduction in Washington state.

(2) The study group shall be composed of twenty members. Four members of the legislature, two from the house of representatives, one from each of the two largest caucuses, and two from the senate, one from each of the two largest caucuses. The remaining sixteen members will be appointed by the governor as follows:

- (a) One member of the governor's policy staff;
- (b) One representative of small employers;
- (c) One employee health plan benefits specialist;
- (d) One representative of health care consumers;
- (e) One representative of public employees;
- (f) One representative of a business association that offers its members access to an association health plan;
- (g) A physician licensed in good standing under chapter 18.57 RCW;
- (h) One representative each from those insurance carriers that have more than five hundred thousand Washington state subscribers;
- (i) A health insurance broker licensed in good standing under chapter 48.17 RCW;
- (j) The secretary of the department of social and health services, or designee;
- (k) The secretary of the department of health, or designee;
- (l) The insurance commissioner, or designee;
- (m) The administrator of the health care authority, or designee; and
- (n) The chair of the board of directors of the Washington state health insurance pool, or designee.

(3) Appointments to the study group shall be made on or before June 1, 2007. Members of the study group shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The study group shall prescribe rules for the conduct of its business. The study group shall choose a chair and a vice-chair from among its members. Meetings of the study group shall be at the call of the chair. Supporting staff to the study group shall be provided by the governor's office and/or the health care authority as deemed necessary.

NEW SECTION. Sec. 203. HEALTH INSURANCE EXCHANGE IMPLEMENTATION RECOMMENDATIONS. On or before July 1, 2007, the health care authority shall commission a comprehensive implementation study to be carried out by an independent firm in consultation with all government agencies and stakeholders affected by changes prescribed in this section. The firm designated for this task shall be provided all nonproprietary information necessary to complete its task in a timely fashion. The recommendations of the study shall be drafted in such a way as to provide a complete and comprehensive plan that will facilitate the expedient implementation of the exchange upon the study's conclusion. The implementation recommendations shall address the following issues in an actuarially sound and statistically significant manner using independent expertise from the public and private sector as is necessary to complete the task:

(1) The consolidation of markets in the exchange and its effect on consumers:

- (a) The implementation study shall examine the participation and consolidation of the following markets:
 - (i) Small group health insurance market;
 - (ii) Individual health insurance market;
 - (iii) Washington state health insurance pool under chapter 48.41 RCW;
 - (iv) Basic health plan under chapter 70.47 RCW;

(v) Public employees' benefits board enrollees under chapter 41.05 RCW;

- (vi) Public school employees; and
- (vii) Association health plans; and

(b) The report shall examine at least the following issues:

(i) The direct impact of these markets participating in the exchange on the consumer, with respect to the utilization of services and cost of health plans offered through the exchange;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) Whether any special allowance or provision can be or needs to be made for employees who are satisfied with their current insurance product that would assure them access to that same product within the exchange;

(iv) The process by which public or private self-funded plans can be modified in such a way to allow them participation as carriers in the exchange. This issue shall be evaluated with special attention paid to the feasibility of incorporating the uniform medical plan of the public employees' benefits board within the exchange to encourage competition between the public and private sector for better risk management, product design, and wellness activities while addressing the effect this would have on consumers and the market as a whole;

(v) The impact of applying the insurance regulations in RCW 48.43.015, 48.43.025, and 48.43.035, on access to health services and the cost of coverage for these markets;

(vi) If the exchange board should be modified in any way to adequately reflect the participation of these markets; and

(vii) Any additional areas of concern relating to carrier participation in the exchange and information necessary to effectively rate plans in a new risk environment.

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

(3) The participation of categorically needy medicaid and state children's health insurance program enrollees in the exchange. The study shall examine the following issues:

(a) The impact on medicaid and state children's health insurance program enrollees participating in the exchange, with respect to the utilization of services and cost of health plans offered through the exchange;

(b) Whether any distinction should be made between adult and child enrollees;

(c) Opportunities to provide plan design flexibility through medicaid state plan amendments;

(d) The need for a new section 1115 waiver from the federal government for moving a sizable portion of the medicaid and state children's health insurance program population into a defined contribution model;

(e) A study of other states that have attempted similar reforms involving a defined contribution model within their medicaid population and whether any ideas should be incorporated to facilitate the move of enrollees to the exchange;

(f) Whether any cost savings to the state would result from the incorporation of medicaid and state children's health insurance program enrollees to the exchange;

(g) The effect any such move would have on the premiums of current exchange enrollees;

(h) The capacity of participating carriers in the exchange to properly manage the care of medicaid and state children's health insurance program enrollees;

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(i) The impact of expanded choice and cost sharing on medicaid enrollees; and

(j) What specific categories of categorically needy medicaid and state children's health insurance program enrollees, if any, should be excluded from participation in the exchange.

(4) A study of health benefit mandates and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed:

(a) The effect this would have on premium rates across the age and health risk spectrum;

(b) Whether adverse selection would occur between carriers and/or benefit plan types; and

(c) What the expected take-up rate of mandate free plans would be among young adults and other age groups previously uninsured.

(5) Reforming the way health benefit plans are rated for different groups and the process by which they receive approval for market consumption. Possible changes to analyze include but should not be limited to:

(a) Expanding the adjusted community rating band to four hundred twenty-five percent for plans offered through the exchange;

(b) Changing the community rating formula to allow for certain percentage variations between age groups as opposed to one all-encompassing age rating band;

(c) Introducing a separate rating band for young adults between the ages of nineteen and thirty-four to allow for more affordable plans for this population;

(d) Changing the role of the office of insurance commissioner in approving rate submittals by allowing the American academy of actuaries to justify the rate and thus bypassing a costly administrative hurdle;

(e) Expediting the rate-approval process by which plans are able to enter the market by limiting all rate review that is within the acceptable range to thirty days or less; and

(f) Allowing additional rate adjustment flexibility for health insurance carriers and what the optimal range of discretion is for the consumers that purchase those products.

(6) The manner in which premium assistance should be provided to prospective enrollees of the exchange:

(a) What expectation for contribution, if any, should be placed on small and large employers whose employees apply for premium assistance through the exchange;

(b) How the previously negotiated and widely accepted small employer health insurance partnership can be incorporated into the exchange; and

(c) The most effective means for determining contribution levels and what, if any, benchmark plans should be used in such an evaluation.

(7) The most effective means of equitably transferring risk among and between carriers to ensure rampant competition, lower costs, and wider access to health insurance:

(a) An evaluation of risk transfer mechanisms should include a thorough consultation with the office of the insurance commissioner in order to incorporate any previous reports, studies, or other material published by the commissioner in dealing with the subject.

(b) The implementation plan shall fully consider the following goals for risk transfer arrangements when evaluating the best approach:

(i) Reduction of insurer incentives to avoid risk;

(ii) Ability of insured individuals to find coverage easily and move among plans;

(iii) Incentives for the primary insurer to manage high costs effectively; and

(iv) Ability to stabilize a merged small group and individual health insurance market for carriers and consumers.

(c) A recommendation should be made as to the most effective way of phasing out the Washington state health insurance pool with concurrent implementation of a new risk transfer arrangement.

(8) The streamlined process by which brokers will be compensated for their involvement in bringing new enrollees to the exchange:

(a) What standard commission rate is deemed most appropriate and fair by the various agency and broker associations;

(b) How interaction between employer groups and brokers will be documented and compensated;

(c) How plan information will be shared between the exchange and broker community; and

(d) Other issues that are deemed worthy of addressing to ensure active participation from insurance brokers in the implementation of the exchange.

(9) New employer contribution strategies that will be utilized in the exchange. Strategies to be investigated for their risk and benefit to the employer and employee include:

(a) A set dollar amount or defined contribution;

(b) Pro rata contribution for part-time or seasonal employees based on hours worked;

(c) A percentage of premium contribution with or without a cap; and

(d) Other strategies as they are referred for further investigation and discussion by the exchange board or stakeholders.

(10) The interim study group shall submit a timeline and work plan for the study to the governor and appropriate committees of the legislature by August 1, 2007, to include a schedule of interim study group meetings, a schedule for stakeholder input, a detailed timeline of the study, the identity of the consulting actuarial firm, and any other information necessary to ensure the completion of a comprehensive health insurance exchange study. A final report with findings and recommendations related to each of the items in the study plan and recommendations for next steps shall be completed and submitted to the legislature and governor no later than January 1, 2008.

PART III: MISCELLANEOUS

NEW SECTION. Sec. 301. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 302. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Beginning on page 20, line 20 of the title amendment, after "line" strike all material through "date;" on page 21, line 2, and insert "2 of the title, after "state;" insert "amending RCW 70.47A.010, 70.47A.020, 70.47A.030, and 70.47A.040; creating new sections;"

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 1, line 24 to the striking amendment to Engrossed Second Substitute House Bill No. 1569 was withdrawn.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette and Haugen to the striking amendment be adopted.

On page 3, at the beginning of line 4 of the amendment, strike all material through page 20, line 19 and insert the following:

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"NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

(1) The authority, in collaboration with an advisory board established under subsection (3) of this section, shall design a Washington health insurance connector and submit implementing legislation and supporting information, including funding options, to the governor and the legislature by December 1, 2007. The connector shall be designed to serve as a statewide, public-private partnership, offering maximum value for Washington state residents, through which nonlarge group health insurance may be bought and sold. It is the goal of the connector to:

(a) Ensure that employees of small businesses and other individuals can find affordable health insurance;

(b) Provide a mechanism for small businesses to contribute to their employees' coverage without the administrative burden of directly shopping or contracting for insurance;

(c) Ensure that individuals can access coverage as they change and/or work in multiple jobs;

(d) Coordinate with other state agency health insurance assistance programs, including the department of social and health services medical assistance programs and the authority's basic health program; and

(e) Lead the health insurance marketplace in implementation of evidence-based medicine, data transparency, prevention and wellness incentives, and outcome-based reimbursement.

(2) In designing the connector, the authority shall:

(a) Address all operational and governance issues;

(b) Consider best practices in the private and public sectors regarding, but not limited to, such issues as risk and/or purchasing pooling, market competition drivers, risk selection, and consumer choice and responsibility incentives; and

(c) Address key functions of the connector, including but not limited to:

(i) Methods for small businesses and their employees to realize tax benefits from their financial contributions;

(ii) Options for offering choice among a broad array of affordable insurance products designed to meet individual needs, including waiving some current regulatory requirements. Options may include a health savings account/high-deductible health plan, a comprehensive health benefit plan, and other benchmark plans;

(iii) Benchmarking health insurance products to a reasonable standard to enable individuals to make an informed choice of the coverage that is right for them;

(iv) Aggregating premium contributions for an individual from multiple sources: Employers, individuals, philanthropies, and government;

(v) Mechanisms to collect and distribute workers' enrollment information and premium payments to the health plan of their choice;

(vi) Mechanisms for spreading health risk widely to support health insurance premiums that are more affordable;

(vii) Opportunities to reward carriers and consumers whose behavior is consistent with quality, efficiency, and evidence-based best practices;

(viii) Coordination of the transmission of premium assistance payments with the department of social and health services for individuals eligible for the department's employer-sponsored insurance program.

(3) The authority shall appoint an advisory board and designate a chair. Members of the advisory board shall receive no compensation, but shall be reimbursed for expenses under RCW 43.03.050 and 43.03.060. Meetings of the board are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential unpublished information.

(4) The authority may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out

the requirements of this section.

Sec. 2. RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees ~~((f:))~~ or participating carriers on behalf of employees.

(a) The eligible employee ~~((s))~~ must be employed by a small employer~~((:))~~.

~~((The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and))~~ Small employers may offer any available health benefit plan including health savings accounts. Health savings account subsidy payments may be provided to eligible employees if the eligible employee participates in an employer-sponsored high deductible health plan and health savings account that conforms to the requirements of the United States internal revenue service.

(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

Beginning on page 20, line 20 of the title amendment, after "line" strike all material through "emergency" on page 21, line 3, and insert "2 of the title, after "state;" insert "amending RCW 70.47A.040, and creating a new section"

Senator Parlette spoke in favor of adoption of the amendment to the striking amendment.

Senator Keiser spoke against adoption of the amendment to the striking amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette and Haugen

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on page 3, line 4 to the striking amendment to Engrossed Second Substitute House Bill No. 1569.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Parlette to the striking amendment and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 22

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 26

Excused: Senator Hargrove - 1

MOTION

Senator Kastama moved that the following amendment by Senators Kastama, Jacobsen and Haugen to the striking amendment be adopted.

On page 4, line 18 after "partnership." insert "Employees shall not be eligible for premium assistance if they have immediately transitioned from employer-sponsored insurance, until they have fulfilled a six month waiting period. During that time, the employee may participate in the program but not receive state sponsored premium assistance."

Senators Kastama and Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama, Jacobsen and Haugen on page 4, line 18 to the striking amendment to Engrossed Second Substitute House Bill No. 1569.

The motion by Senator Kastama carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the striking amendment be adopted.

On page 4, line 26 after "appoint a" strike all material down through line 31, and insert "a seven-member health insurance partnership board by June 30, 2007. The board shall be composed of persons with expertise in the health insurance market and benefit design, and be chaired by the administrator."

On page 4, line 2 after "business." strike "The administrator shall be the chair of the board."

Senators Keiser and Parlette spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 4, line 26 to the striking amendment to Engrossed Second Substitute House Bill No. 1569.

The motion by Senator Keiser carried and the amendment to the striking amendment was adopted by voice vote.

MOTION

Senator Pflug moved that the following amendment by Senator Pflug to the striking amendment be adopted.

Beginning on page 6, line 22, strike all material after "Sec.

6." through page 7, line 26, and insert the following: "RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

(1) Beginning July 1, 2007, the administrator shall accept applications from eligible employees, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the small employer health insurance partnership program.

(2) Premium subsidy payments may be provided to eligible employees if:(a) The eligible employee is employed by a small employer; and

(b) ~~((The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and))~~

Small employers may offer any available health benefit plan including health savings accounts. Health savings account subsidy payments may be provided to eligible employees if the eligible employee participates in an employer-sponsored high deductible health plan and health savings account that conforms to the requirements of the United States internal revenue service.

c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.

(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources."

WITHDRAWAL OF AMENDMENT

On motion of Senator Pflug, the amendment by Senator Pflug on page 6, line 22 to the striking amendment to Engrossed Second Substitute House Bill No. 1569 was withdrawn.

MOTION

Senator Keiser moved that the following amendment by Senator Keiser to the striking amendment be adopted.

On page 17, line 24 after "submit a" insert "preliminary"

On page 18, line 1 after "before" strike "December", and insert "September".

On line 11 after "and" insert "(v) Any final recommendations for the individual and small group markets, relevant to the study outlined in section 10 of this act; and"

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Senator Keiser spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Keiser on page 17, line 24 to the striking amendment to Engrossed Second Substitute House Bill No. 1569.

The motion by Senator Keiser carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Franklin as amended to Engrossed Second Substitute House Bill No. 1569.

The motion by Senator Keiser carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "improving health insurance coverage by establishing a health insurance partnership for the purchase of small employer health insurance coverage, evaluating the inclusion of additional health insurance markets in the health insurance partnership, and studying the impact of health insurance mandates; amending RCW 70.47A.010, 70.47A.020, 70.47A.030, 70.47A.040, 48.21.045, 48.44.023, 48.46.066, 70.47A.050, 70.47A.060, and 70.47A.080; adding new sections to chapter 70.47A RCW; creating new sections; repealing 2006 c 255 s 10 (uncodified); providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Second Substitute House Bill No. 1569 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser, Prentice and Franklin spoke in favor of passage of the bill.

Senators Zarelli and Parlette spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1569 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1569 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Berkeley, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Schoesler moved that the remarks on final passage of Engrossed Second Substitute House Bill No. 1569 be spread upon the Journal.

The President declared the question before the Senate to be the motion by Senator Schoesler that the remarks of the final passage of Engrossed Second Substitute House Bill No. 1569 be spread upon the Journal.

The motion by Senator Schoesler failed on a rising voice vote.

MOTION

At 5:25 p.m. on motion of Senator Eide the Senate was recessed until 6:30 p.m.

EVENING SESSION

The Senate was called to order at 6:30 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Spanel moved that Gubernatorial Appointment No. 9004, Yvonne Bianchi, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Spanel spoke in favor of the motion.

MOTION

On motion of Senator Parlette, Senators Brandland, Carrell, Delvin, Hewitt, McCaslin, Morton, Pflug, Stevens and Zarelli were excused.

APPOINTMENT OF YVONNE BIANCHI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9004, Yvonne Bianchi as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9004, Yvonne Bianchi as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 4; Excused, 7.

Voting yea: Senators Berkeley, Brandland, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kilmer, Kline, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 38

Absent: Senators Benton, Kauffman, Keiser and Kohl-Welles - 4

Excused: Senators Carrell, Delvin, Hargrove, Hewitt, Holmquist, McCaslin and Pflug - 7

Gubernatorial Appointment No. 9004, Yvonne Bianchi, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

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Senator Brandland moved that Gubernatorial Appointment No. 9015, James Cunningham, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Brandland spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Kauffman, Keiser and Kohl-Welles were excused.

APPOINTMENT OF JAMES CUNNINGHAM

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9015, James Cunningham as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9015, James Cunningham as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Hargrove, Keiser, Kohl-Welles and Pflug - 4

Gubernatorial Appointment No. 9015, James Cunningham, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Brandland moved that Gubernatorial Appointment No. 9246, Jeffrey J. Kochman, as a member of the Board of Trustees, Bellingham Technical College District No. 25, be confirmed.

Senator Brandland spoke in favor of the motion.

APPOINTMENT OF JEFFREY J. KOCHMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9246, Jeffrey J. Kochman as a member of the Board of Trustees, Bellingham Technical College District No. 25.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9246, Jeffrey J. Kochman as a member of the Board of Trustees, Bellingham Technical College District No. 25 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Hargrove, Keiser, Kohl-Welles and Pflug - 4

Gubernatorial Appointment No. 9246, Jeffrey J. Kochman, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Bellingham Technical College District No. 25.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1140, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives McCoy, Crouse, Grant and Blake)

Allowing for the net meter aggregation of electricity.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.60.010 and 2006 c 201 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the service territory of a single electric utility.

(8) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

~~((8))~~ (9) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

~~((9))~~ (10) "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) Has an electrical generating capacity of not more than one hundred kilowatts;

(b) Is located on the customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities; and

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

~~((10))~~ (11) "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the service area of a single electric utility.

(12) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

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~~((+1))~~ (13) "Public utility district" means a district authorized by chapter 54.04 RCW.

~~((+2))~~ (14) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

Sec. 2. RCW 80.60.020 and 2006 c 201 s 2 are each amended to read as follows:

(1) An electric utility:

~~((+))~~ (a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.25 percent of the utility's peak demand during 1996. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

~~((2))~~ (b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

~~((a))~~ (i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

~~((b))~~ (ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

~~((3))~~ (c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

~~((a))~~ (i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

~~((b))~~ (ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2) If a production meter and software is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), the customer-generator is responsible for the purchase of the production meter and software.

Sec. 3. RCW 80.60.030 and 2006 c 201 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(c) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator."

On page 1, line 1 of the title, after "electricity," strike the remainder of the title and insert "and amending RCW 80.60.010, 80.60.020, and 80.60.030."

The President declared the question before the Senate to be the motion by Senator Poulsen to not adopt the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 1140.

The motion by Senator Poulsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following striking amendment by Senators Poulsen and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 80.60.010 and 2006 c 201 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means a user of a net metering system.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the service territory of a single electric utility.

(8) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

((8)) (9) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

((9)) (10) "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) Has an electrical generating capacity of not more than one hundred kilowatts;

(b) Is located on the customer-generator's premises;

(c) Operates in parallel with the electric utility's transmission and distribution facilities; and

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(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

~~((+0))~~ (11) "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the service area of a single electric utility.

~~(12)~~ "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

~~((+1))~~ (13) "Public utility district" means a district authorized by chapter 54.04 RCW.

~~((+2))~~ (14) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

Sec. 2. RCW 80.60.020 and 2006 c 201 s 2 are each amended to read as follows:

(1) An electric utility:

~~((+))~~ (a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.25 percent of the utility's peak demand during 1996. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

~~((2))~~ (b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

~~((a))~~ (i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

~~((b))~~ (ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

~~((3))~~ (c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

~~((a))~~ (i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

~~((b))~~ (ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base.

(2) If a production meter and software is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), the customer-generator is responsible for the purchase of the production meter and software.

Sec. 3. RCW 80.60.030 and 2006 c 201 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one hundred kilowatts shall be aggregated among all customer-generators participating in a generating facility under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Poulsen and Honeyford to Substitute House Bill No. 1140.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "electricity;" strike the remainder of the title and insert "and amending RCW 80.60.010, 80.60.020, and 80.60.030."

MOTION

On motion of Senator Poulsen, the rules were suspended, Substitute House Bill No. 1140 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1140 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1140 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pflug - 2

SUBSTITUTE HOUSE BILL NO. 1140 as amended by the Senate, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1476, by Representatives Blake and Kretz

Modifying provisions with regard to nonsalmon charter licenses.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following striking amendment by Senators Hatfield, Jacobsen, Morton and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Seven rockfish stocks, including canary and yelloweye rockfish, have been designated under federal law by the national marine fisheries services as overfished on the west coast.

(b) The department of fish and wildlife has classified certain rockfish species within Puget Sound as critically depressed. These common species of rockfish have undergone dramatic declines in Puget Sound and the coast during the past three decades.

(c) The Pacific fishery management council and the department of fish and wildlife have eliminated the directed commercial fisheries and greatly reduced the recreational fishing opportunity for these species.

(d) Due to the interactions of these depleted stocks with the healthier ones, commercial and recreational fisheries have been severely constrained in recent years in order to rebuild the populations of these overfished rockfish. For many of these stocks there have been no recent stock assessments, or the current assessments are based on poor data. Improved survey information is essential for assessing abundance and to monitor progress toward rebuilding efforts on the coast and in Puget Sound.

(e) Department of fish and wildlife staff have been developing underwater robot technology or remote operated vehicles to scientifically estimate the abundance of rockfish populations in both the nearshore and in deep waters. These new assessment techniques, coupled with existing bottom trawl surveys, will be used to estimate current abundance and future recovery of rockfish populations along the coast of Washington and in Puget Sound.

(2) Therefore, the legislature intends to implement a targeted surcharge on commercial licenses issued by the department of fish and wildlife that provides for the retention or landing of ground fish, and a targeted surcharge on recreational saltwater fishing licenses. Funds derived from the surcharge will be used by the department of fish and wildlife solely for the purpose of conducting rockfish research and stock assessments.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

(1) The department is directed to develop and implement a rockfish research and stock assessment program. Using funds from the rockfish research account created in subsection (2) of this section, the department must conduct Puget Sound basin and coastal surveys with new and existing technology to estimate the current abundance and future recovery of rockfish populations and other groundfish species. The stock assessment must include an evaluation of the potential for marine fish enhancement. Beginning December 2008, and every two years thereafter, the department shall report to the appropriate committees of the legislature on the status of the stock assessment program.

(2) The rockfish research account is created in the custody of the state treasurer. All receipts from surcharges assessed on commercial and recreational fishing licenses for the purposes of

rockfish research must be deposited into the account. Expenditures from the account may be used only for rockfish research, including stock assessments. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 77.65.150 and 2006 c 186 s 1 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit	Annual Fee (RCW 77.95.090 Surcharge) (Section 2 of this act Surcharge)		Governing Section
	Resident	Nonresident	
(a) Nonsalmon charter	\$225 <u>(plus \$35 for section 2 of this act Surcharge)</u>	\$375 <u>(plus \$35 for section 2 of this act Surcharge)</u>	
(b) Salmon charter	\$380 (plus \$100) <u>(plus \$35 for section 2 of this act Surcharge)</u>	\$685 (plus \$100) <u>(plus \$35 for section 2 of this act Surcharge)</u>	RCW 77.70.050
(c) Salmon angler	\$ 0	\$ 0	RCW 77.70.060
(d) Salmon roe	\$ 95	\$ 95	RCW 77.65.350

(2) A salmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 77.70.050.

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for food fish other than salmon, albacore tuna, and shellfish.

(4)(a) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use in those state waters set forth in (b) of this subsection. "Charter boat" also means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use in offshore waters or in the waters of other states. The director may specify by rule when a vessel is a "charter boat" within this definition.

(b) A person may not operate a vessel from which persons may, for a fee, fish for food fish or shellfish in Puget Sound, Grays Harbor, Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia river below the bridge at Longview unless the vessel is designated on a charter boat license.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not take on or discharge passengers for any purpose from any Washington port, the Washington shore, or a dock, landing, or other point in Washington. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred-dollar enhancement surcharge and a thirty-five dollar surcharge to be deposited in the rockfish research account created in section 2 of this act, plus a fifteen-dollar handling charge, in order to be considered a valid renewal and eligible to renew the license the following year.

Sec. 4. RCW 77.65.210 and 2005 c 20 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken for commercial purposes in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "deliver" and "delivery" mean arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp, coastal crab, or fish or shellfish taken under an emerging commercial fisheries license if taken from off-shore waters. The annual license fee for a nonlimited entry delivery license is one hundred ten dollars for residents

and two hundred dollars for nonresidents, and an additional thirty-five dollar surcharge for both residents and nonresidents to be deposited in the rockfish research account created in section 2 of this act.

(2) Holders of salmon troll fishery licenses issued under RCW 77.65.160, salmon delivery licenses issued under RCW 77.65.170, crab pot fishery licenses issued under RCW 77.65.220, food fish trawl--Non-Puget Sound fishery licenses, and emerging commercial fishery licenses issued under RCW 77.65.200, Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, shrimp trawl--Non-Puget Sound fishery licenses, and emerging commercial fishery licenses issued under RCW 77.65.220 may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

Sec. 5. RCW 77.32.470 and 2005 c 192 s 1 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created section 2 of this act.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created section 2 of this act.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

(i) One day - Seven dollars for residents and fourteen dollars for nonresidents;

(ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;

(iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;

(iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and

(v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

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(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season.

(e) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in section 2 of this act.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or below a fee equal to the total cost of the individual license contained within any combination.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senator Hatfield spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hatfield, Jacobsen, Morton and Prentice to House Bill No. 1476.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 77.65.150, 77.65.210, and 77.32.470; adding a new section to chapter 77.12 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1476 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1476 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1476 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon,

Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

HOUSE BILL NO. 1476 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, by House Committee on Finance (originally sponsored by Representatives Barlow, Ormsby, Kenney and Wood)

Creating health sciences and services authorities.

The measure was read the second time.

MOTION

Senator Marr moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means a health sciences and services authority created pursuant to this chapter.

(2) "Board" means the governing board of trustees of an authority.

(3) "Department" means the department of community, trade, and economic development.

(4) "Director" means the director of the department of community, trade, and economic development.

(5) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.

(6) "Local government" means a city, town, or county.

(7) "Sponsoring local government" means a city, town, or county that creates a health sciences and services authority.

NEW SECTION. Sec. 2. PURPOSE. The health sciences and services program is created to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health.

NEW SECTION. Sec. 3. CREATION. A local government must establish by ordinance or resolution an authority. At a minimum, the ordinance must:

(1) Specify the powers to be exercised by the authority;

(2) Reserve the local government's right to dissolve the authority after its contractual responsibilities have expired;

(3) Establish an administrative board, including: (a) The number of board members; (b) the times and terms of appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filing vacancies; and (e) the qualifications for the appointment of individuals to the board;

(4) Establish the authority's boundaries, which must be contiguous tracts of land;

(5) Ensure that private and public funds provided to the authority will be segregated;

(6) Establish guidelines under which the authority may invest its funds;

(7) Provide the requirements for auditing the records of the authority; and

(8) Require the local government's legal counsel to also provide legal services to the authority.

NEW SECTION. Sec. 4. APPLICATIONS. (1) The department may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director shall determine the division to review applications submitted by local governments under this chapter. The application for designation

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shall be in the form and manner and contain such information as the department may prescribe, provided the application shall:

(a) Contain sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrate that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) Be submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrate that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provide a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrate that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director shall determine the division to develop criteria to evaluate the application. The criteria shall include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There shall be no more than one authority statewide.

(4) An authority may only be created in a county with a population of less than one million persons.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due December 31, 2007, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The department may adopt any rules necessary to implement this act within one hundred twenty days of the effective date of this section.

(9) The department must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature shall be due on a biennial basis beginning December 1, 2009. In addition, the department shall develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

NEW SECTION. Sec. 5. BOARD. (1) An authority shall be overseen by a board with not more than fourteen members. Board members shall be appointed by the sponsoring local government and must reside within the jurisdiction of the local government that created the authority. The authority board shall select the chair.

(2) A simple majority of the board members shall constitute a quorum.

(3) The board shall annually elect a secretary and any other officers it deems necessary.

(4) The local government shall designate an individual with financial experience to serve as treasurer. The individual may be a city or county treasurer, city or county auditor, or a private party. If the treasurer is a private party, the local government shall require a bond in an amount and under such terms and conditions as the local government deems necessary to protect the authority. The treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession.

(5) The board may adopt bylaws or rules for their own governance.

(6) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the board so requests. Meetings of the board may be held at any location and board members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

NEW SECTION. Sec. 6. POWERS AND DUTIES. (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, promote bioscience-based economic development, and advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under section 11 of this act and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii)

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its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

(f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

(g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

NEW SECTION. Sec. 7. GENERAL INDEBTEDNESS--GENERAL OBLIGATION BONDS. (1) A local government that creates a health sciences and services authority may incur general indebtedness, and issue general obligation bonds, to finance the grants and other programs and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2) The general indebtedness incurred under this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the grants and other programs or associated debt service on the general indebtedness.

NEW SECTION. Sec. 8. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 7 of this act shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 9. LIABILITY. (1) Members of the board, as well as other persons acting on behalf of the authority, while acting within the scope of their employment or agency, shall not be subject to personal liability resulting from their official duties conferred on them under this chapter.

(2) The state, the local government that created the authority, and the authority shall not be liable for any loss, damage, harm, or other consequences resulting directly or indirectly from grants provided by the authority or from programs, services, research, or other activities funded with such grants.

NEW SECTION. Sec. 10. DISSOLUTION. The board may petition the sponsoring local government to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be returned to the state treasurer.

NEW SECTION. Sec. 11. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under section 3 of this act may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax shall not exceed 0.015 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

Sec. 12. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine.

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is

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made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

Sec. 13. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating

or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or

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landowner to the department of natural resources under RCW 78.44.085; (~~and~~)

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

NEW SECTION. Sec. 14. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 15. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. CODIFICATION. Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 17. EXPIRATION DATE. Section 12 of this act expires June 30, 2008.

NEW SECTION. Sec. 18. EFFECTIVE DATE. Section 13 of this act takes effect June 30, 2008."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing an expiration date."

REMARKS BY THE PRESIDENT

President Owen: "The President understands that there's a situation here, with some additional amendments, and I'll take a moment to explain. You have amendments to the striking amendment and the amendment has been moved. We still have to take the amendments so, if you don't wish these amendments to - if you want to withdraw them, you got to let me know when they come up. All right?"

WITHDRAWAL OF AMENDMENT

On motion of Senator Marr, the amendment by Senator Marr on page 7, line 31 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1705 was withdrawn.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zarelli, the amendment by Senator Zarelli on page 8, line 4 to the committee striking amendment to Engrossed Second Substitute House Bill No. 1705 was withdrawn.

MOTION

Senator Marr moved that the committee striking amendment by the Committee on Ways & Means be not adopted.

The President declared the question before the Senate to be the motion by Senator Marr to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1705.

The motion by Senator Marr carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Marr moved that the following striking amendment by Senators Marr and Brown be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means a health sciences and services authority created pursuant to this chapter.

(2) "Board" means the governing board of trustees of an authority.

(3) "Director" means the director of the higher education coordinating board.

(4) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.

(5) "Local government" means a city, town, or county.

(6) "Sponsoring local government" means a city, town, or county that creates a health sciences and services authority.

NEW SECTION. Sec. 2. PURPOSE. The health sciences and services program is created to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health.

NEW SECTION. Sec. 3. CREATION. A local government must establish by ordinance or resolution an authority. At a minimum, the ordinance must:

(1) Specify the powers to be exercised by the authority;

(2) Reserve the local government's right to dissolve the authority after its contractual responsibilities have expired;

(3) Establish an administrative board, including: (a) The number of board members; (b) the times and terms of appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filing vacancies; and (e) the qualifications for the appointment of individuals to the board;

(4) Establish the authority's boundaries, which must be contiguous tracts of land;

(5) Ensure that private and public funds provided to the authority will be segregated;

(6) Establish guidelines under which the authority may invest its funds;

(7) Provide the requirements for auditing the records of the authority; and

(8) Require the local government's legal counsel to also provide legal services to the authority.

NEW SECTION. Sec. 4. APPLICATIONS. (1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director shall determine the division to review applications submitted by local governments under this chapter. The application for designation shall be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application shall:

(a) Contain sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrate that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) Be submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrate that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provide a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrate that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

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(2) The director shall determine the division to develop criteria to evaluate the application. The criteria shall include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There shall be no more than one authority statewide.

(4) An authority may only be created in a county with a population of less than one million persons.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due December 31, 2007, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this act within one hundred twenty days of the effective date of this section.

(9) The joint legislative audit and review committee shall conduct an audit of the authority and report to the legislature by December 1, 2012. The report shall evaluate the effectiveness of the authority in providing the advancement of new therapies and procedures to combat disease and improve public health. The audit shall also look into where and how funds have been spent and if the funds have effectively executed the mission of the authority.

NEW SECTION. Sec. 5. BOARD. (1) An authority shall be overseen by a board with not more than fourteen members. The authority board shall select the chair. Board members must have some experience with the mission of the authority. The board members shall be appointed as follows:

(a) The governor shall appoint three members;

(b) The county legislative authority in which the authority resides shall appoint three members;

(c) The mayor of the city in which the authority is created, or the mayor of the largest city within the authority if created by a county, shall appoint three members; and

(d) Up to five additional members may be appointed by the board.

(2) A simple majority of the board members shall constitute a quorum.

(3) The board shall annually elect a secretary and any other officers it deems necessary.

(4) The local government shall designate an individual with financial experience to serve as treasurer. The individual may be a city or county treasurer, city or county auditor, or a private party. If the treasurer is a private party, the local government shall require a bond in an amount and under such terms and conditions as the local government deems necessary to protect the authority. The treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession.

(5) The board may adopt bylaws or rules for their own governance.

(6) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the board so requests. Meetings of the board may be held at any location and board members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

NEW SECTION. Sec. 6. POWERS AND DUTIES. (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, promote bioscience-based economic development, and advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under section 11 of this act and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

(f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

(g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

(4) The authority must apply for a Washington state quality award within four years of its creation.

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NEW SECTION. Sec. 7. GENERAL INDEBTEDNESS--GENERAL OBLIGATION BONDS. (1) A local government that creates a health sciences and services authority may incur general indebtedness, and issue general obligation bonds, to finance the grants and other programs and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2) The general indebtedness incurred under this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the grants and other programs or associated debt service on the general indebtedness.

NEW SECTION. Sec. 8. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 7 of this act shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 9. LIABILITY. (1) Members of the board, as well as other persons acting on behalf of the authority, while acting within the scope of their employment or agency, shall not be subject to personal liability resulting from their official duties conferred on them under this chapter.

(2) The state, the local government that created the authority, and the authority shall not be liable for any loss, damage, harm, or other consequences resulting directly or indirectly from grants provided by the authority or from programs, services, research, or other activities funded with such grants.

NEW SECTION. Sec. 10. DISSOLUTION. The board may petition the sponsoring local government to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be returned to the state treasurer.

NEW SECTION. Sec. 11. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under section 3 of this act may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax shall not exceed 0.015 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

Sec. 12. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to

submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine.

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

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(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

Sec. 13. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

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(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

NEW SECTION. Sec. 14. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 15. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. CODIFICATION. Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 17. EXPIRATION DATE. Section 12 of this act expires June 30, 2008.

NEW SECTION. Sec. 18. EFFECTIVE DATE. Section 13 of this act takes effect June 30, 2008."

Senator Marr spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Marr and Brown to Engrossed Second Substitute House Bill No. 1705.

The motion by Senator Marr carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Second Substitute House Bill No. 1705 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1705 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1705 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705 as amended by the Senate, having received the

constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1988, by House Committee on Commerce & Labor (originally sponsored by Representatives Morrell, DeBolt, Lovick, Conway, Green, Hudgins and Kenney)

Changing provisions affecting security guards.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.170.010 and 2004 c 50 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Armed private security guard" means a private security guard who has a current firearms certificate issued by the commission and is licensed as an armed private security guard under this chapter.

(2) "Armored vehicle guard" means a person who transports in an armored vehicle under armed guard, from one place to another place, valuables, jewelry, currency, documents, or any other item that requires secure delivery.

(3) "Burglar alarm response runner" means a person employed by a private security company to respond to burglar alarm system signals.

(4) "Burglar alarm system" means a device or an assembly of equipment and devices used to detect or signal unauthorized intrusion, movement, or exit at a protected premises, other than in a vehicle, to which police or private security guards are expected to respond.

(5) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(6) "Classroom instruction" means ~~((instruction))~~ training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means, and as distinguished from ~~((on-the-job education or training))~~ individual instruction.

(7) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(8) "Department" means the department of licensing.

(9) "Department-certified trainer" means any person who has been approved by the department by receiving a passing score on a department-administered examination, to administer department-provided examinations and attest that training or testing requirements have been met.

(10) "Director" means the director of the department of licensing.

~~((+0))~~ (11) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private security guard.

~~((+1))~~ (12) "Firearms certificate" means the certificate issued by the commission.

~~((+2))~~ (13) "Individual instruction" means training that takes place either on-the-job or through formal education techniques, such as video, closed circuit, internet, or other forms

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of electronic means, and as distinguished from classroom instruction.

(14) "Licensee" means a person granted a license required by this chapter.

~~((13))~~ (15) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

~~((14) "Postassignment or on-the-job training" means training that occurs in either an assisted field environment or in a classroom instruction setting, or both.~~

~~(15) "Preassignment training" means the classroom training completed prior to being assigned to work independently.)~~

(16) "Principal corporate officer" means the president, vice-president, treasurer, secretary, comptroller, or any other person who performs the same functions for the corporation as performed by these officers.

(17) "Private security company" means a person or entity licensed under this chapter and engaged in the business of providing the services of private security guards on a contractual basis.

(18) "Private security guard" means an individual who is licensed under this chapter and principally employed as or typically referred to as one of the following:

- (a) Security officer or guard;
- (b) Patrol or merchant patrol service officer or guard;
- (c) Armed escort or bodyguard;
- (d) Armored vehicle guard;
- (e) Burglar alarm response runner; or
- (f) Crowd control officer or guard.

(19) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a license to own or operate a private security company.

(20) "Sworn peace officer" means a person who is an employee of the federal government, the state, a political subdivision, agency, or department branch of a municipality, or other unit of local government, and has law enforcement powers.

NEW SECTION. Sec. 2. A new section is added to chapter 18.170 RCW to read as follows:

(1) To promote the safety of persons and the security of property, the director shall meet with interested parties to develop lists of suggested preassignment, postassignment, and postassignment refresher training by rule.

(2) All security guards licensed on or after July 1, 2005, must complete at least eight hours of preassignment training, comprised of at least four hours of classroom instruction and an additional four hours of classroom instruction or individual instruction, or both. The preassignment training may be waived for any individual who was most recently employed full time as a sworn peace officer not more than five years prior to applying to become licensed as a private security guard and who passes the examination typically administered to applicants at the conclusion of the preassignment training.

(3)(a) All security guards licensed on or after July 1, 2005, must complete at least eight hours of initial postassignment training that shall be administered to each security guard. The initial postassignment training must be in the topic areas established by the director and may be classroom instruction or individual instruction, or both. A company may waive the initial postassignment training for security guards already licensed who transfer from another company, if the security guard presents appropriate training records signed by a department-certified trainer from the previous company, or a signed affidavit that the individual has already completed the required initial postassignment training provided by his or her previous company.

(b) Security guards who received their temporary security guard registration card on or before the effective date of this act must receive their initial postassignment training before June 30, 2008. Security guards who received their temporary security guard registration card after the effective date of this act must receive their initial postassignment training as specified in (c) and (d) of this subsection.

(c) Security guards licensed between January 1st and June 30th of any calendar year may receive eight hours of initial postassignment training any time between the day following the issuance of a temporary security guard registration card with their company and June 30th of the year following initial issuance of their license by the department.

(d) Security guards initially licensed between July 1st and December 31st of any calendar year may receive eight hours of initial postassignment training at any time between the day following the issuance of a temporary security guard registration card with their company and December 31st of the year following initial issuance of their license by the department.

(4) Following completion of the preassignment and postassignment training, at least four total hours of annual refresher training shall be administered to security guards each subsequent year. The subsequent year begins, for refresher training purposes, the day following the last date the security guard is required to receive the eight hours of initial postassignment training. No more than one hour per year of annual refresher training may focus directly on customer service related skills or topics and the remaining three hours per year of annual refresher training must focus on emergency response concepts, skills, or topics including but not limited to knowledge of site post orders or life safety.

(5) Companies must maintain records regarding the training hours completed by each employee. All such records are subject to inspection by the department. The training requirements and test results must be recorded and attested to by a department-certified trainer. Training records must contain a description of the topics covered, the name and signature of the trainer, and the name and signature of the security guard.

NEW SECTION. Sec. 3. RCW 18.170.100 (Training and testing requirements) and 2004 c 50 s 2, 1995 c 277 s 7, & 1991 c 334 s 10 are each repealed."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to Substitute House Bill No. 1988.

The motion by Senator Keiser carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 18.170.010; adding a new section to chapter 18.170 RCW; and repealing RCW 18.170.100."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1988 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1988 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1988 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton,

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Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 1988 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2032, by Representatives Takko and Hinkle

Concerning the tax deferral application process for fruit and vegetable processing and storage.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2032 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2032.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2032 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Kline - 1

Excused: Senator Pflug - 1

HOUSE BILL NO. 2032, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2209, by House Committee on Health Care & Wellness (originally sponsored by Representatives Seaquist, Morrell, Curtis, Green, Moeller and Ormsby)

Allowing advanced registered nurse practitioners to examine and obtain copies of autopsy reports.

The measure was read the second time.

MOTION

Senator Franklin moved that the following committee striking amendment by the Committee on Health & Long-Term Care be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 68.50.105 and 1987 c 331 s 58 are each amended to read as follows:

Reports and records of autopsies or post mortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, or to the department of labor and industries in cases in which it has an interest under RCW 68.50.103.

The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or post mortem. For the purposes of this section, the term "family" means the surviving spouse, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long-Term Care to Substitute House Bill No. 2209.

The motion by Senator Franklin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 68.50.105."

MOTION

On motion of Senator Franklin, the rules were suspended, Substitute House Bill No. 2209 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2209 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2209 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Keiser - 1

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 2209 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Kline that Amendment 455 is beyond the scope and object of House Bill 1270, the President finds and rules as follows:

The underlying bill relates to removing limitations on the

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time for repayment of specific consumer loans. The proposed amendment maintains this provision, but also adds language applicable to many types of loans—not simply consumer loans—relating to considering military status in making credit determinations. This language impermissibly expands the types of loans at issue and adds an entirely new subject not contemplated by the original measure.

For these reasons, the President finds that Amendment 455 is beyond the scope and object of the underlying bill, and Senator Kline's point is well-taken.

The Senate resumed consideration of House Bill No. 1270 which had been deferred earlier in the day.

MOTION

On motion of Senator Berkey, the rules were suspended, House Bill No. 1270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1270.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1270 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368, by House Committee on Local Government (originally sponsored by Representatives Simpson, Hinkle, Armstrong and Linville)

Concerning special purpose district commissioner per diem compensation.

The measure was read the second time.

MOTION

Senator Hatfield moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.61.150 and 2002 c 88 s 6 are each amended to read as follows:

Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to ~~((seventy))~~ ninety dollars for each day or portion of a day ~~((devoted to the business))~~ spent in actual attendance at official meetings or in performance of other official services or

duties on behalf of the district. However, the compensation for each commissioner must not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 2. RCW 52.14.010 and 1998 c 121 s 2 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three registered voters residing in the district except as provided in RCW 52.14.015 and 52.14.020. Each member shall each receive ~~((seventy))~~ ninety dollars per day or portion thereof, not to exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year, for time spent in actual attendance at official meetings of the board ~~((meetings and for))~~ or in performance of other services ~~((in))~~ or duties on behalf of the district.

In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firefighters of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firefighters without compensation. A commissioner actually serving as a volunteer firefighter may enjoy the rights and benefits of a volunteer firefighter.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage

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earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 3. RCW 53.12.260 and 1998 c 121 s 3 are each amended to read as follows:

(1) Each commissioner of a port district shall receive ~~((seventy))~~ ninety dollars per day or portion thereof spent (a) in actual attendance at official meetings of the port district commission, or (b) in performance of other official services ~~((m))~~ or duties on behalf of the district. The total per diem compensation of a port commissioner shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in a year, or ~~((eight))~~ ten thousand ~~((four))~~ eight hundred dollars in any year for a port district with gross operating income of twenty-five million or more in the preceding calendar year.

(2) Port commissioners shall receive additional compensation as follows: (a) Each commissioner of a port district with gross operating revenues of twenty-five million dollars or more in the preceding calendar year shall receive a salary of five hundred dollars per month; and (b) each commissioner of a port district with gross operating revenues of from one million dollars to less than twenty-five million dollars in the preceding calendar year shall receive a salary of two hundred dollars per month.

(3) In lieu of the compensation specified in this section, a port commission may set compensation to be paid to commissioners.

(4) For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9): PROVIDED, That in the case of a port district when commissioners are receiving compensation and contributing to the public employees retirement system, these benefits shall continue in full force and effect notwithstanding the provisions of RCW 53.12.260 and 53.12.265.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner

positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 4. RCW 54.12.080 and 1998 c 121 s 4 are each amended to read as follows:

(1) Commissioners of public utility districts are eligible to receive salaries as follows:

(a) Each public utility district commissioner of a district operating utility properties shall receive a salary of one thousand dollars per month during a calendar year if the district received total gross revenue of over fifteen million dollars during the fiscal year ending June 30th before the calendar year. However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to thirteen hundred dollars per month.

(b) Each public utility district commissioner of a district operating utility properties shall receive a salary of seven hundred dollars per month during a calendar year if the district received total gross revenue of from two million dollars to fifteen million dollars during the fiscal year ending June 30th before the calendar year. However, the board of commissioners of such a public utility district may pass a resolution increasing the rate of salary up to nine hundred dollars per month.

(c) Commissioners of other districts shall serve without salary. However, the board of commissioners of such a public utility district may pass a resolution providing for salaries not exceeding four hundred dollars per month for each commissioner.

(2) In addition to salary, all districts may provide by resolution for the payment of per diem compensation to each commissioner at a rate not exceeding ~~((seventy))~~ ninety dollars for each day or ~~((major part thereof devoted to the business of the district, and days upon which he or she attends))~~ portion thereof spent in actual attendance at official meetings of the district commission or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her district or meetings attended by one or more commissioners of two or more districts called to consider business common to them, but such compensation paid during any one year to a commissioner shall not exceed ~~((nine thousand eight))~~ twelve thousand six hundred dollars. Per diem compensation shall not be paid for services of a ministerial or professional nature.

(3) Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

(4) Each district commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence.

(5) Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioner with the same coverage. The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold

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and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 5. RCW 57.12.010 and 2001 c 63 s 1 are each amended to read as follows:

The governing body of a district shall be a board of commissioners consisting of three members, or five or seven members as provided in RCW 57.12.015. The board shall annually elect one of its members as president and another as secretary.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of ~~((seventy))~~ ninety dollars for each day or portion thereof ~~((devoted to the business))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However the compensation for each commissioner shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year. In addition, the secretary may be paid a reasonable sum for clerical services.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during the commissioner's term of office, by a written waiver filed with the district at any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

No commissioner shall be employed full time by the district. A commissioner shall be reimbursed for reasonable expenses actually incurred in connection with district business, including subsistence and lodging while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle at the mileage rate authorized in RCW 43.03.060.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the codereviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 6. RCW 68.52.220 and 1998 c 121 s 6 are each amended to read as follows:

The affairs of the district shall be managed by a board of cemetery district commissioners composed of three members. ~~((Members of the board shall receive expenses necessarily~~

~~incurred in attending meetings of the board or when otherwise engaged in district business.))~~ The board may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners, for the payment of ~~((seventy))~~ ninety dollars for each day or portion of a day ~~((devoted to the business))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district. However, the compensation for each commissioner must not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made. The board shall fix the compensation to be paid the secretary and other employees of the district. Cemetery district commissioners and candidates for cemetery district commissioner are exempt from the requirements of chapter 42.17 RCW.

The initial cemetery district commissioners shall assume office immediately upon their election and qualification. Staggering of terms of office shall be accomplished as follows: (1) The person elected receiving the greatest number of votes shall be elected to a six-year term of office if the election is held in an odd-numbered year or a five-year term of office if the election is held in an even-numbered year; (2) the person who is elected receiving the next greatest number of votes shall be elected to a four-year term of office if the election is held in an odd-numbered year or a three-year term of office if the election is held in an even-numbered year; and (3) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall assume office immediately after they are elected and qualified but their terms of office shall be calculated from the first day of January after the election.

Thereafter, commissioners shall be elected to six-year terms of office. Commissioners shall serve until their successors are elected and qualified and assume office as provided in RCW ~~((29.04.170))~~ 29A.20.040.

The polling places for a cemetery district election may be located inside or outside the boundaries of the district, as determined by the auditor of the county in which the cemetery district is located, and no such election shall be held irregular or void on that account.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

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Sec. 7. RCW 70.44.050 and 1998 c 121 s 7 are each amended to read as follows:

A district shall provide by resolution for the payment of compensation to each of its commissioners at a rate of ~~((seventy)) ninety~~ dollars for each day or portion thereof ~~((devoted to the business of the district, and days upon which he or she attends))~~ spent in actual attendance at official meetings of the district commission, or in performance of other official services or duties on behalf of the district, to include meetings of the commission of his or her own district, or meetings attended by one or more commissioners of two or more districts called to consider business common to them, except that the total compensation paid to such commissioner during any one year shall not exceed ~~((six)) eight~~ thousand ~~((seven)) six~~ hundred ~~((twenty)) forty~~ dollars. The commissioners may not be compensated for services performed of a ministerial or professional nature.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the district as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Any district providing group insurance for its employees, covering them, their immediate family, and dependents, may provide insurance for its commissioners with the same coverage. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business and meetings, including his or her subsistence and lodging and travel while away from his or her place of residence. No resolution shall be adopted without a majority vote of the whole commission. The commission shall organize by election of its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings of the commission shall be by motion or resolution recorded in a book or books kept for such purpose, which shall be public records.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 8. RCW 85.05.410 and 1998 c 121 s 8 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of up to ~~((seventy)) ninety~~ dollars for actual attendance at official meetings of the district and for each day or ~~((major))~~ part thereof ~~((for all necessary services actually performed in connection with their duties as commissioners)), or in performance of other official services or duties on behalf of the district~~ and shall receive the same compensation as other labor of a like character for all other necessary work or services

performed in connection with their duties: PROVIDED, That such compensation shall not exceed ~~((six)) eight~~ thousand ~~((seven)) six~~ hundred ~~((twenty)) forty~~ dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved at regular meetings of the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 9. RCW 85.06.380 and 1998 c 121 s 9 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners may receive as compensation up to ~~((seventy)) ninety~~ dollars ~~((for))~~ per day or portion thereof spent in actual attendance at official meetings of the district ~~((and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners)), or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ~~((six)) eight~~ thousand ~~((seven)) six~~ hundred ~~((twenty)) forty~~ dollars in one calendar year: PROVIDED FURTHER, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.~~

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be

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effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 10. RCW 85.08.320 and 1998 c 121 s 10 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. Members of the board of supervisors may receive compensation up to ~~((seventy)) ninety~~ dollars ~~((for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors))~~ per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ~~((six)) eight~~ thousand ~~((seven)) six~~ hundred ~~((twenty)) forty~~ dollars in one calendar year. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

Any supervisor may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the supervisor's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage

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earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the codereviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 11. RCW 85.24.080 and 1998 c 121 s 11 are each amended to read as follows:

The members of the board may receive as compensation up to ~~((seventy)) ninety~~ dollars ~~((for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners))~~ per day or portion thereof spent in actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district: PROVIDED, That such compensation shall not exceed ~~((six)) eight~~ thousand ~~((seven)) six~~ hundred ~~((twenty)) forty~~ dollars in one calendar year: PROVIDED FURTHER, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his or her duties.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner

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may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 12. RCW 86.09.283 and 1998 c 121 s 13 are each amended to read as follows:

The board of directors may each receive up to ~~((seventy))~~ ninety dollars ~~((for attendance at official meetings of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director))~~ per day or portion thereof spent in actual attendance at official meetings of the board, or in performance of other official services or duties on behalf of the board. The board shall fix the compensation to be paid to the directors, secretary, and all other agents and employees of the district. Compensation for the directors shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year. A director is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 13. RCW 87.03.460 and 1998 c 121 s 14 are each amended to read as follows:

In addition to their reasonable expenses in accordance with chapter 42.24 RCW, the directors shall each receive an amount for attending meetings and while performing other services for the district. The amount shall be fixed by resolution and entered in the minutes of the proceedings of the board. It shall not exceed ~~((seventy))~~ ninety dollars for each day or portion thereof spent by a director for such actual attendance at official meetings of the district, or in performance of other official services or duties on behalf of the district. The total amount of such additional compensation received by a director may not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in a calendar year. The board shall fix the compensation of the secretary and all other employees.

Any director may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the director's election and prior to the date on which the compensation would otherwise be

paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 14. RCW 36.57A.050 and 1998 c 121 s 15 are each amended to read as follows:

Within sixty days of the establishment of the boundaries of the public transportation benefit area the members of the county legislative authority and the elected representative of each city within the area shall provide for the selection of the governing body of such area, the public transportation benefit area authority, which shall consist of elected officials selected by and serving at the pleasure of the governing bodies of component cities within the area and the county legislative authority of each county within the area. If at the time a public transportation benefit area authority assumes the public transportation functions previously provided under the Interlocal Cooperation Act (chapter 39.34 RCW) there are citizen positions on the governing board of the transit system, those positions may be retained as positions on the governing board of the public transportation benefit area authority.

Within such sixty-day period, any city may by resolution of its legislative body withdraw from participation in the public transportation benefit area. The county legislative authority and each city remaining in the public transportation benefit area may disapprove and prevent the establishment of any governing body of a public transportation benefit area if the composition thereof does not meet its approval.

In no case shall the governing body of a single county public transportation benefit area be greater than nine members and in the case of a multicounty area, fifteen members. Those cities within the transportation benefit area and excluded from direct membership on the authority are hereby authorized to designate a member of the authority who shall be entitled to represent the interests of such city which is excluded from direct membership on the authority. The legislative body of such city shall notify the authority as to the determination of its authorized representative on the authority.

Each member of the authority is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation, as set by the authority, in an amount not to exceed forty-four dollars for each day during which the member attends official meetings of the authority or performs prescribed duties approved by the chairman of the authority. Except that the authority may, by resolution, increase the payment of per diem compensation to each member from forty-four dollars up to ~~((seventy))~~ ninety dollars per day or portion of a day for actual attendance at board meetings ~~((and))~~ or for performance of other official services or duties on behalf of the authority. In no event may a member be compensated in any year for more than seventy-five days, except the chairman who may be paid compensation for not more than

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one hundred days: PROVIDED, That compensation shall not be paid to an elected official or employee of federal, state, or local government who is receiving regular full-time compensation from such government for attending meetings and performing prescribed duties of the authority.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions.

Sec. 15. RCW 85.38.075 and 1998 c 121 s 12 are each amended to read as follows:

The members of the governing body may each receive up to ~~((seventy))~~ ninety dollars ~~((for))~~ per day or portion thereof spent in actual attendance at official meetings of the governing body ~~((and for each day or major part thereof for all necessary services actually performed in connection with their duties as a member))~~ or in performance of other official services or duties on behalf of the district. The governing body shall fix the compensation to be paid to the members, secretary, and all other agents and employees of the district. Compensation for the members shall not exceed ~~((six))~~ eight thousand ~~((seven))~~ six hundred ~~((twenty))~~ forty dollars in one calendar year. A member is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the member's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Any member may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the secretary as provided in this section. The waiver, to be effective, must be filed any time after the member's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The dollar thresholds established in this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2008, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, for Washington state, for wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. If the bureau of labor and statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the adjustments for inflation in this section. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect.

A person holding office as commissioner for two or more special purpose districts shall receive only that per diem

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compensation authorized for one of his or her commissioner positions as compensation for attending an official meeting or conducting official services or duties while representing more than one of his or her districts. However, such commissioner may receive additional per diem compensation if approved by resolution of all boards of the affected commissions."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to Engrossed Substitute House Bill No. 1368.

The motion by Senator Hatfield carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 35.61.150, 52.14.010, 53.12.260, 54.12.080, 57.12.010, 68.52.220, 70.44.050, 85.05.410, 85.06.380, 85.08.320, 85.24.080, 86.09.283, 87.03.460, 36.57A.050, and 85.38.075."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed Substitute House Bill No. 1368 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hatfield spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1368 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1368 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkeley, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pflug - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1450, by Representatives Sells, Strow, Miloscia, Curtis, O'Brien, B. Sullivan, Roberts, Lovick, Appleton, Kenney, Ormsby and Hasegawa

Modifying provisions that exempt housing for very low-income households from taxation.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following committee striking amendment by the Committee on Consumer Protection &

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Housing be not adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.560 and 2001 1st sp.s. c 7 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide space for the placement of a mobile home for a very low-income household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a very low-income household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of community, trade, and economic development; ~~((or))~~

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; or

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption shall be allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a very low-income household.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above fifty percent of the median income but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements of a very low-income housing program ~~((administered by the department of community, trade, and economic development or the affordable housing levy under RCW 84.52.105))~~ listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently rerented, the income of the new household must be at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property

is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for very low-income households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from(~~(~~

~~(i) A federal or state housing program administered by the department of community, trade, and economic development; or~~
~~(ii) An affordable housing levy authorized under RCW 84.52.105))~~ one or more of the sources listed in subsection (1)(c) of this section;

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for very low-income households; and

(c) Only the portion of property that will be used to provide housing or lots for very low-income households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) As used in this section:

(a) "Group home" means a single-family dwelling financed, in whole or in part, by ~~((the department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105))~~ one or more of the sources listed in subsection (1)(c) of this section. The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by very low-income households;

(e) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a

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housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner; or

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member.

Sec. 2. RCW 84.40.030 and 2001 c 187 s 17 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. An assessment may not be determined by a method that assumes a land usage or highest and best use not permitted, for that property being appraised, under existing zoning or land use planning ordinances or statutes or other government restrictions. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance. Consideration should be given to any agreement, between an owner of rental housing and any government agency, that restricts rental income, appreciation, and liquidity; and to the impact of government restrictions on operating expenses and on ownership rights in general of such housing. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection shall be the dominant factors in valuation. When provisions of this subsection are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded."

On page 1, line 2 of the title, after "taxation;" strike the remainder of the title and insert "and amending RCW 84.36.560 and 84.40.030."

The President declared the question before the Senate to be the motion by Senator Kilmer to not adopt the committee striking amendment by the Committee on Consumer Protection & Housing to House Bill No. 1450.

The motion by Senator Kilmer carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Kilmer moved that the following striking amendment by Senators Kilmer, Prentice and Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.560 and 2001 1st sp.s. c 7 s 1 are each amended to read as follows:

(1) The real and personal property owned or used by a nonprofit entity in providing rental housing for very low-income households or used to provide space for the placement of a mobile home for a very low-income household within a mobile home park is exempt from taxation if:

(a) The benefit of the exemption inures to the nonprofit entity;

(b) At least seventy-five percent of the occupied dwelling units in the rental housing or lots in a mobile home park are occupied by a very low-income household; and

(c) The rental housing or lots in a mobile home park were insured, financed, or assisted in whole or in part through one or more of the following sources:

(i) A federal or state housing program administered by the department of community, trade, and economic development; ~~((or))~~

(ii) A federal housing program administered by a city or county government;

(iii) An affordable housing levy authorized under RCW 84.52.105; or

(iv) The surcharges authorized by RCW 36.22.178 and 36.22.179 and any of the surcharges authorized in chapter 43.185C RCW.

(2) If less than seventy-five percent of the occupied dwelling units within the rental housing or lots in the mobile home park are occupied by very low-income households, the rental housing or mobile home park is eligible for a partial exemption on the real property and a total exemption of the housing's or park's personal property as follows:

(a) A partial exemption shall be allowed for each dwelling unit in the rental housing or for each lot in a mobile home park occupied by a very low-income household.

(b) The amount of exemption shall be calculated by multiplying the assessed value of the property reasonably necessary to provide the rental housing or to operate the mobile home park by a fraction. The numerator of the fraction is the number of dwelling units or lots occupied by very low-income households as of December 31st of the first assessment year in which the rental housing or mobile home park becomes operational or on January 1st of each subsequent assessment year for which the exemption is claimed. The denominator of the fraction is the total number of dwelling units or lots occupied as of December 31st of the first assessment year the rental housing or mobile home park becomes operational and January 1st of each subsequent assessment year for which exemption is claimed.

(3) If a currently exempt rental housing unit in a facility with ten units or fewer or mobile home lot in a mobile home park with ten lots or fewer was occupied by a very low-income household at the time the exemption was granted and the income of the household subsequently rises above fifty percent of the median income but remains at or below eighty percent of the median income, the exemption will continue as long as the housing continues to meet the certification requirements of a very low-income housing program ~~((administered by the department of community, trade, and economic development or the affordable housing levy under RCW 84.52.105))~~ listed in subsection (1) of this section. For purposes of this section, median income, as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located, shall be adjusted for family size. However, if a dwelling unit or a lot becomes vacant and is subsequently re-rented, the income of the

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new household must be at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing or mobile home park is located to remain exempt from property tax.

(4) If at the time of initial application the property is unoccupied, or subsequent to the initial application the property is unoccupied because of renovations, and the property is not currently being used for the exempt purpose authorized by this section but will be used for the exempt purpose within two assessment years, the property shall be eligible for a property tax exemption for the assessment year in which the claim for exemption is submitted under the following conditions:

(a) A commitment for financing to acquire, construct, renovate, or otherwise convert the property to provide housing for very low-income households has been obtained, in whole or in part, by the nonprofit entity claiming the exemption from(~~(~~

~~(i) A federal or state housing program administered by the department of community, trade, and economic development; or~~
~~(ii) An affordable housing levy authorized under RCW 84.52.105)) one or more of the sources listed in subsection (1)(c) of this section;~~

(b) The nonprofit entity has manifested its intent in writing to construct, remodel, or otherwise convert the property to housing for very low-income households; and

(c) Only the portion of property that will be used to provide housing or lots for very low-income households shall be exempt under this section.

(5) To be exempt under this section, the property must be used exclusively for the purposes for which the exemption is granted, except as provided in RCW 84.36.805.

(6) The nonprofit entity qualifying for a property tax exemption under this section may agree to make payments to the city, county, or other political subdivision for improvements, services, and facilities furnished by the city, county, or political subdivision for the benefit of the rental housing. However, these payments shall not exceed the amount last levied as the annual tax of the city, county, or political subdivision upon the property prior to exemption.

(7) As used in this section:

(a) "Group home" means a single-family dwelling financed, in whole or in part, by ~~(the department of community, trade, and economic development or by an affordable housing levy under RCW 84.52.105)) one or more of the sources listed in subsection (1)(c) of this section.~~ The residents of a group home shall not be considered to jointly constitute a household, but each resident shall be considered to be a separate household occupying a separate dwelling unit. The individual incomes of the residents shall not be aggregated for purposes of this exemption;

(b) "Mobile home lot" or "mobile home park" means the same as these terms are defined in RCW 59.20.030;

(c) "Occupied dwelling unit" means a living unit that is occupied by an individual or household as of December 31st of the first assessment year the rental housing becomes operational or is occupied by an individual or household on January 1st of each subsequent assessment year in which the claim for exemption is submitted. If the housing facility is comprised of three or fewer dwelling units and there are any unoccupied units on January 1st, the department shall base the amount of the exemption upon the number of occupied dwelling units as of December 31st of the first assessment year the rental housing becomes operational and on May 1st of each subsequent assessment year in which the claim for exemption is submitted;

(d) "Rental housing" means a residential housing facility or group home that is occupied but not owned by very low-income households;

(e) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income adjusted for family size as most recently determined by the federal department of housing and urban development for the county in which the rental housing is located and in effect as of January 1st of the year the application for exemption is submitted; and

(f) "Nonprofit entity" means a:

(i) Nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(ii) Limited partnership where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority created under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a general partner; or

(iii) Limited liability company where a nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code, a public corporation established under RCW 35.21.660, 35.21.670, or 35.21.730, a housing authority established under RCW 35.82.030 or 35.82.300, or a housing authority meeting the definition in RCW 35.82.210(2)(a) is a managing member.

Sec. 2. RCW 84.40.030 and 2001 c 187 s 17 are each amended to read as follows:

All property shall be valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years. The appraisal shall be consistent with the comprehensive land use plan, development regulations under chapter 36.70A RCW, zoning, and any other governmental policies or practices in effect at the time of appraisal that affect the use of property, as well as physical and environmental influences. An assessment may not be determined by a method that assumes a land usage or highest and best use not permitted, for that property being appraised, under existing zoning or land use planning ordinances or statutes or other government restrictions. The appraisal shall also take into account: (a) In the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (b) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(2) In addition to sales as defined in subsection (1) of this section, consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property, as limited by law or ordinance. Consideration should be given to any agreement, between an owner of rental housing and any government agency, that restricts rental income, appreciation, and liquidity; and to the impact of government restrictions on operating expenses and on ownership rights in general of such housing. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection shall be the dominant factors in valuation. When provisions of this subsection are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon shall be determined; also the true and fair value of structures thereon, but the valuation shall not exceed the true and fair value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded."

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Senator Kilmer spoke in favor of adoption of the striking amendment.

POINT OF INQUIRY

Senator Schoesler: "Would Senator Kilmer yield to a question?"

Senator Kilmer: "No."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kilmer, Prentice and Weinstein to House Bill No. 1450.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "taxation;" strike the remainder of the title and insert "and amending RCW 84.36.560 and 84.40.030."

MOTION

On motion of Senator Kilmer, the rules were suspended, House Bill No. 1450 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Murray, Prentice and Pridemore were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1450 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1450 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Holmquist and Morton - 2

Excused: Senators Pflug and Pridemore - 2

HOUSE BILL NO. 1450 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1789, by Representatives Kagi, Priest, Hunter, Jarrett, Dunshee, Orcutt, Linville, Strow, Dickerson, McCoy, B. Sullivan, Lantz, Hunt, Chase, Rodne and Schual-Berke

Minimizing threats to the environment caused by leaking home heating oil tanks.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, House Bill No. 1789 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1789.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1789 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators McCaslin and Morton - 2

Absent: Senator Spanel - 1

Excused: Senators Pflug and Pridemore - 2

HOUSE BILL NO. 1789, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1291, by Representatives Quall, Priest, Wood, Condotta, Moeller, Conway and Simpson.

Allowing advance deposit wagering to continue beyond October 1, 2007.

The bill was read on Third Reading.

Senator Kohl-Welles spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Fairley: "Does this bill necessitate the sixty percent vote?"

REPLY BY THE PRESIDENT

President Owen: "It does."

MOTION

On motion of Senator Regala, Senators Pridemore and Spanel were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1291.

ROLL CALL

The Secretary called the roll on the final passage of House

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Bill No. 1291 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Fairley, Prentice and Swecker - 3

Absent: Senator Hargrove - 1

Excused: Senators Pflug, Pridemore and Spanel - 3

HOUSE BILL NO. 1291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1706, by Representatives Conway, Hunt, Wood, Hurst, Simpson and Appleton

Concerning jurisdiction under the Indian gaming regulatory act.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1706 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Prentice and Kauffman spoke in favor of passage of the bill.

Senators Clements and Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1706.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1706 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Brandland, Clements, Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 8

Excused: Senator Pflug - 1

HOUSE BILL NO. 1706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2056, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Lantz, Goodman, Sells, McCoy, Hunt and Simpson)

Requiring recycling receptacles at official gatherings and

sports facilities.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2056.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2056 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 40

Voting nay: Senators Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler and Stevens - 7

Absent: Senator Haugen - 1

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 2056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1892, by House Committee on Transportation (originally sponsored by Representatives Goodman, Rodne, O'Brien, Jarrett, Lovick and Priest)

Addressing the impoundment of vehicles parked on public streets by police officers.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1892 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1892.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1892 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Swecker, Tom and Weinstein - 33

Voting nay: Senators Benton, Carrell, Clements, Hatfield, Hewitt, Holmquist, Honeyford, Kauffman, Parlette, Roach,

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Schoesler, Sheldon, Shin, Stevens and Zarelli - 15

Excused: Senator Pflug - 1

SUBSTITUTE HOUSE BILL NO. 1892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9139, Lawrence Kenney, as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest, be confirmed.

Senators Rockefeller and Sheldon spoke in favor of the motion.

APPOINTMENT OF LAWRENCE KENNEY

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9139, Lawrence Kenney as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9139, Lawrence Kenney as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman and Keiser - 21

Absent: Senator Benton - 1

Gubernatorial Appointment No. 9139, Lawrence Kenney, having received the constitutional majority was declared confirmed as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9173, Dave Remington, as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest, be confirmed.

Senators Rockefeller and Marr spoke in favor of the motion.

APPOINTMENT OF DAVE REMINGTON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9173, Dave Remington as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9173, Dave Remington as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0;

Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Pridemore - 2

Gubernatorial Appointment No. 9173, Dave Remington, having received the constitutional majority was declared confirmed as a member of the Executive Board of the Washington Public Power Supply System, Energy Northwest.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, by House Committee on Commerce & Labor (originally sponsored by Representatives Williams and Blake)

Modifying provisions affecting alcohol content in food products and confections. Revised for 1st Substitute: Concerning alcohol content in food products and confections.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute House Bill No. 1047 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kohl-Welles spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1047.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1047 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Pflug and Pridemore - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1656, by House Committee on Appropriations (originally sponsored by Representatives Rolfes, Upthegrove, B. Sullivan, Appleton, Chase, Santos, Dickerson and Sells)

Establishing the Puget Sound scientific research account.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Although research about conditions in Puget Sound have been studied during the past several decades, the legislature finds that there is no coordinated, focused, comprehensive Puget Sound science program capable of setting research priorities for Puget Sound science. The legislature finds that environmental problems in Puget Sound are complex and that research is needed to provide information that can guide protective and restorative actions, and to explore and understand the impacts of a changing environment. The legislature also finds that there is no predictable funding process for Puget Sound research projects, including the aquatic rehabilitation zone one. The legislature declares that the state needs a process to focus the scientific effort on the Puget Sound ecosystem and to distribute research funds.

NEW SECTION. Sec. 2. A new section is added to chapter 90.71 RCW to read as follows:

The Puget Sound leadership council created pursuant to chapter . . . , Laws of 2007 (House Bill No. 1374 or Senate Bill No. 5374) shall:

(1) Work with the science panel to identify gaps in scientific research related to restoring Puget Sound, including the aquatic rehabilitation zone one created in RCW 90.88.010;

(2) Develop a competitive process for soliciting research addressing those gaps;

(3) Solicit and strategically prioritize research programs and projects in accordance with recommendations from the science panel;

(4) Select and fund the highest priority research programs and projects; and

(5) Develop and implement an appropriate peer review process to review results from such programs and projects.

NEW SECTION. Sec. 3. A new section is added to chapter 90.71 RCW to read as follows:

The Puget Sound scientific research account is created in the state treasury. All gifts, grants, federal moneys, or appropriations made to the account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for research programs and projects selected pursuant to section 2 of this act."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Second Substitute House Bill No. 1656.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "account;" strike the remainder of the title and insert "adding new sections to chapter 90.71 RCW; and creating a new section."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Second Substitute House Bill No. 1656 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1656. as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1656 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Honeyford - 1

Excused: Senators Pflug, Poulsen and Pridemore - 3

SECOND SUBSTITUTE HOUSE BILL NO. 1656 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1813, by Representatives Kelley, Priest, Hunt, Dunshee, Hinkle, Condotta, Fromhold and Linville

Changing the name of the interagency committee for outdoor recreation to the recreation and conservation funding board.

The measure was read the second time.

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1813.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1813 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Honeyford, Morton and Schoesler - 4

Excused: Senators Pflug, Poulsen and Pridemore - 3

HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:07 p.m., on motion of Senator Eide, the Senate

NINETY-FIFTH DAY, APRIL 12, 2007
adjourned until 9:00 a.m. Friday, April 13, 2007.

2007 REGULAR SESSION

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

NINETY-SIXTH DAY, APRIL 13, 2007

2007 REGULAR SESSION

NINETY-SIXTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, April 13, 2007

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Kauffman, Pflug, Poulsen and Prentice.

The Sergeant at Arms Color Guard consisting of Pages Lia Michaels and Johnny Osmundson, presented the Colors. Pastor John Shaffer of Standwood United Methodist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

March 15, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.

JOHN ELLIS, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Gambling Commission.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Labor, Commerce, Research & Development.

March 23, 2007

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.

ELLEN TAUSSIG, appointed March 23, 2007, for the term ending March 26, 2011, as Member of the Higher Education Facilities Authority.

Sincerely,

CHRISTINE O. GREGOIRE, Governor

Referred to Committee on Higher Education.

MOTION

On motion of Senator Eide, all appointees listed on the Gubernatorial Appointments report were referred to the committees as designated.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE SENATE BILL NO. 5193,
SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Franklin moved that Gubernatorial Appointment No. 9032, Robert Lenigan, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Holmquist, Pflug and Zarelli were excused.

APPOINTMENT OF ROBERT LENIGAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9032, Robert Lenigan as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9032, Robert Lenigan as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Brown, Kauffman, Poulsen and Prentice - 4

Excused: Senator Pflug - 1

Gubernatorial Appointment No. 9032, Robert Lenigan, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Franklin moved that Gubernatorial Appointment No. 9156, Mary Moss, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Kauffman, Keiser and Poulsen were excused.

NINETY-SIXTH DAY, APRIL 13, 2007

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MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF MARY MOSS

The President declared the question before the Senate to be the confirmation of gubernatorial appointment No. 9156, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9156, Mary Moss as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Prentice - 1

Excused: Senators Brown, Pflug and Poulsen - 3

Gubernatorial Appointment No. 9156, Mary Moss, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Franklin moved that gubernatorial appointment No. 9191, Shauna Weatherby, as a member of the Board of Trustees, Clover Park Technical College District No. 29, be confirmed.

Senator Franklin spoke in favor of the motion.

APPOINTMENT OF SHAUNA WEATHERBY

The President declared the question before the Senate to be the confirmation of gubernatorial appointment No. 9191, Shauna Weatherby as a member of the Board of Trustees, Clover Park Technical College District No. 29.

The Secretary called the roll on the confirmation of gubernatorial appointment No. 9191, Shauna Weatherby as a member of the Board of Trustees, Clover Park Technical College District No. 29 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Pflug, Poulsen and Prentice - 4

Gubernatorial Appointment No. 9191, Shauna Weatherby, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Clover Park Technical College District No. 29.

SECOND READING

HOUSE BILL NO. 1065, by Representatives Kelley, Morrell, Haigh, Miloscia, Hunt, Seaquist, Conway, P. Sullivan, McDonald, Haler, Moeller, B. Sullivan, Campbell and Hurst

Revising veterans' scoring criteria in examinations.

The measure was read the second time.

MOTION

Senator Hobbs moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 4. RCW 41.04.010 and 2003 c 45 s 1 are each amended to read as follows:

In all competitive examinations, unless otherwise provided in this section, to determine the qualifications of applicants for public offices, positions, or employment, either the state, and all of its political subdivisions and all municipal corporations, or private companies or agencies contracted with by the state to give the competitive examinations shall give a scoring criteria status to all veterans as defined in RCW 41.04.007, by adding to the passing mark, grade or rating only, based upon a possible rating of one hundred points as perfect a percentage in accordance with the following:

(1) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(2) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the passing mark, grade, or rating of competitive examinations until the veteran's first appointment. The percentage shall not be utilized in promotional examinations;

(3) Five percent to a veteran who was called to active military service for one or more years from employment with the state or any of its political subdivisions or municipal corporations. The percentage shall be added to ~~(the first)~~ promotional examinations until the first promotion only;

(4) All veterans' scoring criteria may be claimed upon release from active military service."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Government Operations & Elections to House Bill No. 1065.

The motion by Senator Hobbs carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "examinations;" strike the remainder of the title and insert "and amending RCW 41.04.010."

MOTION

NINETY-SIXTH DAY, APRIL 13, 2007

2007 REGULAR SESSION

On motion of Senator Hobbs, the rules were suspended, House Bill No. 1065 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hobbs spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1065 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1065 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Pflug, Poulsen and Prentice - 4

HOUSE BILL NO. 1065 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Marjorie McDonald and Ms. Alice Russell, the mother-in-law and sister-in-law of Senator Brandland were seated in the gallery.

MOTION

On motion of Senator Spanel, Senator Haugen was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1583, by House Committee on Commerce & Labor (originally sponsored by Representatives Moeller, Conway, Darnelle, Wood, Green, Ormsby and Morrell)

Requiring disclosure to customers of the percentage of automatic service charges paid to servers.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Substitute House Bill No. 1583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1583.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1583 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr,

McAuliffe, Murray, Oemig, Parlette, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Delvin, McCaslin and Morton - 3

Excused: Senators Brown, Haugen, Pflug, Poulsen and Prentice - 5

SUBSTITUTE HOUSE BILL NO. 1583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1293, by Representatives Cody and Sommers

Modifying insurance commissioner regulatory assessment fee provisions.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, House Bill No. 1293 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1293.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1293 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Haugen, Pflug and Poulsen - 4

HOUSE BILL NO. 1293, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6168, by Senators Berkey, Zarelli, Stevens and Shin

Studying excise tax relief for aerospace product development businesses. Revised for 1st Substitute: Concerning excise tax relief for aerospace product development businesses.

MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6168 was substituted for Senate Bill No. 6168 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6168.

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ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6168 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Zarelli - 42

Voting nay: Senators Fairley, Fraser, Pridemore and Weinstein - 4

Excused: Senators Brown, Haugen and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 6168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2087, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Hinkle, Cody and Moeller)

Regarding the certification and recertification of health care facilities.

The measure was read the second time.

MOTION

On motion of Senator Pridemore, the rules were suspended, Substitute House Bill No. 2087 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2087.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2087 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Haugen and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 2087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1220, by Representatives Hurst, Kelley, Sells, Dunshee, Kenney, Lovick, McCoy, O'Brien and Simpson

Modifying provisions affecting the appointment of indeterminate sentence review board members.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.95.003 and 1997 c 350 s 2 are each amended to read as follows:

The board shall consist of a chairman and ~~((two))~~ four other members, each of whom shall be appointed by the governor with the consent of the senate. Each member shall hold office for a term of five years, and until his or her successor is appointed and qualified. The terms shall expire on April 15th of the expiration year. Vacancies in the membership of the board shall be filled by appointment by the governor with the consent of the senate. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such inability. The members shall not be removable during their respective terms except for cause determined by the superior court of Thurston county. The governor in appointing the members shall designate one of them to serve as chairman at the governor's pleasure. The appointed chairman shall serve as a fully participating board member and as the director of the agency.

The members of the board and its officers and employees shall not engage in any other business or profession or hold any other public office without the prior approval of the executive ethics board indicating compliance with RCW 42.52.020, 42.52.030, 42.52.040 and 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association. The members of the board shall each severally receive salaries fixed by the governor in accordance with the provisions of RCW 43.03.040, and in addition shall receive travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

The board may employ, and fix, with the approval of the governor, the compensation of and prescribe the duties of a ~~((secretary))~~ senior administrative officer and such officers, employees, and assistants as may be necessary, and provide necessary quarters, supplies, and equipment."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to House Bill No. 1220.

The motion by Senator Hargrove carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "and amending RCW 9.95.003."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1220 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1220 as amended by the Senate.

ROLL CALL

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The Secretary called the roll on the final passage of House Bill No. 1220 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Poulsen - 2

HOUSE BILL NO. 1220 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Rockefeller moved adoption of the following resolution:

SENATE RESOLUTION
8624

By Senators Rockefeller, Fraser, Rasmussen, Pridemore, Keiser, Swecker, Jacobsen and Hargrove

WHEREAS, Recreational boating is a beloved activity enjoyed by thousands of people in the State of Washington; and

WHEREAS, The Recreational Boating Association of Washington was incorporated as a nonprofit corporation in the State of Washington in 1956; and

WHEREAS, The Recreational Boating Association of Washington has completed 50 years of volunteer service on behalf of the boaters of the State of Washington; and

WHEREAS, The Association purchased Sucia Island from a private company in the mid 1950s and donated it to Washington State Parks to create Sucia Island Marine Park, one of the gems of the San Juan Islands and the state park system; and

WHEREAS, The Association has supported state marine parks for 50 years with its volunteer programs, infrastructure projects, and consultation; and

WHEREAS, The Association has worked for 50 years representing the interests of the boaters to the State Legislature on matters pertaining to boating; and

WHEREAS, The Association serves to disseminate boating information, including boating safety, from both the state and federal government to the boaters of Washington; and

WHEREAS, The Association serves on the Washington State Boating Safety Council; and

WHEREAS, The Association pioneered and helped pass the Washington boater safety education law requiring set minimum standards for boating safety accomplishment, course instruction, examination, and accreditation that are consistent with national standards; and

WHEREAS, Successful implementation of boater safety education will make the waters of Washington more enjoyable for boaters, swimmers, and fishermen; and

WHEREAS, Over these past 50 years, the Association has relayed its support to the Legislature for other successful boating safety legislation such as the child life jacket requirements and the ban on teak surfing, a carbon monoxide hazard;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Recreational Boating Association of Washington for its half a century of service to the boaters of Washington and the many Association volunteers

who have given thousands of hours of their time to further the cause of recreational boating on the waters we all love; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Recreational Boating Association of Washington.

Senators Rockefeller and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8624.

The motion by Senator Rockefeller carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Recreational Boating Association who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1413, by Representatives Eddy, Simpson and Curtis

Changing the definition of floodway in the shoreline management act.

The measure was read the second time.

MOTION

Senator Marr moved that the following amendment by Senator Marr and others be adopted.

On page 4, line 10, after "indicators of" strike "past flooding" and insert "flooding that occurs with reasonable regularity, although not necessarily annually"

Senator Marr spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Marr and others on page 4, line 10 to Engrossed House Bill No. 1413.

The motion by Senator Marr carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Engrossed House Bill No. 1413 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senator Roach was excused.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1413 as amended by the Senate.

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ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1413 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators McAuliffe, Poulsen and Roach - 3

ENGROSSED HOUSE BILL NO. 1413 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2079, by Representatives McDermott, Ormsby, Williams, Simpson and Hunt

Concerning use of agency shop fees.

The measure was read the second time.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1 and insert "Labor organizations may not use any fund or account where agency shop fees are commingled with other funds to make contributions or expenditures to influence an election or to operate a political committee."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 42.17.760."

Senators Honeyford, Clements and Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 10 to House Bill No. 2079.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Clements moved that the following amendment by Senator Clements be adopted.

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1 and insert "An agency shop fee paying nonmember of a labor organization has a cause of action in superior court against the labor organization for wrongful use

of agency shop fees if the labor organization violates subsection (1) of this section.

(3) Upon finding that there is a violation of subsection (1) of this section, the court shall award the plaintiff damages and the costs of the suit, including investigative costs and reasonable attorneys' fees and costs. The court may impose a civil penalty not exceeding twenty-five thousand dollars for each violation and may grant temporary and permanent injunctions on such terms as it deems reasonable to prevent or restrain further violations."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 42.17.760."

Senators Clements and Hargrove spoke in favor of adoption of the amendment.

Senators Kohl-Welles and Prentice spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Clements on page 1, line 10 to House Bill No. 2079.

The motion by Senator Clements failed and the amendment was not adopted by a rising voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 1, line 10, after "(2)" strike all material through "immediately." on page 2, line 1 and insert the following:

"A labor organization may use any fund or account where agency shop fees are commingled with other revenue to make contributions or expenditures to influence an election or to operate a political committee when nonmembers have been provided with a rebate of such fees that is equal to the pro-rata share of the average of all such contributions or expenditures over the preceding three years of actual reported financial information for the labor organization plus a cushion of 3 percent of the annual agency shop fee for the same three year period in order to adjust for variations caused by negligible errors in either calculations or organization expenses.

(3) "Expenditures to influence an election" includes, but is not limited to, expenditures for staff whose duties affect elections or have the responsibility of training other staff or volunteers to affect elections; expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures; expenditures to assist voter turn out; expenditures for staff to aid in recruiting or training candidates; expenditures for staff or materials to prepare ballot measures or recall efforts; expenditures for staff or legal services to contest election results; and donations of funds to organizations or individuals that make expenditures to influence an election.

(4) "To operate a political committee" means expenditures on staff work, promotional materials, professional services, and internal communication efforts that aid in the operation and funding of a political committee."

Renumber the sections consecutively and correct any internal references accordingly.

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On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 42.17.760."

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, line 10 to House Bill No. 2079.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted.

On page 1, after line 10, after "(2)", strike the remainder of the bill and insert the following:

"The following definitions apply to this section.

(a) "Agency shop fees" are fees paid by nonmember employees to a labor organization for the costs related to collective bargaining, contract administration, and activity related to matters affecting wages, hours, and other conditions of employment done by the labor organization on behalf of all employees.

(b) "Affirmatively authorized" means that the nonmember signed a declaration within the twelve month period prior to the expenditure indicating consent to the labor organization's use of the fees to influence an election."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Holmquist spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 1, after line 10 to House Bill No. 2079.

The motion by Senator Holmquist failed and the amendment was not adopted by voice vote.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 13, after "expenditures." insert:

"**Sec. 2.** RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide personally held religious beliefs, or on the tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to ~~((a))~~ any nonreligious charity or ~~((to another))~~ charitable organization

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~~registered with the secretary of state. ((mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization:))"~~

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "RCW" insert "41.59.100 and"

Senator Benton spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

Senator Zarelli spoke in favor of adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 13 to House Bill No. 2079.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was not adopted by the following vote: Yeas, 19; Nays, 28; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kastama, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 19

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 28

Absent: Senators Carrell and Kauffman - 2

MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted.

On page 1, at the beginning of line 14, strike all of section 2, and insert the following:

"NEW SECTION. Sec. 2. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 after "and" strike the remainder of the title and insert "providing for submission of this act to a vote of the people."

Senators Schoesler, Holmquist and Benton spoke in favor of adoption of the amendment.

MOTION

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On motion of Senator Brandland, Senator Carrell was excused.

Senators Jacobsen and Kohl-Welles spoke against adoption of the amendment.

Senator Benton demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Keiser spoke against the adoption of the amendment.

Senator Sheldon spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 1, line 14 to House Bill No. 2079.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Schoesler and the amendment was not adopted by the following vote: Yeas, 17; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Voting nay: Senators Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted.

On page 1, at the beginning of line 14, strike all of section 2.

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 1 after "fees;" strike the remainder of the title and insert "and amending RCW 42.17.760"

Senators Honeyford, Holmquist and Sheldon spoke in favor of adoption of the amendment.

Senator Kohl-Welles spoke against adoption of the amendment.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 1, line 14 to House Bill No. 2079.

The motion by Senator Honeyford failed and the amendment was not adopted by voice vote.

MOTION

Senator Clements moved that the following striking amendment by Senator Clements be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide religious tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provides each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permits all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Does not expend or divert funds collected as work place representation dues or fees to make contributions or

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expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(4) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

Sec. 2. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ((regular union dues and initiation fee)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. ((When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.)) The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 3. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly

required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable ((for a period of more than one year)). Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provides each faculty member with annual written notice, separate from any other publication, conspicuously explaining the affected faculty members' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provides each faculty member with annual written notice, separate from any other publication, conspicuously explaining that faculty members have a right of nonassociation when based upon bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member, and the process for exercising this right;

(c) Provides each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permits all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Does not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected faculty member. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

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(4) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to ((the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

Sec. 4. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to or less than such dues.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide religious tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provides each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract

negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permits all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Does not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ((regular dues and fees)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to or less than the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide religious tenets or teachings of a church or religious

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body of which such employee is a member, and the process for exercising this right;

(c) Provides each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permits all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Does not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall ~~(- as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization))~~ either have his or her right accommodated by the reduction or waiver of the representation fees, or pay to a nonreligious charity or other charitable organization an amount of money equivalent to a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~((3))~~ (4) Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

~~((4))~~ (5) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to or less than such dues.

(2) A union security provision in a collective bargaining agreement is not permitted and ceases to be binding unless the employee organization that is the exclusive bargaining representative of employees covered by a union security provision permitted in this chapter and any affiliated organization collecting dues, fees, or assessments pursuant to a union security provision:

(a) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining the affected employees' right to decline membership in the union and the process for paying a work place representation fee, the services the bargaining agent will provide for that fee, and the process for receiving any funds collected as agency fees but not used for purposes germane to the collective bargaining process or to contract administration;

(b) Provides each employee with annual written notice, separate from any other publication, conspicuously explaining that employees have a right of nonassociation when based upon bona fide religious tenets or teachings of a church or religious body of which such employee is a member, and the process for exercising this right;

(c) Provides each employee with an annual written notice specifying the financial information the exclusive bargaining representative or affiliated organization will make available to the affected employee upon request. Any exclusive bargaining representative with annual receipts of two hundred thousand dollars or more shall, on request by an affected employee, provide the employee with detailed and timely information as specified in rule by the commission on at least the following:

(i) Salary, the cost of fringe benefits, allowances, and other direct or indirect disbursements to each officer of the exclusive bargaining representative and to the support staff, as well as all contributions to state or national affiliates and any official or employee thereof;

(ii) All income received or the value of services furnished to an exclusive bargaining representative by either a parent affiliated labor organization or by any other labor organization on behalf of the exclusive bargaining representative; and

(iii) An itemization of the total amount spent by the exclusive bargaining representative for such items as contract negotiation and administration, organizing activities, labor dispute activities, public relations activities, political activities, voter education and issue advocacy activities, contributions to charitable, nonprofit, or community organizations, and travel expenses;

(d) Permits all members of the bargaining unit equal ability to affect decisions related to work place representation; and

(e) Does not expend or divert funds collected as work place representation dues or fees to make contributions or expenditures to influence an election or to operate a political committee, unless an assessment for such use is affirmatively authorized by an affected employee. Such authorized assessments must be segregated from dues and fees collected pursuant to the collective bargaining agreement and reported pursuant to RCW 42.17.040.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall either have his or

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her right accommodated by the reduction or waiver of the representation fees, or pay an amount of money equivalent to ((regular dues and fees)) a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "fees"; strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.122, 41.76.045, 41.59.100, 41.80.100, and 47.64.160; and creating a new section."

Senator Clements spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Clements to House Bill No. 2079.

The motion by Senator Clements failed and the striking amendment was not adopted by a rising voice vote.

MOTION

Senator Honeyford moved that the following striking amendment by Senators Benton, Clements, Holmquist and Schoesler be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that confusion exists regarding the rights and protections afforded to those paying agency shop fees and intends to clarify those rights by specifying limits on the uses of agency fees. The legislature further finds that the extraordinary power to compel payment for services is a power normally reserved only to public entities, and that its extension to private entities with nonpublic interests including campaign activities must be restricted to the purposes justifying its authorization by law. The legislature further finds that the United States constitutional protection against compelled speech preempts any statutory grant of power to compel payment for collective bargaining services, and interpretations of state law must always put protection from compelled speech before labor organization convenience. The legislature further finds that many labor organizations operate without relying on mandatory fees, and the inclusion of such mandatory fees in bargaining agreements and their protection under law is not necessary for the interests and rights of labor organizations. The legislature further finds that generally accepted accounting principles consider commingled funds to be from all sources, and that only a complete refund of agency fees would satisfy the requirements of the citizens' Initiative Measure No. 134.

Sec. 2. RCW 42.17.760 and 1993 c 2 s 16 are each amended to read as follows:

(1) A labor organization may not use agency shop fees paid by an individual who is not a member of the organization to make contributions or expenditures to influence an election or to operate a political committee, unless affirmatively authorized by the individual.

(2) Subject to other provisions of this chapter, labor organizations may use any fund or account from which payments or expenditures are made, and where agency shop fees are commingled, to make contributions or expenditures to influence an election or operate a political committee if all agency shop fees collected in the twelve months prior to the contribution or expenditure are returned to those who paid fees and did not affirmatively authorize these uses.

(3) For the purpose of this section:

(a) "Agency shop fees" means any funds received from someone who has not affirmatively joined a labor organization but supplied those funds pursuant to a collective bargaining agreement;

(b) "Affirmatively authorized" means that the agency fee payer signed a declaration within the twelve months prior to the expenditure indicating consent to use of the fees to influence an election;

(c) "Use agency shop fees" means to make any expenditure from agency shop fees or any funds commingled with agency shop fees including general treasury funds; and

(d) "Expenditures to influence an election" includes but is not limited to expenditures on staff who have duties including activities to affect elections or train other staff or volunteers to affect elections, expenditures on communication efforts internally or externally to advance or oppose one or more candidates or ballot measures, expenditures to identify voter preferences, expenditures to aid in voter turnout, expenditures on staff to aid in recruiting or training candidates, expenditures on staff or materials to prepare ballot measures or recall efforts, expenditures on staff or legal services to contest election results, and donations of funds to organizations or individuals who make expenditures to influence an election."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "fees"; strike the remainder of the title and insert "amending RCW 42.17.760; and creating a new section."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Benton, Clements, Holmquist and Schoesler to House Bill No. 2097.

The motion by Senator Honeyford failed and the striking amendment was not adopted by voice vote.

MOTION

Senator Keiser moved that the rules be suspended, that House Bill No. 2079 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

Senator Benton objected to advance to third reading.

The President declared the question before the Senate to be the motion by Senator Keiser that House Bill No. 2079 be advanced to third reading and placed on final passage.

The motion by Senator Keiser carried and the bill was advanced to third reading and final passage.

POINT OF ORDER

Senator Swecker: "I believe that this bill is not properly before the body. The bill contains an emergency clause so circumventing the people's right to a referendum. The bill implements a new accounting scheme for the expenditure of non union fees. As this has nothing to do with the public peace, health or safety. I believe that this bill is not properly before the

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body and I request a ruling thereon and in summation I'd like to say I think that acting on this bill in this manner at this time will open the door to litigation."

Senator Kohl-Welles spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "Senator Swecker, the President believes that whether or not to include an emergency clause in a measure is a policy choice made by the body. Ultimately, the issue presented is one of law, not parliamentary procedure, and the President does not make legal determinations."

Senators Kohl-Welles, Kastama, Shin and Keiser spoke in favor of passage of the bill.

Senators Clements, Sheldon, Hargrove, Stevens, Benton, Carrell, Parlette and Holmquist spoke against passage of the bill.

POINT OF ORDER

Senator Holmquist: "Thank you Mr. President. I think that we're only allowed to speak on final passage once. I'm just inquiring to see if the current speaker has already spoke because I think she started....."

REPLY BY THE PRESIDENT

President Owen: "Well, she has but she 's the presenter of the motion so she can close debate. Senator Kohl-Welles."

POINT OF ORDER

Senator Clements: "My point is I'm not sure she made the motion."

REPLY BY THE PRESIDENT

President Owen: "She did not make the motion because she was off the floor. Senator Keiser made the motion, Senator Kohl-Welles is the chair of the committee and the practice of the Senate is to have the person who is the chair of the committee handle the bill so the President is honoring that precedence established by this body. Since she is the person who is handling the bill I interrupt that to be the presenter of the bill therefore she opens and closes debate."

POINT OF ORDER

Senator Clements: "Does that mean that the Senator from the fourteenth will not be able to say anything? I guess what I understand she was off the floor, I was on the floor. I guess the question is I'd like to close debate on the negative."

REPLY BY THE PRESIDENT

President Owen: "That is not permissible under your rules."

MOTION

Senator Eide demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Eide, "Shall the main question be now put?"

The motion by Senator Eide that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the final passage of House Bill No. 2079.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2079 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 29

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, Kilmer, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 20

HOUSE BILL NO. 2079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:00 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

April 13, 2007

SB 5986 Prime Sponsor, Prentice: Concerning public facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Hatfield, Hobbs, Keiser, Oemig, Rasmussen, Roach and Rockefeller

MINORITY recommendation: Do not pass. Signed by Senators Carrell, Fairley, Honeyford, Regala, Schoesler and Tom

Passed to Committee on Rules for second reading.

April 13, 2007

2SHB 2256 Prime Sponsor, Committee on Finance: Establishing the family prosperity act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Carrell, Fairley,

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Hatfield, Hobbs, Keiser, Kohl-Welles, Oemig, Rasmussen, Regala, Rockefeller and Tom

which was placed on the second reading calendar under suspension of the rules.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler. Without recommendation. Signed by Senators Brandland, Honeyford and Zarelli

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

Passed to Committee on Rules for second reading.

MOTION

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

On motion of Senator McCaslin, Senators Brandland and Stevens were excused.

April 13, 2007

SGA 9108 ROSEMARIE DUFFY, appointed January 30, 2006, for the term ending January 19, 2010, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Parlette

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2378, by House Committee on Transportation (originally sponsored by Representatives Flannigan, Jarrett, Clibborn, Eddy, Seaquist and Roberts)

MINORITY recommendation: NBC Signed by Senator Carrell

Expediting new vessel construction for Washington state ferries.

Passed to Committee on Rules for second reading.

The measure was read the second time.

April 13, 2007

SGA 9122 GARY HARRIS, appointed March 8, 2005, for the term ending February 7, 2009, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

MOTION

On motion of Senator Haugen, the rules were suspended, Substitute House Bill No. 2378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Parlette

Senators Haugen and Swecker spoke in favor of passage of the bill.

MINORITY recommendation: NBC Signed by Senator Carrell

MOTION

On motion of Senator Brandland, Senator Roach was excused.

Passed to Committee on Rules for second reading.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2378.

April 13, 2007

SGA 9259 DAN CONNOLLY, appointed February 16, 2007, for the term ending January 18, 2011, as Member of the Board of Pharmacy. Reported by Committee on Health & Long-Term Care

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2378 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Kastama, Kohl-Welles, Marr and Parlette

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

MINORITY recommendation: NBC Signed by Senator Carrell

Absent: Senators Kauffman and Marr - 2

Passed to Committee on Rules for second reading.

Excused: Senators Hewitt and Stevens - 2

MOTION

SUBSTITUTE HOUSE BILL NO. 2378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Eide, all measures listed on the Standing Committee report were referred to the committees as designated with the exception of Second Substitute House Bill No. 2256

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SECOND READING

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HOUSE BILL NO. 1859, by Representatives Goodman and Priest

Revising the statute law committee's publication authority.

The measure was read the second time.

MOTION

Senator Kline moved that the following committee striking amendment by the Committee on Judiciary be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.04.031 and 2006 c 46 s 3 are each amended to read as follows:

The statute law committee, after each legislative session, shall distribute, sell, or exchange session laws as required under this section.

(1) One set shall be given to the following: The United States supreme court library; each state adult correctional institution; each state mental institution; the state historical society; the state bar association; the Olympia press corps library; the University of Washington library; the library of each of the regional universities; The Evergreen State College library; the Washington State University library; each county law library; and the municipal reference branch of the Seattle public library.

(2) One set shall be given to the following upon their request: Each member of the legislature; each state agency and its divisions; each state commission, committee, board, and council; each community college; each assistant attorney general; each member of the United States senate and house of representatives from this state; each state official whose office is created by the Constitution; each prosecuting attorney; and each public library in cities of the first class.

(3) Two sets shall be given to the following: The administrator for the courts; the library of congress; the law libraries of any accredited law schools established in this state; and the governor.

(4) Two sets shall be given to the following upon their request: Each United States district court in the state; and each office and branch office of the United States district attorneys in this state.

(5) Three sets shall be given to the library of the circuit court of appeals of the ninth circuit, upon its request.

(6) The following may request, and receive at no charge, as many sets as are needed for their official business: The senate and house of representatives; each county auditor, who shall receive and distribute sets for use by his or her county's officials; the office of the code reviser; the secretary of the senate; the chief clerk of the house of representatives; the supreme court; each court of appeals in the state; the superior courts; the state library; and the state law library.

(7) Surplus copies of the session laws shall be sold and delivered by the statute law committee, in which case the price of the bound volumes shall be sufficient to cover costs. All money received from the sale of the session law sets shall be paid into the ((state treasury for the general fund)) statute law committee publications account.

(8) The statute law committee may exchange session law sets for similar laws or legal materials of other states, territories, and governments, and make such other distribution of the sets as in its judgment seems proper.

Sec. 2. RCW 1.08.110 and 1977 ex.s. c 240 s 2 are each amended to read as follows:

The statute law committee, in addition to the other responsibilities enumerated in this chapter, shall ((cause to be))

publish((ed)) the Washington State Register as created in RCW 34.08.020. The statute law committee ((and/or)) or the code reviser may adopt ((such)) rules as are necessary for the effective operation of ((such)) this service. The statute law committee, in its discretion, may publish the Washington State Register exclusively by electronic means on the code reviser web site if it determines that public access to the Washington State Register is not substantially diminished. If the statute law committee publishes the Washington State Register exclusively by electronic means on the code reviser web site, the electronic copy posted on the code reviser web site shall be considered the official copy of the Washington State Register.

The code reviser shall provide a paper copy of any issue of the register or any register filing upon request. The code reviser may charge a reasonable fee for printing and mailing the paper copy.

Sec. 3. RCW 34.05.210 and 1988 c 288 s 201 are each amended to read as follows:

(1) The code reviser shall cause the Washington Administrative Code to be compiled, indexed by subject, and published. All current, permanently effective rules of each agency shall be published in the Washington Administrative Code. Compilations shall be supplemented or revised as often as necessary and at least annually in a form compatible with the main compilation.

(2) Subject to the provisions of this chapter, the code reviser shall prescribe a uniform numbering system, form, and style for all proposed and adopted rules.

(3) The code reviser shall publish a register setting forth the text of all rules filed during the appropriate register publication period.

(4) The code reviser may omit from the register or the compilation, rules that would be unduly cumbersome, expensive, or otherwise inexpedient to publish, if such rules are made available in printed or processed form on application to the adopting agency, and if the register or compilation contains a notice stating the general subject matter of the rules so omitted and stating how copies thereof may be obtained.

(5) The code reviser may edit and revise rules for publication, codification, and compilation, without changing the meaning of any such rule.

(6) When a rule, in whole or in part, is declared invalid and unconstitutional by a court of final appeal, the adopting agency shall give notice to that effect in the register. With the consent of the attorney general, the code reviser may remove obsolete rules or parts of rules from the Washington Administrative Code when:

(a) The rules are declared unconstitutional by a court of final appeal; or

(b) The adopting agency ceases to exist and the rules are not transferred by statute to a successor agency.

(7) ((Registers and)) Compilations shall be made available, in written form to (a) state elected officials whose offices are created by Article II or III of the state Constitution or by RCW 48.02.010, upon request, (b) ((to)) the secretary of the senate and the chief clerk of the house for committee use, as required, but not to exceed the number of standing committees in each body, (c) ((to)) county boards of law library trustees and to the Olympia ((representatives of the Associated Press and the United Press International without request, free of charge)) press corps library, and (d) ((to)) other persons at a price fixed by the code reviser.

(8) The board of law library trustees of each county shall keep and maintain a complete and current set of registers and compilations when required for use and inspection as provided in ((RCW 27.24.060)) chapter 27.24 RCW. If the register is published exclusively by electronic means on the code reviser web site, providing on-site access to the electronic version of the register shall satisfy the requirements of this subsection for access to the register.

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(9) Registers shall be made available in written form to the same parties and under the same terms as those listed in subsection (7) of this section, unless the register is published exclusively by electronic means on the code reviser web site.

(10) Judicial notice shall be taken of rules filed and published as provided in RCW 34.05.380 and this section.

Sec. 4. RCW 34.05.312 and 2003 c 246 s 4 are each amended to read as follows:

Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible, proposed, or adopted rules and the identity of agency personnel working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and ~~((in the first issue of each calendar year))~~ maintained thereafter on the code reviser web site for the duration of the designation. The rules coordinator may be an employee of another agency.

Sec. 5. RCW 34.05.380 and 1989 c 175 s 11 are each amended to read as follows:

(1) Each agency shall file in the office of the code reviser a certified copy of all rules it adopts, except for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall place upon each rule a notation of the time and date of filing and shall keep a permanent ~~((register))~~ written record of filed rules open to public inspection. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

(2) Emergency rules adopted under RCW 34.05.350 become effective upon filing unless a later date is specified in the order of adoption. All other rules become effective upon the expiration of thirty days after the date of filing, unless a later date is required by statute or specified in the order of adoption.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (2) of this section, if the agency establishes that effective date in the adopting order and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

Sec. 6. RCW 42.56.580 and 2005 c 483 s 3 are each amended to read as follows:

(1) Each state and local agency shall appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of this chapter. A state or local agency's public records officer may appoint an employee or official of another agency as its public records officer.

(2) For state agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance with the public records disclosure requirements of this chapter shall be published in the state register at the time of designation and ~~((annually every year))~~ maintained thereafter on the code reviser web site for the duration of the designation.

(3) For local agencies, the name and contact information of the agency's public records officer to whom members of the public may direct requests for disclosure of public records and who will oversee the agency's compliance within the public records disclosure requirements of this chapter shall be made in a way reasonably calculated to provide notice to the public, including posting at the local agency's place of business, posting on its internet site, or including in its publications."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Judiciary to House Bill No. 1859.

The motion by Senator Kline carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "committee;" strike the remainder of the title and insert "and amending RCW 40.04.031, 1.08.110, 34.05.210, 34.05.312, 34.05.380, and 42.56.580."

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 1859 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kauffman and Marr were excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1859 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1859 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hewitt and Stevens - 2

HOUSE BILL NO. 1859 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1949, by Representatives Williams, Conway, B. Sullivan, Strow, Sells, Appleton, Kessler, Hinkle, McCoy, Walsh, Chandler, Pearson, Condotta, Kenney, Hasegawa, Moeller and Ormsby

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Providing industrial insurance coverage for workers involved in harvesting geoduck clams.

The measure was read the second time.

MOTION

Senator Kohl-Welles moved that the following committee striking amendment by the Committee on Labor, Commerce, Research & Development be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 51.12.100 and 1991 c 88 s 3 are each amended to read as follows:

(1) ~~Except as otherwise provided in this section, the provisions of this title shall not apply to a master or member of a crew of any vessel, or to employers and workers for whom a right or obligation exists under the maritime laws or federal employees' compensation act for personal injuries or death of such workers.~~

(2) If an accurate segregation of payrolls of workers for whom such a right or obligation exists under the maritime laws cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of employees to cover the part of their work for which no right or obligation exists under the maritime laws for injuries or death occurring in such work, and the employer, if not a self-insurer, shall pay premiums on that basis for the time such workers are engaged in their work.

(3) Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workers, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

(4) ~~In the event payments are made both under this title ((prior to the final determination)) and under the maritime laws or federal employees' compensation act, such benefits paid under this title shall be repaid by the worker or beneficiary ((if recovery is subsequently made under the maritime laws or federal employees' compensation act)). For any claims made under the Jones Act, the employer is deemed a third party, and the injured worker's cause of action is subject to RCW 51.24.030 through 51.24.120.~~

(5) Commercial divers harvesting geoduck clams under an agreement made pursuant to RCW 79.135.210, workers tending to such divers, and the employers of such divers and tenders shall be subject to the provisions of this title whether or not such work is performed from a vessel."

Senator Kohl-Welles spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor, Commerce, Research & Development to House Bill No. 1949.

The motion by Senator Kohl-Welles carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "clams;" strike the remainder of the title and insert "and amending RCW 51.12.100."

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Senators Kohl-Welles and Clements spoke in favor of the bill.

MOTION

On motion of Senator Delvin, Senator Carrell was excused.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 1949 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 1949 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1949 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Carrell - 1

HOUSE BILL NO. 1949 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1965, by House Committee on Local Government (originally sponsored by Representatives Eddy and Curtis)

Authorizing major industrial development within industrial land banks.

The measure was read the second time.

MOTION

Senator Fairley moved that the following committee striking amendment by the Committee on Government Operations & Elections be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.367 and 2004 c 208 s 1 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county planning under RCW 36.70A.040 that meets the criteria in subsection ~~((10) or (11))~~ (5) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) ~~((A master planned location for major industrial developments outside an urban growth area may be included in~~

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the urban industrial land bank for the county if criteria including, but not limited to, the following are met through the completion of a comprehensive planning process that ensures that:

—(a) Development regulations are adopted to ensure that urban growth will not occur in adjacent nonurban areas;

—(b) The master plan for the major industrial developments is consistent with the county's development regulations adopted for protection of critical areas;

—(c) An inventory of developable land has been conducted as provided in RCW 36.70A.365;

—(d) Provisions are established for determining the availability of alternate sites within urban growth areas and the long-term annexation feasibility of land sites outside of urban growth areas; and

—(e) Development regulations are adopted to require the industrial land bank site to be used primarily for locating industrial and manufacturing businesses and specify that the gross floor area of all commercial and service buildings or facilities locating within the industrial land bank shall not exceed ten percent of the total gross floor area of buildings or facilities in the industrial land bank. The commercial and service businesses operated within the ten percent gross floor area limit shall be necessary to the primary industrial or manufacturing businesses within the industrial land bank. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site and as an adjunct to the industry to attract and retain a quality work force and to further other public objectives, such as trip reduction. Such uses would not be promoted to attract additional clientele from the surrounding area. The commercial and service businesses should be established concurrently with or subsequent to the industrial or manufacturing businesses.

—(3) The process for reviewing and approving proposals to authorize siting of specific major industrial developments within an approved industrial land bank must ensure through adopted development regulations that:

—(a) New infrastructure is provided for and/or applicable impact fees are paid;

—(b) Transit-oriented site planning and traffic demand management programs are implemented;

—(c) Buffers are provided between the major industrial development and adjacent nonurban areas;

—(d) Environmental protection including air and water quality has been addressed and provided for;

—(e) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and

—(f) An interlocal agreement related to infrastructure cost sharing and revenue sharing between the county and interested cities is established.

—(4) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

—(5) Final approval of inclusion of a master planned location in an urban industrial land bank under subsection (2) of this section shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time. Approval of specific development proposals under subsection (3) of this section requires no further comprehensive plan amendment.

—(6) Once a master planned location has been included in an urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

—(7) Nothing in this section alters the requirements for a county to comply with chapter 43.21C RCW.

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—(8)(a) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from an urban industrial land bank terminates on December 31, 2007. However, any location included in an urban industrial land bank on or before December 31, 2007, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met. A county that has established or proposes to establish an industrial land bank pursuant to this section shall review the need for an industrial land bank within the county, including a review of the availability of land for industrial and manufacturing uses within the urban growth area, during the review and evaluation of comprehensive plans and development regulations required by RCW 36.70A.130.

—(b) The authority of a county meeting the criteria of subsection (11) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank terminates on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.

—(9)) A master planned location for major industrial developments may be approved through a two-step process: Designation of an industrial land bank area in the comprehensive plan; and subsequent approval of specific major industrial developments through a local master plan process described under subsection (3) of this section.

—(a) The comprehensive plan must identify locations suited to major industrial development due to proximity to transportation or resource assets. The plan must identify the maximum size of the industrial land bank area and any limitations on major industrial developments based on local limiting factors, but does not need to specify a particular parcel or parcels of property or identify any specific use or user except as limited by this section. In selecting locations for the industrial land bank area, priority must be given to locations that are adjacent to, or in close proximity to, an urban growth area.

—(b) The environmental review for amendment of the comprehensive plan must be at the programmatic level and, in addition to a threshold determination, must include:

—(i) An inventory of developable land as provided in RCW 36.70A.365; and

—(ii) An analysis of the availability of alternative sites within urban growth areas and the long-term annexation feasibility of sites outside of urban growth areas.

—(c) Final approval of an industrial land bank area under this section must be by amendment to the comprehensive plan adopted under RCW 36.70A.070, and the amendment is exempt from the limitation of RCW 36.70A.130(2) and may be considered at any time. Approval of a specific major industrial development within the industrial land bank area requires no further amendment of the comprehensive plan.

—(3) In concert with the designation of an industrial land bank area, a county shall also adopt development regulations for review and approval of specific major industrial developments through a master plan process. The regulations governing the master plan process shall ensure, at a minimum, that:

—(a) Urban growth will not occur in adjacent nonurban areas;

—(b) Development is consistent with the county's development regulations adopted for protection of critical areas;

—(c) Required infrastructure is identified and provided concurrent with development. Such infrastructure, however, may be phased in with development;

—(d) Transit-oriented site planning and demand management programs are specifically addressed as part of the master plan approval;

—(e) Provision is made for addressing environmental protection, including air and water quality, as part of the master plan approval;

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(f) The master plan approval includes a requirement that interlocal agreements between the county and service providers, including cities and special purpose districts providing facilities or services to the approved master plan, be in place at the time of master plan approval;

(g) A major industrial development is used primarily by industrial and manufacturing businesses, and that the gross floor area of all commercial and service buildings or facilities locating within the major industrial development does not exceed ten percent of the total gross floor area of buildings or facilities in the development. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site, to attract and retain a quality workforce, and to further other public objectives, such as trip reduction. These uses may not be promoted to attract additional clientele from the surrounding area. Commercial and service businesses must be established concurrently with or subsequent to the industrial or manufacturing businesses;

(h) New infrastructure is provided for and/or applicable impact fees are paid to assure that adequate facilities are provided concurrently with the development. Infrastructure may be achieved in phases as development proceeds;

(i) Buffers are provided between the major industrial development and adjacent rural areas;

(j) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands; and

(k) An open record public hearing is held before either the planning commission or hearing examiner with notice published at least thirty days before the hearing date and mailed to all property owners within one mile of the site.

(4) For the purposes of this section:

(a) "Major industrial development" means a master planned location suitable for manufacturing or industrial businesses that:
(i) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; (ii) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (iii) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(b) "Industrial land bank" means up to two master planned locations, each consisting of a parcel or parcels of contiguous land, sufficiently large so as not to be readily available within the urban growth area of a city, or otherwise meeting the criteria contained in (a) of this subsection, suitable for manufacturing, industrial, or commercial businesses and designated by the county through the comprehensive planning process specifically for major industrial use.

~~((1+0))~~ (5) This section and the termination ~~((date))~~ provisions specified in subsection ~~((8)(a))~~ (6) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country;

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean;

(ii) Is located in the Interstate 5 or Interstate 90 corridor; or

(iii) Is bordered by Hood Canal;

(d) Is east of the Cascade divide; and

(i) Borders another state to the south; or

(ii) Is located wholly south of Interstate 90 and borders the Columbia river to the east; ~~((or))~~

(e) Has an average population density of less than one hundred persons per square mile as determined by the office of financial management, and is bordered by the Pacific Ocean and by Hood Canal~~((:))~~; or

~~((1+1)) This section and the termination date specified in subsection (8)(b) of this section apply to a county that at the time the process is established under subsection (1) of this section)~~ (f) Meets all of the following criteria:

~~((a))~~ (i) Has a population greater than forty thousand but fewer than eighty thousand;

~~((b))~~ (ii) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

~~((c))~~ (iii) Is located in the Interstate 5 or Interstate 90 corridor.

~~((1+2))~~ (6) In order to identify and approve locations for industrial land banks, the county shall take action to designate one or more industrial land banks and adopt conforming regulations as provided by RCW 36.70A.367(2) on or before the last date to complete that county's next periodic review under RCW 36.70A.130(4). The authority to take action to designate a land bank area in the comprehensive plan expires if not acted upon by the county within the time frame provided in this section. Once a land bank area has been identified in the county's comprehensive plan, the authority of the county to process a master plan or site projects within an approved master plan does not expire.

(7) Any county seeking to designate an industrial land bank under this section must:

(a) Provide countywide notice, in conformity with RCW 36.70A.035, of the intent to designate an industrial land bank. Notice must be published in a newspaper or newspapers of general circulation reasonably likely to reach subscribers in all geographic areas of the county. Notice must be provided not less than thirty days prior to commencement of consideration by the county legislative body; and

(b) Make a written determination of the criteria and rationale used by the legislative body as the basis for siting an industrial land bank under this chapter.

(8) Any location included in an industrial land bank pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall remain available for major industrial development according to this section as long as the ~~((criteria of subsection (2)))~~ requirements of this section continue to be satisfied."

MOTION

Senator Swecker moved that the following amendment by Senators Swecker and Fairley to the committee striking amendment be adopted.

On page 7, line 7, after "RCW 36.70A.130(4)" insert "that occurs prior to December 31, 2014"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Swecker spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Swecker and Fairley on page 7, line 7 to the committee striking amendment to Substitute House Bill No. 1965.

The motion by Senator Swecker carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the

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Committee on Government Operations & Elections as amended to Substitute House Bill No. 1965.

The motion by Senator Fairley carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "banks;" strike the remainder of the title and insert "and amending RCW 36.70A.367."

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1965 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1965 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1965 as amended by the Senate and the bill passed the Senate by the following vote: Y e a s , 4 9 ; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1965 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rasmussen moved that Gubernatorial Appointment No. 9024, Alfred Hallowell, as a member of the Horse Racing Commission, be confirmed.

APPOINTMENT OF ALFRED HALLOWELL

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9024, Alfred Hallowell as a member of the Horse Racing Commission.

Senator Rasmussen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The Secretary called the roll on the confirmation of

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Gubernatorial Appointment No. 9024, Alfred Hallowell as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9024, Alfred Hallowell, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1832, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Chandler, Williams, Ormsby and Condotta)

Shortening the statute of limitations on claims under chapter 42.17 RCW.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1397, by House Committee on Health Care & Wellness (originally sponsored by Representatives Campbell, Kenney, Curtis, Cody and Uptegrove)

Revising the definition of massage therapy to include

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manipulation or pressure inside the mouth or oral cavity. Revised for 1st Substitute: Establishing an intraoral massage endorsement for massage therapists.

MOTION

Subject to rule 64, Senator Hargrove moved that the bill be read in full.

Senator Eide objected to the motion.

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove? Senator Eide, unless Senator Hargrove gives me some indication that he's not serious, the President will have this bill read in full. Senator?"

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1397 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1397.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE HOUSE BILL NO. 1397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, B. Sullivan, Jarrett, Linville, Priest, Appleton, Pedersen, Kenney, Sells, Morrell, Lantz, O'Brien, Chase, Eickmeyer, McCoy, Haigh, Rolfes, Hurst, Eddy, Springer, Schual-Berke, Fromhold, Moeller, Hunt, Goodman, Williams, Darneille, Kagi, Lovick, Campbell, Dunshee, Sommers, Simpson, Hunter, Roberts and Miloscia)

Encouraging the use of cleaner energy.

The measure was read the second time.

MOTION

Senator Poulsen moved that the following committee striking amendment by the Committee on Ways & Means be not adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that excessive dependence on fossil fuels jeopardizes Washington's economic security, environmental integrity, and public health. Accelerated development and use of clean fuels and clean vehicle technologies will reduce the drain on Washington's economy from importing fossil fuels. As fossil fuel prices rise, clean fuels and vehicles can save consumers money while promoting the development of a major, sustainable industry that provides good jobs and a new source of rural prosperity. In addition, clean fuels and vehicles protect public health by reducing toxic air and climate change emissions.

(2) The legislature also finds that climate change is expected to have significant impacts in the Pacific Northwest region in the near and long-term future. These impacts include: Increased temperatures, declining snowpack, more frequent heavy rainfall and flooding, receding glaciers, rising sea levels, increased risks to public health due to insect and rodent-borne diseases, declining salmon populations, and increased drought and risk of forest fires. The legislature recognizes the need at this time to continue to gather and analyze information related to climate protection. This analysis will allow prudent steps to be taken to avoid, mitigate, or respond to climate impacts and protect our communities.

(3) Finally, the legislature finds that to reduce fossil fuel dependence, build our clean energy economy, and reduce climate impacts, the state should develop policies and incentives that help businesses, consumers, and farmers gain greater access to affordable clean fuels and vehicles and to produce clean fuels in the state. These policies and incentives should include: Incentives for replacement of the most polluting diesel engines, especially in school buses; transitional incentives for development of the most promising in-state clean fuels and fuel feedstocks, including biodiesel crops, ethanol from plant waste, and liquid natural gas from landfill or wastewater treatment gases; reduced fossil fuel consumption by state fleets; development of promising new technologies for displacing petroleum with electricity, such as "plug-in hybrids"; and impact analysis and emission accounting procedures that prepare Washington to respond and prosper as climate change impacts occur, and as policies and markets to reduce climate pollution are developed.

**PART 1
INVESTING IN CLEAN AIR**

NEW SECTION. Sec. 101. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

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(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of this act.

Sec. 102. RCW 70.94.017 and 2005 c 295 s 5 are each amended to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.

(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department is available on a priority basis to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels. In addition, the director of ecology or the air pollution control officer may direct funding under this section for other publicly or privately owned diesel equipment if the director of ecology or the air pollution control officer finds that funding for other publicly or privately owned diesel equipment will provide public health benefits and further the purposes of this chapter.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce transportation-related air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) This section expires July 1, 2020.

Sec. 103. RCW 53.08.040 and 1989 c 298 s 1 are each amended to read as follows:

(1) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities(~~(= PROVIDED, That)~~). However, no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port(~~(= AND PROVIDED FURTHER, That)~~) and no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

(2) In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to

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pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in connection with said facilities(~~(= PROVIDED, That)~~). However, (~~That~~) where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

(3) "Pollution control facility," as used in this section and RCW 53.08.041, does not include air quality improvement equipment that provides emission reductions for engines, vehicles, and vessels.

PART 2 PUBLIC SECTOR FUEL USE

Sec. 201. RCW 43.19.642 and 2006 c 338 s 10 are each amended to read as follows:

(1) (~~All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.~~)

(~~2~~) Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(~~3~~) (2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(~~4~~) (3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file (~~quarterly~~) biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

NEW SECTION. **Sec. 202.** A new section is added to chapter 43.19 RCW to read as follows:

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to section 204 of this act, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) By no later than January 1, 2020, the annual fossil fuel usage by the state must be at least twenty-five percent below the annual usage for the year 2006.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

NEW SECTION. **Sec. 203.** A new section is added to chapter 43.19 RCW to read as follows:

(1) In order to allow the motor vehicle fuel needs of state and local government to be satisfied by Washington-produced biofuels as provided in RCW 43.19.642, the department of general administration as well as local governments may contract in advance and execute contracts with public or private producers, suppliers, or other parties, for the purchase of

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appropriate biofuels, as that term is defined in RCW 15.110.010 (as recodified by this act), and biofuel blends. Contract provisions may address items including, but not limited to, fuel standards, price, and delivery date.

(2) The department of general administration may combine the needs of local government agencies, including ports, special districts, school districts, and municipal corporations, for the purposes of executing contracts for biofuels and to secure a sufficient and stable supply of alternative fuels.

NEW SECTION. Sec. 204. By June 1, 2010, the department of community, trade, and economic development shall adopt rules to define practicability and clarify how state agencies and local government subdivisions will be evaluated in determining whether they have met the goals set out in section 202(1) of this act. At a minimum, the rules must address:

(1) Criteria for determining how the goal in section 202(1) of this act will be met by June 1, 2015;

(2) Factors considered to determine compliance with the goal in section 202(1) of this act, including but not limited to: The regional availability of fuels; vehicle costs; differences between types of vehicles, vessels, or equipment; the cost of program implementation; and cost differentials in different parts of the state; and

(3) A schedule for phased-in progress towards meeting the goal in section 202(1) of this act that may include different schedules for different fuel applications, different quantities of biofuels, or changes to the 2015 date.

NEW SECTION. Sec. 205. The director of the department of community, trade, and economic development shall appoint a coordinator that is responsible for:

(1) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage a biofuels market in Washington;

(2) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of biofuels produced predominantly from recycled products or Washington feedstocks;

(3) Working with the departments of transportation and general administration, or other applicable state and local governmental entities, to develop biofuel fueling stations for use by state and local motor vehicle fleets and to provide greater access to public sector fueling capacity for biofuels;

(4) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(5) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and transportation barriers of physically bringing forest biomass to the market;

(6) Coordinating with the department of agriculture and the University of Washington for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

NEW SECTION. Sec. 206. A new section is added to chapter 43.01 RCW to read as follows:

(1) It is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicles in order to reduce emissions and provide the public with cleaner air. This section expressly authorizes the purchase of power at state expense to recharge privately and publicly owned plug-in electrical vehicles at state office locations where the vehicles are used for state business, are commute vehicles, or where the vehicles are at the state location for the purpose of conducting business with the state.

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(2) The director of the department of general administration shall provide reports to the governor and the appropriate committees of the legislature, as deemed necessary by the director, on the estimated amount of state-purchased electricity consumed by plug-in electrical vehicles if the director of general administration determines that the use has a significant cost to the state, and on the number of plug-in electric vehicles using state office locations.

NEW SECTION. Sec. 207. A new section is added to chapter 89.08 RCW to read as follows:

In addition to any other authority provided by law, conservation districts are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

NEW SECTION. Sec. 208. A new section is added to chapter 35.21 RCW to read as follows:

In addition to any other authority provided by law, public development authorities are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

NEW SECTION. Sec. 209. A new section is added to chapter 35.92 RCW to read as follows:

In addition to any other authority provided by law, municipal utilities are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

NEW SECTION. Sec. 210. A new section is added to chapter 54.04 RCW to read as follows:

In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

PART 3 ENERGY FREEDOM PROGRAM

Sec. 301. RCW 15.110.010 and 2006 c 171 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

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~~((3))~~ (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

(8) "Department" means the department of ~~((agriculture))~~ community, trade, and economic development.

~~((4))~~ (9) "Director" means the director of the department of ~~((agriculture))~~ community, trade, and economic development.

~~((5))~~ (10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((6))~~ (12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

~~((7))~~ (13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 302. RCW 15.110.020 and 2006 c 171 s 3 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, ~~((the department of community, trade, and economic development))~~ the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, and the Washington state conservation commission.

(3) Except as provided in subsection (4) of this section, the director, in cooperation with the department of ~~((community, trade, and economic development))~~ agriculture, may approve an application only if the director finds:

(a) The project will convert farm products ~~((or))~~ wastes, cellulose, or biogas directly into electricity or ~~((into gaseous or liquid fuels))~~ biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 15.110.010 (as recodified by this act) and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 15.110.010 (as recodified by this act);

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5)(a) The director may approve ~~((am))~~ a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

~~((5))~~ (b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

(6) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((6))~~ (7) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

Sec. 303. RCW 15.110.040 and 2006 c 171 s 5 are each amended to read as follows:

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(1) If the total requested dollar amount of assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act) exceeds the amount available in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

((+)) (a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

((+)) (b) The extent to which the project will reduce air and water pollution either directly or indirectly;

((+)) (c) The extent to which the project will establish a viable bioenergy or biofuel production capacity in Washington;

((+)) (d) The benefits to Washington's agricultural producers; ~~and~~

(5) (e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; and

(g) The number and quality of jobs and economic benefits created by the project.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 15.110.020(4) (as recodified by this act).

NEW SECTION. Sec. 304. If the total requested dollar amount of funds for refueling projects under RCW 15.110.020(4) (as recodified by this act) exceeds the amount available for refueling projects in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

(1) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(2) The extent to which the project will reduce air and water pollution either directly or indirectly;

(3) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(4) The extent to which the project will make biofuels more accessible to the motoring public;

(5) The benefits to Washington's agricultural producers; and

(6) The number and quality of jobs and economic benefits created by the project.

Sec. 305. RCW 15.110.050 and 2006 c 371 s 223 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. ~~(Administrative costs of the department may not exceed three percent of the total funds available for this program.)~~

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in section 408 of this act;

(c) Programs to reduce truck stop idling;

(d) Demonstration projects developed with a science museum for the purpose of bringing science education to children by way of a mobile learning vehicle; and

(e) Demonstration projects developed with the University of Washington that result in the design and building of a hydrogen vehicle fueling station.

(3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(5) This section does not apply to assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act).

Sec. 306. RCW 15.110.060 and 2006 c 171 s 7 are each amended to read as follows:

The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, 2006, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits as well as an assessment of the availability of alternative fuels in the state and best estimates to indicate, by percentage, the types of biofuel feedstocks and sources that contribute to biofuels used in the state and the general geographic origination of such feedstocks and sources. Based on analysis of this information, the report must also recommend appropriate mechanisms, including but not limited to changes in state contracting practices, tax incentives, or renewable fuel standard provisions, that will help Washington farmers and businesses compete in an economically viable manner and will encourage sustained development of an in-state biofuels industry based on feedstocks grown and produced in Washington.

NEW SECTION. Sec. 307. (1) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which the department of agriculture has signed loan agreements and disbursed funds prior to June 30, 2007, shall continue to be serviced by the department of agriculture.

(2) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which moneys have been appropriated but loan agreements or disbursements have not been completed must be transferred to the department for project management on July 1, 2007, subject to the ongoing requirements of the energy freedom program.

PART 4 PLANNING FOR THE FUTURE

NEW SECTION. Sec. 401. (1) The department of ecology and the department of community, trade, and economic development, in implementing executive order number 07-02 shall include an analysis of, and potential for, vehicle electrification. That analysis may include:

(a) Use by the state of plug-in hybrid vehicles and developing plug-in availability at state locations;

(b) Incentives to encourage the use of plug-in truck auxiliary power units and truck stop electrification;

(c) Use of plug-in shore power for cargo and cruise ship terminals, shipside technology, and use of electric power alternatives for port-related operations and equipment such as switching locomotives, vessels and harborcraft, and cargo-handling equipment;

(d) Potential uses for and availability of plug-in hybrid school buses;

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(e) Potential environmental and electrical grid impacts on electrical power consumption of the conversion of a meaningful portion of the state's private and public fleet to plug-in electrical power;

(f) Tax and fee incentives to encourage individual and fleet purchases of plug-in hybrid vehicles;

(g) State laws, rules, tariffs, and policies that impact transportation electrification and plug-in adoption, including pricing with incentives for off-peak charging;

(h) Measures to encourage the use of plug-in vehicles by public fleets, and resulting cost savings, and whether state and local fleets should be required to purchase plug-in hybrid vehicles if it is determined that plug-in hybrid vehicles are commercially available at a reasonably comparable life-cycle cost;

(i) Explore the potential for the use of electrification of fixed transit routes for magnetic levitation propulsion systems;

(j) Actions by the state to help industries located in the state participate in developing and manufacturing plug-in vehicles and vehicle-to-grid technologies;

(k) Additional ways the state can promote transportation electrification in the private and public sectors, including cars and light-duty vehicles, and truck stop and port electrification; and

(1) Potential partners for vehicle-to-grid pilot projects that test the use of parked plug-in vehicles for power grid energy storage and support.

(2) The departments of ecology and community, trade, and economic development shall provide the appropriate committees of the legislature an analysis or report by March 1, 2008. The report may be included within the report produced for executive order number 07-02.

NEW SECTION. Sec. 402. A new section is added to chapter 28B.30 RCW to read as follows:

Washington State University is directed to analyze and recommend models for possible implementation by the legislature or the executive office for at least the following potential biofuels incentive programs:

(1) Market incentives to encourage in-state production of brassica-based biodiesel, and cellulosic ethanol, including such market methods as direct grants, production tax credits, and the issuance by the state of advance guaranteed purchase contracts;

(2) Possible preferred research programs, grants, or other forms of assistance for accelerating the development of in-state production of cellulosic ethanol and in-state biodiesel crops and their coproducts; and

(3) The following should be considered when evaluating potential biofuel incentive programs:

(a) Assisting Washington farmers and businesses in the development of economically viable, sustained in-state biofuel and biofuel feedstock production;

(b) Leveraging and encouraging private investment in biofuel production and distribution and biofuel feedstock production; and

(c) Assisting in the development of biofuel feedstocks and production techniques that deliver the greatest net reductions in petroleum dependence and carbon emissions.

NEW SECTION. Sec. 403. (1) The department of community, trade, and economic development and the department of ecology shall develop a framework for the state of Washington to participate in emerging regional, national, and to the extent possible, global markets to mitigate climate change, on a multisector basis. This framework must include, but not be limited to, credible, verifiable, replicable inventory and accounting methodologies for each sector involved, along with the completion of the stakeholder process identified in executive order number 07-02 creating the Washington state climate change challenge.

(2) The department of community, trade, and economic development and the department of ecology shall include the

forestry sector and work closely with the department of natural resources on those recommendations.

(3) The department must provide a report to the legislature by December 1, 2008. The report may be included within the report produced for executive order number 07-02.

NEW SECTION. Sec. 404. (1) In preparing for the impacts of climate change consistent with executive order number 07-02, the departments of community, trade, and economic development and ecology shall work with the climate impacts group at the University of Washington to produce:

(a) A comprehensive state climate change assessment that includes the impacts of global warming, including impacts to public health, agriculture, the coast line, forestry, infrastructure, and water supply and management;

(b) An analysis of the potential human health impacts of climate change on the state of Washington.

(2) To ensure the appropriateness of these assessments for public agency planning and management, the departments and the climate impacts group shall consult with state and local public health resource planning and management agencies.

(3) If adequate funding is not made available for the completion of all elements required under this section, the departments and the climate impacts group shall list and prioritize which research projects have the greatest cost/benefit ratio in terms of providing information important for planning decisions.

(4) The work under this section that is completed by December 1, 2007, must be included in the final report of the Washington climate change challenge. Any further reports must be completed by December 15, 2008.

Sec. 405. RCW 47.17.020 and 1970 ex.s. c 51 s 5 are each amended to read as follows:

A state highway to be known as state route number 5, and designated as a Washington green highway, is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

Sec. 406. RCW 47.17.135 and 1979 ex.s. c 33 s 3 are each amended to read as follows:

A state highway to be known as state route number 82, and designated as a Washington green highway, is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

Sec. 407. RCW 47.17.140 and 1991 c 56 s 2 are each amended to read as follows:

A state highway to be known as state route number 90, and designated as the American Veterans Memorial Highway as well as a Washington green highway, is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

NEW SECTION. Sec. 408. (1) The vehicle electrification demonstration grant program is established within the department of community, trade, and economic development. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) The director may approve an application for a vehicle electrification demonstration project only if the director finds:

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(a) The applicant is a state agency, public school district, public utility district, or a political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations or a state institution of higher education;

(b) The project partially funds the purchase of or conversion of existing vehicles to plug-in hybrid electric vehicles or battery electric vehicles for use in the applicant's fleet or operations;

(c) The project partners with an electric utility and demonstrates technologies to allow controlled vehicle charging, including the use of power electronics or wireless technologies, to regulate time-of-day and duration of charging;

(d) The project provides matching resources; and

(e) The project provides evaluation of fuel savings, greenhouse gas reductions, battery capabilities, energy management system, charge controlling technologies, and other relevant information determined on the advice of the vehicle electrification work group.

(3) The director may approve an application for a vehicle electrification demonstration project if the project, in addition to meeting the requirements of subsection (2) of this section, also demonstrates charging using on-site renewable resources or vehicle-to-grid capabilities that enable the vehicle to discharge electricity into the grid.

NEW SECTION. Sec. 409. A new section is added to chapter 43.19 RCW to read as follows:

(1) During the biennium ending June 30, 2009, the department of general administration is authorized to purchase at least one hundred plug-in electric hybrid vehicles for state agency light duty vehicle uses, when commercially available at comparable life costs to other vehicles. The department of general administration shall assign these vehicles to departments and job functions that on average log the most miles driving light duty vehicles. The vehicles must bear a prominent designation as a plug-in electric hybrid vehicle. The department of general administration shall develop a purchasing contract under which state agencies and local governments may purchase plug-in electric hybrid vehicles.

(2) The use of hybrid vehicles shall include an economic analysis of the total life-cycle cost to the state over the vehicle's estimated useful life, including energy inputs into the production of the vehicle, fuel usage, and all related costs of selection, acquisition, operation, maintenance, and disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of the vehicle's estimated useful life.

(3) By December 31, 2009, the department of general administration shall provide a report to the transportation and energy committees of the senate and house of representatives on the acquisition of these vehicles and their operational and maintenance performance.

NEW SECTION. Sec. 410. (1) The office of Washington state climatologist is created.

(2) The office of Washington state climatologist consists of the director of the office, who is the state climatologist, and appropriate staff and administrative support as necessary to carry out the powers and duties of the office as enumerated in section 411 of this act.

(3) The director of the office of Washington state climatologist must be appointed jointly by the president of Washington State University and the president of the University of Washington. The office of Washington state climatologist is administered as determined jointly by these two presidents.

NEW SECTION. Sec. 411. The office of Washington state climatologist has the following powers and duties:

(1) To serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;

(2) To gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate

and weather information that is or could be of value to policy and decision makers in the state;

(3) To act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;

(4) To prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;

(5) To supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the department of ecology under RCW 43.83B.410, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

(6) To conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

(7) To evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes.

NEW SECTION. Sec. 412. (1) The legislature finds that:

(a) Washington is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities. Extreme weather, a warming Pacific Northwest, reduced snow pack, and sea level rise are four major ways that climate change is disrupting Washington's economy, environment, and communities;

(b) Washington's greenhouse gas emissions are continuing to increase, despite international scientific consensus that worldwide emissions must be reduced significantly below current levels to avert catastrophic climate change;

(c) Washington has been a leader in actions to reduce the increase of emissions, including the adoption of the nation's most stringent carbon dioxide mitigation program for new thermal electric generation facilities, a requirement for integrated resource planning by electric utilities to include life-cycle costs of carbon dioxide emissions, clean car standards, stronger appliance energy efficiency standards, increased production and use of renewable liquid fuels, and increased renewable energy sources by electrical utilities;

(d) Washington state's greenhouse gases are substantially caused by the transportation sector of the economy;

(e) Washington has participated with other Western states in designing regional approaches to reduce greenhouse gas emissions, and a regional cap and trade mechanism will be more effective than if implemented separately in each state;

(f) While these actions are significant, there is a need to assess the trend of emissions statewide over the next several decades, and to take sufficient actions so that Washington meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;

(g) Actions to reduce greenhouse gas emissions will spur technology development and increase efficiency, thus resulting in benefits to Washington's economy and businesses; and

(h) Numerous states and nations have adopted emission reduction goals to assist emission sources with planning for changes in practices and technologies.

(2) The legislature further finds that companies that generate greenhouse gas emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies in order to provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted

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lands and waters, provide carbon storage and mitigate greenhouse gas emissions. Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program. The legislature further finds that catastrophic forest fires are a major source of greenhouse gas emissions, and that federal and state forest land management should seek to manage forests to reduce the risk of such fires.

(3) The legislature intends by this act to establish goals for the statewide reduction in greenhouse gas emissions and reduction in petroleum use, and to adopt the governor's mechanism in Executive Order No. 07-02 to design and recommend a comprehensive set of measures to accomplish the goals. The legislature further intends by this act to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gas emissions and to accelerate efficiency in the transportation sector.

NEW SECTION. Sec. 413. The following greenhouse gas emissions reduction and clean energy economy goals are established for Washington state:

(1) By 2020, reduce greenhouse gas emissions in the state to 1990 levels;

(2) By 2035, reduce greenhouse gas emissions in the state to twenty-five percent below 1990 levels;

(3) By 2050, the state will do its part to reach global climate stabilization levels by reducing emissions to fifty percent below 1990 levels or seventy percent below the state's expected emissions that year;

(4) By 2020, increase the number of clean energy sector jobs to twenty-five thousand from the eight thousand four hundred jobs the state had in 2004; and

(5) By 2020, reduce expenditures by twenty percent on fuel imported into the state by developing Washington resources and supporting efficient energy use.

NEW SECTION. Sec. 414. (1) Executive Order No. 07-02 shall provide the mechanisms for identifying the policies and strategies necessary to achieve the economic and emission reduction goals of section 413 of this act. Consistent with the Executive Order's directive to seek a healthier and more prosperous future for Washington state, agency and stakeholder representatives participating in the Washington climate change challenge shall also seek emission reduction policies and strategies that, to the maximum extent possible, minimize economic disruptions and protect jobs for Washington state workers, citizens, and businesses, while avoiding policies and strategies that would result in the transfer or outsourcing of economic advantages or jobs to other states, regions, or nations.

(2) In addition to the policies and strategies that the climate change stakeholder group shall develop for the governor and the legislature, the group shall:

(a) Identify economic and regulatory incentives to encourage the replacement of the highest emitting thermal electric plants in the state that have exceeded their expected useful life with newer technologies that have lower greenhouse gases emission levels to facilitate meeting the goals established in this section; and

(b) Identify methods to utilize indigenous resources, such as landfill gas, geothermal resources, and other assets that might reduce greenhouse gases emissions consistent with the purposes of this section.

NEW SECTION. Sec. 415. By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gas emissions for the preceding two years, and totals in each major source sector.

NEW SECTION. Sec. 416. (1) The legislature finds that:

(a) The United Nation's intergovernmental panel on climate change report, released February 2, 2007, states that evidence of the climate's warming "is unequivocal, as is now evident from

observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global mean sea level";

(b) Global warming will have serious adverse consequences on the economy, health, and environment of Washington;

(c) During the last several years, the state has taken significant strides towards implementing an environmentally and economically sound energy policy through reliance on energy efficiency, conservation, and renewable energy resources in order to promote a sustainable energy future that ensures an adequate and reliable energy supply at reasonable and stable prices;

(d) The governor, in Executive Order No. 07-02, has called for the reduction of Washington's emission of greenhouse gases to 1990 levels by 2020;

(e) To the extent energy efficiency and renewable resources are unable to satisfy increasing energy and capacity needs, the state will rely on clean and efficient fossil fuel fired generation and will encourage the development of cost-effective, highly efficient, and environmentally sound supply resources to provide reliability and consistency with the state's energy priorities;

(f) It is vital to ensure all electric utilities internalize the significant and underrecognized cost of emissions and to reduce Washington's exposure to costs associated with future regulation of these emissions;

(g) A greenhouse gases emissions performance standard for new long-term financial commitments to electric generating resources will reduce potential exposure of Washington's consumers to future reliability problems in electricity supplies;

(h) The state of California recently enacted a law establishing a greenhouse gases emissions performance standard for electric utility procurement of baseload electric generation that is based on the emissions of a combined-cycle thermal electric generation facility fueled by natural gas;

(i) The legislature recognizes that state or federal legislation may be enacted and federal regulation may occur that would provide standards or programs that would preempt, make inconsistent, or render unnecessary emission standards or schedules established in this act; and

(j) The state of Washington has an obligation to provide clear guidance for the procurement of baseload electric generation to alleviate regulatory uncertainty while addressing risks that can affect the ability of electric utilities to make necessary and timely investments to ensure an adequate, reliable, and cost-effective supply of electricity.

(2) The legislature declares that:

(a) A greenhouse gases emissions performance standard for new long-term financial commitments for baseload electric generation should reduce financial risk to electric utilities and their customers from future pollution-control costs, without jeopardizing the state's commitment to lowest reasonable cost resources and the need to maintain a reliable regional electric system.

(b) A greenhouse gases emissions performance standard will complement the state's carbon dioxide mitigation policy for fossil-fueled thermal electric generation facilities under chapter 80.70 RCW.

(c) The need for long-term financial commitments for new baseload electric generation can be reduced over time through the deployment by electric utilities of technologies that improve the efficiency of electricity production, transmission, distribution, and consumption.

NEW SECTION. Sec. 417. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a

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consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(4) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(5) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(6) "Commercially available" means that at least one hundred plants of substantially the same design, specifications, and performance characteristics have been in commercial operation for at least three years.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" has the same meaning as defined in RCW 19.285.030.

(11) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(12) "Electric utility" means an electrical company or a consumer-owned utility.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Injected permanently" means the carbon dioxide injected into a geological formation will remain in the target geological formation with only de minimis leakage, as demonstrated using site-specific data.

(16) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(17) "Output-based methodology" means a greenhouse gases emissions performance standard that is expressed in pounds of greenhouse gases emitted per net megawatt-hour produced. For purposes of this subsection, "net" refers to the difference between the heat energy dedicated to power production and the electrical equivalent of useful thermal energy employed for purposes other than the generation of electricity.

(18) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(19) "Power plant" means a facility for the generation of electricity that includes one or more generating units at the same location.

(20) "Unspecified sources" means baseload electric generation supplied under a power purchase agreement that does not specify or otherwise identify the power plant or power plants that are the source of power delivered to an electric utility.

(21) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in generation air quality permits that are in effect on the effective date of this section but may result in incidental increases in generation capacity.

NEW SECTION. Sec. 418. (1) Beginning July 1, 2008, the greenhouse gases emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The rate of emissions of greenhouse gases for a commercially available combined-cycle natural gas thermal electric generation facility that provides baseload electric generation.

(2) Even if their actual emissions are higher than the greenhouse gas emissions performance standard, all baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section until the facilities are the subject of long-term financial commitments.

(3) All electric generating facilities or power plants powered by renewable resources, as defined in RCW 19.285.030, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section.

(4) All electric generating facilities or power plants, including cogeneration, that use either exclusively or in combination with a renewable resource, as defined in RCW 19.285.030, fuel that is a byproduct of pulping or wood manufacturing processes, including but not limited to bark, sawdust, and lignin in spent pulping liquors, are deemed to be in compliance with the greenhouse gas emissions performance standard established under this section.

(5) In determining the rate of emissions of greenhouse gases for baseload electric generation, the total emissions associated with producing electricity shall be included.

(6) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse gases emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(7) Carbon dioxide emissions produced by baseload electric generation owned or contracted through a long-term financial commitment that are injected permanently in geological formations or that are permanently sequestered by other means approved by the department shall not be counted as emissions of the power plant in determining compliance with the greenhouse gases emissions performance standard.

(8) In adopting and implementing the greenhouse gases emissions performance standard, the department, in consultation with the commission, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, the department of community, trade, and economic development energy policy division, electric utilities,

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public interest representatives, and consumer representatives shall consider the effects of the greenhouse gases emissions performance standard on system reliability and overall costs to electricity customers.

(9) In developing and implementing the greenhouse gases emissions performance standard, the department shall, with assistance of the commission, the department of community, trade, and economic development energy policy division, and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

(10) The department shall adopt the greenhouse gases emissions performance standard by rule pursuant to chapter 34.05 RCW, the administrative procedure act. The department shall adopt rules to enforce the requirements of this section, and adopt procedures to verify the emissions of greenhouse gases from any baseload electric generation supplied directly or under a contract subject to the greenhouse gases emissions performance standard to ensure compliance with the standard. Enforcement of the greenhouse gases emissions performance standard must begin immediately upon the establishment of the standard.

(11) In adopting the rules for implementing this section, the department shall include criteria to be applied in evaluating the carbon sequestration plan. The rules shall include but not be limited to:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological or other approved sequestration commencing within five years of plant operation, including full and sufficient technical documentation to support the planned sequestration;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule; and

(e) Provisions for public notice and comment on the carbon sequestration plan.

(12)(a) Except as provided in (b) of this subsection, as part of its role enforcing the greenhouse gases emissions performance standard, the department shall determine whether a plan for sequestration will provide safe, reliable, and permanent protection against the greenhouse gases entering the atmosphere from the power plant and all ancillary facilities.

(b) For facilities under its jurisdiction, the energy facility site evaluation council shall contract for review of the carbon sequestration plan with the department, consider the adequacy of the plan in its adjudicative proceedings conducted under RCW 80.50.090(3) and incorporate specific findings regarding adequacy in its recommendation to the governor under RCW 80.50.100.

(13) A project under consideration by the energy facility site evaluation council before the adoption of rules in subsection (11) of this section is required to include all of the requirements of subsection (11) of this section in its carbon sequestration plan submitted as part of the energy facility site evaluation council process.

(14) The department shall adopt the rules necessary to implement this section by June 30, 2008.

NEW SECTION. Sec. 419. (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 418 of this act.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30,

2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 418 of this act.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electrical company, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall make a determination regarding the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity that complies with the greenhouse gases emissions performance standard established under section 418 of this act, as to the need for the resource, and the appropriateness of the specific resource selected. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions. In addition, the commission shall provide for recovery of the prudently incurred capital and operating cost of these resources and may impose such conditions as it finds necessary to ensure that rates are fair, just, reasonable, and sufficient, coincident with the in-service date of the project or the effective date of the power purchase agreement.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and ends on the effective date of the final decision by the commission regarding recovery in rates of these deferred costs. Creation of such a deferral account does not by itself determine whether recovery of any or all of these costs is appropriate.

(7) In establishing rates for each electrical company regulated under chapter 80.28 RCW, the commission shall adopt policies allowing an additional return on investments to encourage meeting energy requirements through distributed generation as defined in RCW 19.285.030, and to accelerate efficiencies in electric transmission and distribution systems that increase reliability and reduce energy losses or otherwise increase the efficiency of energy delivery to end-use consumers. These policies shall include but are not limited to adding an increment of two percent to the rate of return on common equity permitted on an electrical company's other investments for prudently incurred investments in distributed generation, and in measures that improve, as measured in kilowatt-hour savings, the overall efficiency of transmission, distribution, and end-use consumption of electricity through energy efficiency technologies, including any device, instrument, machine, appliance, or process related to the transmission, distribution, and consumption of electricity to increase energy efficiency, including but not limited to smart grid technology, smart meters, and demand response technologies. The rate of return increment must be allowed for a period, at the commission's discretion, of at least seven but not more than thirty years after the investment is first placed in the rate base. Measures or projects encouraged under this section are those for which construction or installation is begun after July 1, 2007, and before January 1, 2017, and which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a

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total incremental system cost per unit of energy delivered to end use that is less than or equal to the incremental system cost per unit of energy delivered to end use from new baseload or peaking electric generation and that the electrical company could acquire to meet energy demand in the same time period.

(8) The commission shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under section 418 of this act.

(9) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(10) The commission shall adopt the rules necessary to implement this section by December 31, 2008.

NEW SECTION. Sec. 420. (1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 418 of this act.

(2) The governing board of a consumer-owned utility shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 418 of this act. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 418 of this act.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation pursuant to section 418 of this act, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance.

NEW SECTION. Sec. 421. A new section is added to chapter 43.19 RCW to read as follows:

(1) During the biennium ending June 30, 2009, the department of general administration is authorized to purchase at least one hundred plug-in electric hybrid vehicles for state agency light duty vehicle uses, when commercially available at comparable life costs to other vehicles. The department of general administration shall assign these vehicles to departments and job functions that on average log the most miles driving light duty vehicles. The vehicles must bear a prominent designation as a plug-in electric hybrid vehicle. The department of general administration shall develop a purchasing contract under which state agencies and local governments may purchase plug-in electric hybrid vehicles.

(2) Any agency that owns plug-in hybrid vehicles shall contribute data to an economic analysis of the total life-cycle cost to the state over the vehicle's estimated useful life, including energy inputs into the production of the vehicle, fuel usage, and all related costs of selection, acquisition, operation, maintenance, and disposal, as far as these costs can reasonably

be determined, minus the salvage value at the end of the vehicle's estimated useful life.

(3) By December 31, 2009, the department of general administration shall provide a report to the transportation and energy committees of the senate and house of representatives on the acquisition of these vehicles and their operational and maintenance performance.

NEW SECTION. Sec. 422. The legislature finds and declares that greenhouse gases offset contracts, credits, and other greenhouse gases mitigation efforts are a recognized utility purpose that confers a direct benefit on the utility's ratepayers. The legislature declares that this act is intended to reverse the result of *Okeson v. City of Seattle*, No. 77888-4 (January 18, 2007), by expressly granting municipal utilities and public utility districts the statutory authority to engage in mitigation activities to offset their utility's impact on the environment.

NEW SECTION. Sec. 423. A new section is added to chapter 35.92 RCW to read as follows:

(1) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with electricity for lighting and other purposes may develop and make publicly available a plan to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the utility owns, leases, uses, contracts for, or otherwise controls.

(2) A city or town authorized to acquire and operate utilities for the purpose of furnishing the city or town and its inhabitants and other persons with electricity for lighting and other purposes may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. The mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a utility that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 424. A new section is added to chapter 54.16 RCW to read as follows:

(1) A public utility district may develop and make publicly available a plan for the district to reduce its greenhouse gases emissions or achieve no-net emissions from all sources of greenhouse gases that the district owns, leases, uses, contracts for, or otherwise controls.

(2) A public utility district may, as part of its utility operation, mitigate the environmental impacts, such as greenhouse gases emissions, of its operation and any power purchases. Mitigation may include, but is not limited to, those greenhouse gases mitigation mechanisms recognized by independent, qualified organizations with proven experience in emissions mitigation activities. Mitigation mechanisms may include the purchase, trade, and banking of greenhouse gases offsets or credits. If a state greenhouse gases registry is established, a public utility district that has purchased, traded, or banked greenhouse gases mitigation mechanisms under this section shall receive credit in the registry.

NEW SECTION. Sec. 425. A new section is added to chapter 82.16 RCW to read as follows:

(1) Subject to the limitations in this section, an eligible light and power business may claim a credit against the tax imposed under this chapter.

(2) The amount of credit is equal to two percent of the amount of qualifying investments made each fiscal year beginning July 1, 2007, in distributed generation, and in measures that improve, as measured in kilowatt-hour savings, the overall efficiency of transmission, distribution, and end-use consumption of electricity through energy efficiency technologies, including any device, instrument, machine, appliance, or process related to the transmission, distribution,

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and consumption of electricity to increase energy efficiency, including but not limited to smart grid technology, smart meters, and demand response technologies.

(3) The credit may be claimed only after the qualifying investment has been made. The credit shall be claimed against taxes due for the same fiscal year in which the qualifying investment has been made. The credit for each reporting period shall not exceed the amount of tax otherwise due under this chapter for the reporting period. Credits earned for any fiscal year shall not be carried forward or backward and claimed against taxes due for prior or subsequent fiscal years. Refunds may not be granted in the place of a credit. Any unused credit expires.

(4) The total amount of credit that may be taken by an eligible light and power business for qualifying investments in a fiscal year is limited to its base credit plus any ratable portion of unused base credit as calculated by the department. The balance of base credits not used by other eligible light and power businesses may be ratably distributed to qualifying applicants under the formula in subsection (7)(a) of this section. The total credit shall be claimed against taxes due for the same fiscal year in which the qualifying investments are made.

(5) The total amount of credit, statewide, that may be taken in any fiscal year shall not exceed one million dollars.

(6) The department of community, trade, and economic development shall determine and certify to the department those investments made by an eligible light and power business that qualify for the credit under this section.

(7) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Base credit" means the maximum amount of credit against the tax imposed by this chapter that each eligible light and power business may take each fiscal year as calculated by the department. The base credit is equal to the proportionate share of in-state retail electricity revenues received by each eligible light and power business in the prior fiscal year that bears to the total amount of in-state retail electricity revenues received by all eligible light and power businesses in the prior fiscal year multiplied by one million dollars.

(b) "Eligible light and power business" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(c) "Qualifying investment" means investments in distributed generation, and those measures under subsection (2) of this section which, at the time they are placed in the rate base, are reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end use that is less than or equal to the incremental system cost per unit of energy delivered to end use from new baseload or peaking electric generation and that the eligible light and power business could acquire to meet energy demand in the same time period.

(8) This section expires July 1, 2037.

NEW SECTION. Sec. 426. For the purposes of sections 416 through 420 of this act, the department and the commission shall review the greenhouse gases emission performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following the effective date of this section, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electrical utilities, and report to the legislature.

**PART 5
MISCELLANEOUS**

NEW SECTION. Sec. 501. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 502. The following sections are codified and recodified as a new chapter in Title 43 RCW entitled "Energy Freedom Program":

- RCW 15.110.005;
- RCW 15.110.010;
- RCW 15.110.020;
- RCW 15.110.030;
- RCW 15.110.040;
- RCW 15.110.050;
- RCW 15.110.060;
- RCW 15.110.900;
- RCW 15.110.901;
- Section 204 of this act;
- Section 205 of this act;
- Section 304 of this act;
- Section 307 of this act; and
- Section 403 of this act.

NEW SECTION. Sec. 503. Sections 410 and 411 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 504. Sections 412 through 415 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 505. Sections 416 through 420 and 426 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. Sec. 506. A new section is added to chapter 43.135 RCW to read as follows:

RCW 43.135.035(4) does not apply to the transfers established in this act.

NEW SECTION. Sec. 507. Sections 204 and 301 through 307 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

On page 1, line 3 of the title, after "emissions;" strike the remainder of the title and insert "amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 43.135 RCW; adding new chapters to Title 43 RCW; adding a new chapter to Title 80 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; providing an effective date; providing an expiration date; and declaring an emergency."

The President declared the question before the Senate to be the motion by Senator Poulsen to not adopt the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1303.

The motion by Senator Poulsen carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Poulsen moved that the following striking amendment by Senator Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that excessive dependence on fossil fuels jeopardizes Washington's economic security, environmental integrity, and public health.

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Accelerated development and use of clean fuels and clean vehicle technologies will reduce the drain on Washington's economy from importing fossil fuels. As fossil fuel prices rise, clean fuels and vehicles can save consumers money while promoting the development of a major, sustainable industry that provides good jobs and a new source of rural prosperity. In addition, clean fuels and vehicles protect public health by reducing toxic air and climate change emissions.

(2) The legislature also finds that climate change is expected to have significant impacts in the Pacific Northwest region in the near and long-term future. These impacts include: Increased temperatures, declining snowpack, more frequent heavy rainfall and flooding, receding glaciers, rising sea levels, increased risks to public health due to insect and rodent-borne diseases, declining salmon populations, and increased drought and risk of forest fires. The legislature recognizes the need at this time to continue to gather and analyze information related to climate protection. This analysis will allow prudent steps to be taken to avoid, mitigate, or respond to climate impacts and protect our communities.

(3) Finally, the legislature finds that to reduce fossil fuel dependence, build our clean energy economy, and reduce climate impacts, the state should develop policies and incentives that help businesses, consumers, and farmers gain greater access to affordable clean fuels and vehicles and to produce clean fuels in the state. These policies and incentives should include: Incentives for replacement of the most polluting diesel engines, especially in school buses; transitional incentives for development of the most promising in-state clean fuels and fuel feedstocks, including biodiesel crops, ethanol from plant waste, and liquid natural gas from landfill or wastewater treatment gases; reduced fossil fuel consumption by state fleets; development of promising new technologies for displacing petroleum with electricity, such as "plug-in hybrids"; and impact analysis and emission accounting procedures that prepare Washington to respond and prosper as climate change impacts occur, and as policies and markets to reduce climate pollution are developed.

PART 1 INVESTING IN CLEAN AIR

NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall implement a school bus replacement incentive program. As part of the program, the office shall fund up to ten percent of the cost of a new 2007 or later model year school bus that meets the 2007 federal motor vehicle emission control standards and is purchased by a school district by no later than June 30, 2009, provided that the new bus is replacing a 1994 or older school bus in the school district's fleet. Replacement of the oldest buses must be given highest priority.

(2) The office of the superintendent of public instruction shall ensure that buses being replaced through this program are surplus under RCW 28A.335.180. As part of the surplus process, school districts must provide written documentation to the office of the superintendent of public instruction demonstrating that buses being replaced are scrapped and not purchased for road use. The documentation must include bus make, model, year, vehicle identification number, engine make, engine serial number, and salvage yard receipts; and must demonstrate that the engine and body of the bus being replaced has been rendered unusable.

(3) The office of the superintendent of public instruction may adopt any rules necessary for the implementation of this act.

Sec. 102. RCW 70.94.017 and 2005 c 295 s 5 are each amended to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.

(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department is available on a priority basis to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels. In addition, the director of ecology or the air pollution control officer may direct funding under this section for other publicly or privately owned diesel equipment if the director of ecology or the air pollution control officer finds that funding for other publicly or privately owned diesel equipment will provide public health benefits and further the purposes of this chapter.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce transportation-related air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) This section expires July 1, 2020.

Sec. 103. RCW 53.08.040 and 1989 c 298 s 1 are each amended to read as follows:

(1) A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities (~~PROVIDED, That~~). However, no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port (~~AND PROVIDED FURTHER, That~~) and no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

(2) In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for the full term of the revenue bonds issued by the port for the acquisition of said facilities, and said payments shall at least fully reimburse the port for all principal and interest paid by it on said bonds and for all operating or other costs, if any, incurred by the port in

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connection with said facilities(~~(-PROVIDED,))~~. However, ~~((That))~~ where there is more than one user of any such facilities, each user shall be responsible for its pro rata share of such costs and payment of principal and interest. Any port intending to provide pollution control facilities to others shall first survey the port district to ascertain the potential users of such facilities and the extent of their needs. The port shall conduct a public hearing upon the proposal and shall give each potential user an opportunity to participate in the use of such facilities upon equal terms and conditions.

(3) "Pollution control facility," as used in this section and RCW 53.08.041, does not include air quality improvement equipment that provides emission reductions for engines, vehicles, and vessels.

**PART 2
PUBLIC SECTOR FUEL USE**

Sec. 201. RCW 43.19.642 and 2006 c 338 s 10 are each amended to read as follows:

~~(1) (All state agencies are encouraged to use a fuel blend of twenty percent biodiesel and eighty percent petroleum diesel for use in diesel-powered vehicles and equipment.~~

~~—(2))~~ Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

~~((3))~~ (2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

~~((4))~~ (3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file ~~((quarterly))~~ biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

NEW SECTION. Sec. 202. A new section is added to chapter 43.19 RCW to read as follows:

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to section 204 of this act, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

NEW SECTION. Sec. 203. A new section is added to chapter 43.19 RCW to read as follows:

(1) In order to allow the motor vehicle fuel needs of state and local government to be satisfied by Washington-produced biofuels as provided in this chapter, the department of general administration as well as local governments may contract in advance and execute contracts with public or private producers, suppliers, or other parties, for the purchase of appropriate biofuels, as that term is defined in RCW 15.110.010 (as recodified by this act), and biofuel blends. Contract provisions may address items including, but not limited to, fuel standards, price, and delivery date.

(2) The department of general administration may combine the needs of local government agencies, including ports, special districts, school districts, and municipal corporations, for the

purposes of executing contracts for biofuels and to secure a sufficient and stable supply of alternative fuels.

NEW SECTION. Sec. 204. By June 1, 2010, the department shall adopt rules to define practicability and clarify how state agencies and local government subdivisions will be evaluated in determining whether they have met the goals set out in section 202(1) of this act. At a minimum, the rules must address:

(1) Criteria for determining how the goal in section 202(1) of this act will be met by June 1, 2015;

(2) Factors considered to determine compliance with the goal in section 202(1) of this act, including but not limited to: The regional availability of fuels; vehicle costs; differences between types of vehicles, vessels, or equipment; the cost of program implementation; and cost differentials in different parts of the state; and

(3) A schedule for phased-in progress towards meeting the goal in section 202(1) of this act that may include different schedules for different fuel applications or different quantities of biofuels.

NEW SECTION. Sec. 205. The director of the department shall appoint a coordinator that is responsible for:

(1) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage a biofuels market in Washington;

(2) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of biofuels produced predominantly from recycled products or Washington feedstocks;

(3) Working with the departments of transportation and general administration, and other applicable state and local governmental entities and the private sector, to ensure the development of biofuel fueling stations for use by state and local governmental motor vehicle fleets, and to provide greater availability of public biofuel fueling stations for use by state and local governmental motor vehicle fleets;

(4) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(5) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and transportation barriers of physically bringing forest biomass to the market;

(6) Coordinating with the department of agriculture and Washington State University for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

NEW SECTION. Sec. 206. A new section is added to chapter 43.01 RCW to read as follows:

(1) It is in the state's interest and to the benefit of the people of the state to encourage the use of electrical vehicles in order to reduce emissions and provide the public with cleaner air. This section expressly authorizes the purchase of power at state expense to recharge privately and publicly owned plug-in electrical vehicles at state office locations where the vehicles are used for state business, are commute vehicles, or where the vehicles are at the state location for the purpose of conducting business with the state.

(2) The director of the department of general administration may report to the governor and the appropriate committees of the legislature, as deemed necessary by the director, on the estimated amount of state-purchased electricity consumed by plug-in electrical vehicles if the director of general administration determines that the use has a significant cost to the state, and on the number of plug-in electric vehicles using

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state office locations. The report may be combined with the report under section 401 of this act.

NEW SECTION. Sec. 207. A new section is added to chapter 89.08 RCW to read as follows:

In addition to any other authority provided by law, conservation districts are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

NEW SECTION. Sec. 208. A new section is added to chapter 35.21 RCW to read as follows:

In addition to any other authority provided by law, public development authorities are authorized to enter into crop purchase contracts for a dedicated energy crop for the purposes of producing, selling, and distributing biodiesel produced from Washington state feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels.

NEW SECTION. Sec. 209. A new section is added to chapter 35.92 RCW to read as follows:

In addition to any other authority provided by law, municipal utilities are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

NEW SECTION. Sec. 210. A new section is added to chapter 54.04 RCW to read as follows:

In addition to any other authority provided by law, public utility districts are authorized to produce and distribute biodiesel, ethanol, and ethanol blend fuels, including entering into crop purchase contracts for a dedicated energy crop for the purpose of generating electricity or producing biodiesel produced from Washington feedstocks, cellulosic ethanol, and cellulosic ethanol blend fuels for use in internal operations of the electric utility and for sale or distribution.

PART 3 ENERGY FREEDOM PROGRAM

Sec. 301. RCW 15.110.010 and 2006 c 171 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

~~((3))~~ (4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or

recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

~~(7)~~ "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

~~(8)~~ "Department" means the department of ~~((agriculture))~~ community, trade, and economic development.

~~((4))~~ (9) "Director" means the director of the department of ~~((agriculture))~~ community, trade, and economic development.

~~((5))~~ (10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((6))~~ (12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

~~((7))~~ (13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 302. RCW 15.110.020 and 2006 c 171 s 3 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, ~~((the department of community, trade, and economic development,))~~ the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, and the Washington state conservation commission.

(3) ~~Except as provided in subsection (4) of this section,~~ the director, in cooperation with the department of ~~((community, trade, and economic development))~~ agriculture, may approve an application only if the director finds:

(a) The project will convert farm products ~~((or))~~ wastes, cellulose, or biogas directly into electricity or ~~((into gaseous or liquid fuels))~~ biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

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(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 15.110.010 (as recodified by this act) and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 15.110.010 (as recodified by this act);

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5)(a) The director may approve ~~((am))~~ a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

~~((5))~~ (b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

(6) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((6))~~ (7) The director may defer any payments for up to twenty-four months or until the project starts to receive revenue from operations, whichever is sooner.

Sec. 303. RCW 15.110.040 and 2006 c 171 s 5 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act) exceeds the amount available in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

~~((1))~~ (a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

~~((2))~~ (b) The extent to which the project will reduce air and water pollution either directly or indirectly;

~~((3))~~ (c) The extent to which the project will establish a viable bioenergy or biofuel production capacity in Washington;

~~((4))~~ (d) The benefits to Washington's agricultural producers; ~~(and~~

~~((5))~~ (e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; and

(g) The number and quality of jobs and economic benefits created by the project.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 15.110.020(4) (as recodified by this act).

NEW SECTION. Sec. 304. If the total requested dollar amount of funds for refueling projects under RCW 15.110.020(4) (as recodified by this act) exceeds the amount available for refueling projects in the energy freedom account created in RCW 15.110.050 (as recodified by this act), the applications must be prioritized based upon the following criteria:

(1) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(2) The extent to which the project will reduce air and water pollution either directly or indirectly;

(3) The extent to which the project will establish a viable bioenergy production capacity in Washington;

(4) The extent to which the project will make biofuels more accessible to the motoring public;

(5) The benefits to Washington's agricultural producers; and

(6) The number and quality of jobs and economic benefits created by the project.

Sec. 305. RCW 15.110.050 and 2006 c 371 s 223 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature. ~~(Administrative costs of the department may not exceed three percent of the total funds available for this program.)~~

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in section 408 of this act; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

(4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any

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funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

(5) Subsections (2) through (4) of this section do not apply to assistance awarded for projects under RCW 15.110.020(3) (as recodified by this act).

Sec. 306. RCW 15.110.060 and 2006 c 171 s 7 are each amended to read as follows:

The director shall report to the legislature and governor on the status of the energy freedom program created under this chapter, on or before December 1, ~~((2006))~~ 2007, and annually thereafter. This report must include information on the projects that have been funded, the status of these projects, and their environmental, energy savings, and job creation benefits as well as an assessment of the availability of alternative fuels in the state and best estimates to indicate, by percentage, the types of biofuel feedstocks and sources that contribute to biofuels used in the state and the general geographic origination of such feedstocks and sources. Based on analysis of this information, the report must also recommend appropriate mechanisms, including but not limited to changes in state contracting practices, tax incentives, or renewable fuel standard provisions, that will help Washington farmers and businesses compete in an economically viable manner and will encourage environmentally sustainable development of an in-state biofuels industry based on feedstocks grown and produced in Washington.

NEW SECTION. Sec. 307. (1) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which the department of agriculture has signed loan agreements and disbursed funds prior to June 30, 2007, shall continue to be serviced by the department of agriculture.

(2) Energy freedom program projects funded pursuant to RCW 15.110.050 (as recodified by this act) or by the legislature pursuant to sections 191 and 192, chapter 371, Laws of 2006 for which moneys have been appropriated but loan agreements or disbursements have not been completed must be transferred to the department for project management on July 1, 2007, subject to the ongoing requirements of the energy freedom program.

PART 4 PLANNING FOR THE FUTURE

NEW SECTION. Sec. 401. (1) The department of ecology and the department of community, trade, and economic development, in implementing executive order number 07-02 shall include an analysis of, and potential for, vehicle electrification. That analysis may include:

(a) Use by the state of plug-in hybrid vehicles and developing plug-in availability at state locations;

(b) Incentives to encourage the use of plug-in truck auxiliary power units and truck stop electrification;

(c) Use of plug-in shore power for cargo and cruise ship terminals, shipside technology, and use of electric power alternatives for port-related operations and equipment such as switching locomotives, vessels and harborcraft, and cargo-handling equipment;

(d) Potential uses for and availability of plug-in hybrid school buses;

(e) Potential environmental and electrical grid impacts on electrical power consumption of the conversion of a meaningful portion of the state's private and public fleet to plug-in electrical power;

(f) Tax and fee incentives to encourage individual and fleet purchases of plug-in hybrid vehicles;

(g) State laws, rules, tariffs, and policies that impact transportation electrification and plug-in adoption, including pricing with incentives for off-peak charging;

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(h) Measures to encourage the use of plug-in vehicles by public fleets, and resulting cost savings, and whether state and local fleets should be required to purchase plug-in hybrid vehicles if it is determined that plug-in hybrid vehicles are commercially available at a reasonably comparable life-cycle cost;

(i) Explore the potential for the use of electrification of fixed transit routes for magnetic levitation propulsion systems;

(j) Actions by the state to help industries located in the state participate in developing and manufacturing plug-in vehicles and vehicle-to-grid technologies;

(k) Additional ways the state can promote transportation electrification in the private and public sectors, including cars and light-duty vehicles, and truck stop and port electrification; and

(1) Potential partners for vehicle-to-grid pilot projects that test the use of parked plug-in vehicles for power grid energy storage and support.

(2) The departments of ecology and community, trade, and economic development shall provide the appropriate committees of the legislature an analysis or report by March 1, 2008. The report may be included within the report produced for executive order number 07-02.

NEW SECTION. Sec. 402. A new section is added to chapter 28B.30 RCW to read as follows:

(1) Washington State University is directed to analyze the availability of biofuels in the state and to make best estimates to indicate, by percentage, the types and geographic origins of biofuel feedstock sources that contribute to biofuel production and use in the state, and to recommend models for possible implementation by the legislature or the executive office for at least the following potential biofuels incentive programs:

(a) Market incentives to encourage in-state production of brassica-based biodiesel, and cellulosic ethanol, including such market methods as direct grants, production tax credits, contracting preferences, and the issuance by the state of advance guaranteed purchase contracts;

(b) Possible preferred research programs, grants, or other forms of assistance for accelerating the development of in-state production of cellulosic ethanol and in-state biodiesel crops and their coproducts; and

(c) The following should be considered when evaluating potential biofuel incentive programs:

(i) Assisting Washington farmers and businesses in the development of economically viable, environmentally sustainable in-state biofuel and biofuel feedstock production;

(ii) Leveraging and encouraging private investment in biofuel production and distribution and biofuel feedstock production; and

(iii) Assisting in the development of biofuel feedstocks and production techniques that deliver the greatest net reductions in petroleum dependence and carbon emissions.

(2) An interim report on the work required under this section must be provided to the legislature and governor by December 1, 2007. A final report must be provided to the legislature and governor by December 1, 2008. Washington State University shall work closely with the department of community, trade, and economic development on these reports. The reports may be produced in conjunction with the reporting requirements of RCW 15.110.060 (as recodified by this act).

NEW SECTION. Sec. 403. (1) The department of community, trade, and economic development and the department of ecology shall develop a framework for the state of Washington to participate in emerging regional, national, and to the extent possible, global markets to mitigate climate change, on a multisector basis. This framework must include, but not be limited to, credible, verifiable, replicable inventory and accounting methodologies for each sector involved, along with the completion of the stakeholder process identified in executive order number 07-02 creating the Washington state climate change challenge.

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(2) The department of community, trade, and economic development and the department of ecology shall include the forestry sector and work closely with the department of natural resources on those recommendations.

(3) The department must provide a report to the legislature by December 1, 2008. The report may be included within the report produced for executive order number 07-02.

NEW SECTION. Sec. 404. (1) In preparing for the impacts of climate change consistent with executive order number 07-02, the departments of community, trade, and economic development and ecology shall work with the climate impacts group at the University of Washington to produce:

(a) A comprehensive state climate change assessment that includes the impacts of global warming, including impacts to public health, agriculture, the coast line, forestry, infrastructure, and water supply and management;

(b) An analysis of the potential human health impacts of climate change on the state of Washington.

(2) To ensure the appropriateness of these assessments for public agency planning and management, the departments and the climate impacts group shall consult with state and local public health resource planning and management agencies.

(3) If adequate funding is not made available for the completion of all elements required under this section, the departments and the climate impacts group shall list and prioritize which research projects have the greatest cost/benefit ratio in terms of providing information important for planning decisions.

(4) The work under this section that is completed by December 1, 2007, must be included in the final report of the Washington climate change challenge. Any further reports must be completed by December 15, 2008.

Sec. 405. RCW 47.17.020 and 1970 ex.s. c 51 s 5 are each amended to read as follows:

A state highway to be known as state route number 5, and designated as a Washington green highway, is established as follows:

Beginning at the Washington-Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county.

Sec. 406. RCW 47.17.135 and 1979 ex.s. c 33 s 3 are each amended to read as follows:

A state highway to be known as state route number 82, and designated as a Washington green highway, is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly and easterly by way of Yakima, Union Gap, Sunnyside, Prosser, Kiona, and Goose Gap west of Richland, thence southeasterly near Kennewick and southwesterly by way of the vicinity of Plymouth to a crossing of the Columbia river at the Washington-Oregon boundary line.

Sec. 407. RCW 47.17.140 and 1991 c 56 s 2 are each amended to read as follows:

A state highway to be known as state route number 90, and designated as the American Veterans Memorial Highway as well as a Washington green highway, is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line.

NEW SECTION. Sec. 408. (1) The vehicle electrification demonstration grant program is established within the department of community, trade, and economic development. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) The director may approve an application for a vehicle electrification demonstration project only if the director finds:

(a) The applicant is a state agency, public school district, public utility district, or a political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations or a state institution of higher education;

(b) The project partially funds the purchase of or conversion of existing vehicles to plug-in hybrid electric vehicles or battery electric vehicles for use in the applicant's fleet or operations;

(c) The project partners with an electric utility and demonstrates technologies to allow controlled vehicle charging, including the use of power electronics or wireless technologies, to regulate time-of-day and duration of charging;

(d) The project provides matching resources; and

(e) The project provides evaluation of fuel savings, greenhouse gas reductions, battery capabilities, energy management system, charge controlling technologies, and other relevant information determined on the advice of the vehicle electrification work group.

(3) The director may approve an application for a vehicle electrification demonstration project if the project, in addition to meeting the requirements of subsection (2) of this section, also demonstrates charging using on-site renewable resources or vehicle-to-grid capabilities that enable the vehicle to discharge electricity into the grid.

**PART 5
MISCELLANEOUS**

NEW SECTION. Sec. 501. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 502. The following sections are codified and recodified as a new chapter in Title 43 RCW entitled "Energy Freedom Program":

- RCW 15.110.005;
- RCW 15.110.010;
- RCW 15.110.020;
- RCW 15.110.030;
- RCW 15.110.040;
- RCW 15.110.050;
- RCW 15.110.060;
- RCW 15.110.900;
- RCW 15.110.901;
- Section 204 of this act;
- Section 205 of this act;
- Section 304 of this act;
- Section 307 of this act; and
- Section 403 of this act.

NEW SECTION. Sec. 503. Sections 205 and 301 through 307 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007."

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Rasmussen to the striking amendment be adopted.

On page 6 of the amendment, after line 23, insert the following:

"(3) To assist in the development of biodiesel feedstocks that provide favorable characteristics, including better fuel quality, lower net carbon dioxide emissions, and preferable cold-weather gel points, the department of general administration and local governments shall give contracting preference to biodiesel derived from brassica feedstocks. The department and local governments may only execute contracts for the purchase of biodiesel containing biodiesel derived from palm-oil feedstocks if the department can demonstrate that there

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was not sufficient availability of biodiesel derived from brassica feedstocks at the time of the contract and the contracted biodiesel will not contain biodiesel derived from palm-oil feedstocks harvested from croplands made available by the eradication of rainforest."

Renumber the sections consecutively and correct any internal references accordingly.

Senator Schoesler spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Rasmussen on page 6, after line 23 to the striking amendment to Engrossed Second Substitute House Bill No. 1303.

The motion by Senator Schoesler failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist to the striking amendment be adopted.

On page 8, after line 14, insert the following new subsection:

"(3) This section shall lapse if the Attorney General determines, in writing, that allowing public or private electrical vehicles to be recharged at state offices and at state expense violates Article 8, Section 7, or any other provision of, the state constitution."

Senator Holmquist spoke in favor of adoption of the amendment to the striking amendment.

Senator Poulsen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Holmquist on page 8, after line 14 to the striking amendment to Engrossed Second Substitute House Bill No. 1303.

The motion by Senator Holmquist failed and the amendment to the striking amendment was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the striking amendment be adopted.

On page 17, line 26 of the amendment, after "electrification;" strike "and"

On page 17, line 29 of the amendment, after "support" insert "; and"

(m) The use of hybrid vehicles must include an economic analysis of the total life-cycle cost to the state over the vehicle's estimated useful life, including energy inputs into the production of the vehicle, fuel usage, and all related costs of selection, acquisition, operation, maintenance, and disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of the vehicle's estimated useful life."

Senator Honeyford spoke in favor of adoption of the amendment to the striking amendment.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 17, line 26 to the striking amendment to Engrossed Second Substitute House Bill No. 1303.

The motion by Senator Honeyford failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Poulsen to Engrossed Second Substitute House Bill No. 1303.

The motion by Senator Poulsen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "emissions;" strike the remainder of the title and insert "amending RCW 70.94.017, 53.08.040, 43.19.642, 15.110.010, 15.110.020, 15.110.040, 15.110.050, 15.110.060, 47.17.020, 47.17.135, and 47.17.140; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 43.01 RCW; adding a new section to chapter 89.08 RCW; adding a new section to chapter 35.21 RCW; adding new sections to chapter 35.92 RCW; adding a new section to chapter 54.04 RCW; adding a new section to chapter 28B.30 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 15.110.005, 15.110.010, 15.110.020, 15.110.030, 15.110.040, 15.110.050, 15.110.060, 15.110.900, and 15.110.901; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Second Substitute House Bill No. 1303 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1303 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1303 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Delvin, Honeyford, Morton and Schoesler - 4

Excused: Senator Hewitt - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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SECOND READING

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SUBSTITUTE HOUSE BILL NO. 2129, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives VanDeWege, Hudgins, Morris, Eddy, Crouse, Hankins, McCoy, Takko, Hurst, McCune and Chase)

Regarding geothermal core holes.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following committee striking amendment by the Committee on Water, Energy & Telecommunications be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 78.60.070 and 1974 ex.s. c 43 s 7 are each amended to read as follows:

(1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. The department shall forward a duplicate copy to the department of ecology within ten days of filing.

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or redrilling is proposed to be made and in such other appropriate information media as the department may direct.

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit for each (~~(geothermal area)~~) core hole according to subsection (1) of this section, (~~(except that no)~~) including a permit fee ((shall be required)) for each core hole, but no notice need be published, and no hearing need be held. Such core holes that penetrate more than seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing. Such core holes as described by this subsection are subject to all other provisions of this chapter, including a bond or other security as specified in RCW (~~(79.76.130)~~) 78.60.130.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

Sec. 2. RCW 78.60.100 and 1974 ex.s. c 43 s 10 are each amended to read as follows:

Any well or core hole drilled under authority of this chapter from which:

(1) It is not technologically practical to derive the energy to produce electricity commercially, or the owner or operator has no intention of deriving energy to produce electricity commercially, and

(2) Usable minerals cannot be derived, or the owner or operator has no intention of deriving usable minerals, shall be plugged and abandoned as provided in this chapter or, upon the

owner's or operator's written application to the department of natural resources and with the concurrence and approval of the department of ecology, jurisdiction over the well may be transferred to the department of ecology and, in such case, the well shall no longer be subject to the provisions of this chapter but shall be subject to any applicable laws and (~~(regulations))~~ rules relating to wells drilled for appropriation and use of ground waters. If an application is made to transfer jurisdiction, a copy of all logs, records, histories, and descriptions shall be provided to the department of ecology by the applicant.

Sec. 3. RCW 78.60.130 and 1974 ex.s. c 43 s 13 are each amended to read as follows:

Every operator who engages in the drilling, redrilling, or deepening of any well or core hole shall file with the department a reasonable bond or bonds with good and sufficient surety, or the equivalent thereof, acceptable to the department, conditioned on compliance with the provisions of this chapter and all rules and (~~(regulations and))~~ permit conditions adopted pursuant to this chapter. This performance bond shall be executed in favor of and approved by the department.

In lieu of a bond the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account in a Washington bank on an assignment form prescribed by the department. The department, in its discretion, may accept a single surety or security arrangement covering more than one well or core hole.

Sec. 4. RCW 78.60.200 and 1974 ex.s. c 43 s 20 are each amended to read as follows:

(1) The owner or operator of any well or core hole shall keep or cause to be kept careful and accurate logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, descriptions, and histories of the drilling, redrilling, or deepening of the well.

(2) All logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, histories, and descriptions referred to in subsection (1) of this section shall be kept in the local office of the owner or operator, and together with other reports of the owner or operator shall be subject during business hours to inspection by the department. Each owner or operator, upon written request from the department, shall file with the department (~~(a))~~ one paper and one electronic copy of the logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, records, histories, descriptions, or other records or portions thereof pertaining to the geothermal drilling or operation underway or suspended.

Sec. 5. RCW 78.60.210 and 1974 ex.s. c 43 s 21 are each amended to read as follows:

Upon completion or plugging and abandonment of any well or core hole or upon the suspension of operations conducted with respect to any well or core hole for a period of at least six months, one paper and one electronic copy of ((the)) logs, including but not restricted to heat flow, temperature gradients, and rock conductivity logs, core ((record)), electric log, history, and all other logs and surveys that may have been run on the well, shall be filed with the department within thirty days after such completion, plugging and abandonment, or six months' suspension.

Sec. 6. RCW 78.60.230 and 1974 ex.s. c 43 s 23 are each amended to read as follows:

(1) The records of any owner or operator, when filed with the department as provided in this chapter, shall be confidential and shall be open to inspection only to personnel of the department for the purpose of carrying out the provisions of this chapter and to those authorized in writing by such owner or operator, until the expiration of a twenty-four month confidential period to begin at the date of commencement of production or of abandonment of the well or core hole. After expiration of the twenty-four month confidential period, the department shall ensure all logs and surveys that may have been

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run on the well or core hole are preserved in an electronic data system and made available to the public.

(2) Such records shall in no case, except as provided in this chapter, be available as evidence in court proceedings. No officer, employee, or member of the department shall be allowed to give testimony as to the contents of such records, except as provided in this chapter for the review of a decision of the department or in any proceeding initiated for the enforcement of an order of the department, for the enforcement of a lien created by the enforcement of this chapter, or for use as evidence in criminal proceedings arising out of such records or the statements upon which they are based.

Sec. 7. RCW 43.30.490 and 2003 c 70 s 2 are each amended to read as follows:

(1) The department may enter into a written cost-reimbursement agreement with a permit or lease applicant or project proponent to recover from the applicant or proponent the reasonable costs incurred by the department in carrying out the requirements of this chapter, as well as the requirements of other relevant laws, as they relate to permit coordination, environmental review, application review, technical studies, ~~((and))~~ permit or lease processing, and monitoring for permit compliance. The cost-reimbursement agreement shall identify the specific tasks, costs, and schedule for work to be conducted under the agreement. ~~((An applicant for a lease issued under chapter 79.90 RCW may not enter into a cost-reimbursement agreement under this section for projects conducted under the lease.))~~

(2) The written cost-reimbursement agreement shall be negotiated with the permit or lease applicant or project proponent. Under the provisions of a cost-reimbursement agreement, funds from the applicant or proponent shall be used by the department to contract with an independent consultant to carry out the work covered by the cost-reimbursement agreement. The department may also use funds provided under a cost-reimbursement agreement to assign current staff to review the work of the consultant, to provide necessary technical assistance when an independent consultant with comparable technical skills is unavailable, and to recover reasonable and necessary direct and indirect costs that arise from processing the permit or lease. The department shall, in developing the agreement, ensure that final decisions that involve policy matters are made by the agency and not by the consultant. The department shall make an estimate of the number of permanent staff hours to process the permits or leases, and shall contract with consultants to replace the time and functions committed by these permanent staff to the project. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments. Use of cost-reimbursement agreements shall not reduce the current level of staff available to work on permits or leases not covered by cost-reimbursement agreements. The department may not use any funds under a cost-reimbursement agreement to replace or supplant existing funding. The restrictions of chapter 42.52 RCW apply to any cost-reimbursement agreement, and to any person hired as a result of a cost-reimbursement agreement.

~~((3) The department may not enter into any new cost-reimbursement agreements on or after July 1, 2007. The department may continue to administer any cost-reimbursement agreement that was entered into before July 1, 2007, until the project is completed.))"~~

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Water, Energy & Telecommunications to Substitute House Bill No. 2129.

The motion by Senator Rockefeller carried and the committee striking amendment was adopted by voice vote.

MOTION

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There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "resources;" strike the remainder of the title and insert "and amending RCW 78.60.070, 78.60.100, 78.60.130, 78.60.200, 78.60.210, 78.60.230, and 43.30.490."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2129 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kline and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2129 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2129 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senator Kline - 1

SUBSTITUTE HOUSE BILL NO. 2129 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2007, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy and Crouse)

Defining allowable fuel blends. Revised for 1st Substitute: Regarding allowable fuel blends.

The measure was read the second time.

MOTION

On motion of Senator Rockefeller, the rules were suspended, Substitute House Bill No. 2007 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

MOTION

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On motion of Senator Delvin, Senator McCaslin was excused.

MOTION

On motion of Senator Marr, Senator Pridemore was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2007.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2007 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kline, McCaslin and Pridemore - 3

SUBSTITUTE HOUSE BILL NO. 2007, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9068, Carol Smith-Merkulov, as a member of the Horse Racing Commission, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF CAROL SMITH-MERKULOV

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9068, Carol Smith-Merkulov as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9068, Carol Smith-Merkulov as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Kline, McCaslin and Pridemore - 3

Gubernatorial Appointment No. 9068, Carol Smith-Merkulov, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1256, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Dickerson, Kagi, Hunter, O'Brien and Ericks)

Preventing serious injury and strangulation from window blind cords or other significant safety hazards in child care settings.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.215 RCW to read as follows:

(1) Minimum licensing requirements under this chapter shall include a prohibition on the use of window blinds or other window coverings with pull cords or inner cords capable of forming a loop and posing a risk of strangulation to young children. Window blinds and other coverings that have been manufactured or properly retrofitted in a manner that eliminates the formation of loops posing a risk of strangulation are not prohibited under this section.

(2) When developing and periodically reviewing minimum licensing requirements related to safety of the premises, the director shall consult and give serious consideration to publications of the United States consumer product safety commission.

(3) The department may provide information as available regarding reduced cost or no-cost options for retrofitting or replacing unsafe window blinds and window coverings.

NEW SECTION. Sec. 2. This act may be known and cited as the Jaclyn Frank act."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Substitute House Bill No. 1256.

The motion by Senator McAuliffe carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "settings;" strike the remainder of the title and insert "adding a new section to chapter 43.215 RCW; and creating a new section."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 1256 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator McAuliffe spoke in favor of passage of the bill.

Senator Stevens spoke against passage of the bill.

MOTION

On motion of Senator Marr, Senators Brown and Regala were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1256 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1256 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Holmquist, Morton and Stevens - 3

Excused: Senators Brown, Kline, Pridemore and Regala - 4

SUBSTITUTE HOUSE BILL NO. 1256 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:30 p.m. on motion of Senator Eide, the Senate was at ease.

The Senate was called to order at 3:26 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9098, Jeffrey Colliton, as a member of the Horse Racing Commission, be confirmed.

Senators Rockefeller and Marr spoke in favor of the motion.

APPOINTMENT OF JEFFREY COLLITON

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9098, Jeffrey Colliton as a member of the Horse Racing Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9098, Jeffrey Colliton as a member of the Horse Racing Commission and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Oemig - 1

Excused: Senators Brown and Pridemore - 2

Gubernatorial Appointment No. 9098, Jeffrey Colliton, having received the constitutional majority was declared confirmed as a member of the Horse Racing Commission.

SECOND READING

HOUSE BILL NO. 1820, by Representatives Dickerson, Hankins, Lovick, B. Sullivan, Simpson, Hasegawa and Moeller

Reducing air pollution through the licensing and use of medium-speed electric vehicles.

The measure was read the second time.

MOTION

On motion of Senator Murray, the rules were suspended, House Bill No. 1820 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown and Oemig were excused.

MOTION

On motion of Senator Marr, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1820.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1820 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Oemig - 2

HOUSE BILL NO. 1820, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4017, by Representatives Kessler and VanDeWege

Naming portions of Highways 112 and 113 the Korean War Veteran's Blue Star Memorial Highway.

The measure was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, House Joint Memorial No. 4017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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Senators Shin, Hargrove, Jacobsen, Prentice and Kastama spoke in favor of passage of the bill.

MOTION

On motion of Senator Swecker, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of House Joint Memorial No. 4017.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4017 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

HOUSE JOINT MEMORIAL NO. 4017, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5799, by Senators Haugen, Prentice, Swecker, Berkey, Marr, Kilmer, Clements, Sheldon, Schoesler and Shin

Reducing business and occupation tax rates for certain fuel distributors.

MOTION

On motion of Senator Haugen, Second Substitute Senate Bill No. 5799 was substituted for Senate Bill No. 5799 and the second substitute bill was placed on the second reading and read the second time.

MOTION

Senator Haugen moved that the following striking amendment by Senators Haugen and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.04.260 and 2006 c 354 s 4 and 2006 c 300 s 1 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent;

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(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) Beginning July 1, 2012, fruits or vegetables by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruits or vegetables manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds

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derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(8) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(9) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(10) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(11)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the

gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (11), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (11) must report as required under RCW 82.32.545.

(e) This subsection (11) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

(12)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business shall, in the case of extractors, be equal to the value of products, including byproducts, extracted, or in the case of extractors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire:

(i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business shall, in the case of manufacturers, be equal to the value of products, including byproducts, manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business shall be equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) For purposes of this subsection, the following definitions apply:

(i) "Timber products" means logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber; pulp; and recycled paper products.

(ii) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; and wood windows.

(13) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(14)(a) Except as provided in (b) of this subsection, until July 1, 2010, upon every person engaging within this state in the business of making wholesale sales of motor vehicle fuel or special fuel as a motor vehicle fuel distributor or a special fuel distributor; as to such persons the amount of tax with respect to the business shall be equal to the gross proceeds of sales of the

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motor vehicle fuel or special fuel multiplied by the rate of 0.2904 percent.

(b) This subsection does not apply to sales of motor vehicle fuel or special fuel when the seller:

(i) Removed the motor vehicle fuel or special fuel from a terminal or refinery rack and is a motor vehicle or special fuel supplier;

(ii) Imported the motor vehicle fuel or special fuel outside the bulk transfer terminal system;

(iii) Exported the motor vehicle fuel or special fuel; or

(iv) Blended the motor vehicle fuel or special fuel outside the bulk transfer terminal system.

(c) Nothing in this subsection (14) should be construed to exempt those sales of motor vehicle fuel or special fuel described in (b)(i) through (iv) of this subsection (14) from the tax imposed under this chapter.

(d) Except for the definition of "person," the definitions in chapters 82.36 and 82.38 RCW apply to this subsection (14).

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted.

On page 6, line , at the beginning of line 30 strike "2010" and insert "2012"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 6, line 30 to the striking amendment to Second Substitute Senate Bill No. 5799.

The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by a rising voice vote.

MOTION

Senator Swecker moved that the following amendment by Senator Swecker to the striking amendment be adopted.

On page 6, line 35, after "the rate of", strike "0.2904" and insert "0.138"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Swecker spoke in favor of adoption of the amendment to the striking amendment.

Senator Haugen spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Swecker on page 6, line 35 to the striking amendment to Second Substitute Senate Bill No. 5799.

The motion by Senator Swecker failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen and Prentice to Second Substitute Senate Bill No. 5799.

The motion by Senator Haugen carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "distributors;" strike the remainder of the title and insert "reenacting and amending RCW 82.04.260; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5799 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5799.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5799 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5799, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1505, by Representatives Clibborn, Curtis, Seaquist, Hinkle, Morrell, Linville, Armstrong, Rodne, B. Sullivan, Ericksen, Ericks, Roberts, Darneille, Moeller and McCune

Regarding physician assistants determining disability for special parking privileges.

The measure was read the second time.

MOTION

On motion of Senator Franklin, the rules were suspended, House Bill No. 1505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Franklin and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1505.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1505 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

HOUSE BILL NO. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Kessler, Rodne, Chandler, Hunt, Upthegrove and Miloscia)

Making adjustments to the recodification of the public records act.

The measure was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

SUBSTITUTE HOUSE BILL NO. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2236, by Representatives Goodman and Lantz

Disposing of certain assets.

The measure was read the second time.

MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2236.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2236 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

HOUSE BILL NO. 2236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1214, by Representatives McDonald and Morrell

Regarding the use of electronic wireless communications devices for text messaging while operating a moving motor vehicle.

The measure was read the second time.

MOTION

Senator Eide moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a person operating a moving motor vehicle who, by means of an electronic wireless communications device, other than a voice-activated global positioning or navigation system that is permanently affixed to the vehicle, sends, reads, or writes a text message, is guilty of a traffic infraction.

(2) Subsection (1) of this section does not apply to a person operating:

(a) An authorized emergency vehicle; or

(b) A moving motor vehicle while using an electronic wireless communications device to:

(i) Report illegal activity;

(ii) Summon medical or other emergency help;

(iii) Prevent injury to a person or property; or

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(iv) Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

NEW SECTION. Sec. 2. This act takes effect January 1, 2008."

MOTION

Senator Zarelli moved that the following amendment by Senator Zarelli to the committee striking amendment be adopted.

On page 1, line 10, after "infraction." insert "A person does not send, read or write a text message when he or she reads, selects or enters a phone number or name in a wireless communications device for the purpose of making a phone call."

Re-number the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zarelli, the amendment by Senator Zarelli on page 1, line 10 to the committee striking amendment to Engrossed House Bill No. 1412 was withdrawn.

MOTION

Senator Eide moved that the following amendment by Senators Eide and Benton to the committee striking amendment be adopted.

On page 1, after "vehicle." on line 21, insert the following: "(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense."

WITHDRAWAL OF AMENDMENT

On motion of Senator Eide, the amendment by Senators Eide and Benton on page 1, line 21 to the committee striking amendment to Engrossed House Bill No. 1214 was withdrawn.

MOTION

Senator Benton moved that the following amendment by Senator Benton to the committee striking amendment be adopted.

On page 1, after line 21, insert the following: "(3) Infractions under this act shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Re-number the sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Benton, the amendment by Senator Benton on page 1, line 21 to the committee striking amendment to Engrossed House Bill No. 1214 was withdrawn.

MOTION

Senator Eide moved that the following amendment by Senators Eide, Benton and Zarelli to the committee striking amendment be adopted.

On page 1, line 10, after "infraction." insert "A person does

not send, read or write a text message when he or she reads, selects or enters a phone number or name in a wireless communications device for the purpose of making a phone call."

On page 1, after line 21, insert the following:

"(3) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

(4) Infractions under this act shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Re-number the sections consecutively and correct any internal references accordingly.

Senators Eide and Benton spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Eide, Benton and Zarelli on page 1, line 10 to the committee striking amendment to Engrossed House Bill No. 1214.

The motion by Senator Eide carried and the amendment to the committee striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation as amended to Engrossed House Bill No. 1412.

The motion by Senator Eide carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "messages;" strike the remainder of the title and insert "adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date."

MOTION

On motion of Senator Eide, the rules were suspended, Engrossed House Bill No. 1214 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Kline and Poulsen were excused.

MOTION

On motion of Senator Marr, Senator Tom was excused.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1214 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of

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Engrossed House Bill No. 1214 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McCaslin, Murray, Oemig, Pflug, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Clements, Hewitt, Holmquist, Honeyford, McAuliffe, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 15

Excused: Senators Kline and Poulsen - 2

ENGROSSED HOUSE BILL NO. 1214 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2366, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee, Jarrett, Ormsby, Hunter and Kenney)

Requiring oversight of state agency housing decisions.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2366 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2366.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2366 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Fairley, Kline and Poulsen - 3

SUBSTITUTE HOUSE BILL NO. 2366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1401, by House Committee on Capital Budget (originally sponsored by

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Representatives Pettigrew, Springer, Dunn, McCune, Miloscia, Chase and Santos)

Regarding the acquisition of land for affordable housing.

The measure was read the second time.

MOTION

On motion of Senator Weinstein, the rules were suspended, Second Substitute House Bill No. 1401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Weinstein spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1401.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1401 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Fairley and Poulsen - 2

SECOND SUBSTITUTE HOUSE BILL NO. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1443, by Representatives Grant, Buri, Blake, Walsh, B. Sullivan, Linville, Hailey, Newhouse and O'Brien

Creating a public utility tax deduction for the transportation of agricultural commodities.

The measure was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 1443 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1443.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1443 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles,

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Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Keiser - 1

Excused: Senators Fairley and Poulsen - 2

HOUSE BILL NO. 1443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1671, by Representative Green

Modifying provisions relating to reclassifications, class studies, and salary adjustments.

The measure was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, House Bill No. 1671 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Keiser was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1671.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1671 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Holmquist, Honeyford, McCaslin and Morton - 4

Excused: Senators Keiser and Poulsen - 2

HOUSE BILL NO. 1671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1598, by Representatives Kretz, Ericks, Blake, Pettigrew, Armstrong, Warnick, Sump, Uptegrove, Newhouse, Kristiansen and Condotta

Requiring recipients of money from the salmon recovery funding board to agree to disclose information regarding the funding in compliance with chapter 42.56 RCW.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following committee striking amendment by the Committee on Natural Resources, Ocean & Recreation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; and

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~(and)~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

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(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) Any project sponsor receiving funding from the salmon recovery funding board that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to the expenditure of that funding as if the project sponsor was subject to the requirements of chapter 42.56 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Natural Resources, Ocean & Recreation to House Bill No. 1598.

The motion by Senator Jacobsen carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "recovery;" strike the remainder of the title and insert "and reenacting and amending RCW 77.85.130."

MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 1598 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1598 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1598 as amended by the Senate and the bill passed the

Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Keiser and Poulsen - 2

HOUSE BILL NO. 1598 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2357, by Representatives McIntire and Fromhold

Allowing a school district to transfer certain revenue into the district's capital projects account.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.64.110 and 2003 c 334 s 207 are each amended to read as follows:

Any moneys derived from the lease of state forest lands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, must be distributed as follows:

(1) State forest lands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(a) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account in the state general fund.

(b) Any balance remaining must be paid to the county in which the land is located to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(c) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(d) With regard to moneys remaining under this subsection (1), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(2) State forest lands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(a) Fifty percent shall be placed in the forest development account.

(b) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the

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county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(3) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 2. RCW 28A.320.330 and 2002 c 275 s 2 are each amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, ~~((and))~~ earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and on-line applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 2357.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title after "revenues;" strike the remainder of the title and insert "and amending RCW 79.64.110 and 28A.320.330."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2357 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2357 as amended by the Senate

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2357 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Keiser and Poulsen - 2

HOUSE BILL NO. 2357 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "Thank you Mr. President. I realize I haven't spoken much in the last few days. I want to thank my colleagues on both sides of the aisle. It's always a tough slog in the final days and we haven't always agreed on the bills that came before us but I really appreciate the spirit of the debate, the passion, and the integrity with which people express their differences of opinions. Mr. President, I want to thank you sincerely for your very hard work and your judicious rulings and of course and all the people who have set at the rostrum through hour after hour of scintillating debate. Your patience and your hard work is really appreciated by all of us in the Senate. The phrase. 'It takes a village to raise a child; might have been controversial but I think there can be no dispute that it takes a village to pass a bill. I also want to thank all the staff of the Senate. To make this thing happen everyone does an amazing commitment during the legislative session and even though we're not done yet, I thought it was appropriate as we reach this particular milestone to really express our thanks to everyone who works for the Senate including our dedicated committee staff and caucus staff as well our legislative assistants, the interns, the people in the cafeteria as well as Security and everyone else. It's not the end of session but it is a tough time. We've still got resolution of our differences to go and we have to come back tomorrow, unfortunately, to begin that process but I just want to let everybody know how proud I am of the work that we've done even especially the people that have been persistently encouraging us to pass the last bills on the calendar. We didn't get every good bill done this year so we'll have to take another stab at some of them next year but again thank you all."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you Mr. President. Well, I'd like to echo the comments of my colleague from the Third. We started out a little rocky, there's no doubt about it, but you know I said this many times this year, you have too many members and I have to few. It was a transition for all of us and it was a learning experience and I know it was an adjustment for all of us because in the past we've been able to work together on issues and sometimes cross the aisles and stop things. This year's was a lot more difficult but I do want to thank you. As I said, we did have a rocky start but I think we ended up fairly well and we're not done yet but I will say with most sincerity we could have absolutely done without yesterday."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Does the ruling party have the authority to move cut off to about 5:20? I had a bill coming up with an amendment and all you did was tease me. The second amendment I've offered so far this year but I haven't had an answer yet Mr. President. Do they have that authority?"

REPLY BY THE PRESIDENT

President Owen: "I'll give you the answer tomorrow morning."

PARLIAMENTARY INQUIRY

Senator McCaslin: "Then, my inquiry is, do they have the authority to move cut off until tomorrow morning? I'm flexible Mr. President."

REPLY BY THE PRESIDENT

President Owen: "With enough votes you can do anything and I'm counting. You could probably do that."

MOTION

At 5:07 p.m., on motion of Senator Eide, the Senate adjourned until 9:00 a.m. Saturday, April 14, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SENATE JOURNAL
SIXTIETH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2007 Regular Session Convened January 8, 2007

Adjourned Sine Die April 22, 2007

Official Record of All Senate Actions Compiled, Edited, and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Thomas Hoemann, Secretary of the Senate

Volume 2



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Rosa Franklin, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

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2007

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Majority Floor Leader Tracey J. Eide
Majority WhipDebbie Regala
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NINETY-SEVENTH DAY, APRIL 14, 2007

2007 REGULAR SESSION

NINETY-SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, April 14, 2007

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Hargrove, Poulsen and Tom.

The Sergeant at Arms Color Guard consisting of Ms. Erika Keech and Ms. Shiloh Burgess aides to Senator Parlette, presented the Colors. Senator Morton offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SENATE BILL NO. 5498,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Rockefeller moved that Gubernatorial Appointment No. 9275, Judy Schurke, as Director of the Department of Labor and Industries, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

MOTION

On motion of Senator Brandland, Senators Holmquist, Pflug and Stevens were excused.

APPOINTMENT OF JUDY SCHURKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9275, Judy Schurke as Director of the Department of Labor and Industries.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9275, Judy Schurke as Director of the Department of Labor and Industries and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senators Hargrove and Tom - 2

Excused: Senator Poulsen - 1

Gubernatorial Appointment No. 9275, Judy Schurke, having received the constitutional majority was declared confirmed as Director of the Department of Labor and Industries.

MOTION

On motion of Senator Regala, Senators Hargrove and Kastama were excused.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Prentice moved that Gubernatorial Appointment No. 9253, Keven Rojecki, as a member of the Gambling Commission, be confirmed.

Senators Prentice and Jacobsen spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Tom was excused.

MOTION

On motion of Senator Marr, Senator Kilmer was excused.

APPOINTMENT OF KEVEN ROJECKI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9253, Keven Rojecki as a member of the Gambling Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9253, Keven Rojecki as a member of the Gambling Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Absent: Senators Brown, Carrell and Kohl-Welles - 3

Excused: Senator Tom - 1

Gubernatorial Appointment No. 9253, Keven Rojecki, having received the constitutional majority was declared confirmed as a member of the Gambling Commission.

MOTION

At 9:22 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

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The Senate was called to order at 10:13 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1054,
HOUSE BILL NO. 1069,
SUBSTITUTE HOUSE BILL NO. 1135,
HOUSE BILL NO. 1247,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1341,
HOUSE BILL NO. 1370,
HOUSE BILL NO. 1412,
HOUSE BILL NO. 1431,
HOUSE BILL NO. 1447,
SUBSTITUTE HOUSE BILL NO. 1642,
HOUSE BILL NO. 1670,
SECOND SUBSTITUTE HOUSE BILL NO. 1677,
SUBSTITUTE HOUSE BILL NO. 1693,
HOUSE BILL NO. 1747,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1831,
HOUSE BILL NO. 1888,
HOUSE BILL NO. 1994,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
SUBSTITUTE HOUSE BILL NO. 2286,
SUBSTITUTE HOUSE BILL NO. 2300,
HOUSE JOINT MEMORIAL NO. 4016,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,
SUBSTITUTE HOUSE BILL NO. 1039,
HOUSE BILL NO. 1064,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1137,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1338,
ENGROSSED HOUSE BILL NO. 1379,
HOUSE BILL NO. 1416,
HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1456,
HOUSE BILL NO. 1501,
SUBSTITUTE HOUSE BILL NO. 1565,
SUBSTITUTE HOUSE BILL NO. 1574,
HOUSE BILL NO. 1645,
HOUSE BILL NO. 1666,
SUBSTITUTE HOUSE BILL NO. 1784,
SUBSTITUTE HOUSE BILL NO. 1843,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
HOUSE BILL NO. 1939,
SUBSTITUTE HOUSE BILL NO. 1953,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,

SUBSTITUTE HOUSE BILL NO. 2130,
HOUSE BILL NO. 2152,
HOUSE BILL NO. 2154,
HOUSE BILL NO. 2319,
ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5174, with the following amendment: 5174-S AMH HAIGH PRIN 054; 5174-S AMH CONW PRIN 052

On page 18, after line 3, insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 41.40 RCW under the subchapter heading "plan 1" to read as follows:

(1) Beginning July 1, 2007, and ending September 30, 2007, an eligible member of plan 1 of the teachers' retirement system may make a one-time irrevocable election, filed in writing with the department, to leave any service credit earned as a member of plan 1 of the teachers' retirement system in that system and join plan 1 of the public employees' retirement system. An eligible member who makes such an election may, upon satisfying the requirements of chapter 41.54 RCW, become a dual member of the two systems in order to combine service in each system for the purpose of determining benefit eligibility.

(2) For the purpose of this section, an "eligible member" means a member of plan 1 of the teachers' retirement system who, at the time of election, has at least ten and not more than twenty years of service credit in that system and who is employed by the public school employees of Washington."

Correct the title.

On page 18, after line 3, insert the following:

"**Sec. 13.** RCW 41.32.813 and 2006 c 257 s 1 are each amended to read as follows:

(1) An active member who has completed a minimum of ~~(five)~~two years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government; ~~(and)~~

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a

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rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section.

Sec. 14. RCW 41.32.868 and 2006 c 257 s 2 are each amended to read as follows:

(1) An active member who has completed a minimum of ~~((five))~~two years of creditable service in the teachers' retirement system may, upon written application to the department, make a one-time purchase of up to seven years of service credit for public education experience outside the Washington state retirement system, subject to the following limitations:

(a) The public education experience being claimed must have been performed as a teacher in a public school in another state or with the federal government;

(b) The public education experience being claimed must have been covered by a retirement or pension plan provided by a state or political subdivision of a state, or by the federal government; and

(c) The member is not currently receiving a benefit or currently eligible to receive an unreduced retirement benefit from a retirement or pension plan of a state or political subdivision of a state or the federal government that includes the service credit to be purchased.

(2) The service credit purchased shall be membership service, and may be used to qualify the member for retirement.

(3) The member shall pay the actuarial value of the resulting increase in the member's benefit calculated in a manner consistent with the department's method for calculating payments for reestablishing service credit under RCW 41.50.165.

(4) The member may pay all or part of the cost of the service credit to be purchased with a lump sum payment, eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan. The department shall adopt rules to ensure that all lump sum payments, rollovers, and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(5) The employer also may pay all or a portion of the member's cost of the service credit purchased under this section."

Renumber the remaining section.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5224 and ask the House to recede therefrom.

POINT OF ORDER

Senator Pridmore: "Mr. President, pursuant to Senate Rule 66, I would like to make a scope and object case against the house amendments. Substitute Senate Bill No. 5174, as it left this body, was corrective legislation; did not expand the eligibility of the retirement benefits or membership for anyone in the retirement system. The house amendments, in contrast, makes substantive changes to retirement statutes, expand eligibility for various retirement benefits. House amendment 516 enacts a new statute, authorizes certain members of the teachers retirement system to transfer the public retirement system. House amendment 505 expands the eligibility for members of the teachers' retirement system to purchase out-of-state service

credits. Neither of the house amendments are corrective retirement statutes. Both amendments are new substantive expansions of current retirement benefits so, therefore, outside of the scope and object of the original bill. I ask for your ruling."

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 5174 was deferred and the bill held it's place on the concurrence calendar.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5224, with the following amendment: 5224-S AMH ENGR H3231.E

Strike everything after the enacting clause and insert the following:

"**Sec. 3.** RCW 77.85.010 and 2005 c 309 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office created in RCW 77.85.030.

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors

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including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 4. RCW 77.85.020 and 2005 c 309 s 3 are each amended to read as follows:

(1) ~~((By December 1, 2006))~~ No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report ~~((may))~~ must include the following:

(a) ~~((A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;~~

~~—(b))~~ A summary of habitat projects including but not limited to:

(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

(ii) A summary of salmon restoration efforts undertaken in the past two years;

(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

(iv) A summary of efforts taken to protect salmon habitat;

~~((c))~~ ~~A summary of collaborative efforts undertaken with adjoining states or Canada;~~

~~—(d))~~ (b) A summary of harvest and hatchery management activities affecting salmon recovery;

~~((e))~~ ~~A summary of information regarding impediments to successful salmon recovery efforts;~~

~~—(f))~~ (c) A summary of the number and types of violations of existing laws pertaining to ~~((i) Water quality, and (ii))~~ salmon. The summary ~~((shall))~~ may include information about the types of sanctions imposed for these violations ~~((;~~

~~—(g))~~ ~~Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and~~

~~—(h))~~ ~~Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:~~

~~—(i) The need to expand or improve nonregulatory programs and activities;~~

~~—(ii) The need to expand or improve state and local laws and regulations; and~~

~~—(iii) Recommendations for state funding assistance to recovery activities and projects).~~

(2) The report may include the following:

(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and

(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.

(3) The report shall summarize the monitoring data coordinated by the ~~((monitoring))~~ forum on monitoring salmon recovery and watershed health. The summary ~~((must))~~ may include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

(4) The department, the department of ecology, the department of natural resources, the state conservation commission, and the forum on monitoring salmon recovery and watershed health shall provide to the governor's salmon recovery office information requested by the office necessary to prepare the state of the salmon report and other reports produced by the office.

Sec. 5. RCW 77.85.030 and 2005 c 309 s 4 are each amended to read as follows:

(1) The governor's salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery. The governor's salmon recovery office shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans; ~~((and))~~

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to the independent science panel or other science-related panels on issues pertaining to salmon recovery.

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~((2))~~ (5) This section expires June 30, ~~((2007))~~ 2015.

Sec. 6. RCW 77.85.040 and 2005 c 309 s 5 are each amended to read as follows:

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(1) The governor (~~shall~~) may request the (~~(national)~~) Washington academy of sciences, (~~(the American fisheries society, or a comparable institution to screen candidates to serve as members on the)~~) when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. (~~(The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate.)~~) The (~~(candidates)~~) panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(~~(2) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.~~)

(~~(3) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years.~~) Based upon available funding, the governor's salmon recovery office may contract for services (~~(with members)~~) of the independent science panel for compensation under chapter 39.29 RCW.

(~~(4)~~) (2) The independent science panel shall be governed by (~~(generally accepted)~~) guidelines and practices governing the activities of (~~(independent science boards such as)~~) the (~~(national)~~) Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may, during the time it is constituted, request (~~(review of regional salmon recovery plans by the science review panel)~~) that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel shall (~~(periodically)~~) submit its findings and recommendations under this subsection to the legislature and the governor.

Sec. 7. RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030, during the time it is constituted, as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

Sec. 8. RCW 77.85.150 and 2005 c 309 s 9 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, (~~shall~~) during the time it is constituted, maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) (~~(Beginning on September 1, 2000,)~~) If the strategy (~~(shall be)~~) is updated (~~(through)~~), an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall (~~(hold public meetings)~~) work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to (~~(similarly)~~) ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

Sec. 9. RCW 43.41.270 and 2001 c 227 s 2 are each amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office, during the time it is constituted, shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. (~~(The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.)~~)

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

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(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW ~~((79.24.580))~~ 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public ~~((works))~~ works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

NEW SECTION. Sec. 10. A new section is added to chapter 77.85 RCW to read as follows:

(1) The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

(2) The forum on monitoring salmon recovery and watershed health is created. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound action team, or a successor state agency;
- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

(3) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

(4) The forum on monitoring salmon recovery and watershed health shall recommend a set of measures for use by the governor's salmon recovery office in the state of the salmon report to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

(5) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

(6) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies, coordinating with the governor's salmon recovery office biennial report as required by RCW 77.85.020.

(7) The forum shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

(8) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

(9) This section expires June 30, 2015."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5224 and ask the House to recede therefrom.

Senators Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5224 and ask the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5224 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044, with the following amendment: 6044-S2.E AMH APP H3311.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.100.010 and 2006 c 153 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means ~~((the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period))~~ a vessel that has been left, moored, or anchored in the same area without the express consent, or contrary to the rules of, the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five-day period, and the vessel's owner is: (a) Not known or cannot be located; or (b) known and located but is unwilling to take control of the vessel. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with

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ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.02.300 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" (~~has the same meaning as defined in RCW 53.08.310~~) means every species of watercraft or other mobile artificial contrivance, powered or unpowered, intended to be used for transporting people or goods on water or for floating marine construction or repair and which does not exceed two hundred feet in length. "Vessel" includes any trailer used for the transportation of watercraft, or any attached floats or debris.

Sec. 2. RCW 79.100.040 and 2006 c 153 s 3 are each amended to read as follows:

(1) Prior to exercising the authority granted in RCW 79.100.030, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in RCW 79.100.030, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in RCW 79.100.060.

(3)(a) If a vessel is: (i) In immediate danger of sinking, breaking up, or blocking navigational channels(??); or (ii) poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination; and (iii) the owner of the vessel cannot be located or is unwilling or unable to assume immediate responsibility for the vessel, any authorized public entity may tow, beach, or otherwise take temporary possession of the vessel.

(b) Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department or the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. If the authorized public entity has

not already provided the required notice, immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in RCW 79.100.050.

NEW SECTION. Sec. 3. A new section is added to chapter 79.100 RCW to read as follows:

A marina owner may contract with a local government for the purpose of participating in the derelict vessel removal program. The local government shall serve as the authorized public entity for the removal of the derelict vessel from the marina owner's property. The contract must provide for the marina owner to be financially responsible for the removal costs that are not reimbursed by the department as provided under RCW 79.100.100, and any additional reasonable administrative costs incurred by the local government during the removal of the derelict vessel. Prior to the commencement of any removal which will seek reimbursement from the derelict vessel removal program, the contract and the proposed vessel removal shall be submitted to the department for review and approval. The local government shall use the procedure specified under RCW 79.100.100(6).

Sec. 4. RCW 79.100.100 and 2006 c 153 s 6 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under section 7 of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement shall not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 shall be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated

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with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 5. RCW 88.02.050 and 2005 c 464 s 2 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may

collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

Sec. 6. RCW 88.02.050 and 2002 c 286 s 13 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under section 7 of this act, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two-dollar derelict vessel fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for

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distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 7. A new section is added to chapter 88.02 RCW to read as follows:

(1) In order to address the significant backlog of derelict vessels that have accumulated in our state's waters that pose a threat to the health and safety of the people and to our environment, the legislature intends to collect a derelict vessel removal surcharge.

(2) In addition to the fees collected under RCW 88.02.050, the department shall collect an annual derelict vessel removal surcharge of one dollar effective with vessel registrations that are due or will become due on or after January 1, 2008. The revenue generated from the derelict vessel surcharge must be deposited into the derelict vessel removal account established under RCW 79.100.100, and is to be used only for the removal of vessels that are less than seventy-five feet in length.

(3) This section expires January 1, 2014.

NEW SECTION. Sec. 8. (1) The department of natural resources, in consultation with the department of revenue, the department of licensing, and other appropriate stakeholder groups, shall examine:

(a) The costs and benefits of extending a derelict vessel removal fee or surcharges to vessels that are not subject to RCW 88.02.050; and

(b) The use of alternative revenue sources, such as the watercraft excise tax, in order to more equitably distribute the financial responsibility of supporting the cost of the derelict vessel program. The departments shall submit a report of the findings to the appropriate policy and fiscal committees of the legislature by November 1, 2007.

(2) The department of natural resources, the department of ecology, representatives from the ship demolition industry, and representatives from the environmental community shall convene a work group to discuss operations and permitting requirements surrounding the demolition and disposal of large abandoned and derelict vessels. The department of natural resources shall consider the findings of the work group when updating the guidelines for the derelict vessel program.

NEW SECTION. Sec. 9. Section 5 of this act expires June 30, 2012.

NEW SECTION. Sec. 10. Section 6 of this act takes effect June 30, 2012."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044 and ask the House to recede therefrom.

Senators Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044 and ask the House to recede therefrom.

The motion by Senator Jacobsen carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5050, with the following amendment: 5050-S AMH CL H3289.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.118.041 and 1998 c 298 s 4 are each amended to read as follows:

(1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request to the manufacturer's corporate, dispute resolution, zone, or regional office address shall, at the option of the consumer, replace or repurchase the new motor vehicle.

(a) The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options. Where the manufacturer supplies a replacement motor vehicle, the manufacturer shall be responsible for sales tax, license, registration fees, and refund of any incidental costs. Compensation for a reasonable offset for use shall be paid by the consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

(b) When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. When repurchasing the new motor vehicle, in the instance of a lease, the manufacturer shall refund to the consumer all payments made by the consumer under the lease including but not limited to all lease payments, trade-in value or inception payment, security deposit, all collateral charges and incidental costs less a reasonable offset for use. The manufacturer shall make such payment to the lessor and/or lienholder of record as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder.

(c) The reasonable offset for use shall be computed by multiplying the number of miles that the vehicle traveled directly attributable to use by the consumer during the time between the original purchase, lease, or in-service date and the date beginning the first attempt to diagnose or repair a nonconformity which ultimately results in the repurchase or replacement of the vehicle multiplied times the purchase price, and dividing the product by one hundred twenty thousand, except in the case of a motor home, in which event it shall be divided by ninety thousand. However, the reasonable offset for use calculation total for a motor home is subject to modification by the board by decreasing or increasing the offset total up to a maximum of one-third of the offset total. The board may modify the offset total in those circumstances where the board determines that the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space are significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home. Except in the case of a motor home, where a manufacturer repurchases or replaces a vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled directly attributable to use by the consumer"

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shall be limited to the period between the original purchase, lease, or in-service date and the date of the fifteenth cumulative calendar day out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects repurchase of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be ~~((calculated from))~~ limited to the period between the date of purchase ~~((or)),~~ lease by, or transfer to the consumer and the date of the consumer's initial attempt to obtain diagnosis or repair of a nonconformity which ultimately results in the repurchase or replacement of the vehicle or which adds to thirty or more cumulative calendar days out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects replacement of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in-service date and the first attempt to diagnose or repair a nonconformity which ultimately results in the replacement of the vehicle. Except in the case of a motor home, where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the manufacturer replaces the vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in service date and the date of the fifteenth cumulative calendar day out of service.

(d) In the case of a motor vehicle that is a motor home, where a manufacturer repurchases or replaces a motor home from the first purchaser, lessee, or transferee or from the second or subsequent purchaser, lessee, or transferee solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that a motor home traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the thirtieth cumulative calendar day out-of-service.

(2) Reasonable number of attempts, except in the case of a new motor vehicle that is a motor home acquired after June 30, 1998, shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the warranty period, if: (a) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (c) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first. A new motor vehicle is deemed to have been "subject to diagnose or repair" when a consumer presents the new motor vehicle for warranty service at a service and repair facility authorized, designated, or maintained by a manufacturer to provide warranty services or a facility to which the manufacturer or an authorized facility has directed the consumer to obtain warranty service. A new motor vehicle has not been "subject to diagnose or repair" if the consumer refuses to allow the facility to attempt or complete a recommended warranty repair, or demands return of the vehicle to the

consumer before an attempt to diagnose or repair can be completed.

(3)(a) In the case of a new motor vehicle that is a motor home acquired after June 30, 1998, a reasonable number of attempts shall be deemed to have been undertaken by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers to conform the new motor vehicle to the warranty within the warranty period, if: (i) The same serious safety defect has been subject to diagnosis or repair one or more times during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to repair three or more times, at least one of which is during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the nonconformity continues to exist; or (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of sixty calendar days aggregating all motor home manufacturer days out of service, and the motor home manufacturers have had at least one opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities after receipt of notification from the consumer as provided for in (c) of this subsection. For purposes of this subsection, each motor home manufacturer's written warranty must be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(b) In the case of a new motor vehicle that is a motor home, after one attempt has been made to repair a serious safety defect, or after three attempts have been made to repair the same nonconformity, the consumer shall give written notification of the need to repair the nonconformity to each of the motor home manufacturers at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers to coordinate and complete a final attempt to cure the nonconformity. The motor home manufacturers each have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility where the vehicle will be repaired. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. The motor home manufacturers have a cumulative total of thirty days, commencing upon delivery of the vehicle to the designated repair facility by the consumer, to conform the vehicle to the applicable motor home manufacturer's written warranty. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to a final attempt to cure the nonconformity.

(c) In the case of a new motor vehicle that is a motor home, if the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers for a cumulative total of thirty or more days aggregating all motor home manufacturer days out of service, the consumer shall so notify each motor home manufacturer in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities. The motor home manufacturers have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility

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where the vehicle will be repaired. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. Once the buyer delivers the vehicle to the designated repair facility, the inspection and repairs must be completed by the motor home manufacturers either (i) within ten days or (ii) before the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for sixty days, whichever time period is longer. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to at least one opportunity to inspect and repair the vehicle's nonconformities after receipt of notification from the buyer as provided for in this subsection (3)(c).

(4) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers shall not have a cause of action against dealers under this chapter. Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Weinstein moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5050.

Senator Weinstein spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Weinstein that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5050.

The motion by Senator Weinstein carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5050 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5050, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5050, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5050, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5108, with the following amendment: 5108-S AMH ENGR H3161.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND PURPOSE. The legislature finds that maintaining the capacity to provide adequate food and fiber resources is essential to the long-term sustainability of the state's citizens and economy. The nation's population has reached three hundred million and will continue to increase for the foreseeable future. Further, the world population is now over six billion and is projected to reach nine billion by the year 2050.

In Washington state, the population is growing by over one million people every decade with much of this growth occurring in western Washington. This growth is increasing the competition for land not only for housing, but also associated retail, commercial, industrial, and leisure industries.

The legislature finds that many once-productive agricultural areas in western Washington have been overtaken and irreversibly converted to nonagricultural uses. Other agricultural areas in the state have diminished to the point that they are dangerously close to losing the land mass necessary to be economically viable. Further, only a limited number of areas in western Washington still retain a sufficient agricultural land base and the necessary agricultural infrastructure to continue to be economically viable both in the short term and the long term.

The legislature recognizes that because this significant decline has largely occurred in less than a half century, it is imperative that mechanisms be established at the state level to focus attention, take the action needed to retain agricultural land, and ensure the opportunity for future generations to farm these lands.

The legislature finds that history shows that previous advanced civilizations in the world were founded on highly productive agricultural lands and food production systems but when the land or its productivity was lost, the civilizations declined. In contrast, other civilizations have existed for millennia because they maintained their agricultural land base, its productivity, and economic conditions sufficient to maintain stewardship of their land.

The legislature finds that there is a finite quantity of high quality agricultural land and that often this agricultural land is mistakenly viewed as an expendable resource. The legislature finds that the retention of agricultural land is desirable, not only to produce food, livestock, and other agricultural products, but also to maintain our state economy and preferable environmental conditions. For these reasons, and because it is essential that agricultural production be sufficient to meet the needs of our growing population, commitment to the retention of agricultural land should be reflected at the state policy level by the creation of an office of farmland preservation to support the retention of farmland and the viability of farming for future generations.

NEW SECTION. Sec. 2. OFFICE OF FARMLAND PRESERVATION--POWERS AND DUTIES. (1) The office of farmland preservation is created and shall be located within the state conservation commission.

(2) Staff support for the office shall be provided by the state conservation commission.

(3) The office of farmland preservation may:

(a) Provide advice and assist the state conservation commission in implementing the provisions of RCW 89.08.530

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and 89.08.540, including the merits of leasing or purchasing easements for fixed terms in addition to purchasing easements in perpetuity;

(b) Develop recommendations for the funding level and for the use of the agricultural conservation easements account established in RCW 89.08.540 with the guidance of the farmland preservation task force established under section 3 of this act;

(c) With input from the task force created in section 3 of this act, provide an analysis of the major factors that have led to past declines in the amount and use of agricultural lands in Washington and of the factors that will likely affect retention and economic viability of these lands into the future including, but not limited to, pressures to convert land to nonagricultural uses, loss of processing plants and markets, loss of profitability, productivity, and competitive advantage, urban sprawl, water availability and quality, restrictions on agricultural land use, and conversion to recreational or other uses;

(d) Develop model programs and tools, including innovative economic incentives for landowners, to retain agricultural land for agricultural production, with the guidance from the farmland preservation task force created under section 3 of this act;

(e) Provide technical assistance to localities as they develop and implement programs, mechanisms, and tools to encourage the retention of agricultural lands;

(f) Develop a grant process and an eligibility certification process for localities to receive grants for local programs and tools to retain agricultural lands for agricultural production;

(g) Provide analysis and recommendations as to the continued development and implementation of the farm transition program including, but not limited to, recommending:

(i) Assistance in the preparation of business plans for the transition of business interests;

(ii) Assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; and

(iii) Research assistance on agricultural, financial, marketing, and other related transition matters;

(h) Begin the development of a farm transition program to assist in the transition of farmland and related businesses from one generation to the next, aligning the farm transition program closely with the farmland preservation effort to assure complementary functions; and

(i) Serve as a clearinghouse for incentive programs that would consolidate and disseminate information relating to conservation programs that are accessible to landowners and assist owners of agricultural lands to secure financial assistance to implement conservation easements and other projects.

NEW SECTION. Sec. 3. FARMLAND PRESERVATION TASK FORCE. (1) The farmland preservation task force is established with the following voting members:

(a) Six farmer representatives, one from each of six regions delineated by the state conservation commission at least one of whom is a commercial livestock producer, of which at least two representatives shall be under the age of forty-five, appointed by the governor from persons nominated by recognized agricultural organizations;

(b) A representative of the state conservation commission, appointed by the chair of the state conservation commission;

(c) A representative of the department of agriculture, appointed by the director;

(d) A representative of counties in eastern Washington, appointed by the Washington state association of counties;

(e) A representative of counties in western Washington, appointed by the Washington state association of counties;

(f) Two members of the senate, one from each major political caucus, appointed by the president of the senate;

(g) Two members of the house of representatives, one from each major political caucus, appointed by the speaker of the house of representatives;

(h) A representative of the office of the governor, appointed by the governor; and

(i) A representative of conservation districts, appointed by the state association of conservation districts.

(2) The following persons shall be requested to participate as nonvoting members of the farmland preservation task force:

(a) A representative of the federal natural resources conservation service with knowledge of federal agricultural land retention programs and funding sources, appointed by the state conservationist; and

(b) A person with technical expertise from the department of community, trade, and economic development, appointed by the agency's director.

(3) The task force shall meet at least twice a year. The task force shall be staffed by the state conservation commission. The chair of the task force shall be elected for a term of one year by the voting members of the task force.

(4) Nonlegislative members of the task force are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 by the state conservation commission. Legislative members of the task force are entitled to be reimbursed for travel expenses in accordance with RCW 44.04.120.

(5) This section expires January 1, 2011.

Sec. 4. RCW 89.08.530 and 2002 c 280 s 2 are each amended to read as follows:

(1) The agricultural conservation easements program is created. The state conservation commission shall manage the program and adopt rules as necessary to implement the legislature's intent.

(2) The commission shall report to the legislature on an ongoing basis regarding potential funding sources for the purchase of agricultural conservation easements under the program and recommend changes to existing funding authorized by the legislature.

(3) All funding for the program shall be deposited into the agricultural conservation easements account created in RCW 89.08.540. Expenditures from the account shall be made to local governments and private nonprofits on a match or no match required basis at the discretion of the commission. Moneys in the account may be used to purchase easements in perpetuity or to purchase or lease easements for a fixed term.

(4) Easements purchased with money from the agricultural conservation easements account run with the land.

Sec. 5. RCW 89.08.540 and 2002 c 280 s 3 are each amended to read as follows:

(1) The agricultural conservation easements account is created in the custody of the state treasurer. All receipts from legislative appropriations, other sources as directed by the legislature, and gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the purchase of easements in perpetuity or for the purchase or lease of easements for a fixed term under the agricultural conservation easements program. Only the state conservation commission, or the executive director of the commission on the commission's behalf, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The commission is authorized to receive and expend gifts, grants, or endowments from public or private sources that are made available, in trust or otherwise, for the use and benefit of the agricultural conservation easements program.

NEW SECTION. Sec. 6. A new section is added to chapter 90.84 RCW to read as follows:

Agricultural land shall not be acquired by a governmental entity for wetland mitigation purposes through eminent domain.

NEW SECTION. Sec. 7. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or

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safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 8. CAPTIONS NOT LAW.

Captions used in this act are not any part of the law.

NEW SECTION. Sec. 9. Sections 1 through 3 and 8 of this act constitute a new chapter in Title 89 RCW."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5108.

Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5108.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5108 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5108, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5108, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Clements, Holmquist and Honeyford - 3

SUBSTITUTE SENATE BILL NO. 5108, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5236, with the following amendment: 5236-S AMH H3100.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79A.25 RCW to read as follows:

(1) The habitat and recreation lands coordinating group is established. The habitat and recreation lands coordinating group must include representatives from the committee, the state parks and recreation commission, the department of natural resources, and the Washington state department of fish and wildlife. The members of the habitat and recreation lands coordinating group must have subject matter expertise with the issues presented in this section. Representatives from appropriate stakeholder organizations and local government

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must also be considered for participation on the habitat and recreation lands coordinating group, but may only be appointed or invited by the director.

(2) To ensure timely completion of the duties assigned to the habitat and recreation lands coordinating group, the director shall submit yearly progress reports to the office of financial management.

(3) The habitat and recreation lands coordinating group must:

(a) Review agency land acquisition and disposal plans and policies to help ensure statewide coordination of habitat and recreation land acquisitions and disposals;

(b) Produce an interagency, statewide biennial forecast of habitat and recreation land acquisitions and disposal plans;

(c) Establish procedures for publishing the biennial forecast of acquisition and disposal plans on web sites or other centralized, easily accessible formats;

(d) Develop and convene an annual forum for agencies to coordinate their near-term acquisition and disposal plans;

(e) Develop a recommended method for interagency geographic information system-based documentation of habitat and recreation lands in cooperation with other state agencies using geographic information systems;

(f) Develop recommendations for standardization of acquisition and disposal recordkeeping, including identifying a preferred process for centralizing acquisition data;

(g) Develop an approach for monitoring the success of acquisitions;

(h) Identify and commence a dialogue with key state and federal partners to develop an inventory of potential public lands for transfer into habitat and recreation land management status;

(i) Review existing and proposed habitat conservation plans on a regular basis to foster statewide coordination and save costs.

(4) The group shall revisit the committee's and Washington wildlife and recreation program's planning requirements to determine whether coordination of state agency habitat and recreation land acquisition and disposal could be improved by modifying those requirements.

(5) The group must develop options for centralizing coordination of habitat and recreation land acquisition made with funds from federal grants. The advantages and drawbacks of the following options, at a minimum, must be developed:

(a) Requiring that agencies provide early communication on the status of federal grant applications to the committee, the office of financial management, or directly to the legislature;

(b) Establishing a centralized pass-through agency for federal funds, where individual agencies would be the primary applicants.

(6) This section expires July 31, 2012. Prior to January 1, 2012, the committee shall make a formal recommendation to the appropriate committees of the legislature as to whether the existence of the habitat and recreation lands coordinating group should be continued beyond July 31, 2012, and if so, whether any modifications to its enabling statute should be pursued. The committee shall involve all participants in the habitat and recreation lands coordinating group when developing the recommendations."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 79A.25 RCW; and providing an expiration date." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5236.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5236.

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The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5236 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5236, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5236, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5315, with the following amendment: 5315-S AMH ENGR H3144.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs shall convene a model policy work group to develop a model policy for sheriffs regarding residents, landowners, and others in lawful possession and control of land in the state during a forest fire or wildfire. The model policy must be designed in a way that, first and foremost, protects life and safety during a forest fire or wildfire. The model policy must include guidance on allowing access, when safe and appropriate, to residents, landowners, and others in lawful possession and control of land in the state during a wildfire or forest fire. The model policy must specifically address procedures to allow, when safe and appropriate, residents, landowners, and others in lawful possession and control of land in the state access to their residences and land to:

(a) Conduct fire prevention or suppression activities;

(b) Protect or retrieve any property located in their residences or on their land, including equipment, livestock, or any other belongings; or

(c) Undertake activities under both (a) and (b) of this subsection.

(2) In developing the policy under subsection (1) of this section, the association shall consult with appropriate stakeholders and government agencies.

NEW SECTION. Sec. 2. A new section is added to chapter 47.48 RCW to read as follows:

(1) Each county sheriff may, until a model policy pursuant to section 1 of this act is developed and implemented in the sheriff's county, establish and maintain a registry of persons authorized to access their land during a forest or wildfire. Upon request, the sheriff must include in the registry persons who demonstrate ownership of agriculture land or forest land within the county and who possess equipment that may be used for fire

prevention or suppression activities. Persons included in the registry must be allowed to access their property to conduct fire prevention or suppression activities despite the closure of any state highway, county road, or city street under this chapter.

(2)(a) Residents, landowners, and others in lawful possession and control of land in the state are not liable for unintentional injuries or loss suffered by persons entering upon, or passing through, their land pursuant to this section.

(b) Federal, state, and local agencies, and their employees, are not liable for any action, or failure to act, when facilitating the access described in this section.

Sec. 3. RCW 47.48.040 and 1977 ex.s. c 216 s 3 are each amended to read as follows:

Except as provided under section 2 of this act, when any state highway, county road, or city street or portion thereof shall have been closed, or when the maximum speed limit thereon shall have been reduced, for all vehicles or any class of vehicles, as by law provided, any person, firm, or corporation disregarding such closing or reduced speed limit shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing or reduced speed limit."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5315.

Senator Jacobsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5315.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5315 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5315, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5315, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5315, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

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RICHARD NAFZIGER, Chief Clerk

HOUSE BILL NO. 1054
 HOUSE BILL NO. 1069,
 SUBSTITUTE HOUSE BILL NO. 1135,
 HOUSE BILL NO. 1247,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1249,
 SUBSTITUTE HOUSE BILL NO. 1258,
 HOUSE BILL NO. 1341,
 HOUSE BILL NO. 1370,
 HOUSE BILL NO. 1412,
 HOUSE BILL NO. 1431,
 HOUSE BILL NO. 1447,
 SUBSTITUTE HOUSE BILL NO. 1642,
 HOUSE BILL NO. 1670,
 SECOND SUBSTITUTE HOUSE BILL NO. 1677,
 SUBSTITUTE HOUSE BILL NO. 1693,
 HOUSE BILL NO. 1747,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1756,
 SUBSTITUTE HOUSE BILL NO. 1826,
 HOUSE BILL NO. 1831,
 HOUSE BILL NO. 1888,
 HOUSE BILL NO. 1994,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2111,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2164,
 SUBSTITUTE HOUSE BILL NO. 2286,
 SUBSTITUTE HOUSE BILL NO. 2300,
 HOUSE JOINT MEMORIAL NO. 4016,

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1009,
 SUBSTITUTE HOUSE BILL NO. 1039,
 HOUSE BILL NO. 1064,
 HOUSE BILL NO. 1084,
 HOUSE BILL NO. 1137,
 HOUSE BILL NO. 1218,
 SUBSTITUTE HOUSE BILL NO. 1338,
 ENGROSSED HOUSE BILL NO. 1379,
 HOUSE BILL NO. 1416,
 HOUSE BILL NO. 1430,
 SUBSTITUTE HOUSE BILL NO. 1456,
 HOUSE BILL NO. 1501,
 SUBSTITUTE HOUSE BILL NO. 1565,
 SUBSTITUTE HOUSE BILL NO. 1574,
 HOUSE BILL NO. 1645,
 HOUSE BILL NO. 1666,
 SUBSTITUTE HOUSE BILL NO. 1784,
 SUBSTITUTE HOUSE BILL NO. 1843,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1858,
 HOUSE BILL NO. 1939,
 SUBSTITUTE HOUSE BILL NO. 1953,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1968,
 SUBSTITUTE HOUSE BILL NO. 2130,
 HOUSE BILL NO. 2152,
 HOUSE BILL NO. 2154,
 HOUSE BILL NO. 2319,
 ENGROSSED HOUSE JOINT RESOLUTION NO. 4204,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4215,

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5401, with the following amendment: 5401.E AMH WARN VANS 001

On page 6, line 34, after "by" strike all material through "association" on line 35 and insert "Christmas tree growers and by established Christmas tree grower associations having members in the state" and the same are herewith transmitted.

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5401.
 Senator Rasmussen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5401.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5401 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5401, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Holmquist and Honeyford - 2

ENGROSSED SENATE BILL NO. 5401, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5447, with the following amendment: 5447-S AMH APP H3291.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the coastal Dungeness crab fishery is one of the most valuable commercial fisheries in Washington. For example, the 2004-05 season resulted in landings of twenty-one million pounds with an estimated ex-vessel value of over thirty million dollars. The fishery represents a vital economic foundation for many coastal communities.

Since 1994, the coastal Dungeness crab fishery has faced significant pressure and has undergone many regulatory changes stemming from issues relating to the sustainability of the resource, the safety and sustainability of the fleet, interstate and federal jurisdiction questions, as well as allocation issues.

In order to further promote the sustainability of the coastal Dungeness crab resource, the coastal crab fleet, and coastal communities, the legislature intends for the department of fish and wildlife to develop a proposed coastal Dungeness buyback program that would be implemented in cooperation with the federal government upon future legislative direction.

NEW SECTION. Sec. 2. (1) The department shall develop a detailed proposed Dungeness crab-coastal fishery buyback program. The proposed program must provide for the purchase

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and permanent retirement of Dungeness crab-coastal fishery licenses. The department shall design this element of the proposed program with the goal of purchasing between eighty and one hundred Dungeness crab-coastal fishery licenses.

(2) In addition to license purchase and retirement, the proposed program may provide for the purchase or retirement of vessels designated on Dungeness crab-coastal fishery licenses.

(3) The proposed program must explore funding alternatives that involve federal funding, state funding, funding provided by Dungeness crab-coastal license holders, low-interest loans to license holders, and combinations thereof.

(4)(a) The department must include in the proposed program those elements necessary for the administration of the buyback, including the mechanisms by which Dungeness crab-coastal license holders may apply to participate in the program if it is authorized and by which the department will select licenses or vessels for purchase from among the applicants.

(b) The proposed program must include and clearly set forth any conditions that will be placed on Dungeness crab-coastal license holders participating in the program.

(5) The proposed program must be designed to have a neutral impact on Dungeness crab harvests in the state and federal waters off the coasts of Oregon and California.

(6) The proposed program must assume that participation by Dungeness crab-coastal license holders in the program would be entirely voluntary.

(7) The department shall consult with Dungeness crab-coastal license holders when designing the proposal.

(8) To assist the department in the development of the proposal, the department may contract with persons not employed by the state.

(9) By December 1, 2007, the department shall provide a report detailing the program proposal to the appropriate policy and fiscal committees of the senate and house of representatives.

(10) The proposed program developed under this section is not authorized to be implemented, and state funds are not authorized to be expended, without further specific legislative authorization.

(11) This section expires December 31, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5447.

Senator Jacobsen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5447.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5447 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5447, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5447, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

49

SUBSTITUTE SENATE BILL NO. 5447, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5467, with the following amendment: 5467-S2 AMH HS H3113.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) A developmental disability is a natural part of human life, and the presence of a developmental disability in the life of a person does not diminish the person's rights or opportunity to participate fully in the life of the local community;

(b) Investing in family members who have children and adults living in the family home preserves a valuable natural support system for the individual with a developmental disability and is also cost-effective for the state of Washington;

(c) Providing support services to families can help maintain the well-being of the family and stabilize the family unit.

(2) It is the intent of the legislature:

(a) To partner with families as care providers for children with developmental disabilities and adults who choose to live in the family home;

(b) That individual and family services be centered on the needs of the person with a developmental disability and the family;

(c) That, to the maximum extent possible, individuals and families must be given choice of services and exercise control over the resources available to them.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.12 RCW to read as follows:

(1) The individual and family services program for individuals eligible to receive services under this title is established. This program replaces family support opportunities, traditional family support, and the flexible family support pilot program. The department shall transfer funding associated with these existing family support programs to the individual and family services program and shall operate the program within available funding. The services provided under the individual and family services program shall be funded by state funding without benefit of federal match.

(2) The department shall adopt rules to implement this section. The rules shall provide:

(a) That eligibility to receive services in the individual and family services program be determined solely by an assessment of individual need;

(b) For service priority levels to be developed that specify a maximum amount of dollars for each person per level per year;

(c) That the dollar caps for each service priority level be adjusted by the vendor rate increases authorized by the legislature; and

(d) That the following services be available under the program:

(i) Respite care;

(ii) Therapies;

(iii) Architectural and vehicular modifications;

(iv) Equipment and supplies;

(v) Specialized nutrition and clothing;

(vi) Excess medical costs not covered by another source;

(vii) Copays for medical and therapeutic services;

(viii) Transportation;

(ix) Training;

(x) Counseling;

(xi) Behavior management;

(xii) Parent/sibling education;

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(xiii) Recreational opportunities; and

(xiv) Community services grants.

(3) In addition to services provided for the service priority levels under subsections (1) and (2) of this section, the department shall provide for:

(a) One-time exceptional needs and emergency needs for individuals and families not receiving individual and family services annual grants to assist individuals and families who experience a short-term crisis; and

(b) Respite services based on the department's assessment for a parent who provides personal care in the home to his or her adult son or daughter with developmental disabilities.

(4) If a person has more complex needs, a family is experiencing a more prolonged crisis, or it is determined a person needs additional services, the department shall assess the individual to determine if placement in a waiver program would be appropriate.

NEW SECTION. Sec. 3. This act may be known and cited as the Lance Morehouse, Jr. memorial individual and family services act.

NEW SECTION. Sec. 4. Nothing in this act shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, the child or family is not eligible for such services, or sufficient funding has not been appropriated for this program." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5467.

Senators Keiser and Delvin spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5467.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5467 by voice vote.

MOTION

On motion of Senator Marr, Senators Hargrove and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5467, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5467, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SECOND SUBSTITUTE SENATE BILL NO. 5467, as amended by the House, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Honeyford: "Thank you Mr. President. I want to point out some history. One-hundred forty-some years ago, Lee had just surrendered and President Lincoln had given a speech about reconstruction of the South and there was those who took exception to it and it's exactly one-hundred forty-two years ago today, at ten o'clock at night, in Fords Theater that Lincoln was shot and died the following day. Thank you."

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, with the following amendment: 5726-S.E AMH H3265.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** This act may be known and cited as the insurance fair conduct act.

Sec. 2. RCW 48.30.010 and 1997 c 409 s 107 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation promulgated pursuant to chapter 34.05 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by the commissioner to be unfair or deceptive after a review of all comments received during the notice and comment rule-making period.

(3)(a) In defining other methods of competition and other acts and practices in the conduct of such business to be unfair or deceptive, and after reviewing all comments and documents received during the notice and comment rule-making period, the commissioner shall identify his or her reasons for defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive and shall include a statement outlining these reasons as part of the adopted rule.

(b) The commissioner shall include a detailed description of facts upon which he or she relied and of facts upon which he or she failed to rely, in defining the method of competition or other act or practice in the conduct of insurance to be unfair or deceptive, in the concise explanatory statement prepared under RCW 34.05.325(6).

(c) Upon appeal the superior court shall review the findings of fact upon which the regulation is based de novo on the record.

(4) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order by which it is promulgated.

(5) If the commissioner has cause to believe that any person is violating any such regulation, the commissioner may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person violates the order after expiration of ten days after the cease and desist order has been received by him or her, he or she

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may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter.

(6) If any such regulation is violated, the commissioner may take such other or additional action as is permitted under the insurance code for violation of a regulation.

(7) An insurer engaged in the business of insurance may not unreasonably deny a claim for coverage or payment of benefits to any first party claimant. "First party claimant" has the same meaning as in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 48.30 RCW to read as follows:

(1) Any first party claimant to a policy of insurance who is unreasonably denied a claim for coverage or payment of benefits by an insurer may bring an action in the superior court of this state to recover the actual damages sustained, together with the costs of the action, including reasonable attorneys' fees and litigation costs, as set forth in subsection (3) of this section.

(2) The superior court may, after finding that an insurer has acted unreasonably in denying a claim for coverage or payment of benefits or has violated a rule in subsection (5) of this section, increase the total award of damages to an amount not to exceed three times the actual damages.

(3) The superior court shall, after a finding of unreasonable denial of a claim for coverage or payment of benefits, or after a finding of a violation of a rule in subsection (5) of this section, award reasonable attorneys' fees and actual and statutory litigation costs, including expert witness fees, to the first party claimant of an insurance contract who is the prevailing party in such an action.

(4) "First party claimant" means an individual, corporation, association, partnership, or other legal entity asserting a right to payment as a covered person under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by such a policy or contract.

(5) A violation of any of the following is a violation for the purposes of subsections (2) and (3) of this section:

(a) WAC 284-30-330, captioned "specific unfair claims settlement practices defined";

(b) WAC 284-30-350, captioned "misrepresentation of policy provisions";

(c) WAC 284-30-360, captioned "failure to acknowledge pertinent communications";

(d) WAC 284-30-370, captioned "standards for prompt investigation of claims";

(e) WAC 284-30-380, captioned "standards for prompt, fair and equitable settlements applicable to all insurers"; or

(f) An unfair claims settlement practice rule adopted under RCW 48.30.010 by the insurance commissioner intending to implement this section. The rule must be codified in chapter 284-30 of the Washington Administrative Code.

(6) This section does not limit a court's existing ability to make any other determination regarding an action for an unfair or deceptive practice of an insurer or provide for any other remedy that is available at law.

(7) This section does not apply to a health plan offered by a health carrier. "Health plan" has the same meaning as in RCW 48.43.005. "Health carrier" has the same meaning as in RCW 48.43.005.

(8)(a) Twenty days prior to filing an action based on this section, a first party claimant must provide written notice of the basis for the cause of action to the insurer and office of the insurance commissioner. Notice may be provided by regular mail, registered mail, or certified mail with return receipt requested. Proof of notice by mail may be made in the same manner as prescribed by court rule or statute for proof of service by mail. The insurer and insurance commissioner are deemed to have received notice three business days after the notice is mailed.

(b) If the insurer fails to resolve the basis for the action within the twenty-day period after the written notice by the first party claimant, the first party claimant may bring the action without any further notice.

(c) The first party claimant may bring an action after the required period of time in (a) of this subsection has elapsed.

(d) If a written notice of claim is served under (a) of this subsection within the time prescribed for the filing of an action under this section, the statute of limitations for the action is tolled during the twenty-day period of time in (a) of this subsection."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Weinstein moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5726.

Senator Weinstein spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Weinstein that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5726.

The motion by Senator Weinstein carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5726 by voice vote.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5726, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5726, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

ENGROSSED SUBSTITUTE SENATE BILL NO. 5726, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5826, with the following amendment: 5826-S AMH IFCP H3093.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.182.170 and 2005 c 342 s 1 are each amended to read as follows:

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(1) A ~~(victim of identity theft who has submitted a valid police report to a consumer reporting agency)~~ consumer, who is a resident of this state, may elect to place a security freeze on his or her credit report by making a request in writing by certified mail to a consumer reporting agency. "Security freeze" means a ~~(notice placed in a consumer's credit report, at the request of the consumer and subject to certain exceptions, that prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer)~~ prohibition, consistent with this section, on a consumer reporting agency's furnishing of a consumer's credit report to a third party intending to use the credit report to determine the consumer's eligibility for credit. If a security freeze is in place, information from a consumer's credit report may not be released to a third party without prior express authorization from the consumer. This subsection does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer's credit report.

(2) For purposes of this section and RCW 19.182.180 through 19.182.210~~(-a)~~;

(a) "Victim of identity theft" means:(

~~(a) A victim of identity theft as defined in RCW 9.35.020; or~~
~~(b) A person who has been notified by an agency, person, or business that owns or licenses computerized data of a breach in a computerized data system which has resulted in the acquisition of that person's unencrypted personal information by an unauthorized person or entity)~~ a person who has a police report evidencing their claim to be a victim of a violation of RCW 9.35.020 and which report will be produced to a consumer reporting agency, upon such consumer reporting agency's request.

(b) "Credit report" means a consumer report, as defined in 15 U.S.C. Sec. 1681a, that is used or collected to serve as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.

(c) "Normal business hours" means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m. Pacific Time.

(3) A consumer reporting agency shall place a security freeze on a consumer's credit report no later than five business days after receiving a written request from the consumer and payment of the fee required by the consumer reporting agency under subsection (13) of this section.

(4) The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within ten business days and shall provide the consumer with a unique personal identification number or password to be used by the consumer when providing authorization for the release of his or her credit report for a specific party or period of time.

(5) If the consumer wishes to allow his or her credit report to be accessed for a specific ~~((party or))~~ period of time while a freeze is in place, he or she shall contact the consumer reporting agency, request that the freeze be temporarily lifted, and provide the following:

(a) Proper identification, which means that information generally deemed sufficient to identify a person. Only if the consumer is unable to sufficiently identify himself or herself, may a consumer reporting agency require additional information concerning the consumer's employment and personal or family history in order to verify his or her identity;

(b) The unique personal identification number or password provided by the ~~((credit))~~ consumer reporting agency under subsection (4) of this section; ((and))

(c) The proper information regarding ~~((the third party who is to receive the credit report or))~~ the time period for which the report is available to users of the credit report; and

(d) Payment of the fee required by the consumer reporting agency under subsection (13) of this section.

(6) A consumer reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section~~(-c))~~ shall comply with the request ~~((no later than))~~ within:

(a) Three business days ((after)) of receiving the request by mail; or

(b) Fifteen minutes of receiving the request from the consumer through the electronic contact method chosen by the consumer reporting agency in accordance with subsection (8) of this section, if the request:

(i) Is received during normal business hours; and

(ii) Includes the consumer's proper identification and correct personal identification number or password.

(7) A consumer reporting agency is not required to remove a security freeze within the time provided in subsection (6)(b) of this section if:

(a) The consumer fails to meet the requirements of subsection (5) of this section; or

(b) The consumer reporting agency's ability to remove the security freeze within fifteen minutes is prevented by:

(i) An act of God, including fire, earthquakes, hurricanes, storms, or similar natural disasters or phenomena;

(ii) Unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, labor strikes, or disputes disrupting operations, or similar occurrences;

(iii) An interruption in operations, including electrical failure, unanticipated delay in equipment or replacement part delivery, computer hardware or software failures inhibiting response time, or similar disruptions;

(iv) Governmental action, including emergency orders or regulations, judicial or law enforcement action, or similar directives;

(v) Regularly scheduled maintenance of, or updates to, the consumer reporting agency's systems outside of normal business hours;

(vi) Commercially reasonable maintenance of, or repair to, the consumer reporting agency's systems that is unexpected or unscheduled; or

(vii) Receipt of a removal request outside of normal business hours.

(8) A consumer reporting agency may develop procedures involving the use of telephone, fax, the internet, or other electronic media to receive and process a request from a consumer to temporarily lift a freeze on a credit report under subsection (5) of this section in an expedited manner.

~~((8))~~ (9) A consumer reporting agency shall remove or temporarily lift a freeze placed on a consumer's credit report only in the following cases:

(a) Upon consumer request, under subsection (5) or ((+)) (12) of this section; or

(b) When the consumer's credit report was frozen due to a material misrepresentation of fact by the consumer. When a consumer reporting agency intends to remove a freeze upon a consumer's credit report under this subsection, the consumer reporting agency shall notify the consumer in writing prior to removing the freeze on the consumer's credit report.

~~((9))~~ (10) When a third party requests access to a consumer credit report on which a security freeze is in effect, and this request is in connection with an application for credit or any other use, and the consumer does not allow his or her credit report to be accessed for that ((specific party or)) period of time, the third party may treat the application as incomplete.

~~((+))~~ (11) When a consumer requests a security freeze, the consumer reporting agency shall disclose the process of placing and temporarily lifting a freeze, and the process for allowing access to information from the consumer's credit report for a specific ((party or)) period of time while the freeze is in place.

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~~((H))~~ (12) A security freeze remains in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within three business days of receiving a request for removal from the consumer, who provides ~~((both))~~ all of the following:

(a) Proper identification, as defined in subsection (5)(a) of this section; ~~((and))~~

(b) The unique personal identification number or password provided by the consumer reporting agency under subsection (4) of this section; and

(c) Payment of the fee required by the consumer reporting agency under subsection (13) of this section.

~~((H2))~~ (13)(a) Except as provided in (b) of this subsection, a consumer reporting agency may charge a fee of no more than ten dollars to a consumer for placement of each freeze, temporary lift of the freeze, or removal of the freeze.

(b) A consumer reporting agency may not charge a fee to place a security freeze for a victim of identity theft or for a consumer, who is sixty-five years old or older.

(14) This section does not apply to the use of a consumer credit report by any of the following:

(a) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the consumer to that person or entity, or a prospective assignee of a financial obligation owing by the consumer to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this subsection, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements;

~~(b) (A subsidiary, affiliate, agent, assignee, or prospective assignee of a person to whom access has been granted under subsection (5) of this section for purposes of facilitating the extension of credit or other permissible use;~~

~~((e))~~ Any federal, state, or local entity, including a law enforcement agency, court, or their agents or assigns;

~~((d) A private collection agency))~~ (c) Any person acting under a court order, warrant, or subpoena;

~~((e))~~ (d) A child support agency acting under Title IV-D of the social security act (42 U.S.C. et seq.);

~~((f))~~ (e) The department of social and health services acting to fulfill any of its statutory responsibilities;

~~((g))~~ (f) The internal revenue service acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of its other statutory responsibilities;

~~((h))~~ (g) The use of credit information for the purposes of prescreening as provided for by the federal fair credit reporting act;

~~((i))~~ (h) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed; ~~((and~~

~~((j))~~ (i) Any person or entity for the purpose of providing a consumer with a copy of his or her credit report upon the consumer's request; and

(j) A mortgage broker or loan originator required to be licensed under chapter 19.146 RCW.

(15) Liability may not result to the consumer reporting agency if through inadvertence or mistake the consumer reporting agency releases credit report information to a person or entity purporting to be a mortgage broker or loan originator under subsection (14) of this section that is, in fact, not a mortgage broker or loan originator.

(16) The consumer's request for a security freeze does not prohibit the consumer reporting agency from disclosing the consumer's credit report for other than credit-related purposes.

(17) A violation of subsection (6) of this section does not provide a private cause of action under RCW 19.86.090. A violation of subsection (6) of this section shall be enforced exclusively by the attorney general. A violation of subsection (6) of this section is subject to all other remedies and penalties available under this chapter.

NEW SECTION. Sec. 2. This act takes effect September 1, 2008."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Berkey moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5826.

Senators Berkey and Benton spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Berkey that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5826.

The motion by Senator Berkey carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5826 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5826, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5826, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5826, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Zarelli: "Thank you Mr. President. I just wanted to share with the body today that tomorrow is Yom HaShoah and if you're Jewish you probably know more about tomorrow than most of us which is a Jewish day of remembrance of the Holocaust. Mr. President, I just wanted to make sure that all of us are aware of that. I think it's very important that all of us, whether we are of Jewish faith or not, remember that because history is a very important thing when it comes understanding the future. So, I just wanted to remind the body of that day as Jews around the world will be remembering those series of very horrific events. Something that we all gathered together in this country to put an end to years ago-those in the greatest generation. I think it's worthy of remembrance by all of us. Thank you."

PERSONAL PRIVILEGE

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Senator Kline: "Thank you Mr. President, I just want to thank the good member for pointing that out and much appreciated. Thank you."

PERSONAL PRIVILEGE

Senator Weinstein: "I, too, would like to thank the good Senator for pointing that out. I would also like to take this time to honor Senator McCaslin for his service in World War II in trying to put an end to Nazi tyranny. Thank you very much, Senator McCaslin."

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, with the following amendment: 5923-S2.E AMH ENGR H3123.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.400 and 2005 c 464 s 5 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 (49) through (54), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(2) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

~~((2))~~ (3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh stations managed by the Washington state patrol. The watercraft must be inspected for the presence of (~~zebra mussels and other~~) aquatic invasive species; and

(b) By the department of fish and wildlife to:

(i) Establish random check stations, (~~in conjunction with the department of fish and wildlife,~~) to inspect recreational and commercial watercraft (~~in areas of high boating activity~~) as provided for in RCW 77.12.879(3);

(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;

(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and

(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.

~~((2))~~ (4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

Sec. 2. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

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(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(56) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (49) through (54) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(57) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

Sec. 3. RCW 77.12.879 and 2005 c 464 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in

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this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect ~~recreational and commercial watercraft (watercraft trailers, and outboard motors at selected boat launching sites)~~;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by ~~((marine)) recreational and commercial watercraft~~ in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations on how to inspect recreational and commercial watercraft for the presence of ((zebra mussels and other)) aquatic invasive species. The department ((shall also cooperatively work with the Washington state patrol to set up random check stations to inspect watercraft at areas of high boating activity)) is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that is contaminated with aquatic invasive species is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

(1) The department shall adopt rules governing how and when the owners of recreational and commercial watercraft may request an inspection of the watercraft for the presence of aquatic invasive species. The department may coordinate with other states on inspection requirements and may determine when other state inspections meet Washington standards.

(2) The department shall develop and post signs warning vessel owners of the threat of aquatic invasive species, the penalties associated with introduction of an aquatic invasive species, and the contact information for obtaining a free inspection. The signs should provide enough information for the public to discern whether the vessel has been operated in an area that would warrant the need for an inspection. The department shall consult with the state patrol and the department of transportation regarding proper placement and authorization for sign posting.

(3) All port districts, privately or publicly owned marinas, state parks, and all state agencies or political subdivisions that own or lease a boat launch must display a sign provided by the department as described under subsection (2) of this section.

Signs must be posted in a location near the boat launch to provide maximum visibility to the public.

(4) The department must coordinate with the Washington state parks and recreation commission to include such information in all boating publications provided to the public. The department shall also include the information on the department's internet site.

Sec. 5. RCW 77.15.253 and 2002 c 281 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful use of a prohibited aquatic animal species if he or she possesses, imports, purchases, sells, propagates, transports, or releases a prohibited aquatic animal species within the state, except as provided in this section.

(2) Unless otherwise prohibited by law, a person may:

(a) Transport prohibited aquatic animal species to the department, or to another destination designated by the director, in a manner designated by the director, for purposes of identifying a species or reporting the presence of a species;

(b) Possess a prohibited aquatic animal species if he or she is in the process of removing it from watercraft or equipment in a manner specified by the department;

(c) Release a prohibited aquatic animal species if the species was caught while fishing and it is being immediately returned to the water from which it came; or

(d) Possess, transport, or release a prohibited aquatic animal species as the commission may otherwise prescribe.

(3) Unlawful use of a prohibited aquatic animal species is a gross misdemeanor. A subsequent violation of subsection (1) of this section within five years is a class C felony.

(4) A person is guilty of unlawful release of a regulated aquatic animal species if he or she releases a regulated aquatic animal species into state waters, unless allowed by the commission.

(5) Unlawful release of a regulated aquatic animal species is a gross misdemeanor.

(6) A person is guilty of unlawful release of an unlisted aquatic animal species if he or she releases an unlisted aquatic animal species into state waters without requesting a commission designation under RCW 77.12.020.

(7) Unlawful release of an unlisted aquatic animal species is a gross misdemeanor.

(8) This section does not apply to:

(a) The transportation or release of organisms in ballast water;

(b) A person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species, if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(c) A person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department and has received a receipt verifying that the watercraft has not been contaminated since its last use.

Sec. 6. RCW 77.15.290 and 2002 c 281 s 7 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by rule of the commission or director.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any rule of the commission or the director governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

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(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) A person is guilty of unlawful transport of aquatic plants if the person transports aquatic plants on any state or public road, including forest roads, except as provided in this section.

(5) Unless otherwise prohibited by law, a person may transport aquatic plants:

(a) To the department, or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(b) When legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(c) When transporting a commercial aquatic plant harvester to a suitable location for purposes of removing aquatic plants;

(d) In a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(e) As the commission may otherwise prescribe.

(6) Unlawful transport of aquatic plants is a misdemeanor.

(7) This section does not apply to: (a) Any person stopped at an aquatic invasive species check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

NEW SECTION. Sec. 7. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawfully avoiding aquatic invasive species check stations if the person fails to:

(a) Obey check station signs; or

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer.

(2) Unlawfully avoiding aquatic invasive species check stations is a gross misdemeanor.

Sec. 8. RCW 77.120.010 and 2000 c 108 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(4) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(5) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(6) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(7) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore,

then that distance is the required distance for purposes of compliance with this chapter.

(8) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(9) "Sediments" means any matter settled out of ballast water within a vessel.

(10) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(11) "Vessel" means a ~~((self-propelled))~~ ship ~~((in commerce)), boat, barge, or other floating craft~~ of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020.

(12) "Voyage" means any transit by a vessel destined for any Washington port.

(13) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

Sec. 9. RCW 77.120.020 and 2000 c 108 s 3 are each amended to read as follows:

(1) This chapter applies to all vessels ~~((carrying ballast water))~~ transiting into the waters of the state from a voyage, except:

(a) A vessel of the United States department of defense or United States coast guard subject to the requirements of section 1103 of the national invasive species act of 1996, or any vessel of the armed forces, as defined in 33 U.S.C. Sec. 1322(a)(14), that is subject to the uniform national discharge standards for vessels of the armed forces under 33 U.S.C. Sec. 1322(n);

(b) A vessel ~~((+))~~ that discharges ballast water or sediments only at the location where the ballast water or sediments originated, if the ballast water or sediments do not mix with ballast water or sediments from areas other than open sea waters ~~((; or (ii) that does not discharge ballast water in Washington waters)); and~~

(c) A vessel in innocent passage, merely traversing the ~~((internal waters of Washington in the Strait of Juan de Fuca, bound for a port in Canada,))~~ territorial sea of the United States and not entering or departing a United States port, ~~((or a vessel in innocent passage, which is a vessel merely traversing the territorial sea of the United States and not entering or departing a United States port,))~~ or not navigating the internal waters of the United States ~~((; and~~

~~((d) A crude oil tanker that does not exchange or discharge ballast water into the waters of the state), and that does not discharge ballast water into the waters of the state.~~

(2) This chapter does not authorize the discharge of oil or noxious liquid substances in a manner prohibited by state, federal, or international laws or regulations. Ballast water containing oil, noxious liquid substances, or any other pollutant shall be discharged in accordance with the applicable requirements.

(3) The master or operator in charge of a vessel is responsible for the safety of the vessel, its crew, and its passengers. Nothing in this chapter relieves the master or operator in charge of a vessel of the responsibility for ensuring the safety and stability of the vessel or the safety of the crew and passengers.

Sec. 10. RCW 77.120.030 and 2004 c 227 s 3 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

~~((1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A~~

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vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040-))

(2) (~~After July 1, 2007,;)) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws. ((When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.~~

~~(3) Masters, owners, operators, or persons-in-charge shall submit to the department an interim ballast water management report by July 1, 2006, in the form and manner prescribed by the department. The report shall describe actions needed to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel. Reports may include a statement that there are no treatment methods applicable to the vessel for which the report is being submitted.~~

~~(4) The ballast water work group created in section 1, chapter 282, Laws of 2002 shall develop recommendations for the interim ballast water management report. The recommendations must include, but are not limited to:~~

~~(a) Actions that the vessel owner or operator will take to implement the ballast water requirements in subsection (2) of this section, including treatment methods applicable to the class of the vessel;~~

~~(b) Necessary plan elements when there are not treatment methods applicable to the vessel for which the report is being submitted, or which would meet the requirements of this chapter; and~~

~~(c) The method, form, and content of reporting to be used for such reports;))~~

(3) The department, in consultation with the ballast water work group, or similar collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions. A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification ((that cannot reasonably be performed prior to July 1, 2007, the department shall provide the vessel owner or operator with an extension to the first scheduled drydock or shipyard period following July 1, 2007)), the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with

drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

~~((6)) (7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.~~

~~((7)) (8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.~~

~~((8)) (9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.~~

Sec. 11. 2004 c 227 s 2 (uncodified) is amended to read as follows:

(1) ((The director of the department of fish and wildlife must establish the)) A ballast water work group is created to assist the department in the implementation of this chapter. The director shall make appointments to the work group from the names provided by the entities identified in this section.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the ((Puget Sound steamship operators)) Pacific merchant shipping association;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry;

(f) One representative from the Puget Sound water quality action team;

(g) Two representatives from the environmental community;

(h) One representative of the shellfish industry;

(i) One representative of the tribes;

(j) One representative of maritime labor; ((and))

(k) One representative from the department ((of fish and wildlife));

(l) One representative from the department of ecology;

(m) One representative from the cruise ship industry; and

(n) One representative from the department of natural resources.

(3) The ballast water work group must ((study, and provide a report to the legislature by December 15, 2006, the following issues)) begin operation immediately upon the effective date of this section. The Puget Sound action team or its successor agency must provide staff for the ballast water work group from existing personnel within the action team. The ballast water work group must:

(a) ((All issues relating to ballast water technology, including exchange and treatment methods, management plans, the associated costs, and the availability of feasible and proven ballast water treatment technologies that could be cost-effectively installed on vessels that typically call on Washington ports;

(b) The services needed by the industry and the state to protect the marine environment, including penalties and enforcement;

(c) The costs associated with, and possible funding methods for, implementing the ballast water program;

(d) Consistency with federal and international standards, and identification of gaps between those standards, and the need for additional measures, if any, to meet the goals of this chapter;

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~~—(c) Describe how the costs of treatment required as of July 1, 2007, will be substantially equivalent among ports where treatment is required;~~

~~—(f) Describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system; and~~

~~—(g) Describe how the states of Washington, Oregon, and California and the province of British Columbia are coordinating their efforts for ballast water management on the west coast.~~

~~—(4) The ballast water work group must begin operation immediately upon the effective date of this section. The Puget Sound water quality action team must provide staff for the ballast water work group. The staff must come from existing personnel within the team.) Provide a report to the legislature by July 1, 2009, on the progress of the work group on the tasks listed in this section, and report on compliance with this act, and recommendations for improvements, if any, to the ballast water program;~~

~~(b) Work with the state of Oregon to develop a consistent, coordinated, and enforceable ballast water management program for the Columbia river that is acceptable to both states;~~

~~(c) Advise the department on potential strategies to establish and maintain an inventory of introduced nonindigenous plants and animals in state waters in and adjacent to ports, harbors, oil transfer facilities, grain elevators, and other ship-berthing facilities and evaluate the effectiveness of the program and a program to assess vessel-specific risks;~~

~~(d) Help the department review the needs of the ballast water program, including research investments, and identify unmet needs, and work through the Puget Sound action team's and the department's internal budget development process to secure needed funds;~~

~~(e) Help the department develop and align the state program with national and regional ballast water management programs;~~

~~(f) Assist the department by developing a workable technical and financial assistance program to support the shipping industry to comply with state ballast water laws and rules;~~

~~(g) Work with the United States coast guard and the department of ecology to improve coordination and integration of vessel inspection procedures among agencies that board and inspect vessels and identify ways to minimize apparent duplication of effort, work more effectively with vessel masters and crew, and recommend changes to state law to streamline the program, if needed;~~

~~(h) Outline funding, policy, and program recommendations to support the state's management program;~~

~~(i) Coordinate, in association with the departments of fish and wildlife, ecology, and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, the development of a management approach for nonballast water ship vectors as a source of nonindigenous species such as ship hull fouling, sea chests and equipment, and vessels equipped with ballast tanks that carry no ballast onboard;~~

~~(j) Review and provide comment on proposed federal legislation, international and regional programs, and other policy arenas;~~

~~(k) Harmonize the state ballast water program with western coastal states, British Columbia, and Canada;~~

~~(l) Work with the department's science advisory panel to develop a science research plan and estimated costs to answer key research and management questions;~~

~~(m) Provide recommendations and technical information to assist the department in determining if and when it is necessary or advisable to adjust rules and guidance for the ballast water management program to achieve resource goals and objectives;~~

~~(n) Coordinate, in association with the department, the departments of ecology and natural resources, the Puget Sound action team, the Washington invasive species council, and other interested parties, recommendations for a management approach for treatment of unexchanged ballast water when vessels claim an exemption under RCW 77.120.030. The recommendations may consider shore-based management, emergency chemical application, or other treatment methods that meet state and~~

~~federal requirements. The recommendations may also address potential liability issues relating to discharge of ballast water. The ballast water work group shall invite the United States environmental protection agency and the United States coast guard to participate in this evaluation. The ballast water work group shall provide a report of the recommendations to the legislature by July 1, 2008;~~

~~(o) Other responsibilities, as necessary.~~

~~((5)) (4) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.~~

~~((6(a)) The ballast water work group expires June 30, 2007;~~

~~(b) This section expires June 30, 2007.)~~

Sec. 12. RCW 77.120.070 and 2000 c 108 s 8 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) or (3) of this section,))~~ The department may establish by rule schedules for any penalty allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

(2) The director or the director's designee may impose a civil penalty or warning for a violation of the requirements of this chapter on the owner or operator in charge of a vessel who fails to comply with the requirements imposed under RCW 77.120.030 and 77.120.040. The penalty shall not exceed ~~((five))~~ twenty-seven thousand five hundred dollars for each day of a continuing violation. In determining the amount of a civil penalty, the department shall set standards by rule that consider if the violation was intentional, negligent, or without any fault, and shall consider the quality and nature of risks created by the violation. The owner or operator subject to such a penalty may contest the determination by requesting an adjudicative proceeding within twenty days. Any determination not timely contested is final and may be reduced to a judgment enforceable in any court with jurisdiction. If the department prevails using any judicial process to collect a penalty under this section, the department shall also be awarded its costs and reasonable attorneys' fees.

~~((2))~~ The civil penalty for a violation of reporting requirements of RCW 77.120.040 shall not exceed five hundred dollars per violation.

~~(3) Any owner or operator who knowingly, and with intent to deceive, falsifies a ballast water management report form is liable for a civil penalty in an amount not to exceed five thousand dollars per violation, in addition to any criminal liability that may attach to the filing of false documents.~~

~~((4))~~ (3) The department, in cooperation with the United States coast guard, may enforce the requirements of this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 77.120 RCW to read as follows:

The department may assess a fee for any exemptions allowed under this chapter. Such a fee may not exceed five thousand dollars. The department may establish by rule schedules for any fee allowed in this chapter. The schedules may provide for the incremental assessment of a penalty based on criteria established by rule.

NEW SECTION. Sec. 14. A new section is added to chapter 77.120 RCW to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used, in consultation with the ballast water work group created in section 11 of this act, only to support basic and applied research and

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carry out education and outreach related to the state's ballast water management.

NEW SECTION. Sec. 15. A new section is added to chapter 77.120 RCW to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department. The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

NEW SECTION. Sec. 16. Section 11 of this act is added to chapter 77.120 RCW.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) RCW 77.120.060 (Report to legislature--Results of chapter) and 2002 c 282 s 4 & 2000 c 108 s 7;
- (2) RCW 77.120.080 (Legislative review of chapter--Recommendations) and 2000 c 108 s 9; and
- (3) RCW 77.120.090 (Ballast water information system--Improvements) and 2002 c 282 s 5."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5923.

Senators Jacobsen and Swecker spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5923.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5923 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5923, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5923, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:15 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5597, with the following amendment: 5597-S2 AMH CODY H3475.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.43 RCW to read as follows:

(1) A health carrier must reimburse a chiropractor who has signed a participating provider agreement for services determined by the carrier to be medically necessary if:

(a) The service is:

(i) Covered chiropractic health care, as defined in RCW 48.43.515, by the health plan under which the enrollee received the services; and

(ii) Provided by the chiropractor, or the chiropractor's employee specified in RCW 18.25.190 (2) or (3) who works in the same location as the chiropractor and to whom the chiropractor, pursuant to rules adopted by the Washington state chiropractic quality assurance commission, has delegated the service. The employee must meet the health carrier's reasonable qualifications for all such providers in the relevant class, including but not limited to standards for education and background checks, as applicable; and

(b) The chiropractor complies with the terms and conditions of the participating provider agreement. Violations of the participating provider agreement by an employee of the chiropractor to whom he or she has delegated a service may be deemed by the carrier to have been committed by the chiropractor.

(2) If a health carrier offers a participating provider agreement to a chiropractor within a single practice organized as a sole proprietorship, partnership, or corporation, the carrier must offer the same participating provider agreement to any other chiropractor within that practice providing services at the same location. The agreement may allow either party to terminate it without cause.

Sec. 2. RCW 41.05.017 and 2000 c 5 s 20 are each amended to read as follows:

Each health plan that provides medical insurance offered under this chapter, including plans created by insuring entities, plans not subject to the provisions of Title 48 RCW, and plans created under RCW 41.05.140, are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, ~~(and)~~ 70.02.900, and section 1 of this act.

NEW SECTION. Sec. 3. This act does not affect any existing right acquired or liability or obligation incurred prior to the effective date of this act.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act takes effect January 1, 2008."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Franklin moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5597.

Senators Keiser, Franklin and Benton spoke in favor of the motion.

Senators Parlette and Jacobsen spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5597.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5597 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5597, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5597, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 41

Voting nay: Senators Haugen, Honeyford, Jacobsen, Parlette, Sheldon and Tom - 6

Absent: Senators Brown and McAuliffe - 2

SECOND SUBSTITUTE SENATE BILL NO. 5597, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5207, with the following amendment: 5207-S AMH TR H3118.5

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.68 RCW to read as follows:

The legislature finds that the freight sector provides thousands of high-quality, well-paid jobs in Washington state and contributes significantly to the economy of the state. The legislature further finds that these benefits result despite the fact that freight makes up a fraction of vehicle traffic on our roads and that the commercial benefits of freight movement are compromised by the same congestion that plagues general traffic.

The legislature also finds that as domestic and international freight volumes grow, and our state's economy becomes increasingly dependent on the one out of every three jobs supported by international trade, there is growing need for system-wide funding solutions to enhance a world class goods movement system that does not divert cargo and jobs to Canada, Mexico, Panama, Oregon, California, and the east coast of the United States. Accordingly, it is the intent of the legislature to study a broad array of mechanisms to fund freight congestion relief investments.

NEW SECTION. Sec. 2. (1) Subject to availability of amounts appropriated for this specific purpose, the joint transportation committee shall:

(a) Administer a consultant study of alternative funding mechanisms to fund freight congestion relief investments. At a minimum, the study must: (i) Evaluate potential funding sources for off-marine terminal infrastructure projects, including federal, state, incentives, and other project specific fees; (ii) analyze current taxes and fees paid by the freight industry and the projects the taxes and fees fund; (iii) assess other nonfreight related fees and taxes that could be used to pay for freight congestion relief investments; (iv) assess how other states and countries pay for freight congestion relief investments; and (v) discuss the various approaches and their impacts on Washington competitiveness in freight movement. The scope of the work for the study may be expanded to include analysis of other issues relevant to freight congestion relief funding; and

(b) Convene a stakeholder group composed of representatives to work on the consultant study that includes: Two representatives of container ports, one representative of trucking, one representative from railroads, one representative from international shipping, one representative from national shipping, two representatives of organized labor, two representatives of the import/export community, one representative from the department of transportation, one representative from the freight mobility strategic investment board, and other representatives as deemed necessary by the joint transportation committee. The stakeholder group shall work with the selected consultant in: (i) Identifying critical freight congestion relief investments; (ii) identifying alternatives for a dedicated funding source for freight congestion relief investments or user fees to fund specific freight congestion relief investments; and (iii) developing and reviewing a final consultant study.

(2) The consultant's draft report must be submitted to the transportation committees of the legislature by December 15, 2007, with the final findings and recommendations of the report being due prior to the beginning of the 2008 legislative session.

NEW SECTION. Sec. 3. This act expires January 31, 2008."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5207 and ask the House to recede therefrom.

Senators Haugen and Swecker spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5207 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5207 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5272, with the following amendment: 5272 AMH TR H3096.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.36.010 and 2001 c 270 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blended fuel" means a mixture of motor vehicle fuel and another liquid, other than a de minimis amount of the liquid, that can be used as a fuel to propel a motor vehicle.

(2) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW, which bond is

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payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter.

(3) "Bulk transfer" means a transfer of motor vehicle fuel by pipeline or vessel.

(4) "Bulk transfer-terminal system" means the motor vehicle fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Motor vehicle fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system. Motor vehicle fuel in the fuel tank of an engine, motor vehicle, or in a railcar, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer-terminal system.

(5) (~~"Dealer"~~) means a person engaged in the retail sale of motor vehicle fuel.

~~(6))~~ "Department" means the department of licensing.

~~(7))~~ (6) "Director" means the director of licensing.

~~(8))~~ (7) "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; misrepresentation of fact; or other act of deception; or

(b) An intentional: Omission; failure to file a return or report; or other act of deception.

~~(9))~~ (8) "Export" means to obtain motor vehicle fuel in this state for sales or distribution outside the state.

~~(10))~~ (9) "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

~~(11))~~ (10) "Import" means to bring motor vehicle fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

(11) "International fuel tax agreement licensee" means a motor vehicle fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.

(12) "Licensee" means a person holding a motor vehicle fuel supplier, motor vehicle fuel importer, motor vehicle fuel exporter, motor vehicle fuel blender, motor vehicle distributor, or international fuel tax agreement license issued under this chapter.

(13) (~~"Marine fuel dealer"~~) means a person engaged in the retail sale of motor vehicle fuel whose place of business and/or sale outlet is located upon a navigable waterway.

~~(14))~~ "Motor vehicle fuel blender" means a person who produces blended motor fuel outside the bulk transfer-terminal system.

~~(15))~~ (14) "Motor vehicle fuel distributor" means a person who acquires motor vehicle fuel from a supplier, distributor, or licensee for subsequent sale and distribution.

~~(16))~~ (15) "Motor vehicle fuel exporter" means a person who purchases motor vehicle fuel in this state and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is no exporter of record, the owner of the motor fuel at the time of exportation is the exporter.

~~(17))~~ (16) "Motor vehicle fuel importer" means a person who imports motor vehicle fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record, the owner of the motor vehicle fuel at the time of importation is the importer.

~~(18))~~ (17) "Motor vehicle fuel supplier" means a person who holds a federal certificate of registry that is issued under the internal revenue code and authorizes the person to enter into federal tax-free transactions on motor vehicle fuel in the bulk transfer-terminal system.

~~(19))~~ (18) "Motor vehicle" means a self-propelled vehicle designed for operation upon land utilizing motor vehicle fuel as the means of propulsion.

~~(20))~~ (19) "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or liquid may be known or sold, the chief use of

which is as fuel for the propulsion of motor vehicles or motorboats.

~~(21))~~ (20) "Person" means a natural person, fiduciary, association, or corporation. The term "person" as applied to an association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

~~(22))~~ (21) "Position holder" means a person who holds the inventory position in motor vehicle fuel, as reflected by the records of the terminal operator. A person holds the inventory position in motor vehicle fuel if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services at a terminal with respect to motor vehicle fuel. "Position holder" includes a terminal operator that owns motor vehicle fuel in their terminal.

~~(23))~~ (22) "Rack" means a mechanism for delivering motor vehicle fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~(24))~~ (23) "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~(25))~~ (24) "Removal" means a physical transfer of motor vehicle fuel other than by evaporation, loss, or destruction.

~~(26))~~ (25) "Terminal" means a motor vehicle fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service, is supplied by pipeline or vessel, and from which reportable motor vehicle fuel is removed at a rack.

~~(27))~~ (26) "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~(28))~~ (27) "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable motor vehicle fuel is transferred from one licensed supplier to another licensed supplier under an exchange or buy-sell agreement whereby the supplier that is the position holder agrees to deliver taxable motor vehicle fuel to the other supplier or the other supplier's customer at the rack of the terminal at which the delivering supplier is the position holder.

Sec. 2. RCW 82.36.020 and 2001 c 270 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon motor vehicle fuel ~~(users))~~ licensees, other than motor vehicle fuel distributors, a tax at the rate computed in the manner provided in RCW 82.36.025 on each gallon of motor vehicle fuel.

(2) The tax imposed by subsection (1) of this section is imposed when any of the following occurs:

(a) Motor vehicle fuel is removed in this state from a terminal if the motor vehicle fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(b) Motor vehicle fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the motor vehicle fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(c) Motor vehicle fuel enters into this state ~~((for sale, consumption, use, or storage))~~ if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Motor vehicle fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the motor vehicle fuel;

(e) Blended motor vehicle fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended motor vehicle fuel subject to the tax is the difference between the total number of gallons of blended motor vehicle fuel removed or sold and the number of gallons of previously taxed motor vehicle fuel used to produce the blended motor vehicle fuel;

(f) Motor vehicle fuel is sold by a licensed motor vehicle fuel supplier to a motor vehicle fuel distributor, motor vehicle fuel importer, ~~((or))~~ motor vehicle fuel blender, or international

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fuel tax agreement licensee and the motor vehicle fuel is not removed from the bulk transfer-terminal system.

(3) The proceeds of the motor vehicle fuel excise tax shall be distributed as provided in RCW 46.68.090.

Sec. 3. RCW 82.36.025 and 2005 c 314 s 101 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon (~~(applies to the sale, distribution, or use of)~~ on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

Sec. 4. RCW 82.36.026 and 2001 c 270 s 3 are each amended to read as follows:

(1) A licensed supplier shall (~~remitlet)~~ be liable for and pay tax to the department as provided in RCW 82.36.020. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer (who) shall (buyer shall remitlet) be liable for and pay the tax.

(2) A refiner shall (~~remitlet)~~ be liable for and pay tax to the department on motor vehicle fuel removed from a refinery as provided in RCW 82.36.020(2)(b).

(3) (~~An~~) A licensed importer shall (remitlet) be liable for and pay tax to the department on motor vehicle fuel imported into this state as provided in RCW 82.36.020(2)(c).

(4) A licensed blender shall (remitlet) be liable for and pay tax to the department on the removal or sale of blended motor vehicle fuel as provided in RCW 82.36.020(2)(e).

(5) Nothing in this chapter shall prohibit the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to the tax.

NEW SECTION. Sec. 5. A new section is added to chapter 82.36 RCW to read as follows:

International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.36.020 to the department on motor vehicle fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.36.020 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

Sec. 6. RCW 82.36.027 and 1998 c 176 s 9 are each amended to read as follows:

A terminal operator is jointly and severally liable for (~~remitletting~~) payment of the tax imposed under RCW 82.36.020(1) if, at the time of removal:

(1) The position holder with respect to the motor vehicle fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under 26 C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 7. RCW 82.36.031 and 1998 c 176 s 11 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax imposed under this chapter, and to periodically update license information, each licensee, other than a motor vehicle fuel distributor or an international fuel tax agreement licensee, shall file monthly tax reports with the department, on a form prescribed by the department. An international fuel tax licensee shall file quarterly tax reports with the department, on a form prescribed by the department.

A report shall be filed with the department even though no motor vehicle fuel tax is due for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and made under penalties of perjury, which declaration has the same force and effect as a verification of the report and is in lieu of the verification. The report shall show information as the department may require for the proper administration and enforcement of this chapter. Tax reports shall be filed on or before the twenty-fifth day of the next succeeding calendar month following the period to which the reports relate. If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date.

The department, if it deems it necessary in order to ensure payment of the tax imposed under this chapter, or to facilitate the administration of this chapter, may require the filing of reports and tax remittances at shorter intervals than one month.

Sec. 8. RCW 82.36.045 and 1998 c 176 s 16 are each amended to read as follows:

(1) If the department determines that the tax reported by a licensee is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a licensee, or person acting as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the licensee or person for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a licensee or person acting as such files a false or fraudulent report with intent to evade the tax imposed by this chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a licensee or person acting as such establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within five years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within five years after the return is filed, whichever period expires later.

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(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A licensee or person acting as such against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the licensee of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in its petition, shall grant the petitioner an oral hearing and give the petitioner twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the petitioner.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by certified or registered mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the respondent at the most current address furnished to the department.

~~((10) The tax imposed by this chapter, if required to be collected by the seller, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

Sec. 9. RCW 82.36.060 and 2001 c 270 s 5 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten

years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty

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days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection. An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require. The department shall charge a fee of ten dollars per set of international fuel tax agreement decals issued to each applicant or licensee. The department shall transmit the fee to the state treasurer for deposit in the motor vehicle fund.

Sec. 10. RCW 82.36.080 and 1998 c 176 s 20 are each amended to read as follows:

(1) It shall be unlawful for any person to engage in business in this state as any of the following unless the person is the holder of an uncanceled license issued by the department authorizing the person to engage in that business:

- (a) Motor vehicle fuel supplier;
- (b) Motor vehicle fuel distributor;
- (c) Motor vehicle fuel exporter;
- (d) Motor vehicle fuel importer; ~~((or))~~
- (e) Motor vehicle fuel blender; or
- (f) International fuel tax agreement licensee.

(2) A person engaged in more than one activity for which a license is required must have a separate license classification for each activity, but a motor vehicle fuel supplier is not required to obtain a separate license classification for any other activity for which a license is required.

(3) If any person acts as a licensee without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by the person. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and the director shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

Sec. 11. RCW 82.36.160 and 1998 c 176 s 27 are each amended to read as follows:

Every licensee shall maintain in the office of his or her principal place of business in this state, for a period of five years, records of motor vehicle fuel received, sold, distributed, or used by the licensee, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

~~((Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the licensee as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require.))~~

Sec. 12. RCW 82.36.180 and 1998 c 176 s 30 are each amended to read as follows:

The director, or duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of any licensee, ~~((and service stations.))~~ and make such other investigations as deemed necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of licensees theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax ~~((accruing))~~ liability thereon, the director may make such changes in subsequent reports and payments of such licensees as deemed necessary to correct the errors disclosed.

Every such licensee or such other person not maintaining records in this state so that an audit of such records may be made by the director or a duly authorized representative shall be required to make the necessary records available to the director upon request and at a designated office within this state; or, in lieu thereof, the director or a duly authorized representative shall proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

NEW SECTION. Sec. 13. A new section is added to chapter 82.36 RCW to read as follows:

Motor vehicle fuel that is used exclusively for racing and is illegal for use on the public highways of this state under state or federal law is exempt from the tax imposed under this chapter.

Sec. 14. RCW 82.36.320 and 1961 c 15 s 82.36.320 are each amended to read as follows:

Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided ~~((and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305))~~ may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported for which no refund is claimed.

Sec. 15. RCW 82.36.340 and 1961 c 15 s 82.36.340 are each amended to read as follows:

The director may in order to establish the validity of any claim for refund require the claimant ~~((or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold.))~~ to furnish such additional proof of the validity of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

Sec. 16. RCW 82.36.370 and 1998 c 176 s 42 are each amended to read as follows:

(1) A refund shall be made in the manner provided in this chapter or a credit given to a licensee allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while ~~((applicant shall be the owner thereof))~~ the licensee was the owner, through fire, lightning, flood, wind storm, or explosion.

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(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while ~~((applicant shall be))~~ the licensee was the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: PROVIDED, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as the director may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, the director may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

Sec. 17. RCW 82.36.380 and 2003 c 358 s 13 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(3) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 18. RCW 82.36.450 and 1995 c 320 s 2 are each amended to read as follows:

~~((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY-92-248-JLO.))~~ (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding motor vehicle fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide

mutually agreeable means to address any tribal immunities or any preemption of the state motor vehicle fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all motor vehicle fuel only from persons or companies operating lawfully in accordance with this chapter as a motor vehicle fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of motor vehicle fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed to be personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

NEW SECTION. Sec. 19. A new section is added to chapter 82.36 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.36.020 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

Sec. 20. RCW 82.38.030 and 2005 c 314 s 102 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel ~~((users))~~ licensees, other than special fuel distributors, a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard

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pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is ~~((to))~~ by a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((8)) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

Sec. 21. RCW 82.38.032 and 1998 c 176 s 52 are each amended to read as follows:

~~((The tax under RCW 82.38.030, if not previously imposed and paid, must be paid over to the department by special fuel users and persons licensed under the international fuel tax agreement or other fuel tax reciprocity agreements entered into with the state of Washington, on the use of special fuel to operate motor vehicles on the highways of this state, unless the use is exempt from the tax under this chapter.)) International~~

fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.38.030 to the department on special fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.38.030 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

Sec. 22. RCW 82.38.035 and 2005 c 314 s 107 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax on special fuel to the department as provided in RCW 82.38.030(7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall ~~((remit))~~ be liable for and pay the tax.

(2) A refiner shall ~~((remit))~~ be liable for and pay tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(7)(b).

(3) ~~((An))~~ A licensed importer shall ~~((remit))~~ be liable for and pay tax to the department on special fuel imported into this state as provided in RCW 82.38.030(7)(c).

(4) A licensed blender shall ~~((remit))~~ be liable for and pay tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(7)(e).

(5) A licensed dyed special fuel user shall ~~((remit))~~ be liable for and pay tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(7)(f).

(6) Nothing in this chapter prohibits the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to such tax.

Sec. 23. RCW 82.38.050 and 1990 c 250 s 82 are each amended to read as follows:

~~((Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to the user for thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state. PROVIDED, That))~~ A lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued ~~((a))~~ an international fuel tax agreement license ~~((as a special fuel user))~~ when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid ~~((special fuel user's))~~ international fuel tax agreement license.

~~((Every such lessor shall file with the application for a special fuel user's license one copy of the lease form or service contract the lessor enters into with the various lessees of the lessor's motor vehicles.))~~ When the ~~((special fuel user's))~~ license has been secured, such lessor shall make and assign to each motor vehicle leased for interstate operation a photocopy of such license to be carried in the cab compartment of the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of the license issued and its return to the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days.

Sec. 24. RCW 82.38.100 and 1999 c 270 s 2 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days

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beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, ~~((Washington state patrol,))~~ department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

Sec. 25. RCW 82.38.130 and 1998 c 176 s 65 are each amended to read as follows:

The department may revoke the license of any licensee for any of the grounds constituting cause for denial of a license set forth in RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any special fuel license immediately upon surrender thereof by the holder.

Any surety on a bond furnished by a licensee as provided in this chapter shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond, and unless the licensee, on or before the expiration of the forty-five day period, files a new bond, in accordance with this section, the department ~~((forthwith))~~ shall cancel the ~~((special fuel dealer's or special fuel user's))~~ license.

The department may require a new or additional surety bond of the character specified in RCW 82.38.020(3) if, in its opinion, the security of the surety bond therefor filed by such licensee, shall become impaired or inadequate. Upon failure of the licensee to give such new or additional surety bond within forty-five days after being requested to do so by the department, or after he or she shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his or her license.

Sec. 26. RCW 82.38.140 and 1998 c 176 s 66 are each amended to read as follows:

(1) Every licensee and every person importing, manufacturing, refining, ~~((dealer in,))~~ transporting, blending, or storing special fuel in this state shall keep for a period of not less than five years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold, delivered, or used for taxable purposes;
- (f) The number of gallons sold, delivered, or used for any purpose not subject to the tax imposed in this chapter;
- (g) The name, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2)(a) All international fuel tax agreement licensees and dyed special fuel users authorized to use dyed special fuel on highway in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis.

(b) Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(c) In the absence of operating records that show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle, fuel consumption must be computed under RCW 82.38.060.

(3) The department may require a person other than a licensee engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering special fuel to submit periodic reports to the department regarding the disposition of the fuel. The reports must be on forms prescribed by the department and must contain such information as the department may require.

(4) Every person operating any conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk shall have and possess during the entire time the person is hauling special fuel, an invoice, bill of sale, or other statement showing the name, address, and license number of the seller or consigner, the destination, name, and address of the purchaser or consignee, license number, if applicable, and the number of gallons. The person hauling such special fuel shall at the request of any law enforcement officer or authorized representative of the department, or other person authorized by law to inquire into, or investigate those types of matters, produce for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle.

Sec. 27. RCW 82.38.150 and 1998 c 176 s 67 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed, and to periodically update license information, each licensee, other than a special fuel distributor, an international fuel tax agreement licensee, or a dyed special fuel user, shall file monthly tax reports with the department, on forms prescribed by the department.

Dyed special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and dyed special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly. Special fuel users licensed under the international fuel tax agreement shall file reports quarterly. ~~((Special fuel distributors))~~ Heating oil dealers subject to the pollution liability insurance agency fee and reporting requirements shall remit pollution liability insurance agency returns and any associated payment due to the department annually.

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The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to the licensee's address of record. A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter. ~~((For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed, or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy.))~~ A licensee shall file a tax report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

Sec. 28. RCW 82.38.180 and 1998 c 176 s 71 are each amended to read as follows:

Any person who has purchased special fuel on which tax has been paid ~~((a special fuel tax either directly or to the vendor from whom it was purchased))~~ may file a claim with the department for a refund of the tax ~~((so paid and shall be reimbursed and repaid the amount of))~~ for:

(1) ~~((Any))~~ Taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) ~~((Any))~~ Taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state. Special fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

(3) ~~((Any))~~ Tax, penalty, or interest erroneously or illegally collected or paid.

(4) ~~((Any))~~ Taxes previously paid on all special fuel which is lost or destroyed, while ~~((applicant))~~ the licensee shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) ~~((Any))~~ Taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while ~~((applicant))~~ the licensee shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(6) ~~((Any))~~ Taxes previously paid on special fuel that is inadvertently mixed with dyed special fuel.

Recovery for such loss or destruction under either subsection (4), (5), or (6) of this section must be susceptible to positive proof thereby enabling the department to conduct such

investigation and require such information as ~~((they))~~ it may deem necessary. In the event that the department is not satisfied that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, ~~((they))~~ it may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

No refund or claim for credit shall be approved by the department unless the gallons of special fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit ~~((by sellers or users of special fuel))~~ shall not be allowed for anticipated nontaxable use or events.

Sec. 29. RCW 82.38.270 and 2003 c 358 s 14 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2)(a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsection (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(4) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 30. RCW 82.38.310 and 1995 c 320 s 3 are each amended to read as follows:

~~((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248-JLO.))~~ (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding special fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed

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by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state special fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all special fuel only from persons or companies operating lawfully in accordance with this chapter as a special fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of special fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

Sec. 31. RCW 82.38.320 and 1998 c 176 s 83 are each amended to read as follows:

(1) An international fuel tax agreement licensee who meets the qualifications in subsection (2) of this section may be given special authorization by the department to purchase special fuel delivered into bulk storage without payment of the special fuel tax at the time the fuel is purchased. The special authorization applies only to full truck-trailer loads filled at a terminal rack and delivered directly to the bulk storage facilities of the special authorization holder. The licensee shall pay special fuel tax on the fuel at the time the licensee files their international fuel tax agreement tax return and accompanying schedule with the department. The accompanying schedule shall be provided in a form and manner determined by the department and shall contain information on purchases and usage of all nondyed special fuel purchased during the reporting period. In addition, by the fifteenth day of the month following the month in which fuel under the special authorization was purchased, the licensee must report to the department, the name of the seller and the number of gallons purchased for each purchase of such fuel, and any other information as the department may require.

(2) To receive or maintain special authorization under subsection (1) of this section, the following conditions regarding the international fuel tax agreement licensee must apply:

(a) During the period encompassing the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year, the number of gallons consumed outside the state of Washington as reported on the licensee's international fuel tax agreement tax returns must have been equal to at least twenty percent of the nondyed special fuel gallons, including fuel used on-road and off-road, purchased by the licensee in the state of Washington, as reported on the accompanying schedules required under subsection (1) of this section;

(b) The licensee must have been licensed under the provisions of the international fuel tax agreement during each of

the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year; and

(c) The licensee has not violated the reporting requirements of this section.

(3) Only a licensed special fuel supplier or special fuel importer may sell special fuel to a special authorization holder in the manner prescribed by this section.

(4) A special fuel ((distributor)) supplier or importer who sells special fuel under the special authorization provisions of this section is not liable for the special fuel tax on the fuel. ((By the fifteenth day of the month following the month in which the fuel was sold, the special fuel distributor shall report to the department, the name and special authorization number of the purchaser and the number of gallons sold for each purchase of such special fuel, and any other information as the department may require.)) The special fuel supplier or importer will report such sales, in a manner prescribed by the department, at the time the special fuel supplier or importer submits the monthly tax report.

((4) A supplier selling special fuel under the provisions of this section shall not be responsible for taxes due for special fuel purchased under the provisions of this section.

(5) An international fuel tax agreement licensee who qualifies for a special authorization under this section for calendar year 1999 is not subject to the special fuel user requirements of RCW 82.38.289.)

NEW SECTION. Sec. 32. A new section is added to chapter 82.38 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

- (1) RCW 82.36.042 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 14;
- (2) RCW 82.36.273 (Refunds to licensee for fuel purchased by exempt person--Exception--Invoice or proof) and 1998 c 176 s 35;
- (3) RCW 82.36.305 (Refunds to dealer delivering fuel exclusively for marine use--Limitations--Supporting certificate) and 1965 ex.s. c 79 s 12 & 1961 c 15 s 82.36.305;
- (4) RCW 82.36.360 (Separate invoices for nontaxed fuel) and 1961 c 15 s 82.36.360;
- (5) RCW 82.36.373 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 43;
- (6) RCW 82.36.407 (Tax liability of user--Payment--Exceptions) and 1998 c 176 s 48;
- (7) RCW 82.38.070 (Credit for sales for which no consideration was received--Report--Adjustment) and 1998 c 176 s 58, 1990 c 250 s 83, & 1971 ex.s. c 175 s 8;
- (8) RCW 82.38.071 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 59;
- (9) RCW 82.38.081 (Exemptions--Motor vehicle fuel used for racing) and 1998 c 115 s 6;
- (10) RCW 82.38.185 (Refunds--Tax paid purchased by exempt person--Application) and 1998 c 176 s 73;
- (11) RCW 82.38.285 (Tax liability of user--Exceptions) and 1998 c 176 s 81; and
- (12) RCW 82.38.165 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 69.

NEW SECTION. Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

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and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5272 and ask the House to recede therefrom.

Senators Haugen spoke in favor of the motion.

Senators Swecker and Benton spoke against the motion.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the Senate supported the demand and the demand was sustained.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

PARLIAMENTARY INQUIRY

Senator Eide: "Would you please tell us exactly what the motion is before us."

REPLY BY THE PRESIDENT

President Owen: "The motion before us is the motion by Senator Haugen that the Senate do not concur in the House amendments to Senate Bill No. 5272 and ask the House to recede therefrom."

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Senate Bill No. 5272 and ask the House to recede therefrom.

The Secretary called the roll on the motion by Senator Haugen that the Senate refuse to concur in the House amendments to Senate Bill No. 5272 and ask the House to recede therefrom and the motion carried by the following vote: Yeas, 32; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 16

Excused: Senator Parlette - 1

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5412, with the following amendment: 5412-S AMH TR H3318.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and

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objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system.

Sec. 2. RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency. The powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.01.012 (as recodified by this act).

Sec. 3. RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals ((shall consist of, but not be limited to, the following)) established under this section are deemed consistent with the benchmark categories((s)) adopted by the state's blue ribbon commission on transportation on November 30, 2000. ((In addition to improving safety,)) Public investments in transportation ((shall) should support achievement of these ((and other priority)) policy goals:

((No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.))

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

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(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals (~~shall~~) are intended to be the basis for (~~establishment of~~) establishing detailed and measurable objectives and related performance (~~benchmarks~~) measures.

(4) It is the intent of the legislature that the (~~transportation commission~~) office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels (~~and the transportation commission should work with appropriate government entities to accomplish this~~) progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

Sec. 4. RCW 47.01.071 and 2006 c 334 s 3 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems (~~to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy~~). The policies must be aligned with the goals established in RCW 47.01.012 (as recodified by this act). To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) ~~(Propose a transportation policy for the state;~~

~~(d))~~ Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

~~((e) To)~~ (d) Integrate the statewide transportation plan with the needs of the elderly and (~~handicapped~~) persons with disabilities, and (~~to~~) coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan (~~which shall be~~) consistent with the state's growth management goals and based on the transportation policy (~~adopted by the governor and the legislature~~) goals provided under RCW 47.01.012 (as recodified by this act) and applicable state and federal laws. The plan must reflect the priorities of government developed by the

office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation (~~and prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act~~).

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.01.012 (as recodified by this act), as measured by the objectives and performance measures established by the office of financial management under RCW 47.01.012 (as recodified by this act);

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~((6))~~ (7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

~~((7))~~ (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

~~((8))~~ (9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

~~((9))~~ (10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 5. RCW 47.01.075 and 2006 c 334 s 4 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. ~~(It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry-)~~ At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

(2) ~~(Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the~~

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~~statewide multimodal transportation progress report and propose to the office of financial management transportation priorities for the ensuing biennium. The report must:~~

- ~~— (a) Consider the citizen input gathered at the forums;~~
- ~~— (b) Be developed with the assistance of state transportation-related agencies and organizations;~~
- ~~— (c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, key transportation stakeholders, and the office of financial management;~~
- ~~— (d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~
- ~~— (e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.~~

~~— (3)) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~((4)) (3) In order to promote a better transportation system, the commission ((shall)) may offer policy guidance and make recommendations to the governor and the legislature in key issue areas, including but not limited to:~~

- ~~(a) Transportation finance;~~
- ~~(b) Preserving, maintaining, and operating the statewide transportation system;~~
- ~~(c) Transportation infrastructure needs;~~
- ~~(d) Promoting best practices for adoption and use by transportation-related agencies and programs;~~
- ~~(e) Transportation efficiencies that will improve service delivery and/or coordination;~~
- ~~(f) Improved planning and coordination among transportation agencies and providers; and~~
- ~~(g) Use of intelligent transportation systems and other technology-based solutions((; and~~
- ~~— (h) Reporting of performance against goals, targets, and benchmarks)).~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

To support achievement of the policy goals described in RCW 47.01.012, the department shall:

- (1) Maintain an inventory of the condition of structures and corridors, and maintain a list of those structures and corridors in most urgent need of retrofit or rehabilitation;
- (2) Develop long-term financing plans that sustainably support ongoing maintenance and preservation of the transportation infrastructure;
- (3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system, including vehicles, freight, pedestrians, bicyclists, and transit users, to safely, reliably, and efficiently provide mobility to people and goods;
- (4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods including, but not limited to: Consideration of enhancements to and expansion of public transportation options; transportation demand management; bicycle and pedestrian infrastructure; vanpool and carpool programs; incentive programs; and innovative design approaches;
- (5) Utilize efficiency tools, including high-occupancy vehicle and high-occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;
- (6) Promote integrated multimodal planning, incorporating a variety of modal approaches; and
- (7) Select engineers and architects to design environmentally sustainable, context-sensitive transportation systems that are integrated into the communities they serve.

Sec. 7. RCW 47.05.030 and 2006 c 334 s 45 are each amended to read as follows:

- (1) The ~~((transportation commission))~~ office of financial management shall ~~((develop))~~ propose a comprehensive ten-year investment program ~~((specifying program objectives and performance measures))~~ for the preservation and improvement programs defined in this section, consistent with the policy goals

~~described under RCW 47.01.012 (as recodified by this act). The ((adopted)) proposed ten-year investment program must be forwarded as a recommendation ((to)) by the ((governor and)) office of financial management to the legislature, and ((is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program)) must be based upon the needs identified in the ((state-owned highway component of the)) statewide ~~((comprehensive))~~ transportation plan established under RCW 47.01.071(4).~~

~~((4)) (2) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. ((The preservation program must require use of the most cost-effective pavement surfaces, considering:~~

- ~~— (a) Life-cycle cost analysis;~~
- ~~— (b) Traffic volume;~~
- ~~— (c) Subgrade soil conditions;~~
- ~~— (d) Environmental and weather conditions;~~
- ~~— (e) Materials available; and~~
- ~~— (f) Construction factors.~~

~~The comprehensive ten-year investment program for preservation must identify projects for two years and an improvement plan for the remaining eight years.~~

~~— (2)) (3) The improvement program consists of investments needed to address identified deficiencies on the state highway system to ((increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate)) meet the goals established in RCW 47.01.012 (as recodified by this act).~~

Sec. 8. RCW 47.05.035 and 2006 c 334 s 46 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

~~((3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.~~

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~~—(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:~~

~~—(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;~~

~~—(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;~~

~~—(c) The continuity of future transportation development with those improvements previously programmed; and~~

~~—(d) The availability of dedicated funds for a specific type of work.~~

~~—(5) The department shall consider the findings in this section in the development of the ten-year investment program.)~~

Sec. 9. RCW 47.06.020 and 1993 c 446 s 2 are each amended to read as follows:

The specific role of the department in transportation planning ~~((shall))~~ must be, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act): (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; ~~((and))~~ (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW 47.01.071(4). Specific requirements for each of these state transportation planning components are described in this chapter.

Sec. 10. RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide multimodal transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways ~~((that meet benchmarks established by the transportation commission))~~. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are

not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 11. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

The legislature declares the following transportation facilities and services to be of statewide significance: Highways of statewide significance as designated by the legislature under chapter 47.05 RCW, the interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal transportation plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal transportation plan, or to highways of statewide significance designated by the legislature under chapter 47.05 RCW, are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between

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providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

Sec. 12. RCW 35.95A.120 and 2003 c 147 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the authority is faced with significant financial problems. However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee, as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable. Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the authority area voters at a general or special election held on one of the dates provided in RCW ((29-13-010) 29A.04.321 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

(2) A city transportation authority is dissolved and terminated if all of the following events occur before or after the effective date of this section:

(a) A majority of the qualified electors voting at a regular or special election determine that new public monorail transportation facilities must not be built;

(b) The governing body of the authority adopts a resolution and publishes a notice of the proposed dissolution at least once every week for three consecutive weeks in a newspaper of general circulation published in the authority area. The resolution and notice must:

(i) Describe information that must be included in a notice of claim against the authority including, but not limited to, any claims for refunds of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority;

(ii) Provide a mailing address where a notice of claim may be sent;

(iii) State the deadline, which must be at least ninety days from the date of the third publication, by which the authority must receive a notice of claim; and

(iv) State that a claim will be barred if a notice of claim is not received by the deadline;

(c) The authority resolves all claims timely made under (b) of this subsection; and

(d) The governing body adopts a resolution (i) finding that the conditions of (a) through (c) of this subsection have been met and (ii) dissolving and terminating the authority.

(3) A claim against a city transportation authority is barred if (a) a claimant does not deliver a notice of claim to the authority by the deadline stated in subsection (2)(b)(iii) of this section or (b) a claimant whose claim was rejected by the authority does not commence a proceeding to enforce the claim within sixty days from receipt of the rejection notice. For purposes of this subsection, "claim" includes, but is not limited to, any right to payment, whether liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or the right to an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, including, but not limited to, any claim for a refund of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority.

(4) The governing body of the authority may transfer any net assets to one or more other political subdivisions with instructions as to their use or disposition. The governing body shall authorize this transfer in the resolution that dissolves and terminates the authority under subsection (2)(d) of this section.

(5) Upon the dissolution and termination of the authority, the former officers, directors, employees, and agents of the authority shall be immune from personal liability in connection with any claims brought against them arising from or relating to their service to the authority, and any claim brought against any of them is barred.

(6) Upon satisfaction of the conditions set forth in subsection (2)(a) and (b) of this section, the terms of all members of the governing body of the city transportation authority, whether elected or appointed, who are serving as of the date of the adoption of the resolution described in subsection (2)(b) of this section, shall be extended, and incumbent governing body members shall remain in office until dissolution of the authority, notwithstanding any provision of any law to the contrary.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 47.01.370 (Review of performance and outcome measures of transportation-related agencies--Definition) and 2006 c 334 s 44;

(2) RCW 47.05.051 (Ten-year comprehensive investment program--Priority selection criteria--Improvement program criteria) and 2006 c 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and

(3) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8 and 1993 c 446 s 3.

NEW SECTION. Sec. 14. RCW 47.01.012 is recodified as a section in chapter 47.04 RCW."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5412 and ask the House to recede therefrom.

Senators Haugen and Swecker spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5412 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5412 and asked the House to recede therefrom.

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MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, with the following amendment: 5627-S2.E AMH ENGR H3528.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

NEW SECTION. Sec. 2. (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the November 2006 final report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) Three individuals with significant experience with Washington K-12 finance issues, including the use and application of the current basic education funding formulas, appointed by the governor. Each of the two largest caucuses of the house of representatives and the senate may submit names to the governor for consideration.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

NEW SECTION. Sec. 3. (1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

(b) Voluntary all-day kindergarten;

(c) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(d) Focused instructional support for students and schools;

(e) Extended school day and school year options; and

(f) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

(5) The task force shall recommend a compensation system for instructional staff that includes pay for performance, knowledge, and skills elements; elements to recognize assignments that are difficult; and recognition for the professional teaching level certificate in the salary allocation model. The task force shall also recommend a plan to implement the revised compensation system.

NEW SECTION. Sec. 4. As the joint task force considers a new definition of basic education as required under section 2 of this act, the task force shall consider the following proposed basic education goals and shall make recommendations regarding whether the proposed goals provide adequate guidance and vision for the state's education system in the twenty-first century:

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"The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand diverse perspectives, to enjoy productive and satisfying lives, and to develop a public school system that focuses on the educational achievement of all students, which includes high expectations for and prepares students to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; world history, cultures, and geography; civics and arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and personal financial literacy and how performance, effort, and decisions directly affect future career and educational opportunities; and

(5) Understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627 and ask the House to recede therefrom.

Senators McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627 and ask the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5790, with the following amendment: 5790-S2 AMH QUAL H3351.2; 5790-S2 AMH COLV 029

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities

for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs.

NEW SECTION. Sec. 2. A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships, and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement.

NEW SECTION. Sec. 3. Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to two full-time equivalents. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than two full-time equivalent students combining both their high school enrollment and skill center enrollment.

NEW SECTION. Sec. 4. (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation.

(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving noncooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network.

NEW SECTION. Sec. 5. Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds.

NEW SECTION. Sec. 6. (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The

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superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law.

NEW SECTION. Sec. 7. The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers.

Sec. 8. RCW 84.52.068 and 2005 c 514 s 1104 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be deposited into the student achievement fund as provided in this section.

(2)(a) The amount of the deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(b) For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(e) For the 2010-2011 school year and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(f) The school district annual amounts shall be deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule. The superintendent of public instruction shall ensure that moneys generated by skill center students is returned to skill centers.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act constitute a new chapter in Title 28A RCW."

On page 2, line 12, after "up to" strike "one and four-tenths" and insert "two" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5790 and ask the House to recede therefrom.

Senators Prentice spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5790 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate

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refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5790 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, with the following amendment: 5841-S2.E AMH ENGR H3491.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

~~((The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:~~

~~(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;~~

~~(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;~~

~~(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and~~

~~(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities;))~~

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand diverse perspectives, to enjoy productive and satisfying lives, and to develop a public school system that focuses on the educational achievement of all students, which includes high expectations for and prepares students to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; world history, cultures, and geography; civics and arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems;

(4) Understand the importance of work and personal financial literacy and how performance, effort, and decisions directly affect future career and educational opportunities; and

(5) Understand and be fully prepared to exercise the responsibilities of civic participation in a pluralistic society.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

ALL-DAY KINDERGARTEN PROGRAMS--FUNDING.
(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for

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funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

(3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.

NEW SECTION, Sec. 3. A new section is added to chapter 28A.630 RCW to read as follows:

PRIMARY LEVEL EDUCATION PROJECTS. Subject to funds appropriated for the purposes of this section:

(1) Four demonstration projects are authorized for schools serving kindergarten through third grade students to develop, implement, and document the effects of a comprehensive K-3 foundations program. At least two demonstration projects shall be in schools that are participating in the public-private early learning partnerships in the Highline and Yakima school districts. A third demonstration project shall be in the Spokane school district.

(2) The superintendent of public instruction shall select project participants based on the criteria in this section, the commitment to a school-wide program, and the degree to which applicants articulate an understanding of development and implementation of a comprehensive K-3 foundations program.

(3) Successful school applicants shall:

(a) Demonstrate that there is engaged and committed school and district leadership and support for the project;

(b) Demonstrate that school staff is engaged and committed and believes in high expectations for all students;

(c) Have a history of successfully using data to guide decision making for students and the program;

(d) Plan for the use of staff learning improvement days to support project implementation;

(e) Demonstrate successful linkages with the early learning providers in their communities;

(f) Outline the steps taken to develop this application and the general plan for implementation of a comprehensive K-3 foundations program; and

(g) Commit to individualized learning opportunities in early grades by using district resources, such as funding under RCW

28A.505.210, to reduce class sizes in grades kindergarten through three.

(4) Program resources provided to demonstration projects are:

(a) Support to implement an all-day kindergarten program;

(b) Support for class sizes at a ratio of one teacher to eighteen students, and the additional resources for materials generated by that ratio through associated nonemployee-related costs;

(c) Support for a one-half full-time equivalent instructional coach; and

(d) Support for professional development time related to program implementation.

(5) Demonstration projects shall provide:

(a) A program that implements an educational philosophy that supports child-centered learning;

(b) Learning opportunities through personal exploration and discovery, hands-on experiences, and by working independently, in small groups and in large groups;

(c) Rich and varied subject matter that includes: Reading, writing, mathematics, science, social studies, a world language other than English, the arts, and health and physical education;

(d) Opportunities to learn and feel accomplishment, diligence, creativity, and confidence;

(e) Social and emotional development opportunities;

(f) Personalized assessment for each student that addresses academic knowledge and skill development, social and emotional skill development, critical thinking and decision-making skills, large and fine motor skill development, and knowledge of personal interests, strengths, and goals;

(g) For students to progress to the upper elementary grades when a solid foundation is in place and reading and mathematics primary skills have been mastered;

(h) Class sizes that do not exceed one certificated instructional staff to eighteen students; and

(i) Cooperation with project evaluators in an evaluation of the demonstration projects, including providing the data necessary to complete the work.

(6) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct an evaluation of the demonstration projects under this section. Student, staff, program, and parent data shall be collected using various instruments including surveys, program and activity descriptions, student performance measures, observations, and other processes.

(7) Within available funding, findings from the evaluation under this section shall include conclusions regarding the degree to which students thrive in the education environment; student progress in academic, social, and emotional areas; the program components that have been most important to student success; the degree to which educational staff feel accomplished in their work and satisfied with student progress; and recommendations for continued implementation and expansion of the program.

(8) Findings shall be reported to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(9) This section expires September 1, 2010.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.630 RCW to read as follows:

ENGLISH AS A SECOND LANGUAGE PROJECTS. (1) The goals of the English as a second language demonstration project are to develop recommendations:

(a) Identifying foundational competencies for developing academic English skills in English language learner students that all teachers should acquire in initial teacher preparation programs;

(b) Identifying components of a professional development program that builds classroom teacher competence for developing academic English skills in English language learner students; and

(c) Identifying job-embedded practices that connect the English language learner teacher and classroom teachers to coordinate instruction to support the work of the student.

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(2) The English as a second language demonstration project shall use two field strategies in the development of recommendations.

(a) The first strategy is to conduct a field study of an ongoing project in a number of schools and school districts in which Spanish is the predominate language other than English.

(b) The second strategy is to conduct a project that provides professional development and planning time resources to approximately three large schools in which there are many first languages among the students. The participants of this project shall partner with an institution of higher education or a professional development provider with expertise in supporting student acquisition of academic English. The superintendent of public instruction shall select the participants in the project under this subsection (2)(b).

(3)(a) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct the field study work and collect additional information from the project schools. In conducting its work, the laboratory shall review current literature regarding best practices and consult with state and national experts as appropriate.

(b) The laboratory shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(4) This section expires September 1, 2010.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.215 RCW to read as follows:

COMMUNITY LEARNING CENTER PROGRAM. (1)

The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, advocacy, and programmatic support to after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

NEW SECTION. Sec. 6. CAREER PATHWAYS PROGRAMS. (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall provide grants to support development of career pathways programs in high-demand fields. A portion of the appropriated funds shall be administered by an experienced nonprofit health organization and be used to create health care career pathways with geographically dispersed high school partnerships. The remaining funds shall be used to provide grants to geographically dispersed high school partnerships to create career pathways in the trades, mechanics and engineering, or other field identified by the partnership as high demand and appropriate to meet the workforce education needs in its region.

(2) To be eligible for a grant, high schools must form partnerships of parents, students, special populations, academic and career and technical education teachers and administrators, workforce development faculty and administrators, career guidance and academic counselors, representatives of tech-prep consortia, local workforce development councils, representatives of local skill centers and local skills panels, apprenticeship councils, and business and labor organizations in the community.

(3) Grant recipients must develop and implement a model curriculum for their selected career pathway. Grant funds shall be used for start-up costs, primarily for the development of the curriculum and assessments described in this section and for professional development for teachers. If sufficient funds remain, grant funds may be used to upgrade equipment within the program to meet industry standards.

(4) A career pathways program shall:

(a) Integrate core academic standards for reading, writing, and mathematics with high-quality career and technical preparation based on accepted industry standards in the field;

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(b) Incorporate secondary and postsecondary education elements;

(c) Be coherent, sequenced, and articulated to community and dual credit for both high school graduation and college, and to prepare students to succeed in postsecondary education programs in the field;

(d) Lead to an industry-recognized credential or certificate at the postsecondary level or an associate or baccalaureate degree; and

(e) Emphasize projects and application of knowledge and skills and provide extensive opportunities for work-based learning and internships.

(5) Students who are struggling with core academic skills, including the Washington assessment of student learning, shall receive supplemental assistance and instruction within the program, including assistance to create a career and technical collection of evidence as an alternative to the Washington assessment of learning.

(6) Participants in a high-demand career pathways program should expect to complete a high school diploma and the appropriate courses in a high-quality career and technical program and graduate ready to pursue postsecondary education.

(7) With assistance from the office of the superintendent of public instruction and the workforce training and education coordinating board, grant recipients shall develop end-of-program assessments for their high-demand career pathways program. The assessments shall be integrated to include academic, work readiness, and technical knowledge and skills. The legislature's intent is to use these assessments as prototypes for possible future additional alternative assessments for career and technical education students to demonstrate they meet the state's learning standards.

(8) Grant recipients must develop a communications strategy for parents and students in other area high schools and middle schools to promote the model career pathways programs as a high-quality learning option for students and prepare plans for replication of the programs.

(9) For the purposes of this section, "career pathways program" has the same meaning as a career and technical program of study under P.L. 109-270, the Carl D. Perkins career and technical education improvement act of 2006.

(10) This section expires July 1, 2009.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

WORLD LANGUAGES. The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the world language supervisor. The world language supervisor shall have the following duties and responsibilities:

(1) Develop, conduct, and oversee professional development for teachers on grade level expectations, state and national standards, and best practices in instruction for world languages;

(2) Provide technical assistance to schools in designing elementary and middle school language programs, selecting and designing high quality curriculum, and providing professional development;

(3) Advise in the development of online world language courses;

(4) Create a clearinghouse of information and materials to support high quality world language instruction at the elementary and secondary levels;

(5) Secure and implement grants, including federal grants, to enhance world language programs;

(6) Encourage and foster an articulated curriculum for world languages through elementary, secondary, and postsecondary grades;

(7) Establish and maintain a state database for world language course offerings in schools and school districts;

(8) Implement memoranda of understanding with ministries of education in other countries, including interviewing, selecting, securing visas for, and providing orientation for visiting teachers;

(9) Serve in an advisory capacity on committees or work groups regarding teacher certification, advanced placement programs, and textbook publishing and selection; and

(10) Serve as an education liaison with the business, trade, and economic development communities.

NEW SECTION. Sec. 8. Captions used in this act are not any part of the law."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841 and ask the House to recede therefrom.

Senators Prentice spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5955, with the following amendment: 5955-S2 AMH ED H3180.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.415 RCW to read as follows:

SCHOOL DISTRICT LEADERSHIP ACADEMY. (1) Research supports the value of quality school and school district leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit foundations, institutions of higher education with approved educator preparation programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

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(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December 31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements.

NEW SECTION. Sec. 2. PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES. (1) The purpose of the duties in this section for the professional educator standards board is to take the next steps in developing quality teaching knowledge and skill in the state's teaching ranks. The duties build upon the current teacher development foundation that requires demonstrated teaching competency, requires evidence of positive impact on student learning, and focuses on furthering state kindergarten through twelfth grade learning goals through instructional skill alignment.

(2) The professional educator standards board shall:

(a) By December 2007:

(i) Adopt new knowledge and skill standards that prepare all individuals seeking residency teacher certification to integrate mathematics across all content areas; and

(ii) Adopt new certification requirements for individuals seeking residency teacher certification as elementary education or middle level and secondary mathematics teachers to assure adequate content and instructional strategy preparation to teach to the kindergarten through twelfth grades state mathematics and science standards;

(b) By June 2009:

(i) Set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar;

(ii) Summarize its work in the development of the assessment in (b)(i) of this subsection in the annual reports required by RCW 28A.410.240; and

(iii) Review and revise the standards for higher education teacher preparation programs to incorporate updated practices to enhance teacher success in a knowledge and skill-based performance system that emphasizes strong content, applied learning, and personal, meaningful connections with students; and

(c) By December 2009, review and revise as needed teacher preparation standards and requirements to focus on diversity in cultural knowledge and respect.

NEW SECTION. Sec. 3. Sections 3 through 7 of this act represent core components of a comprehensive initiative to improve mathematics, science, and targeted secondary reading education and achievement through educator professional development and support. The initiative focuses on:

(1) A regional delivery system to provide professional development and support to schools and school districts through the educational service districts;

(2) A tiered support system that provides resources, services, assistance, and intervention for schools and districts, depending on their levels of need;

(3) Leveraging existing public and private resources and district-initiated activities; and

(4) Accountability through outcome-oriented performance agreements, contracts, reporting, and data collection.

NEW SECTION. Sec. 4. (1) The mathematics, science, and targeted secondary reading improvement initiative shall provide the capacity and resources for the superintendent of public instruction, educational service districts, school districts, and

schools to conduct a broad range of activities, depending on the level of need and priority of the school or district. The focus of the initiative is on building and enhancing the quality of mathematics and science instruction.

(2) Activities supported by the initiative include, but are not limited to:

(a) Targeted professional development in content knowledge, content-specific pedagogy, differentiated instruction, effective teaching strategies, learning modules, and mathematics and science standards and curriculum;

(b) Use and analysis of diagnostic assessments and other data on student achievement to improve instruction;

(c) Curriculum alignment and development or purchase of supplemental materials;

(d) Integration of technology; and

(e) Mentors and instructional coaches.

NEW SECTION. Sec. 5. In support of the mathematics, science, and targeted secondary reading improvement initiative, the office of the superintendent of public instruction shall:

(1) Create a partnership with the educational service districts to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the specific targeted activities described in this section. The partnership shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of the professional development activities described in sections 3 through 7 of this act; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes;

(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

(a) Participation in the development of various professional development workshops, programs, and activities;

(b) Characteristics and qualifications of professional development staff supported by the program;

(c) Methods to ensure consistent delivery of professional development services; and

(d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement;

(3) In collaboration with the educational service districts, develop a methodology for distributing funds appropriated for activities under the tiered support system in section 6 of this act among the educational service districts and among the three tiers of support. The methodology shall take into account the anticipated demand and need for services by school districts in each tier and the size of those school districts. The methodology shall also reflect a higher priority and greater need for support and resources for schools and districts in tier three;

(4) Develop guidelines for educational service districts in administering grants, developing district improvement agreements, and implementing intensive intervention and support services. The guidelines shall not require all educational service districts to follow the same procedures in all circumstances, but shall ensure general equity for school districts across the state in how the districts may access resources under the initiative and the activities and services that are provided by the educational service districts;

(5) Identify the schools and school districts eligible for tier three intensive intervention and support, based on low student performance in mathematics and science. The superintendent shall consider whether the school has the capacity to feasibly integrate additional resources with any existing state or federal improvement funds. To the maximum extent possible, the identification of and the intensive intervention services provided to tier three schools and districts shall align with the accountability plan developed by the state board of education; and

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(6) In collaboration with the educational service districts, develop guidelines and a common reporting format for collecting data and information about the activities and outcomes under the initiative and designate one or more common diagnostic assessments for districts to use in reporting and monitoring student achievement.

NEW SECTION. Sec. 6. Resources for the mathematics, science, and targeted secondary reading improvement initiative shall be provided through the office of the superintendent of public instruction and educational service districts to schools and school districts based on a tiered support system. The legislature's intent is that resources from the mathematics, science, and targeted secondary reading improvement initiative are provided over a four-year period.

(1) Tier one: Initiative grants. School districts may apply on a competitive basis to their educational service district for grants to support activities to improve mathematics, science, and secondary reading instruction. A district may contract with the educational service district for services, use the grant for district-initiated activities, or both. Tier one districts must demonstrate how district resources and resources from public-private partnerships shall be used to leverage the grant funds. Tier one grant recipients must identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

(2) Tier two: Improvement agreements. School districts may work with the office of the superintendent of public instruction and educational service districts to plan, develop, and implement a mathematics, science, and targeted secondary reading improvement initiative tailored to the needs of the district. The office of the superintendent of public instruction, the educational service district, and the school district shall develop a joint agreement that identifies the services and support to be provided by the educational service district, the activities to be conducted by the district using improvement agreement funds, and the expected measurable outcomes from the activities. Recipients of funds under a tier two improvement agreement must report results of the activities supported by the agreement in a prescribed format, including student achievement data from designated diagnostic assessments.

(3) Tier three: Intensive intervention and support. School districts and schools with low student performance in mathematics, science, and/or secondary reading as identified by the superintendent of public instruction under section 5 of this act are eligible for intensive intervention and support coordinated by the office of the superintendent of public instruction and/or the educational service district. School districts or individual schools may receive tier three support. Recipients of funds under tier three support must:

(a) Participate in an audit of the mathematics, science, and secondary reading instructional delivery system, including policies and practices, curriculum alignment, teacher pedagogy and content knowledge, and assessment of overall climate and practice compared to best practices;

(b) Develop, with assistance from the educational service district, a school or district intervention plan that focuses on areas of highest need and provides intensive professional development in those areas;

(c) Participate in professional development using the services of a technical assistance team that includes a trained and experienced facilitator and mathematics, science, or reading instructional coaches to provide job-embedded professional development; and

(d) Identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

NEW SECTION. Sec. 7. (1) Educational service districts shall coordinate with the superintendent of public instruction to develop and maintain the capacity to provide administrative, professional development, technical assistance, and intervention services under the mathematics, science, and targeted secondary reading improvement initiative to support school districts as required under section 6 of this act, including:

(a) Administering, reviewing, and monitoring grants for tier one grant recipients and providing contracted services;

(b) Developing, administering, and monitoring tier two improvement agreements and providing support and services under the terms of the agreements; and

(c) Coordinating and providing the intensive intervention and support for tier three schools and districts, including the instructional audit, intervention plan, and intervention team.

(2) Educational service districts shall also:

(a) Develop public-private partnerships and seek external grants and funds to leverage the state resources provided to support the mathematics and science improvement initiative;

(b) Collect, compile, and disseminate data and information about the activities and outcomes under the initiative, including student achievement data from designated diagnostic assessments; and

(c) Develop appropriate reporting and monitoring procedures to ensure accountability for the use of funds distributed to school districts through the tiered support system and for the achievement of desired outcomes.

Sec. 8. RCW 28A.310.350 and 1977 ex.s. c 283 s 10 are each amended to read as follows:

The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

(1) Educational service district administration and facilities such as office space, maintenance and utilities;

(2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;

(3) Personnel services such as certification/registration services;

(4) Learning resource services such as audio visual aids;

(5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; ~~(and)~~

(6) Professional development services identified by statute or the omnibus appropriations act; and

(7) Special needs of local education agencies.

NEW SECTION. Sec. 9. RCW 28A.300.350 (Excellence in mathematics training program) and 1999 c 347 s 2 are each repealed.

NEW SECTION. Sec. 10. Sections 3 through 7 of this act are each added to chapter 28A.415 RCW under the subchapter heading "mathematics, science, and targeted secondary reading improvement initiative."

Sec. 11. RCW 28A.415.200 and 1989 c 146 s 1 are each amended to read as follows:

The legislature finds that it is important to have a teaching force that reflects the rich diversity of the students served in the public schools. A diverse and culturally competent teaching force provides a unique social, emotional, and academic learning environment for a diverse student body. The legislature further finds that certain groups, as characterized by ethnic background, are traditionally underrepresented in the teaching profession in the state of Washington and that the ethnic diversity of the student population in the state of Washington is increasing. ~~(The legislature intends to increase the number of people from underrepresented groups entering our teaching force.)~~ The legislature further finds that Washington lacks a systemic and strategic recruitment approach to increasing diversity among educators. Additional steps must be taken to increase the number of diverse high school students who seek to enter the teaching profession, especially in teacher shortage areas and among multilingual, multicultural students.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.415 RCW to read as follows:

(1) The recruiting diverse Washington teachers program is established to recruit and provide training and support for diverse high school students to enter the teaching profession, especially in teacher shortage areas and among multilingual, multicultural students. The program shall be administered by the professional educator standards board.

(2) The program shall consist of the following components:

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(a) Targeted recruitment of diverse students, especially multilingual, multicultural students in grades nine through twelve through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language;

(b) A curriculum that provides future teachers with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, the achievement gap, cultural competency, and education policy;

(c) Academic and community support services for students to help them overcome possible barriers to becoming future teachers, such as supplemental tutoring; advising on college readiness, applications, and financial aid processes; and mentoring; and

(d) Future teacher camps held on college campuses where students can attend workshops and interact with college faculty and current teachers.

(3) As part of its administration of the program, the professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, students, and representatives of diverse communities;

(b) Subject to funds appropriated for this purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section; and

(c) Conduct an evaluation of the effectiveness of current strategies and programs for recruiting diverse teachers, especially multilingual, multicultural teachers, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting diverse Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature.

NEW SECTION. Sec. 13. RCW 28A.415.205 (Minority teacher recruitment program) and 2005 c 497 s 211, 1991 c 238 s 75, & 1989 c 146 s 2 are each repealed.

NEW SECTION. Sec. 14. Captions used in this act are not any part of the law."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5955 and ask the House to recede therefrom.

Senators Prentice spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5955 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5955 and asked the House to recede therefrom.

MOTION

At 12:58 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Monday, April 16, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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MORNING SESSION

Senate Chamber, Olympia, Monday, April 16, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Benton and Brown.

The Sergeant at Arms Color Guard consisting of Pages Joshua Lamb and Ryan Roberts, presented the Colors. Father James Johnson of our Lady of Fatima Parish of Seattle offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Swecker moved adoption of the following resolution:

SENATE RESOLUTION
 8639

By Senators Swecker, Morton, Kauffman, Roach, Marr, Stevens, Berkey, Shin, Jacobsen, Benton, Rasmussen, Honeyford, Haugen, Rockefeller, Eide, Sheldon, McCaslin, Kilmer, Schoesler, Delvin, Hobbs, Tom, Brandland, Parlette, Hatfield, Brown, Regala, Murray, Pflug, Clements, Spanel, Hewitt, Fraser and Kohl-Welles

WHEREAS, Lieutenant Colonel Bruce P. Crandall served in the United States Army with distinction, demonstrating courage and heroism on the battlefield in Vietnam; and

WHEREAS, On November 14, 1965, the first day of the Battle of LZ X-Ray, then-Major Crandall flew fourteen missions into Landing Zone X-Ray in Vietnam's Ia Drang Valley under intense enemy fire, evacuating more than seventy wounded soldiers while leading a flight of two helicopters; and

WHEREAS, Major Crandall's bravery in the Battle of LZ X-Ray and his determination to put the lives and safety of wounded soldiers ahead of his own enhanced the morale and fighting spirit of fellow pilots and soldiers; and

WHEREAS, In January 1966, during "Operation Masher," Major Crandall rescued twelve wounded soldiers under intense enemy fire and with only a spot flashlight for guidance; and

WHEREAS, Major Crandall received the Aviation and Space Writers Helicopter Heroism Award for his courage in "Operation Masher"; and

WHEREAS, Major Crandall later served with distinction in his second tour in Vietnam, during which time his helicopter was downed while attempting another rescue, landing him in the hospital for five months due to severe injuries; and

WHEREAS, Lieutenant Colonel Crandall retired from the Army in 1977, was inducted into the Army Aviation Hall of Fame in 2004, and also inducted into the Air Force's Gathering of Eagles in 1996; and

WHEREAS, Lieutenant Colonel Crandall was awarded the Medal of Honor in Washington, D.C. on February 26, 2007;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize Lieutenant Colonel Bruce P. Crandall for his heroic service in the defense of the United States of America and for his steadfast commitment to the lives and fighting spirit of his fellow pilots and soldiers.

Senators Swecker and Kilmer spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8639.

The motion by Senator Swecker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lt. Colonel Bruce Crandall and wife Arlene who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Lt. Colonel Bruce Crandall to address the Senate.

REMARKS BY LT. COLONEL BRUCE CRANDALL

Lt. Colonel Crandall: "Thank you. As a commander I have a great responsibility to my troops and my co-aircraft was from Boise, Idaho, Ed Freeman, and he received the Medal of Honor also. I am tremendously proud of him but both of us had one thing in common and that's we had wive's and families back home that supported us and were with us for all the time that we were in the service. They had to put up with our continuous transfers away from home and they carried the ball. They're the real strong ones. We owe them the opportunities that we had. My wife, we've been married for fifty-one years and sixteen days and she has been the strength for all of those years. She's from Kent, Washington. She raised three boys and as she tells me frequently she really raised four. I wanted to recognize her because she's the one that really backed me the full time I was in the service. Thank you very much for the honor. It's a great honor and I went to high school over here next to the courthouse in 1951 and I was on top of this building because they took the cupola off and they put a ramp up the outside and that was too much for a high school kid to ignore. Our high school was right next to the courthouse which had a very calming influence on us."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of all branches of the Armed Forces who present seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5002, with the following amendment: 5002-S AMH HE H3266.1

On page 3, after line 8, insert the following:
"(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section."

Remember the remaining subsections consecutively and correct any internal references accordingly. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

Senator Shin spoke in favor of the motion.

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MOTION

On motion of Senator Brandland, Senator Benton was excused.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5002.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5002 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5002, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5002, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Benton - 1

SUBSTITUTE SENATE BILL NO. 5002, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5014, with the following amendment: 5014 AMH APP H3152.1

Strike everything after the enacting clause and insert the following:

"**Sec. 15.** RCW 41.45.030 and 2001 2nd sp.s. c 11 s 5 are each amended to read as follows:

(1) Beginning ~~((April 1, 2004))~~ September 1, 2007, and every ~~((four))~~ two years thereafter, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system, and make recommendations regarding the long-term economic assumptions set forth in RCW 41.45.035. The council shall review this and such other information as it may require.

(2) By ~~((May 31, 2004))~~ October 31, 2007, and every ~~((four))~~ two years thereafter, the council, by affirmative vote of four councilmembers, may adopt changes to the long-term economic assumptions established in RCW 41.45.035. Any changes adopted by the council shall be subject to revision by the legislature.

The council shall consult with the economic and revenue forecast supervisor and the executive director of the state investment board, and shall consider long-term historical averages, in reviewing possible changes to the economic assumptions.

(3) The assumptions and the asset value smoothing technique established in RCW 41.45.035, as modified in the future by the council or legislature, shall be used by the state actuary in conducting all actuarial studies of the state retirement systems, including actuarial fiscal notes under RCW 44.44.040. The assumptions shall also be used for the administration of benefits under the retirement plans listed in RCW 41.45.020,

pursuant to timelines and conditions established by department rules.

Sec. 16. RCW 41.45.060 and 2005 c 370 s 2 are each amended to read as follows:

(1) The state actuary shall provide preliminary actuarial valuation results based on the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted ~~((by the council))~~ under RCW 41.45.030 or 41.45.035.

(2) Not later than ~~((September 30, 2002))~~ July 31, 2008, and every two years thereafter, consistent with the economic assumptions and asset value smoothing technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or 41.45.035, the council shall adopt and may make changes to:

(a) A basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 1;

(b) Basic employer contribution rates for the public employees' retirement system, the teachers' retirement system, and the Washington state patrol retirement system ~~((to be used in the ensuing biennial period));~~ and

(c) ~~((A))~~ Basic employer contribution rates for the school employees' retirement system and the public safety employees' retirement system for funding both those systems and the public employees' retirement system plan 1.

The council may adopt annual rate changes for any plan for any rate-setting period. The contribution rates adopted by the council shall be subject to revision by the legislature.

(3) The employer and state contribution rates adopted by the council shall be the level percentages of pay that are needed:

(a) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and fire fighters' retirement system plan 1 not later than June 30, 2024; and

(b) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the school employees' retirement system plans 2 and 3 in accordance with RCW 41.45.061, 41.45.067, and this section.

(4) The aggregate actuarial cost method shall be used to calculate a combined plan 2 and 3 employer contribution rate and a Washington state patrol retirement system contribution rate.

(5) ~~((A))~~ The council shall immediately notify the directors of the office of financial management and department of retirement systems of the state and employer contribution rates adopted. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

(6) The director shall collect those rates adopted by the council. The rates established in RCW 41.45.062, or by the council, shall be subject to revision by the legislature.

(7) The state actuary shall prepare final actuarial valuation results based on the economic assumptions, asset value smoothing technique, and contribution rates included in or adopted under RCW 41.45.030, 41.45.035, and this section.

Sec. 17. RCW 41.45.0604 and 2003 c 92 s 4 are each amended to read as follows:

(1) Not later than ~~((September 30, 2004))~~ July 31, 2008, and every even-numbered year thereafter, the law enforcement officers' and fire fighters' plan 2 retirement board shall adopt contribution rates for the law enforcement officers' and fire fighters' retirement system plan 2 as provided in RCW 41.26.720(1)(a).

(2) The law enforcement officers' and fire fighters' plan 2 retirement board shall immediately notify the directors of the office of financial management and department of retirement systems of the state, employer, and employee rates adopted. Thereafter, the director shall collect those rates adopted by the board. The rates shall be effective for the ensuing biennial period, subject to any legislative modifications.

Sec. 18. RCW 41.45.061 and 2004 c 242 s 40 are each amended to read as follows:

(1) The required contribution rate for members of the plan 2 teachers' retirement system shall be fixed at the rates in effect on July 1, 1996, subject to the following:

(a) Beginning September 1, 1997, except as provided in (b)

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of this subsection, the employee contribution rate shall not exceed the employer plan 2 and 3 rates adopted under RCW 41.45.060, 41.45.054, and 41.45.070 for the teachers' retirement system;

(b) In addition, the employee contribution rate for plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after July 1, 1996;

(c) In addition, the employee contribution rate for plan 2 shall not be increased as a result of any distributions pursuant to section 309, chapter 341, Laws of 1998 and RCW 41.31A.020.

(2) The required contribution rate for members of the school employees' retirement system plan 2 shall equal the school employees' retirement system employer plan 2 and 3 contribution rate adopted under RCW 41.45.060, 41.45.054, and 41.45.070, except as provided in subsection (3) of this section.

(3) The member contribution rate for the school employees' retirement system plan 2 shall be increased by fifty percent of the contribution rate increase caused by any plan 2 benefit increase passed after September 1, 2000.

(4) The required contribution rate for members of the public employees' retirement system plan 2 shall be set at the same rate as the employer combined plan 2 and plan 3 rate.

(5) The required contribution rate for members of the law enforcement officers' and fire fighters' retirement system plan 2 shall be set at fifty percent of the cost of the retirement system.

(6) The employee contribution rates for plan 2 under subsections (3) and (4) of this section shall not include any increase as a result of any distributions pursuant to RCW 41.31A.020 and 41.31A.030.

(7) The required plan 2 and 3 contribution rates for employers shall be adopted in the manner described in RCW 41.45.060, 41.45.054, and 41.45.070.

(8) The required contribution rate for members of the public safety employees' retirement system plan 2 shall be set at fifty percent of the cost of the retirement system.

(9) Concurrently with the adoption of employer contribution rates, the state actuary shall calculate the required contribution rates for plan 2 members, which are fixed in accordance with this section. Upon adoption of employer contribution rates, the state actuary shall immediately notify the directors of the office of financial management and department of retirement systems of the required contribution rates for members, which shall be effective for the ensuing rate-setting period.

Sec. 19. RCW 41.45.0631 and 2006 c 94 s 2 are each amended to read as follows:

Beginning July 1, 2001, the required contribution rate for members of the Washington state patrol retirement system shall be two percent or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070 for the Washington state patrol retirement system, whichever is greater. The employee contribution rate shall not, however, include any increase as a result of distributions under RCW 43.43.270(2) for survivors of members who became disabled under RCW 43.43.040(2) prior to July 1, 2006. Concurrently with the adoption of the employer contribution rate for the Washington state patrol retirement system, the state actuary shall calculate the required contribution rate for members, which is fixed in accordance with this section. The state actuary shall immediately notify the directors of the office of financial management and department of retirement systems of the required contribution rate for members, which shall be effective for the ensuing rate-setting period.

Sec. 20. RCW 41.45.110 and 2003 c 295 s 10 are each amended to read as follows:

The pension funding council shall solicit and administer a biennial actuarial audit of the preliminary and final actuarial valuations used for employer and member rate-setting purposes. This audit will be conducted concurrent with the actuarial valuation performed by the state actuary. At least once in each six-year period, the pension funding council shall solicit and administer an actuarial audit of the results of the experience study required in RCW 41.45.090. Upon receipt of the results of the preliminary actuarial audits required by this section, and at least thirty days prior to adopting contribution rates, the

pension funding council shall submit the results to the select committee on pension policy."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 41.45.030, 41.45.060, 41.45.0604, 41.45.061, 41.45.0631, and 41.45.110." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Senate Bill No. 5014.

The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Senate Bill No. 5014.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5014 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5014, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5014, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Benton - 1

SENATE BILL NO. 5014, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, with the following amendment: 5037-S.E AMH MORR MUNN 077

On page 2, line 14, after "property" insert ";

(d) A moving motor vehicle while using a hearing aid" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5037.

Senator Eide spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5037.

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The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5037 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5037, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5037, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 33

Voting nay: Senators Brandland, Clements, Hargrove, Hatfield, Hewitt, Holmquist, Honeyford, Morton, Oemig, Parlette, Roach, Schoesler, Sheldon, Stevens and Zarelli - 15

Excused: Senator Benton - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5037, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5053, with the following amendment: 5053-S. AMH ENGR H3230.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 51.14 RCW to read as follows:

The office of the ombudsman for workers of industrial insurance self-insured employers is created. The ombudsman shall be appointed by the governor and report directly to the director of the department. The office of the ombudsman may be openly and competitively contracted by the governor in accordance with chapter 39.29 RCW but shall not be physically housed within the industrial insurance division.

NEW SECTION. Sec. 2. A new section is added to chapter 51.14 RCW to read as follows:

The person appointed ombudsman shall hold office for a term of six years and shall continue to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombudsman only for neglect of duty, misconduct, or inability to perform duties. Any vacancy shall be filled by similar appointment for the remainder of the unexpired term.

NEW SECTION. Sec. 3. A new section is added to chapter 51.14 RCW to read as follows:

Any ombudsman appointed under this chapter shall have training or experience, or both, in the following areas:

- (1) Washington state industrial insurance including self-insurance programs;
- (2) The Washington state legal system;
- (3) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

NEW SECTION. Sec. 4. A new section is added to chapter 51.14 RCW to read as follows:

During the first two years after the office of the ombudsman is created, the staffing level shall be no more than four persons, including the ombudsman and any administrative staff. Thereafter, the staffing levels shall be determined based upon

the office of the ombudsman's workload and whether any additional locations are needed.

NEW SECTION. Sec. 5. A new section is added to chapter 51.14 RCW to read as follows:

The office of the ombudsman shall have the following powers and duties:

(1) To act as an advocate for injured workers of self-insured employers;

(2) To offer and provide information on industrial insurance as appropriate to workers of self-insured employers;

(3) To identify, investigate, and facilitate resolution of industrial insurance complaints from workers of self-insured employers;

(4) To maintain a statewide toll-free telephone number for the receipt of complaints and inquiries; and

(5) To refer complaints to the department when appropriate.

NEW SECTION. Sec. 6. A new section is added to chapter 51.14 RCW to read as follows:

(1) The office of the ombudsman shall develop referral procedures for complaints by workers of self-insured employers. The department shall act as quickly as possible on any complaint referred to them by the office of the ombudsman.

(2) The department shall respond to any complaint against a self-insured employer referred to it by the office of the ombudsman and shall forward the office of the ombudsman a summary of the results of the investigation and action proposed or taken.

NEW SECTION. Sec. 7. A new section is added to chapter 51.14 RCW to read as follows:

(1) No ombudsman is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against any employee of a self-insured employer for any communication made, or information given or disclosed, to assist the ombudsman in carrying out its duties and responsibilities, unless the same was done maliciously. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by the ombudsman, if reasonably related to the requirements of his or her responsibilities under this chapter and done in good faith, are privileged and confidential, and this shall serve as a defense to any action in libel or slander.

(4) Representatives of the office of the ombudsman are exempt from being required to testify as to any privileged or confidential matters except as the court may deem necessary to enforce this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 51.14 RCW to read as follows:

All records and files of the ombudsman relating to any complaint or investigation made pursuant to carrying out its duties and the identities of complainants, witnesses, or injured workers shall remain confidential unless disclosure is authorized by the complainant or injured worker or his or her guardian or legal representative. No disclosures may be made outside the office of the ombudsman without the consent of any named witness or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

NEW SECTION. Sec. 9. A new section is added to chapter 51.14 RCW to read as follows:

The ombudsman shall integrate into existing posters and brochures information explaining the ombudsman program. Both the posters and the brochures shall contain the ombudsman's toll-free telephone number. Every self-insured employer must place a poster in an area where all workers have access to it. The self-insured employer must provide a brochure to all injured workers at the time the employer is notified of the worker's injury.

NEW SECTION. Sec. 10. A new section is added to chapter 51.14 RCW to read as follows:

(1) To provide start-up funding for the office of the ombudsman, the department shall impose a one-time assessment on all self-insurers. The amount of the assessment shall be determined by the department and shall not exceed the amount needed to pay the start-up costs.

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(2) Ongoing funding for the office of the ombudsman shall be obtained as part of an annual administrative assessment of self-insurers under RCW 51.44.150. This assessment shall be proportionately based on the number of claims for each self-insurer during the past year.

Sec. 11. RCW 51.44.150 and 1971 ex.s. c 289 s 59 are each amended to read as follows:

The director shall impose and collect assessments each fiscal year upon all self-insurers in the amount of the estimated costs of administering their portion of this title during such fiscal year. These assessments shall also include the assessments for the ombudsman's office provided for in section 10 of this act. The time and manner of imposing and collecting assessments due the department shall be set forth in regulations promulgated by the director in accordance with chapter 34.05 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 51.14 RCW to read as follows:

(1) The ombudsman shall provide the governor with an annual report that includes the following:

(a) A description of the issues addressed during the past year and a very brief description of case scenarios in a form that does not compromise confidentiality;

(b) An accounting of the monitoring activities by the ombudsman; and

(c) An identification of the deficiencies in the industrial insurance system related to self-insurers, if any, and recommendations for remedial action in policy or practice.

(2) The first annual report shall be due on or before October 1, 2008. Subsequent reports shall be due on or before October 1st."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5053.

Senator Kohl-Welles spoke in favor of the motion.

Senator Clements spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5053.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5053 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5053, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5053, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 15

Absent: Senators Berkey and Brown - 2

SUBSTITUTE SENATE BILL NO. 5053, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Berkey and Brown were excused.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5084, with the following amendment: 5084 AMH TR LEAT 036

On page 2, line 29, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 4, line 2, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 5, line 14, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 6, line 28, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 8, line 4, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 9, line 16, after "(1)" strike "~~((d))~~" and insert "(d)"

On page 9, line 35, after "in" strike "~~(subsection (1)(d) of)~~" and insert "subsection (1)(d) of"

On page 11, line 23, after "~~department's~~" insert "direct"

On page 11, line 24, after "~~associated~~" insert "only"

On page 11, line 26, after "~~section~~" insert ", and the fee shall not be a flat fee but shall be imposed on each owner and operator in proportion to the effort expended by the department in relation to individual plans." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Senate Bill No. 5084.

Senators Murray and Swecker spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Senate Bill No. 5084.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5084 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5084, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5084, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senator Pflug - 1

Excused: Senators Berkey, Brown, Parlette and Pridemore -

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SENATE BILL NO. 5084, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5088, with the following amendment: 5088 AMH ROLF MUNN 076; 5088 AMH SCHI MUNN 080

On page 1, line 15, after "ferry." insert "Violations of this section are not part of the vehicle driver's driving record under RCW 46.52.101 and 46.52.120."

On page 1, at the beginning of line 6, insert "(1)"

On page 2, after line 15, insert:

"(2) Subsection (1) of this section does not apply to a driver of a motor vehicle intending to board the Keller Ferry on State Route 21." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Senate Bill No. 5088.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Senate Bill No. 5088.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5088 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5088, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5088, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Hewitt and Honeyford - 2

Excused: Senators Berkey, Brown, Parlette and Pridemore - 4

SENATE BILL NO. 5088, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5092, with the following amendment: 5092 S2 AMH KENN TAYL 144

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that economic development success requires coordinated state and local efforts. The legislature further finds that economic development happens at the local level. County-designated associate development organizations serve as a networking tool and resource hub for business retention, expansion, and relocation in Washington. Economic development success requires an adequately funded and coordinated state effort and an adequately funded and coordinated local effort. The legislature intends to bolster the partnership between state and local economic development efforts, provide increased funding for local economic development services, and increase local economic development service effectiveness, efficiency, and outcomes.

Sec. 2. RCW 43.330.080 and 1997 c 60 s 1 are each amended to read as follows:

((+)) The department shall contract with county-designated associate development organizations (~~or other local organizations~~) to increase the support for and coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, ~~(private industry)~~ workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The ~~((department shall be responsible for determining the))~~ scope of services delivered under these contracts(:

~~(2) Associate development organizations or other local development organizations contracted with shall promote and coordinate, through local service agreements with local governments, small business development centers, port districts, community and technical colleges, private industry councils, and other development organizations, for the efficient delivery of community and economic development services in their areas.~~

~~(3) The department shall consult with associate development organizations, port districts, local governments, and other local development organizations in the establishment of service delivery regions throughout the state. The legislature encourages local associate development organizations to form partnerships with other associate development organizations in their region to combine resources for better access to available services, to encourage regional delivery of state services, and to build the local capacity of communities in the region more effectively.~~

~~(4) The department shall contract on a regional basis for surveys of key sectors of the regional economy and the coordination of technical assistance to businesses and employees within the key sectors. The department's selection of contracting organizations or consortiums shall be based on the sufficiency of the organization's or consortium's proposal to examine key sectors of the local economy within its region adequately and its ability to coordinate the delivery of services required by businesses within the targeted sectors. Organizations contracting with the department shall work closely with the department to examine the local economy and to develop strategies to focus on developing key sectors that show potential for long-term sustainable growth. The contracting organization shall survey businesses and employees in targeted sectors on a periodic basis to gather information on the sector's business needs, expansion plans, relocation decisions, training needs, potential layoffs, financing needs, availability of financing, and other appropriate~~

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~~information about economic trends and specific employer and employee needs in the region.~~

~~(5)) shall include two broad areas of work:~~

~~(1) Direct assistance, including business planning, to companies who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance includes:~~

~~(a) Working with the appropriate partners, including but not limited to, local governments, workforce development organizations, port districts, community colleges and higher education institutions, export assistance providers, the Washington manufacturing services, the Washington state quality award, council, small business assistance programs, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services in the county;~~

~~(b) Providing information on state and local permitting processes, tax issues, and other essential information for operating, expanding or locating a business in Washington;~~

~~(c) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;~~

~~(d) Working with businesses on site location and selection assistance;~~

~~(e) Providing business retention and expansion services, including business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses; and~~

~~(f) Participate in economic development system-wide discussions regarding gaps in business start-up assistance in Washington; and~~

~~(2) Support for regional economic research and regional planning efforts to implement target industry strategies and other economic development strategies that support increased living standards and increase foreign direct investment throughout Washington. Activities include:~~

~~(a) Participation in regional planning efforts involving combined strategies around workforce development and economic development policies and programs. The contracting organization shall participate with the ((work force training and education coordinating board as created in chapter 28C.18 RCW, and any regional entities designated by that board.))the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in providing for the coordination of job skills training within its region;~~

~~(b) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. The department shall consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;~~

~~(c) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.~~

NEW SECTION. Sec. 3. (1) Contracting associate development organizations shall provide the department with measures of their performance. Annual reports shall include information on the impact of the contracting organization on employment, wages, tax revenue, and capital investment. Specific measures shall be developed in the contracting process between the department and the contracting organization every two years. Performance measures should be consistent across regions to allow for statewide evaluation.

(2)(a) The department and contracting organizations shall agree upon specific target levels for the performance measures

in subsection (1) of this section. Comparison of agreed thresholds and actual performance shall occur annually.

(b) Contracting organizations that fail to achieve the agreed performance targets in more than one-half of the agreed measures shall develop remediation plans to address performance gaps. The remediation plans shall include revised performance thresholds specifically chosen to provide evidence of progress in making the identified service changes.

(c) Contracts and state funding shall be terminated for one year for organizations that fail to achieve the agreed upon progress toward improved performance defined under (b) of this subsection. During the year in which termination for nonperformance is in effect, organizations shall review alternative delivery strategies to include reorganization of the contracting organization, merging of previous efforts with existing regional partners, and other specific steps toward improved performance. At the end of the period of termination, the department may contract with the associate development organization or its successor as it deems appropriate.

(3) The department shall report to the legislature and the Washington economic development commission by December 31st of each year on the performance results of the contracts with associate development organizations.

NEW SECTION. Sec. 4. Up to five associate development organizations per year contracting with the department under this act that apply for the Washington state quality award or its equivalent shall receive reimbursement for the award application fee, but may not be reimbursed more than once every three years.

NEW SECTION. Sec. 5. To the extent that funds are specifically appropriated therefor, contracts with associate development organizations for the provision of services under RCW 43.330.080(1) shall be awarded according to the following annual schedule:

(1) For associate development associations serving urban counties, which are counties other than rural counties as defined in RCW 43.160.020, a locally matched allocation of up to ninety cents per capita, totaling no more than three hundred thousand dollars per organization; and

(2) For associate development associations in rural counties, as defined in RCW 43.160.020, a per county base allocation of up to forty thousand dollars and a locally matched allocation of up to ninety cents per capita.

NEW SECTION. Sec. 6. Sections 3 through 5 of this act are each added to chapter 43.330 RCW.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5092.

Senator Marr spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5092.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5092 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5092, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5092, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44;

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Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 44

Absent: Senator Hargrove - 1

Excused: Senators Brown, Parlette, Pridemore and Swecker - 4

SECOND SUBSTITUTE SENATE BILL NO. 5092, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, with the following amendment: 5098-S2.E AMH HE H3268.1

On page 3, beginning on line 32, after "high" strike all material through "principals" on line 33, and insert "schools"

On page 3, line 34, after "program" insert "using methods in place for communicating with schools and school districts"

On page 3, after line 36, insert the following:

"NEW SECTION. Sec. 4. Each school district shall notify students, parents, teachers, counselors, and principals about the Washington college bound scholarship program through existing channels. Notification methods may include, but are not limited to, regular school district and building communications, online scholarship bulletins and announcements, notices posted on school walls and bulletin boards, information available in each counselor's office, and school or district scholarship information sessions."

Renumber the remaining sections consecutively and correct any internal references accordingly. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5098.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5098.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5098 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5098, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5098, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug,

Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Brown, Pridemore and Swecker - 3

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5098, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5101, with the following amendment: 5101-S AMH APP H3339.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.558 and 2005 c 249 s 4 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section and teachers and other certificated instructional staff under subsection (3) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(4) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

~~((4))~~ (5) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

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((5)) (6) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5101.

Senator Hobbs spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5101.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5101 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5101, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5101, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator Delvin - 1

Excused: Senators Brown, Pridemore and Swecker - 3

SUBSTITUTE SENATE BILL NO. 5101, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, with the following amendment: 5112-S.E AMH CL ELGE 055

On page 2, line 6, after "fees" strike all material through "waived" on line 7 and insert "and surety bond requirements in RCW 88.02.060 are waived"

On page 2, beginning on line 8, strike all of section 2 Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Schoesler moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5112.

Senators Schoesler and Kohl-Welles spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Schoesler that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5112.

The motion by Senator Schoesler carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5112 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5112, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5112, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 45

Absent: Senator McAuliffe - 1

Excused: Senators Brown, Pridemore and Swecker - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 5112, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5188, with the following amendment: 5188-S2 AMH AGNR H3235.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that licensed wildlife rehabilitators often work closely with local law enforcement, animal control officers, wildlife enforcement officers, and wildlife biologists at the state and federal levels to aid in the safe capture, testing for disease, medical treatment, rehabilitation, and release of wildlife. The state recognizes the critical role licensed wildlife rehabilitators play in capturing and caring for the sick, injured, and orphaned wildlife of Washington state.

Sec. 2. RCW 46.16.606 and 1991 sp.s. c 7 s 13 are each amended to read as follows:

In addition to the fees imposed in RCW 46.16.585 for application and renewal of personalized license plates an additional fee of ~~((ten)) twelve~~ dollars shall be charged. ~~((The revenue)) Ten dollars~~ from the additional fee shall be deposited in the state wildlife ~~((fund)) account~~ and used for the management of resources associated with the nonconsumptive use of wildlife. Two dollars from the additional fee shall be deposited into the wildlife rehabilitation account created under section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

The wildlife rehabilitation account is created in the state treasury. All receipts from moneys directed to the account from RCW 46.16.606 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the support of the wildlife rehabilitation program created under section 4 of this act.

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NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

(1) The director shall establish a wildlife rehabilitation program to help support the critical role licensed wildlife rehabilitators play in protecting the public by capturing, testing for disease, and caring for sick, injured, and orphaned wildlife in Washington state. The director shall contract for wildlife rehabilitation services with up to four people in each of the department's six administrative regions. Applicants may submit only one request every two years and must reside in the administrative region for which they have applied. The contracts must be for a term of two years.

(2) In order to receive funding, the wildlife rehabilitator must: (a) Be properly licensed in wildlife rehabilitation under state and federal law; and (b) furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol to include a national criminal background check. The applicant must pay for the cost of the criminal background check. If the background check reveals that the applicant has been convicted of a felony or gross misdemeanor, the applicant is ineligible to receive funding.

(3) The department must require that contractors submit detailed reports accounting for all expenditures of state funds. The reports must be submitted to the department on a quarterly basis. The department may require the contractor to submit to an inspection of the rehabilitation facility to ensure compliance with department rules governing wildlife rehabilitation. Expenditures that are permitted under this program as they specifically relate to wildlife rehabilitation include: (a) Reimbursement for diagnostic and lab support services; (b) purchase and maintenance of proper restraints and equipment used in the capture, transportation, temporary housing, and release of wildlife; (c) reimbursement of contracted veterinary services; (d) reimbursement of the cost of food, medication, and other consumables; and (e) reimbursement of the cost of continuing education. The department shall give priority to applications submitted that provide for the rehabilitation of endangered or threatened species. Funds may not be used to rehabilitate either nonnative species or nuisance animals, or both, including, but not limited to the following: Eastern gray squirrels (*Sciurus carolinensis*); opossum (*Didelphis virginiana*); raccoons (*Procyon lotor*); striped skunk (*Mephitis mephitis*); spotted skunk (*Spilogale putorius*); Eastern cottontail rabbit (*Sylvilagus floridanus*); domestic rabbit (*Oryctolagus cuniculus*); European starling (*Sturnus vulgaris*); and house sparrow (*Passer domesticus*).

(4) The department may adopt any rules as are necessary to carry out this section.

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

The department must develop a process for renewing wildlife rehabilitation licenses. All wildlife rehabilitation licenses issued by the department prior to January 1, 2006, must be renewed by January 1, 2010. The department may adopt rules as necessary to implement this section.

NEW SECTION. Sec. 6. Section 2 of this act is effective for registrations due or to become due on or after January 1, 2008."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5188.

Senator Murray spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5188.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5188 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5188, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5188, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Senators Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Tom, Weinstein and Zarelli - 36

Voting nay: Senators Benton, Carrell, Delvin, Holmquist, Honeyford, McCaslin, Morton, Roach, Sheldon and Stevens - 10

Excused: Senators Brown, Pridemore and Swecker - 3

SECOND SUBSTITUTE SENATE BILL NO. 5188, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "I would like to call attention to two very fine groups that are here. One group from Mabton and one group from Pateros. I would like to point out that as, well anyway, it's pretty obvious. They've got same skin color as I. That was my last name. I'm just asking if anybody-and I realize I'm being out of order-but I just think that this is a phenomenon that is wonderful to see. These kids here in school and I would say stay in school. Yo say la primera latina aqui....and you could be here too. I'm just so proud to see. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Senator Prentice, usted esta siempre en orden. Siempre."

MOTION

On motion of Senator Regala, Senator Hobbs was excused.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5243, with the following amendment: 5243-S AMH HS H3112.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.210 and 2002 c 175 s 27 are each amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be

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tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply

with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.130 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

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NEW SECTION. Sec. 2. This act applies prospectively only and not retroactively. It applies only to juvenile offenders who have been adjudicated for an offense that occurred on or after the effective date of this act.

NEW SECTION. Sec. 3. This act takes effect October 1, 2007."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5243.

Senators Brandland and Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5243.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5243 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5243, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5243, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

SUBSTITUTE SENATE BILL NO. 5243, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5512, with the following amendment: 5512 AMH FIN H3121.5

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that local governments need flexible financing for public improvements that do not increase the combined state and local sales tax rate.

Sec. 2. RCW 39.100.010 and 2006 c 111 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Benefit zone" means the geographic zone from which taxes are to be appropriated to finance public improvements authorized under this chapter and in which a hospital that has received a certificate of need is to be constructed.

(2) "Department" means the department of revenue.

(3) "Local government" means any city, town, county, or any combination thereof.

(4) "Ordinance" means any appropriate method of taking legislative action by a local government.

(5) "Participating taxing authority" means a taxing authority that has entered into a written agreement with a local government for the use of hospital benefit zone financing to the extent of allocating excess local excise taxes to the local government for the purpose of financing all or a portion of the costs of designated public improvements.

(6) "Public improvements" means infrastructure improvements within the benefit zone that include:

- (a) Street and road construction and maintenance;
- (b) Water and sewer system construction and improvements;
- (c) Sidewalks and streetlights;
- (d) Parking, terminal, and dock facilities;
- (e) Park and ride facilities of a transit authority;
- (f) Park facilities and recreational areas; and
- (g) Storm water and drainage management systems.

(7) "Public improvement costs" means the costs of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; and (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on indebtedness issued to finance public improvements, and any necessary reserves for indebtedness; and administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of hospital benefit zone financing to fund the costs of the public improvements.

(8) "Tax allocation revenues" means those tax revenues derived from the receipt of excess local excise taxes under RCW 39.100.050 and distributed by a local government, participating taxing authority, or both, to finance public improvements.

(9) "Taxing authority" means a governmental entity that imposes a sales or use tax under chapter 82.14 RCW upon the occurrence of any taxable event within a proposed or approved benefit zone.

Sec. 3. RCW 39.100.020 and 2006 c 111 s 2 are each amended to read as follows:

A local government may finance public improvements using hospital benefit zone financing subject to the following conditions:

(1) The local government adopts an ordinance designating a benefit zone within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of hospital benefit zone financing;

(2) The public improvements proposed to be financed in whole or in part using hospital benefit zone financing are expected both to encourage private development within the benefit zone and to support the development of a hospital that has received a certificate of need;

(3) Private development that is anticipated to occur within the benefit zone, as a result of the public improvements, will be consistent with the county-wide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW; (~~and~~)

(4) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using hospital benefit zone financing are reasonably likely to:

- (a) Increase private investment within the benefit zone;
- (b) Increase employment within the benefit zone; and
- (c) Generate, over the period of time that the local sales and use tax will be imposed under RCW 82.14.465, excess state (~~and local sales and use tax revenues~~) excise taxes that are equal to or greater than the (~~respective~~) state (~~and local~~) contributions made under this chapter;

(5) The boundaries of a hospital benefit zone may not overlap any part of the boundaries of another hospital benefit zone or a revenue development area defined in chapter 39.102 RCW; and

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(6) The boundaries of a hospital benefit zone may not change once the hospital benefit zone is established and approved by the department.

Sec. 4. RCW 39.100.030 and 2006 c 111 s 3 are each amended to read as follows:

(1) Before adopting an ordinance creating the benefit zone, a local government must:

(a) Obtain written agreement for the use of hospital benefit zone financing to finance all or a portion of the costs of the designated public improvements from any taxing authority that imposes a sales or use tax under chapter 82.14 RCW within the benefit zone if the taxing authority chooses to participate in the public improvements to the extent of providing limited funding under hospital benefit zone financing authorized under this chapter. The agreement must be authorized by the governing body of such participating taxing authorities; and

(b) Hold a public hearing on the proposed financing of the public improvement in whole or in part with hospital benefit zone financing.

(i) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed benefit zone at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed benefit zone.

(ii) Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by hospital benefit zone financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed benefit zone, and estimate the period during which hospital benefit zone financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) In order to create a benefit zone, a local government must adopt an ordinance establishing the benefit zone that:

(a) Describes the public improvements;

(b) Describes the boundaries of the benefit zone;

(c) Estimates the cost of the public improvements and the portion of these costs to be financed by hospital benefit zone financing;

(d) Estimates the time during which excess local excise taxes are to be used to finance public improvement costs associated with the public improvements financed in whole or in part by hospital benefit zone financing;

(e) Estimates the average amount of tax revenue to be received in all fiscal years through the imposition of a sales and use tax under RCW 82.14.465;

(f) Provides the date when the use of excess local excise taxes will commence; and

(g) Finds that the conditions of RCW 39.100.020 are met.

(3) For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th.

Sec. 5. RCW 39.100.040 and 2006 c 111 s 4 are each amended to read as follows:

(1) A local government that adopts an ordinance creating a benefit zone under this chapter shall, within ninety days of adopting the ordinance:

~~((1))~~ (a) Publish notice in a legal newspaper of general circulation within the benefit zone that describes the public improvement, describes the boundaries of the benefit zone, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

~~((2))~~ (b) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, the department of revenue, and the governing body of each participating taxing authority within which the benefit zone is located.

(2) Any challenge to the formation shall be brought within sixty days of the later of the date of its formation or July 1, 2007. All parties, including the holders of bonds payable from tax revenue under this act, may rely upon the presumption of validity of formation of the benefit zone following the expiration of the sixty-day period.

Sec. 6. RCW 39.100.050 and 2006 c 111 s 5 are each amended to read as follows:

(1) A local government that creates a benefit zone and has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465 may use annually any excess local excise taxes received by it from taxable activity within the benefit zone to finance public improvement costs associated with the public improvements financed in whole or in part by hospital benefit zone financing. The use of excess local excise taxes must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any participating taxing authority is authorized to allocate excess local excise taxes to the local government as long as the local government has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465. The legislature declares that it is a proper purpose of a local government or participating taxing authority to allocate excess local excise taxes for purposes of financing public improvements under this chapter.

(2) A local government shall provide the department accurate information describing the geographical boundaries of the benefit zone at least seventy-five days before the effective date of the ordinance creating the benefit zone. The local government shall ensure that the boundary information provided to the department is kept current.

(3) The department shall provide the necessary information to calculate excess local excise taxes to each local government that has provided boundary information to the department as provided in this section and that has received approval from the department under RCW 82.32.700 to impose the local option sales and use tax authorized in RCW 82.14.465.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Excess local excise taxes" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the benefit zone over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the boundaries of the area that became the benefit zone, "excess local excise taxes" means the entire amount of local excise taxes received by the local government during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(c) "Local excise taxes" means local (~~retail~~) revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the hospital benefit zone is approved by the department, except that if a local government reduces the rate of such tax after the revenue development area was approved, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(d) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes required to be used to finance public improvement costs associated with public improvements financed in whole or in part by hospital benefit zone financing.

Sec. 7. RCW 82.14.465 and 2006 c 111 s 7 are each amended to read as follows:

(1) A city, town, or county that creates a benefit zone and finances public improvements pursuant to chapter 39.100 RCW may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those

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persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or the rate provided in RCW 82.12.020(5) in the case of a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW. The tax rate shall be no higher than what is reasonably necessary for the local government to receive its entire annual state contribution in a ten-month period of time.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the city, town, or county shall first have received tax allocation revenues ~~((derived from excess excise taxes))~~ during the preceding calendar year. The tax imposed under this section shall expire ~~((when))~~ on the earlier of the date: (a) The tax allocation revenues are no longer used for public improvements and public improvement costs; (b) the bonds issued under the authority of chapter 39.100 RCW are retired, ~~((but not more than))~~ if the bonds are issued; or (c) that is thirty years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be ~~((imposed))~~ distributed for the remainder of any fiscal year in which either:

(i) The amount of tax ~~((receipts))~~ distributions totals the amount of the state contribution;

(ii) The amount of tax ~~((receipts))~~ distributions totals the amount of ~~((the))~~ local public sources, ~~((as that term is used in RCW 82.14.470;))~~ dedicated in the previous calendar year to finance public improvements authorized under chapter 39.100 RCW, expended in the previous year for public improvement costs or used to pay for other bonds issued to pay for public improvements; or

(iii) The amount of revenue from taxes imposed under this section by all cities, towns, and counties totals the annual state credit limit as provided in RCW 82.32.700(3);

(d) The tax shall be ~~((imposed))~~ distributed again, should it cease to be ~~((imposed))~~ distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) Any revenue generated by the tax in excess of the amounts specified in ~~((a;))~~ (b)(c) and (c) of this subsection shall belong to the state of Washington.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created a benefit zone before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created a benefit zone before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The department shall determine the amount of tax ~~((receipts))~~ distributions attributable to each city, town, and county imposing a sales and use tax under this section and shall advise a city, town, or county when ~~((it must cease imposing))~~ the tax will cease to be distributed for the remainder of the fiscal year as provided in subsection (4)(c) of this section. Determinations by the department of the amount of taxes

attributable to a city, town, or county are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax ~~((receipts))~~ revenues in excess of the amounts specified in subsection ~~(4)((a;))~~ (b)(c) and (c) of this section to the state treasurer who shall deposit the moneys in the general fund.

(7) The definitions in this subsection apply throughout this section and RCW 82.14.470 unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Benefit zone" has the same meaning as provided in RCW 39.100.010.

(c) "Excess local excise taxes" has the same meaning as provided in RCW 39.100.050.

(d) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the benefit zone over and above the amount of excise taxes received by the state during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the boundaries of the area that became the benefit zone, "excess state excise taxes" means the entire amount of state excise taxes ~~((received by))~~ the state receives during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(e) "State excise taxes" means ~~((the))~~ revenues derived from state retail sales and use taxes ~~((imposed))~~ under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW except for the local tax authorized in this section.

(f) "Fiscal year" has the same meaning as provided in RCW 39.100.030.

(g) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes ~~((required to be used to finance public improvement costs associated with public improvements financed in whole or in part by hospital benefit zone financing)).~~

(h) "State contribution" means the lesser of two million dollars or an amount equal to excess state excise taxes received by the state during the preceding calendar year.

(i) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.

(j) "Public improvements" and "public improvement costs" have the same meanings as provided in RCW 39.100.010.

(k) "Local public sources" includes, but is not limited to, private monetary contributions, assessments, dedicated local government funds, and tax allocation revenues. "Local public sources" does not include local government funds derived from any state loan or state grant, any local tax that is credited against the state sales and use taxes, or any other state funds.

Sec. 8. RCW 82.14.470 and 2006 c 111 s 8 are each amended to read as follows:

(1)(a)(i) Moneys collected from the taxes imposed under RCW 82.14.465 shall be used only for the following purposes ~~((of))~~:

(A) Principal and interest payments on bonds issued under the authority of RCW 39.100.060 ~~((and));~~

(B) Principal and interest payments on other bonds issued by the local government to finance public improvements; or

(C) Payments for public improvement costs.

(ii) Moneys collected and used as provided in (a)(i) of this subsection must be matched with an amount from local public sources dedicated through December 31st of the previous calendar year to finance public improvements authorized under chapter 39.100 RCW. ~~((Such local public sources include but~~

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~~are not limited to private monetary contributions and tax allocation revenues.))~~

(b) Local public sources are dedicated to finance public improvements if they: (i) Are actually expended to pay public improvement costs or debt service on bonds issued for public improvements; or (ii) are required by law or an agreement to be used exclusively to pay public improvement costs or debt service on bonds issued for public improvements.

(2) A local government shall inform the department by the first day of March of the amount of local public sources dedicated in the preceding calendar year to finance public improvements authorized under chapter 39.100 RCW.

(3) If a local government fails to comply with subsection (2) of this section, no tax may be imposed under RCW 82.14.465 in the subsequent fiscal year.

(4) A local government shall provide a report to the department and the state auditor by March 1st of each year. A local government shall make a good faith effort to provide information required for the report.

The report shall contain the following information:

(a) The amount of tax allocation revenues, taxes under RCW 82.14.465, and local public sources received by the local government during the preceding calendar year, and a summary of how these revenues were expended; and

(b) The names of any businesses ~~(locating)~~ known to the local government that have located within the benefit zone as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing(;

~~(c) The total number of permanent jobs created as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing; and~~

~~(d) The average wages and benefits received by all employees of businesses locating within the benefit zone as a result of the public improvements undertaken by the local government and financed in whole or in part with hospital benefit zone financing).~~

(5) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by local governments and financed in whole or in part with hospital benefit zone financing, and it shall also include a summary of the information provided to the department by local governments under subsection (4) of this section.

~~((6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Public improvement costs" has the same meaning as in RCW 39.100.010.~~

~~(b) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.))~~

Sec. 9. RCW 82.32.700 and 2006 c 111 s 9 are each amended to read as follows:

(1) As a condition to imposing a sales and use tax under RCW 82.14.465, a city, town, or county must apply to the department at least seventy-five days before the effective date of any such tax. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information establishing that the applicant is eligible to impose such a tax, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th. The department shall make available forms to be used for this purpose. As part of the application, a city, town, or county must provide to the department a copy of the ordinance creating the benefit zone as required in RCW 39.100.040. The department shall rule on completed applications within sixty days of receipt. The department may begin accepting and approving applications August 1, 2006. No new applications shall be considered by the department after the thirtieth day of September of the third year following the year in which the first application was received by the department.

(2) The authority to impose the local option sales and use taxes under RCW 82.14.465 is on a first-come basis. Priority for collecting the taxes authorized under RCW 82.14.465 among approved applicants shall be based on the date that the approved application was received by the department. As a part of the approval of applications under this section, the department shall approve the amount of tax under RCW 82.14.465 that an applicant may impose. The amount of tax approved by the department shall not exceed the lesser of two million dollars or the average amount of tax revenue that the applicant estimates that it will receive in all fiscal years through the imposition of a sales and use tax under RCW 82.14.465. A city, town, or county shall not receive, in any fiscal year, more revenues from taxes imposed under RCW 82.14.465 than the amount approved by the department. The department shall not approve the receipt of more credit against the state sales and use tax than is authorized under subsection (3) of this section.

(3) No more than two million dollars of credit against the state sales and use tax provided for under RCW 82.14.465(2), may be received in any fiscal year by all cities, towns, and counties imposing a tax under RCW 82.14.465.

(4)(a) The credit against the state sales and use tax shall be available to any city, town, or county imposing a tax under RCW 82.14.465 only as long as the city, town, or county has outstanding indebtedness under ((RCW 82.14.465)) chapter 39.100 RCW or the tax allocation revenues are used for public improvement costs, but in no case shall the credit be available for more than thirty years after the tax is first imposed by the city, town, or county.

(b) Local governments may pledge any receipts from taxes levied and collected under chapter 39.100 RCW and RCW 82.14.465 to the repayment of its bonds or bond anticipation notes. A local government shall notify the department when all outstanding indebtedness secured in whole or in part from receipts is no longer outstanding or tax allocation revenues are no longer used for public improvement costs, and the credit provided for under RCW 82.14.465 shall be terminated.

(5) The department may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of chapter 39.100 RCW.

NEW SECTION. Sec. 10. This act applies retroactively to July 1, 2006.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5512.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5512.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5512 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5512, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

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Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5512, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, with the following amendment: 5290-S.E AMH CL H3085.4

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 51.36 RCW to read as follows:

(1) The department shall establish an industrial insurance medical advisory committee. The industrial insurance medical advisory committee shall advise the department on matters related to the provision of safe, effective, and cost-effective treatments for injured workers, including but not limited to the development of practice guidelines and coverage criteria, review of coverage decisions and technology assessments, review of medical programs, and review of rules pertaining to health care issues. The industrial insurance medical advisory committee may provide peer review and advise and assist the department in the resolution of controversies, disputes, and problems between the department and the providers of medical care. The industrial insurance medical advisory committee must consider the best available scientific evidence and expert opinion of committee members. The department may hire any expert or service or create an ad hoc committee, group, or subcommittee it deems necessary to fulfill the purposes of the industrial insurance medical advisory committee. In addition, the industrial insurance medical advisory committee may consult nationally recognized experts in evidence-based health care on particularly controversial issues.

(2) The industrial insurance medical advisory committee is composed of up to fourteen members appointed by the director. The members must not include any department employees. The director shall select twelve members from the nominations provided by statewide clinical groups, specialties, and associations, including but not limited to the following: Family or general practice, orthopedics, neurology, neurosurgery, general surgery, physical medicine and rehabilitation, psychiatry, internal medicine, osteopathic, pain management, and occupational medicine. At least two members must be physicians who are recognized for expertise in evidence-based medicine. The director may choose up to two additional members, not necessarily from the nominations submitted, who have expertise in occupational medicine.

(3) The industrial insurance medical advisory committee shall choose its chair from among its membership.

(4) The members of the industrial insurance medical advisory committee, including hired experts and any ad hoc group or subcommittee: (a) Are immune from civil liability for any official acts performed in good faith to further the purposes of the industrial insurance medical advisory committee; and (b) may be compensated for participation in the work of the industrial insurance medical advisory committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the industrial insurance medical advisory committee.

(5) The members of the industrial insurance medical advisory committee shall disclose all potential financial conflicts of interest including contracts with or employment by a

manufacturer, provider, or vendor of health technologies, drugs, medical devices, diagnostic tools, or other medical services during their term or for eighteen months before their appointment. As a condition of appointment, each person must agree to the terms and conditions regarding conflicts of interest as determined by the director.

(6) The industrial insurance medical advisory committee shall meet at the times and places designated by the director and hold meetings during the year as necessary to provide advice to the director. Meetings of the industrial insurance medical advisory committee are subject to chapter 42.30 RCW, the open public meetings act.

(7) The industrial insurance medical advisory committee shall coordinate with the state health technology assessment program and state prescription drug program as necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions of the state health technology assessment program and those of the state prescription drug program hold greater weight than decisions made by the department's industrial insurance medical advisory committee under Title 51 RCW.

(8) Neither the industrial insurance medical advisory committee nor any group is an agency for purposes of chapter 34.05 RCW.

(9) The department shall provide administrative support to the industrial insurance medical advisory committee and adopt rules to carry out the purposes of this section.

(10) The chair and ranking minority member of the house of representatives commerce and labor committee or the chair and ranking minority member of the senate labor, commerce, research and development committee, or successor committees, may request that the industrial insurance medical advisory committee review a medical issue related to industrial insurance and provide a written report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee, or successor committees. The industrial insurance medical advisory committee is not required to act on the request.

(11) The workers' compensation advisory committee may request that the industrial insurance medical advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance medical advisory committee is not required to act on the request.

NEW SECTION. Sec. 2. A new section is added to chapter 51.36 RCW to read as follows:

(1) The department shall establish an industrial insurance chiropractic advisory committee. The industrial insurance chiropractic advisory committee shall advise the department on matters related to the provision of safe, effective, and cost-effective chiropractic treatments for injured workers. The industrial insurance chiropractic advisory committee may provide peer review and advise and assist the department in the resolution of controversies, disputes, and problems between the department and the providers of chiropractic care.

(2) The industrial insurance chiropractic advisory committee is composed of up to nine members appointed by the director. The members must not include any department employees. The director must consider nominations from recognized statewide chiropractic groups such as the Washington state chiropractic association. At least two members must be chiropractors who are recognized for expertise in evidence-based practice or occupational health.

(3) The industrial insurance chiropractic advisory committee shall choose its chair from among its membership.

(4) The members of the industrial insurance chiropractic advisory committee and any ad hoc group or subcommittee: (a) Are immune from civil liability for any official acts performed in good faith to further the purposes of the industrial insurance chiropractic advisory committee; and (b) may be compensated for participation in the work of the industrial insurance chiropractic advisory committee in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the industrial insurance chiropractic advisory committee.

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(5) The members of the industrial insurance chiropractic advisory committee shall disclose all potential financial conflicts of interest including contracts with or employment by a manufacturer, provider, or vendor of health technologies, drugs, medical devices, diagnostic tools, or other medical services during their term or for eighteen months before their appointment. As a condition of appointment, each person must agree to the terms and conditions regarding conflicts of interest as determined by the director.

(6) The industrial insurance chiropractic advisory committee shall meet at the times and places designated by the director and hold meetings during the year as necessary to provide advice to the director. Meetings of the industrial insurance chiropractic advisory committee are subject to chapter 42.30 RCW, the open public meetings act.

(7) The industrial insurance chiropractic advisory committee shall coordinate with the state health technology assessment program and state prescription drug program as necessary. As provided by RCW 70.14.100 and 70.14.050, the decisions of the state health technology assessment program and those of the state prescription drug program hold greater weight than decisions made by the department's industrial insurance chiropractic advisory committee under Title 51 RCW.

(8) Neither the industrial insurance chiropractic advisory committee nor any group is an agency for purposes of chapter 34.05 RCW.

(9) The department shall provide administrative support to the industrial insurance chiropractic advisory committee and adopt rules to carry out the purposes of this section.

(10) The chair and ranking minority member of the house of representatives commerce and labor committee or the chair and ranking minority member of the senate labor, commerce, research and development committee, or successor committees, may request that the industrial insurance chiropractic advisory committee review a medical issue related to industrial insurance and provide a written report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee, or successor committees. The industrial insurance chiropractic advisory committee is not required to act on the request.

(11) The workers' compensation advisory committee may request that the industrial insurance chiropractic advisory committee consider specific medical issues that have arisen multiple times during the work of the workers' compensation advisory committee. The industrial insurance chiropractic advisory committee is not required to act on the request.

NEW SECTION. Sec. 3. The director, the industrial insurance medical advisory committee, and the industrial insurance chiropractic advisory committee shall report to the appropriate committees of the legislature on the following:

(1) A summary of the types of issues reviewed by the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee and decisions in each matter;

(2) Whether the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee became involved in the resolution of any disputes or controversies and the results of those disputes or controversies as a result of the involvement of the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee;

(3) The extent to which the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee conducted any peer reviews and the results of those reviews;

(4) The extent of any practice guidelines or coverage criteria developed by the industrial insurance medical advisory committee or the industrial insurance chiropractic advisory committee and the success of those developments; and

(5) The extent to which the industrial insurance medical advisory committee and the industrial insurance chiropractic advisory committee provided advice on coverage decisions and technology assessments.

The report is due no later than June 30, 2011, and must contain a recommendation about whether the industrial

insurance medical advisory committee and the industrial insurance chiropractic advisory committee should continue as originally configured or whether any changes are needed." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5290.

Senators Keiser and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5290.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5290 by voice vote.

MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5290, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkeley, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5290, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5321, with the following amendment: 5321-S AMH ELCS H3226.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.020 and 2006 c 339 s 108 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1) "Court" means the superior court of the state of Washington, juvenile department.~~

~~(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.~~

~~(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide~~

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other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

—(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

—(5) "Department" means the state department of social and health services.

—(6) "Child" or "children" means any person under the age of eighteen years of age.

—(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

—(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

—(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(12) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(13) "Child protective services section" means the child protective services section of the department.

—(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

—(15) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

—(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and

services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

—(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

—(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.)

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

—(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

—(4) "Child protective services section" means the child protective services section of the department.

—(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

—(6) "Court" means the superior court of the state of Washington, juvenile department.

—(7) "Department" means the state department of social and health services.

—(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

—(9) "Inconclusive" means the determination following an investigation by the department, prior to the effective date of this section, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

—(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

—(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just

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cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 2. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such

incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency

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cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report~~(s)~~ of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

((11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

((12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation((-

((11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency); and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

((+2)) (13) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases (~~constituting~~) of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

((+3)) (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

((+4)) (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

((+5) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.))

Sec. 3. RCW 26.44.031 and 1997 c 282 s 1 are each amended to read as follows:

(1) To protect the privacy in reporting and the maintenance of reports of nonaccidental injury, neglect, death, sexual abuse, and

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cruelty to children by their parents, and to safeguard against arbitrary, malicious, or erroneous information or actions, the department shall not disclose or maintain information related to ~~((unfounded referrals in files or))~~ reports of child abuse or neglect ~~((for longer than six years))~~ except as provided in this section or as otherwise required by state and federal law.

~~((At the end of six years from receipt of the unfounded report, the information shall be purged unless an additional report has been received in the intervening period-))~~

(2) The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) An unfounded, screened-out, or inconclusive report may not be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes.

Sec. 4. RCW 74.13.280 and 2001 c 318 s 3 are each amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a child-placing agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law.

~~((3))~~ (5) Nothing in this section shall be construed to limit the authority of the department or child-placing agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise wherein:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

Sec. 6. RCW 74.15.130 and 2006 c 265 s 404 are each amended to read as follows:

(1) An agency may be denied a license, or any license issued pursuant to chapter 74.15 RCW and RCW 74.13.031 may be suspended, revoked, modified, or not renewed by the secretary upon proof (a) that the agency has failed or refused to comply with the provisions of chapter 74.15 RCW and RCW 74.13.031 or the requirements promulgated pursuant to the provisions of chapter 74.15 RCW and RCW 74.13.031; or (b) that the conditions required for the issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(2) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of a foster family home license, the department's decision shall be upheld if there is reasonable cause to believe that:

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(a) The applicant or licensee lacks the character, suitability, or competence to care for children placed in out-of-home care, however, no unfounded, inconclusive, or screened-out report of child abuse or neglect may be used to deny employment or a license;

(b) The applicant or licensee has failed or refused to comply with any provision of chapter 74.15 RCW, RCW 74.13.031, or the requirements adopted pursuant to such provisions; or

(c) The conditions required for issuance of a license under chapter 74.15 RCW and RCW 74.13.031 have ceased to exist with respect to such licenses.

(3) In any adjudicative proceeding regarding the denial, modification, suspension, or revocation of any license under this chapter, other than a foster family home license, the department's decision shall be upheld if it is supported by a preponderance of the evidence.

(4) The department may assess civil monetary penalties upon proof that an agency has failed or refused to comply with the rules adopted under the provisions of this chapter and RCW 74.13.031 or that an agency subject to licensing under this chapter and RCW 74.13.031 is operating without a license except that civil monetary penalties shall not be levied against a licensed foster home. Monetary penalties levied against unlicensed agencies that submit an application for licensure within thirty days of notification and subsequently become licensed will be forgiven. These penalties may be assessed in addition to or in lieu of other disciplinary actions. Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day an agency is or was out of compliance. Civil monetary penalties shall not exceed two hundred fifty dollars per violation for group homes and child-placing agencies. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty. The department shall provide a notification period before a monetary penalty is effective and may forgive the penalty levied if the agency comes into compliance during this period. The department may suspend, revoke, or not renew a license for failure to pay a civil monetary penalty it has assessed pursuant to this chapter within ten days after such assessment becomes final. Chapter 43.20A RCW governs notice of a civil monetary penalty and provides the right of an adjudicative proceeding. The preponderance of evidence standard shall apply in adjudicative proceedings related to assessment of civil monetary penalties.

Sec. 7. RCW 74.13.650 and 2006 c 353 s 2 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. The foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement.

Sec. 8. RCW 74.13.660 and 2006 c 353 s 3 are each amended to read as follows:

Under the foster parent critical support and retention program, foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280, shall receive:

(1) Availability at any time of the day or night to address specific concerns related to the identified child;

(2) Assessment of risk and development of a safety and supervision plan;

(3) Home-based foster parent training utilizing evidence-based models; and

(4) Referral to relevant community services and training provided by the local children's administration office or community agencies.

Sec. 9. RCW 13.34.110 and 2001 c 332 s 7 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing on the petition and, unless the court dismisses the petition, shall make written findings of fact, stating the reasons therefor. The rules of evidence shall apply at the fact-finding hearing and the parent, guardian, or legal custodian of the child shall have all of the rights provided in RCW 13.34.090(1). The petitioner shall have the burden of establishing by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030.

(2)((†)) The court in a fact-finding hearing may consider the history of past involvement of child protective services or law enforcement agencies with the family for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of the child on the part of the child's parent, guardian, or legal custodian, or for the purpose of establishing that reasonable efforts have been made by the department to prevent or eliminate the need for removal of the child from the child's home. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes.

(3)(a) The parent, guardian, or legal custodian of the child may waive his or her right to a fact-finding hearing by stipulating or agreeing to the entry of an order of dependency establishing that the child is dependent within the meaning of RCW 13.34.030. The parent, guardian, or legal custodian may also stipulate or agree to an order of disposition pursuant to RCW 13.34.130 at the same time. Any stipulated or agreed order of dependency or disposition must be signed by the parent, guardian, or legal custodian and his or her attorney, unless the parent, guardian, or legal custodian has waived his or her right to an attorney in open court, and by the petitioner and the attorney, guardian ad litem, or court-appointed special advocate for the child, if any. If the department of social and health services is not the petitioner and is required by the order to supervise the placement of the child or provide services to any party, the department must also agree to and sign the order.

(b) Entry of any stipulated or agreed order of dependency or disposition is subject to approval by the court. The court shall receive and review a social study before entering a stipulated or agreed order and shall consider whether the order is consistent with the allegations of the dependency petition and the problems that necessitated the child's placement in out-of-home care. No social file or social study may be considered by the court in connection with the fact-finding hearing or prior to factual determination, except as otherwise admissible under the rules of evidence.

(c) Prior to the entry of any stipulated or agreed order of dependency, the parent, guardian, or legal custodian of the child and his or her attorney must appear before the court and the court within available resources must inquire and establish on the record that:

(i) The parent, guardian, or legal custodian understands the terms of the order or orders he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order;

(ii) The parent, guardian, or legal custodian understands that entry of the order starts a process that could result in the filing of a petition to terminate his or her relationship with the child within the time frames required by state and federal law if he or she fails to comply with the terms of the dependency or disposition orders or fails to substantially remedy the problems that necessitated the child's placement in out-of-home care;

(iii) The parent, guardian, or legal custodian understands that the entry of the stipulated or agreed order of dependency is an admission that the child is dependent within the meaning of RCW 13.34.030 and shall have the same legal effect as a finding by the court that the child is dependent by at least a preponderance of the evidence, and that the parent, guardian, or legal custodian shall not have the right in any subsequent proceeding for termination of parental rights or dependency guardianship pursuant to this chapter or nonparental custody pursuant to chapter 26.10 RCW to challenge or dispute the fact that the child was found to be dependent; and

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ROLL CALL

(iv) The parent, guardian, or legal custodian knowingly and willingly stipulated and agreed to and signed the order or orders, without duress, and without misrepresentation or fraud by any other party.

If a parent, guardian, or legal custodian fails to appear before the court after stipulating or agreeing to entry of an order of dependency, the court may enter the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear before the court and chose not to do so. The court may require other parties to the order, including the attorney for the parent, guardian, or legal custodian, to appear and advise the court of the parent's, guardian's, or legal custodian's notice of the right to appear and understanding of the factors specified in this subsection. A parent, guardian, or legal custodian may choose to waive his or her presence at the in-court hearing for entry of the stipulated or agreed order of dependency by submitting to the court through counsel a completed stipulated or agreed dependency fact-finding/disposition statement in a form determined by the Washington state supreme court pursuant to General Rule GR 9.

((3)) (4) Immediately after the entry of the findings of fact, the court shall hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen days. If good cause is shown, the case may be continued for longer than fourteen days. Notice of the time and place of the continued hearing may be given in open court. If notice in open court is not given to a party, that party shall be notified by certified mail of the time and place of any continued hearing. Unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or efforts to reunite the parent and child would be hindered, the court shall direct the department to notify those adult persons who: (a) Are related by blood or marriage to the child in the following degrees: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, or aunt; (b) are known to the department as having been in contact with the family or child within the past twelve months; and (c) would be an appropriate placement for the child. Reasonable cause to dispense with notification to a parent under this section must be proved by clear, cogent, and convincing evidence.

The parties need not appear at the fact-finding or dispositional hearing if the parties, their attorneys, the guardian ad litem, and court-appointed special advocates, if any, are all in agreement.

NEW SECTION. Sec. 10. Sections 1 through 3 of this act take effect October 1, 2008.

NEW SECTION. Sec. 11. The secretary of the department of social and health services may take the necessary steps to ensure that sections 1 through 3 of this act are implemented on their effective date."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.030, 26.44.031, 74.13.280, 74.15.130, 74.13.650, 74.13.660, and 13.34.110; adding a new section to chapter 74.13 RCW; creating a new section; and providing an effective date."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Carrell moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5321.

Senators Carrell and Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5321.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5321 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5321, as amended by the House.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Brandland - 1

Excused: Senators Brown and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5332, with the following amendment: 5332 AMH APP H3272.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.28A.040 and 2001 c 169 s 3 are each amended to read as follows:

(1) No later than July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system ((shall)) may be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

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(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

- (i) The offenses the individual has been charged with;
- (ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;
- (iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;
- (iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;
- (v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

~~(5) ((By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee.)) (a) A statewide automated victim information and notification system shall be added to the city and county jail booking and reporting system. The system shall:~~

~~(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility:~~

- ~~(A) Is transferred or assigned to another facility;~~
- ~~(B) Is transferred to the custody of another agency outside the state;~~
- ~~(C) Is given a different security classification;~~
- ~~(D) Is released on temporary leave or otherwise;~~
- ~~(E) Is discharged;~~
- ~~(F) Has escaped; or~~
- ~~(G) Has been served with a protective order that was requested by the victim;~~

~~(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has:~~

~~(A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs;~~

~~(B) An upcoming parole, pardon, or community supervision hearing; or~~

~~(C) A change in the offender's parole, probation, or community supervision status including:~~

~~(I) A change in the offender's supervision status; or~~

~~(II) A change in the offender's address;~~

~~(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has:~~

~~(A) Updated his or her profile information with the state sex offender registry; or~~

~~(B) Become noncompliant with the state sex offender registry;~~

~~(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;~~

~~(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and~~

~~(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped. However, the failure of the statewide automated victim information and notification system to provide notice to the victim does not establish a separate cause of action by the victim against state officials, local officials, law enforcement officers, or any related correctional authorities.~~

~~(b) An appointed or elected official, public employee, or public agency as defined in RCW 4.24.470, or units of government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any release of information or the failure to release information related to the statewide automated victim information and notification system and the jail booking and reporting system as described in this section, so long as the release was without gross negligence. The immunity provided under this subsection applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.~~

~~(c) Participation in the statewide automated victim information and notification program satisfies any obligation to notify the crime victim of an offender's custody status and the status of the offender's upcoming court events so long as:~~

~~(i) Information making offender and case data available is provided on a timely basis to the statewide automated victim information and notification program; and~~

~~(ii) Information a victim submits to register and participate in the victim notification system is only used for the sole purpose of victim notification.~~

~~(d) Automated victim information and notification systems in existence and operational as of the effective date of this act shall not be required to participate in the statewide system.~~

~~NEW SECTION. Sec. 2. In Washington any vendor contracted to provide a statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.~~

~~NEW SECTION. Sec. 3. The department of corrections is not required to provide any data to the Washington association of sheriffs and police chiefs for the statewide automated victim information and notification system as stated in section 1 of this act, until January 1, 2010."~~

~~Correct the title.
and the same are herewith transmitted.~~

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Senate Bill No. 5332.

Senator Regala spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Senate Bill No. 5332.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5332 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5332, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

SENATE BILL NO. 5332, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Delvin, Senator Parlette was excused.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5402, with the following amendment: 5402 AMH APP H3273.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28C.10.020 and 1993 c 445 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means the work force training and education coordinating board.

(2) "Agent" means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) "Degree" means any designation, appellation, letters, or words including but not limited to "associate," "bachelor," "master," "doctor," or "fellow" which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) "Education" includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, or documents, ~~((or letters of designation, marks, appellations, series of letters, numbers, or words which))~~ that signify ~~((or appear to signify enrollment, attendance, progress, or))~~ satisfactory completion of the requirements or prerequisites for any educational program.

(6) "Entity" includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) "Private vocational school" means any location where an entity is offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) "Probation" means the agency has officially notified a private vocational school in writing that the school or a program offered by the school has been identified by the agency as at risk and has deficiencies that must be corrected within a specified time period.

(9) "Program" means a sequence of approved subjects offered by a school that teaches skills and fundamental knowledge required for employment in a particular occupation.

(10) "To grant" includes to award, issue, sell, confer, bestow, or give.

~~((9))~~ (11) "To offer" includes, in addition to its usual meanings, to advertise or publicize. "To offer" also means to solicit or encourage any person, directly or indirectly, to perform the act described.

~~((10))~~ (12) "To operate" means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

Sec. 2. RCW 28C.10.050 and 2005 c 274 s 247 are each amended to read as follows:

(1) The agency shall adopt by rule minimum standards for entities operating private vocational schools. The minimum standards shall include, but not be limited to, requirements ~~((for each))~~ to assess whether a private vocational school is eligible to obtain and maintain a license in this state.

(2) The requirements adopted by the agency shall, at a minimum, require a private vocational school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate to the agency that the school is financially viable and responsible and that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.56 RCW;

(b) Follow a uniform statewide cancellation and refund policy as specified by the agency;

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required;

(d) Use an enrollment contract or agreement that includes: (i) The school's cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency;

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed;

(f) Comply with the requirements of RCW 28C.10.084;

(g) Assess the basic skills and relevant aptitudes of each potential student to determine that a potential student has the basic skills and relevant aptitudes necessary to complete and benefit from the program in which the student plans to enroll, including but not limited to administering a United States department of education-approved English as a second language exam before enrolling students for whom English is a second language unless the students provide proof of graduation from a United States high school or proof of completion of a GED in

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English or results of another academic assessment determined appropriate by the agency. Guidelines for such assessments shall be developed by the agency, in consultation with the schools(~~The method of assessment shall be reported to the agency. Assessment records shall be maintained in the student's file~~);

(h) Discuss with each potential student the potential student's obligations in signing any enrollment contract and/or incurring any debt for educational purposes. The discussion shall include the inadvisability of acquiring an excessive educational debt burden that will be difficult to repay given employment opportunities and average starting salaries in the potential student's chosen occupation(~~(-)~~);

~~((2) Any enrollment contract shall have))~~ (i) Ensure that any enrollment contract between the private vocational school and its students has an attachment in a format provided by the agency. The attachment shall be signed by both the school and the student. The attachment shall stipulate that the school has complied with ~~((subsection (H)))~~(h) of this ~~((section))~~ subsection and that the student understands and accepts his or her responsibilities in signing any enrollment contract or debt application. The attachment shall also stipulate that the enrollment contract shall not be binding for at least five days, excluding Sundays and holidays, following signature of the enrollment contract by both parties(~~(-~~

~~(3) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards)); and~~

~~(i) Comply with the requirements related to qualifications of administrators and instructors.~~

~~(3) The agency may deny a private vocational school's application for licensure if the school fails to meet the requirements in this section.~~

~~(4) The agency may determine that a licensed private vocational school or a particular program of a private vocational school is at risk of closure or termination if:~~

~~(a) There is a pattern or history of substantiated student complaints filed with the agency pursuant to RCW 28C.10.120; or~~

~~(b) The private vocational school fails to meet minimum licensing requirements and has a pattern or history of failing to meet the minimum requirements.~~

~~(5) If the agency determines that a private vocational school or a particular program is at risk of closure or termination, the agency shall require the school to take corrective action.~~

Sec. 3. RCW 28C.10.120 and 1993 c 445 s 3 are each amended to read as follows:

(1) Complaints may be filed under this chapter only by a person claiming loss of tuition or fees as a result of an unfair business practice. The complaint shall set forth the alleged violation and shall contain information required by the agency on forms provided for that purpose. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and shall first attempt to bring about a negotiated settlement. The agency director or the director's designee may conduct an informal hearing with the affected parties in order to determine whether a violation has occurred.

(3) If the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties provided under RCW 28C.10.130. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order the violator to pay full or partial restitution of any amounts lost. The loss may include any money paid for tuition, required or recommended course materials, and any reasonable living expenses incurred by the complainant during the time the complainant was enrolled at the school.

(4) The complainant is not bound by the agency's determination of restitution. The complainant may reject that determination and may pursue any other legal remedy.

(5) The violator may, within twenty days of being served any order described under subsection (3) of this section, file an appeal under the administrative procedure act, chapter 34.05 RCW. Timely filing stays the agency's order during the pendency of the appeal. If the agency prevails, the appellant shall pay the costs of the administrative hearing.

(6) If a private vocational school closes without providing adequate notice to its enrolled students, the agency shall provide transition assistance to the school's students including, but not limited to, information regarding: (a) Transfer options available to students; (b) financial aid discharge eligibility and procedures; (c) the labor market, job search strategies, and placement assistance services; and (d) other support services available to students."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Senate Bill No. 5402.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Senate Bill No. 5402.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5402 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5402, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Parlette, Prentice and Pridemore - 4

SENATE BILL NO. 5402, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5429, with the following amendment: 5429 AMH HS H3120.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

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(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections ~~((7))~~ (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

~~(c) ((Twenty percent to the department to contribute to the cost of incarceration;~~

~~(d))~~ Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; ~~(and~~
~~(e) Fifteen))~~ (d) Twenty percent for any child support owed under a support order; and

~~(e) Twenty percent to the department to contribute to the cost of incarceration.~~

(3) When an inmate, except as provided in subsection ~~((7))~~ (8) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the

department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((6))~~ (7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((8))~~ (9) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

~~((9))~~ (10) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

~~((10))~~ (11) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Senate Bill No. 5429.

Senator Franklin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Senate Bill No. 5429.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5429 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5429, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5429, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Fairley, Parlette and Pridemore -

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SENATE BILL NO. 5429, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5503, with the following amendment: 5503-S AMH APP H3347.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the purpose of this chapter to provide for the licensure of persons offering athletic training services to the public and to ensure standards of competence and professional conduct on the part of athletic trainers.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in section 8 of this act; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with section 8 of this act.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary,

prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

(5) "Committee" means the athletic training advisory committee.

(6) "Department" means the department of health.

(7) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

(8) "Secretary" means the secretary of health or the secretary's designee.

NEW SECTION. Sec. 3. (1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

(g) In consultation with the committee, approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under section 7 of this act;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states that have successfully fulfilled the requirements of section 9 of this act;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 4. (1) The athletic training advisory committee is formed to further the purposes of this chapter.

(2) The committee consists of five members. Four members of the committee must be athletic trainers licensed under this chapter and residing in this state, must have not less than five years' experience in the practice of athletic training, and must be actively engaged in practice within two years of appointment. The fifth member must be appointed from the public at large, and have an interest in the rights of consumers of health services.

(3) The committee may provide advice on matters specifically identified and requested by the secretary, such as applications for licenses.

(4) The committee may be requested by the secretary to approve an examination required for licensure under this chapter.

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(5) The committee, at the request of the secretary, may recommend rules in accordance with the administrative procedure act, chapter 34.05 RCW, relating to standards for appropriateness of athletic training care.

(6) The committee must meet during the year as necessary to provide advice to the secretary. The committee may elect a chair and a vice-chair. A majority of the members currently serving constitute a quorum.

(7) Each member of the committee must be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In addition, members of the committee must be compensated in accordance with RCW 43.03.240 when engaged in the authorized business of the committee.

(8) The secretary, members of the committee, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any credentialing or disciplinary proceedings or other official acts performed in the course of their duties.

NEW SECTION. Sec. 5. It is unlawful for any person to practice or offer to practice as an athletic trainer, or to represent themselves or other persons to be legally able to provide services as an athletic trainer, unless the person is licensed under the provisions of this chapter.

NEW SECTION. Sec. 6. Nothing in this chapter may prohibit, restrict, or require licensure of:

(1) Any person licensed, certified, or registered in this state and performing services within the authorized scope of practice;

(2) The practice by an individual employed by the government of the United States as an athletic trainer while engaged in the performance of duties prescribed by the laws of the United States;

(3) Any person pursuing a supervised course of study in an accredited athletic training educational program, if the person is designated by a title that clearly indicates a student or trainee status;

(4) An athletic trainer from another state for purposes of continuing education, consulting, or performing athletic training services while accompanying his or her group, individual, or representatives into Washington state on a temporary basis for no more than ninety days in a calendar year;

(5) Any elementary, secondary, or postsecondary school teacher, educator, coach, or authorized volunteer who does not represent themselves to the public as an athletic trainer; or

(6) A personal trainer employed by an athletic club or fitness center.

NEW SECTION. Sec. 7. An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary, as advised by the committee;

(2) Have successfully completed an examination administered or approved by the secretary, in consultation with the committee; and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

NEW SECTION. Sec. 8. (1) Except as necessary to provide emergency care of athletic injuries, an athletic trainer shall not provide treatment, rehabilitation, or reconditioning services to any person except as specified in guidelines established with a licensed health care provider who is licensed to perform the services provided in the guidelines.

(2) If there is no improvement in an athlete who has sustained an athletic injury within fifteen days of initiation of treatment, rehabilitation, or reconditioning, the athletic trainer must refer the athlete to a licensed health care provider that is appropriately licensed to assist the athlete.

(3) If an athletic injury requires treatment, rehabilitation, or reconditioning for more than forty-five days, the athletic trainer must consult with, or refer the athlete to a licensed health care provider. The athletic trainer shall document the action taken.

NEW SECTION. Sec. 9. Each applicant and license holder must comply with administrative procedures, administrative requirements, and fees under RCW 43.70.250 and 43.70.280.

The secretary shall furnish a license to any person who applies and who has qualified under the provisions of this chapter.

NEW SECTION. Sec. 10. Nothing in this chapter restricts the ability of athletic trainers to work in the practice setting of his or her choice.

NEW SECTION. Sec. 11. Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as an athletic trainer under this chapter.

Sec. 12. RCW 48.43.045 and 2006 c 25 s 7 are each amended to read as follows:

(1) Every health plan delivered, issued for delivery, or renewed by a health carrier on and after January 1, 1996, shall:

~~((††))~~ (a) Permit every category of health care provider to provide health services or care for conditions included in the basic health plan services to the extent that:

~~((††))~~ (i) The provision of such health services or care is within the health care providers' permitted scope of practice; and ~~((††))~~ (ii) The providers agree to abide by standards related to:

~~((††))~~ (A) Provision, utilization review, and cost containment of health services;

~~((†††))~~ (B) Management and administrative procedures; and

~~((††††))~~ (C) Provision of cost-effective and clinically efficacious health services.

~~((‡))~~ (b) Annually report the names and addresses of all officers, directors, or trustees of the health carrier during the preceding year, and the amount of wages, expense reimbursements, or other payments to such individuals, unless substantially similar information is filed with the commissioner or the national association of insurance commissioners. This requirement does not apply to a foreign or alien insurer regulated under chapter 48.20 or 48.21 RCW that files a supplemental compensation exhibit in its annual statement as required by law.

(2) The requirements of subsection (1)(a) of this section do not apply to a licensed health care profession regulated under Title 18 RCW when the licensing statute for the profession states that such requirements do not apply.

Sec. 13. RCW 18.130.040 and 2004 c 38 s 2 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

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(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW; ~~(and)~~

(xxii) Recreational therapists; and

(xxiii) Athletic trainers licensed under chapter 18.-- RCW (sections 1 through 11 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 1 through 11 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 16. This act takes effect July 1, 2008.

NEW SECTION. Sec. 17. The secretary of health may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 18. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Marr moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5503.

Senators Marr and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Marr that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5503.

The motion by Senator Marr carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5503 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5503, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5503, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Benton, Holmquist, Murray and Stevens - 4

Excused: Senators Brown, Fairley, Parlette and Pridemore - 4

SUBSTITUTE SENATE BILL NO. 5503, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5508, with the following amendments: 5508.E AMH ENGR H3527.E; 5508.E AMH HUNS KERR 086

On page 4, line 3, after "has" strike "a good record of providing information to" and insert "developed and adhered to guidelines regarding its permitting process for"

On page 7, line 9, after "has" strike "a good record of providing information to" and insert "developed and adhered to guidelines regarding its permitting process for"

On page 7, beginning on line 21, strike all of section 4
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 10, line 11, after "has" strike "a good record of providing information to" and insert "developed and adhered to guidelines regarding its permitting process for"

On page 13, line 7, strike all of section 10
Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

On page 13, starting on line 1, strike all of Section 9

Renumber remaining sections accordingly and correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

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MOTION

Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5508.

Senator Kilmer spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5508. The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5508 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5508, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5508, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

ENGROSSED SENATE BILL NO. 5508, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5533, with the following amendment: 5533-S AMH HS H3205.1; 5533-S AMH DICK HALL 242

On page 17, after line 9, strike all of section 10

Renumber the sections consecutively, correct the internal references accordingly, and correct the title.

On page 2, line 8, after "unit" insert "as defined in RCW 71.05.020(6). Individuals delivered to a crisis stabilization unit pursuant to this section may be held by the facility for a period of up to twelve hours: PROVIDED, that they are examined by a mental health professional within three hours of their arrival"

On page 4, line 4, after "by" strike "sections 4 and" and insert "section 4 or"

On page 4, line 7, after "in" strike "sections 4 and" and insert "section 4 or"

On page 4, beginning on line 10, after "evaluated" strike all material through "subsection" on line 11, and insert "for civil commitment proceedings"

On page 5, line 3, after "act," insert "but in any event for a period of no longer than ninety days,"

On page 26, line 10, after "chapter" strike "10.97" and insert "10.77"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pflug moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5533.

Senator Pflug spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Pflug that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5533.

The motion by Senator Pflug carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5533 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5533, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5533, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5533, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5534, with the following amendment: 5534-S AMH CL REIN 101

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 50.04 RCW to read as follows:

The term "employment" shall not include services performed by a person who is participating in a performance sponsored by an employer whose North American industry classification system code is within "711110," "711120," "711130," or "712110," so long as the person receives no remuneration other than a nominal stipend and the employer does not have more than three individuals in its employ during any portion of a day during the calendar year.

For purposes of this section, "stipend" means a fixed sum of money paid periodically to defray expenses. The stipend is presumed to defray the person's incidental expenses involved in participating in the performance, including, but not limited to, meals, transportation, lodging, costumes, supplies, and child care."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5534.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5534.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5534 by voice vote.

NINETY-NINTH DAY, APRIL 16, 2007

2007 REGULAR SESSION

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5534, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5534, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Brown and Pridemore - 2

SUBSTITUTE SENATE BILL NO. 5534, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:59 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 a.m. by President Owen.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House has passed as amended by the Senate the following bills:

SUBSTITUTE HOUSE BILL NO. 1029,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,
SUBSTITUTE HOUSE BILL NO. 1082,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,
HOUSE BILL NO. 1166,
SECOND SUBSTITUTE HOUSE BILL NO. 1201,
ENGROSSED HOUSE BILL NO. 1217,
HOUSE BILL NO. 1224,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1244,
SUBSTITUTE HOUSE BILL NO. 1259,
SUBSTITUTE HOUSE BILL NO. 1267,
SUBSTITUTE HOUSE BILL NO. 1276,
SUBSTITUTE HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1304,
SUBSTITUTE HOUSE BILL NO. 1319,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House has passed as amended by the Senate the following bills:

HOUSE BILL NO. 1543,
HOUSE BILL NO. 1592,

HOUSE BILL NO. 1599,
SECOND SUBSTITUTE HOUSE BILL NO. 1636,
SUBSTITUTE HOUSE BILL NO. 1646,
ENGROSSED HOUSE BILL NO. 1648,
SUBSTITUTE HOUSE BILL NO. 1654,
SUBSTITUTE HOUSE BILL NO. 1761,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1779,
SUBSTITUTE HOUSE BILL NO. 1802,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1891,
SECOND SUBSTITUTE HOUSE BILL NO. 1896,
ENGROSSED HOUSE BILL NO. 1898,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1910,
SECOND SUBSTITUTE HOUSE BILL NO. 1922,
SUBSTITUTE HOUSE BILL NO. 1929,
HOUSE BILL NO. 1966,
HOUSE BILL NO. 2034,
SUBSTITUTE HOUSE BILL NO. 2049,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House has passed as amended by the Senate the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House has passed the following bills:

HOUSE BILL NO. 2395
HOUSE BILL NO. 2396,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5123,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5297,
SUBSTITUTE SENATE BILL NO. 5336,
SUBSTITUTE SENATE BILL NO. 5445,
SUBSTITUTE SENATE BILL NO. 5568,
SUBSTITUTE SENATE BILL NO. 5676,
SENATE BILL NO. 5773,
SUBSTITUTE SENATE BILL NO. 5972,
SUBSTITUTE SENATE BILL NO. 5984,
SENATE BILL NO. 6014,
SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1124,
 HOUSE BILL NO. 1181,
 SUBSTITUTE HOUSE BILL NO. 1264,
 HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1291,
 SUBSTITUTE HOUSE BILL NO. 1312,
 HOUSE BILL NO. 1526,
 SUBSTITUTE HOUSE BILL NO. 1555,
 HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1706,
 HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1892,
 SUBSTITUTE HOUSE BILL NO. 1897,
 HOUSE BILL NO. 2032,
 SUBSTITUTE HOUSE BILL NO. 2056,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9211, Harold Abbe, as a member of the Columbia River Gorge Commission, be confirmed.

Senators Rockefeller, Benton and Berkey spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Morton, Parlette and Stevens were excused.

MOTION

On motion of Senator Regala, Senators Haugen and Shin were excused.

APPOINTMENT OF HAROLD ABBE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9211, Harold Abbe as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9211, Harold Abbe as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Haugen, Morton and Parlette - 4

Gubernatorial Appointment No. 9211, Harold Abbe, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5551, with the following amendment: 5551 AMH CL H3216.1; 5551 AMH CL H3218.1

On page 3, after line 3, insert the following:

"Sec. 4. RCW 82.26.110 and 2005 c 180 s 9 are each amended to read as follows:

(1)(a) Where tobacco products upon which the tax imposed by this chapter has been reported and paid((r)) are shipped or transported outside this state by the distributor to a person engaged in the business of selling tobacco products, to be sold by that person, or are returned to the manufacturer by the distributor or destroyed by the distributor, or are sold by the distributor to the United States or any of its agencies or instrumentalities, or are sold by the distributor to any Indian tribal organization, credit of such tax may be made to the distributor in accordance with rules prescribed by the department.

(b) For purposes of this subsection, the following definitions apply:

(i) "Indian distributor" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of distributor under RCW 82.26.010, if federally recognized Indian tribes and tribal entities were not excluded from the definition of person in RCW 82.26.010.

(ii) "Indian retailer" means a federally recognized Indian tribe or tribal entity that would otherwise meet the definition of retailer under RCW 82.26.010, if federally recognized Indian tribes and tribal entities were not excluded from the definition of person in RCW 82.26.010.

(iii) "Indian tribal organization" means a federally recognized Indian tribe, or tribal entity, and includes an Indian distributor or retailer that is owned by an Indian who is an enrolled tribal member conducting business under tribal license or similar tribal approval within Indian country.

(2) Credit allowed under this section shall be determined based on the tax rate in effect for the period for which the tax imposed by this chapter, for which a credit is sought, was paid."

Correct the title.

On page 3, after line 3, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to compensation allowed under RCW 82.24.295 for wholesalers and retailers for their services in affixing the stamps required under chapter 82.24 RCW. For purposes of this section, "wholesaler," "retailer," and "stamp" have the same meaning as in chapter 82.24 RCW."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate concur in the House amendment(s) to Senate Bill No. 5551.

Senators Prentice and Clements spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Prentice that the Senate concur in the House amendment(s) to Senate Bill No. 5551.

The motion by Senator Prentice carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5551 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5551, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5551, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Morton and Parlette - 3

SENATE BILL NO. 5551, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5050,
 SUBSTITUTE SENATE BILL NO. 5108,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5236,
 SUBSTITUTE SENATE BILL NO. 5315,
 ENGROSSED SENATE BILL NO. 5401,
 SUBSTITUTE SENATE BILL NO. 5447,
 SECOND SUBSTITUTE SENATE BILL NO. 5467,
 ENGROSSED SENATE BILL NO. 5498,
 SECOND SUBSTITUTE SENATE BILL NO. 5597,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,
 SUBSTITUTE SENATE BILL NO. 5826,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923,
 SENATE CONCURRENT RESOLUTION NO. 8404,

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1047,
 SUBSTITUTE HOUSE BILL NO. 1124,
 HOUSE BILL NO. 1181,
 SUBSTITUTE HOUSE BILL NO. 1264,
 HOUSE BILL NO. 1270,
 HOUSE BILL NO. 1291,
 SUBSTITUTE HOUSE BILL NO. 1312,
 HOUSE BILL NO. 1526,
 SUBSTITUTE HOUSE BILL NO. 1555,
 HOUSE BILL NO. 1680,
 HOUSE BILL NO. 1706,
 HOUSE BILL NO. 1789,
 HOUSE BILL NO. 1813,
 SUBSTITUTE HOUSE BILL NO. 1892,
 SUBSTITUTE HOUSE BILL NO. 1897,
 HOUSE BILL NO. 2032,
 SUBSTITUTE HOUSE BILL NO. 2056,

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5634, with the following amendment: 5634-S AMH PSEP H3064.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.101.220 and 1981 c 136 s 26 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission (~~pursuant to RCW 43.101.160~~). The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) (~~The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted by the commission pursuant to RCW 43.101.160. The training shall be successfully completed prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.~~

~~(3))~~ The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

~~((4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.))~~

Sec. 2. RCW 43.101.350 and 1997 c 351 s 10 are each amended to read as follows:

(1) All law enforcement personnel initially hired to, transferred to, or promoted to a supervisory or management position on or after January 1, 1999, and all corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall, within the first six months of entry into the position, successfully complete the core training requirements prescribed by rule of the commission for the position, or obtain a waiver or extension of the core training requirements from the commission.

(2) Within one year after completion of the core training requirements of this section, all law enforcement personnel and corrections personnel shall successfully complete all remaining requirements for career level certification prescribed by rule of the commission applicable to their position or rank, or obtain a waiver or extension of the career level training requirements from the commission.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for attendees who do not live within fifty miles of the training center. The training shall be delivered in the least disruptive manner to local law enforcement or corrections agencies, and will include but not be limited to regional on-site training, interactive training, and credit for training given by the home department.

(4) Nothing in this section affects or impairs the employment status of an employee whose employer does not provide the opportunity to engage in the required training."

Correct the title.
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Brandland moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5634.

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Senator Brandland spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Brandland that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5634.

The motion by Senator Brandland carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5634 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5634, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5634, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli – 46

Excused: Senators Brown, Morton and Parlette – 3

SUBSTITUTE SENATE BILL NO. 5634, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Pridemore was excused.

MESSAGE FROM THE HOUSE

March 30, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5639, with the following amendment: 5639-S AMH CL H3097.3

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.244 and 2006 c 302 s 3 and 2006 c 44 s 2 are each reenacted and amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery (~~(license)~~) licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Any microbrewery licensed under this section may act as a distributor for beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

(4) The board may issue (~~(an endorsement to this)~~) a license to a microbrewery allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture

if purchased from a Washington state-licensed distributor. (~~(Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~(4))~~ The microbrewer (~~(obtaining such endorsement)~~) must determine, at the time the (~~(endorsement)~~) license is issued, whether the licensed premises will be operated (~~(either)~~) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) A microbrewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

~~(6)(a)~~ A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (~~((5))~~) (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (~~((5))~~) (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (~~((5))~~) (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (~~((5))~~) (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

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(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 2. RCW 66.24.244 and 2006 c 44 s 2 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery (~~(license)~~) licensed under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

(4) The board may issue (~~(an endorsement to this)~~) a license to a microbrewery allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. (~~(Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~)

(4) The microbrewer (~~(obtaining such endorsement)~~) must determine, at the time the (~~(endorsement)~~) license is issued, whether the licensed premises will be operated (~~(either)~~) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) A microbrewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (~~((5))~~) (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (~~((5))~~) (6) to sell bottled beer at retail at the farmers market. This application

shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (~~((5))~~) (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (~~((5))~~) (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 3. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary

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activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor. Nothing in this section shall prohibit a microbrewery holding a beer and/or wine restaurant license under RCW 66.24.320 from holding the same privileges and endorsements attached to the beer and/or wine restaurant license.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW. Nothing in this section shall prohibit a microbrewery holding a spirits, beer, and wine restaurant license under RCW 66.24.420 from holding the same privileges and endorsements attached to the spirits, beer, and wine restaurant license.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic

winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

NEW SECTION. Sec. 4. Section 1 of this act expires June 30, 2008.

NEW SECTION. Sec. 5. Section 2 of this act takes effect June 30, 2008."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Spanel moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5639.

Senators Spanel and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5639.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5639 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5639, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5639, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Morton, Parlette and Pridemore - 4

SUBSTITUTE SENATE BILL NO. 5639, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5652, with the following amendment: 5652-S2 AMH ENGR H3330.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Microenterprises are an important portion of Washington's economy, providing approximately twenty percent of the employment in Washington and playing a vital role in job creation.

(b) While community-based microenterprise development organizations have expanded their assistance to their microentrepreneur customers in recent years, there remains a lack of access to capital, training, and technical assistance for low-income microentrepreneurs.

(c) Support for microenterprise development offers a means to expand business and job creation in low-income communities in both rural and urban areas of the state.

(d) Local and state charitable foundation support, federal program funding, and private sector support can be leveraged by a statewide program for development of microenterprises.

(2) It is the purpose of this act to assist microenterprises in job creation by increasing the training, technical assistance, and financial resources available to microenterprises. It is the intention of the legislature to carry out this purpose by enabling the department of community, trade, and economic development to contract with a statewide microenterprise association with the potential to provide organizational support and administer grants to local microenterprise development organizations, subject to the requirements of this act, and to leverage additional funds from sources other than moneys appropriated from the general fund.

Sec. 2. RCW 43.330.010 and 1993 c 280 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of community, trade, and economic development and local microenterprise development organizations.

NEW SECTION. Sec. 3. A new section is added to chapter 43.330 RCW to read as follows:

The microenterprise development program is established in the department of community, trade, and economic development. In implementing the program, the department:

(1) Shall provide organizational support to a statewide microenterprise association and shall contract with the association for the delivery of services and distribution of grants;

(a) The association shall serve as the department's agent in carrying out the purpose and service delivery requirements of this section;

(b) The association's contract with the department shall specify that in administering the funds provided for under subsection (3) of this section, the association may use no greater than ten percent of the funds to cover administrative expenses;

(2) Shall provide funds for capacity building for the statewide microenterprise association and microenterprise development organizations throughout the state;

(3) Shall provide grants to microenterprise development organizations for the delivery of training and technical assistance services;

(4) Shall identify and facilitate the availability of state, federal, and private sources of funds which may enhance microenterprise development in the state;

(5) Shall develop with the statewide microenterprise association criteria for the distribution of grants to microenterprise development organizations. Such criteria may include:

(a) The geographic representation of all regions of the state, including both urban and rural communities;

(b) The ability of the microenterprise development organization to provide business development services in low-income communities;

(c) The scope of services offered by a microenterprise development organization and their efficiency in delivery of such services;

(d) The ability of the microenterprise development organization to monitor the progress of its customers and identify technical and financial assistance needs;

(e) The ability of the microenterprise development organization to work with other organizations, public entities, and financial institutions to meet the technical and financial assistance needs of its customers;

(f) The sufficiency of operating funds for the microenterprise development organization; and

(g) Such other criteria as agreed by the department and the association;

(6) Shall require the statewide microenterprise association and any microenterprise development organization receiving funds from the microenterprise development program to raise

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and contribute to the effort funded by the microenterprise development program an amount equal to twenty-five percent of the microenterprise development program funds received. Such matching funds may come from private foundations, federal or local sources, financial institutions, or any other source other than funds appropriated from the legislature;

(7) Shall require under its contract with the statewide microenterprise association an annual accounting of program outcomes, including job creation, access to capital, leveraging of nonstate funds, and other outcome measures specified by the department. By January 1, 2012, the joint legislative audit and review committee shall use these outcome data and other relevant information to evaluate the program's effectiveness; and

(8) May adopt rules as necessary to implement this section.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5652. Senator Kauffman spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5652.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5652 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5652, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5652, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Morton, Parlette and Pridemore - 4

SECOND SUBSTITUTE SENATE BILL NO. 5652, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5653, with the following amendment: 5653-S AMH APP H3337.1

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 50.20 RCW to read as follows:

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(1) The legislature finds that the establishment of a self-employment assistance program would assist unemployed individuals and create new businesses and job opportunities in Washington state. The department shall inform individuals identified as likely to exhaust regular unemployment benefits of the opportunity to enroll in commissioner-approved self-employment assistance programs.

(2) An unemployed individual is eligible to participate in a self-employment assistance program if it has been determined that he or she:

(a) Is otherwise eligible for regular benefits as defined in RCW 50.22.010;

(b) Has been identified as likely to exhaust regular unemployment benefits under a profiling system established by the commissioner as defined in P.L. 103-152; and

(c) Is enrolled in a self-employment assistance program that is approved by the commissioner, and includes entrepreneurial training, business counseling, technical assistance, and requirements to engage in activities relating to the establishment of a business and becoming self-employed.

(3) Individuals participating in a self-employment assistance program approved by the commissioner are eligible to receive their regular unemployment benefits.

(a) The requirements of RCW 50.20.010 and 50.20.080 relating to availability for work, active search for work, and refusal to accept suitable work are not applicable to an individual in the self-employment assistance program for the first fifty-two weeks of the individual's participation in the program. However, enrollment in a self-employment assistance program does not entitle the enrollee to any benefit payments he or she would not be entitled to had he or she not enrolled in the program.

(b) An individual who meets the requirements of this section is considered to be "unemployed" under RCW 50.04.310 and 50.20.010.

(4) An individual who fails to participate in his or her approved self-employment assistance program as prescribed by the commissioner is disqualified from continuation in the program.

(5) An individual completing the program may not directly compete with his or her separating employer for a specific time period and in a specific geographic area. The time period may not, in any case, exceed one year. Both the time period and the geographic area must be reasonable, considering the following factors:

(a) Whether restraining the individual from performing services is necessary for the protection of the employer or the employer's goodwill;

(b) Whether the agreement harms the individual more than is reasonably necessary to secure the employer's business or goodwill; and

(c) Whether the loss of the employee's services and skills injures the public to a degree warranting nonenforcement of the agreement.

(6) The commissioner shall take all steps necessary in carrying out this section to assure collaborative involvement of interested parties in program development, and to ensure that the self-employment assistance programs meet all federal criteria for withdrawal from the unemployment fund. The commissioner may approve, as self-employment assistance programs, existing self-employment training programs available through community colleges, work force investment boards, or other organizations and is not obligated by this section to expend any departmental funds for the operation of self-employment assistance programs, unless specific funding is provided to the department for that purpose through federal or state appropriations.

(7) The commissioner may adopt rules as necessary to implement this section.

Sec. 2. RCW 50.20.095 and 1980 c 74 s 4 are each amended to read as follows:

Any individual registered at an established school in a course of study providing scholastic instruction of twelve or more hours per week, or the equivalent thereof, shall be disqualified from receiving benefits or waiting period credit for

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any week during the school term commencing with the first week of such scholastic instruction or the week of leaving employment to return to school, whichever is the earlier, and ending with the week immediately before the first full week in which the individual is no longer registered for twelve or more hours of scholastic instruction per week: PROVIDED, That registration for less than twelve hours will be for a period of sixty days or longer. The term "school" includes primary schools, secondary schools, and "institutions of higher education" as that phrase is defined in RCW 50.44.037.

This disqualification shall not apply to any individual who:

(1) Is in approved training within the meaning of RCW 50.20.043; ~~(or)~~

(2) Is in an approved self-employment assistance program under section 1 of this act; or

(3) Demonstrates to the commissioner by a preponderance of the evidence his or her actual availability for work, and in arriving at this determination the commissioner shall consider the following factors:

- (a) Prior work history;
- (b) Scholastic history;
- (c) Past and current labor market attachment; and
- (d) Past and present efforts to seek work.

NEW SECTION. Sec. 3. By December 1, 2011, the employment security department shall report to the house of representatives commerce and labor committee and the senate labor, commerce, research and development committee on the performance of the self-employment assistance program. The report shall include an analysis of the following:

- (1) Self-employment impacts;
- (2) Wage and salary outcomes;
- (3) Benefit payment outcomes; and
- (4) A cost-benefit analysis.

NEW SECTION. Sec. 4. This act takes effect January 1, 2008.

NEW SECTION. Sec. 5. The commissioner of employment security may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 6. This act expires July 1, 2012."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5653.

Senators Kauffman and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5653.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5653 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5653, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5653, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli -

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Voting nay: Senators Honeyford and McCaslin - 2

Excused: Senators Brown, Morton and Parlette - 3

SUBSTITUTE SENATE BILL NO. 5653, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 30, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5674, with the following amendment: 5674-S AMH LG H3081.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 57.12 RCW to read as follows:

If the district has fewer than one hundred residents, and if the filing period is reopened for a district commissioner under RCW 29A.24.171 or 29A.24.181 due to a void in candidacy, any person who is a qualified elector of the state of Washington and who holds title or evidence of title to land in the district may file as a candidate for and serve as a district commissioner.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.24 RCW to read as follows:

A void in candidacy in a water-sewer district with fewer than one hundred residents may be filled in accordance with section 1 of this act."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5674.

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5674.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5674 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5674, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5674, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Morton and Parlette - 3

SUBSTITUTE SENATE BILL NO. 5674, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5675, with the following amendment: 5675.E AMH APP H3338.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.32.050 and 1995 c 199 s 6 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker (~~but not less than one hundred eighty-five dollars~~);

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker (~~but not less than two hundred twenty-two dollars~~);

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker (~~but not less than two hundred fifty-three dollars~~);

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker (~~but not less than two hundred seventy-six dollars~~);

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker (~~but not less than two hundred ninety-nine dollars~~); or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker (~~but not less than three hundred twenty-two dollars~~).

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or

children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section:

(i) Exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(ii) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month for a surviving spouse and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (2)(d)(ii) is greater than one hundred percent of the wages of the deceased worker as determined under RCW 51.08.178, the monthly payment due to the surviving spouse shall be equal to the greater of the monthly wages of the deceased worker or the minimum benefit set forth in this section on June 30, 2008.

(e) In addition to the monthly payments provided for in subsection (2)(a) through (c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid a sum equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial

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decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 2. RCW 51.32.060 and 1993 c 521 s 2 are each amended to read as follows:

(1) When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the worker shall receive monthly during the period of such disability:

(a) If married at the time of injury, sixty-five percent of his or her wages (~~but not less than two hundred fifteen dollars per month~~).

(b) If married with one child at the time of injury, sixty-seven percent of his or her wages (~~but not less than two hundred fifty-two dollars per month~~).

(c) If married with two children at the time of injury, sixty-nine percent of his or her wages (~~but not less than two hundred eighty-three dollars~~).

(d) If married with three children at the time of injury, seventy-one percent of his or her wages (~~but not less than three hundred six dollars per month~~).

(e) If married with four children at the time of injury, seventy-three percent of his or her wages (~~but not less than three hundred twenty-nine dollars per month~~).

(f) If married with five or more children at the time of injury, seventy-five percent of his or her wages (~~but not less than three hundred fifty-two dollars per month~~).

(g) If unmarried at the time of the injury, sixty percent of his or her wages (~~but not less than one hundred eighty-five dollars per month~~).

(h) If unmarried with one child at the time of injury, sixty-two percent of his or her wages (~~but not less than two hundred twenty-two dollars per month~~).

(i) If unmarried with two children at the time of injury, sixty-four percent of his or her wages (~~but not less than two hundred fifty-three dollars per month~~).

(j) If unmarried with three children at the time of injury, sixty-six percent of his or her wages (~~but not less than two hundred seventy-six dollars per month~~).

(k) If unmarried with four children at the time of injury, sixty-eight percent of his or her wages (~~but not less than two hundred ninety-nine dollars per month~~).

(l) If unmarried with five or more children at the time of injury, seventy percent of his or her wages (~~but not less than three hundred twenty-two dollars per month~~).

(2) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workers, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(3) In case of permanent total disability, if the character of the injury is such as to render the worker so physically helpless as to require the hiring of the services of an attendant, the department shall make monthly payments to such attendant for such services as long as such requirement continues, but such payments shall not obtain or be operative while the worker is receiving care under or pursuant to the provisions of chapter 51.36 RCW and RCW 51.04.105.

(4) Should any further accident result in the permanent total disability of an injured worker, he or she shall receive the pension to which he or she would be entitled, notwithstanding the payment of a lump sum for his or her prior injury.

(5) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage

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in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if a worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (5)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

The limitations under this subsection shall not apply to the payments provided for in subsection (3) of this section.

(6) In the case of new or reopened claims, if the supervisor of industrial insurance determines that, at the time of filing or reopening, the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

(7) The benefits provided by this section are subject to modification under RCW 51.32.067.

Sec. 3. RCW 51.32.090 and 1993 c 521 s 3, 1993 c 299 s 1, and 1993 c 271 s 1 are each reenacted and amended to read as follows:

(1) When the total disability is only temporary, the schedule of payments contained in RCW 51.32.060 (1) and (2) shall apply, so long as the total disability continues.

(2) Any compensation payable under this section for children not in the custody of the injured worker as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3)(a) As soon as recovery is so complete that the present earning power of the worker, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall:

(i) For claims for injuries that occurred before May 7, 1993, continue in the proportion which the new earning power shall bear to the old; or

(ii) For claims for injuries occurring on or after May 7, 1993, equal eighty percent of the actual difference between the worker's present wages and earning power at the time of injury, but: (A) The total of these payments and the worker's present wages may not exceed one hundred fifty percent of the average monthly wage in the state as computed under RCW 51.08.018; (B) the payments may not exceed one hundred percent of the entitlement as computed under subsection (1) of this section; and (C) the payments may not be less than the worker would have received if (a)(i) of this subsection had been applicable to the worker's claim.

(b) No compensation shall be payable under this subsection (3) unless the loss of earning power shall exceed five percent.

(4)(a) Whenever the employer of injury requests that a worker who is entitled to temporary total disability under this chapter be certified by a physician as able to perform available work other than his or her usual work, the employer shall furnish to the physician, with a copy to the worker, a statement describing the work available with the employer of injury in terms that will enable the physician to relate the physical activities of the job to the worker's disability. The physician shall then determine whether the worker is physically able to perform the work described. The worker's temporary total disability payments shall continue until the worker is released by his or her physician for the work, and begins the work with the employer of injury. If the work thereafter comes to an end before the worker's recovery is sufficient in the judgment of his or her physician to permit him or her to return to his or her usual job, or to perform other available work offered by the employer of injury, the worker's temporary total disability payments shall be resumed. Should the available work described, once undertaken by the worker, impede his or her recovery to the extent that in the judgment of his or her physician he or she should not continue to work, the worker's temporary total disability payments shall be resumed when the worker ceases such work.

(b) Once the worker returns to work under the terms of this subsection (4), he or she shall not be assigned by the employer to work other than the available work described without the worker's written consent, or without prior review and approval by the worker's physician.

(c) If the worker returns to work under this subsection (4), any employee health and welfare benefits that the worker was receiving at the time of injury shall continue or be resumed at the level provided at the time of injury. Such benefits shall not be continued or resumed if to do so is inconsistent with the terms of the benefit program, or with the terms of the collective bargaining agreement currently in force.

(d) In the event of any dispute as to the worker's ability to perform the available work offered by the employer, the department shall make the final determination.

(5) No worker shall receive compensation for or during the day on which injury was received or the three days following the same, unless his or her disability shall continue for a period of fourteen consecutive calendar days from date of injury: PROVIDED, That attempts to return to work in the first fourteen days following the injury shall not serve to break the continuity of the period of disability if the disability continues fourteen days after the injury occurs.

(6) Should a worker suffer a temporary total disability and should his or her employer at the time of the injury continue to pay him or her the wages which he or she was earning at the time of such injury, such injured worker shall not receive any payment provided in subsection (1) of this section during the period his or her employer shall so pay such wages.

(7) In no event shall the monthly payments provided in this section:

(a) Exceed the applicable percentage of the average monthly wage in the state as computed under the provisions of RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(b) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month if the worker is married and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (7)(b) is greater than one hundred percent of the wages of the worker as determined under RCW 51.08.178, the monthly payment due to the worker shall be equal to the greater of the monthly wages of the worker or the minimum benefit set forth in this section on June 30, 2008.

(8) If the supervisor of industrial insurance determines that the worker is voluntarily retired and is no longer attached to the work force, benefits shall not be paid under this section.

NEW SECTION. Sec. 4. This act takes effect July 1, 2008.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Franklin moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5675.

Senators Franklin and Clements spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Franklin that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5675.

The motion by Senator Franklin carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5675 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5675, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5675, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 37

Voting nay: Senators Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Pflug, Schoesler, Sheldon, Stevens and Zarelli - 10

Excused: Senators Morton and Parlette - 2

ENGROSSED SENATE BILL NO. 5675, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5702 with the following amendment: 5702-S AMH CL H3288.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.44.040 and 1977 ex.s. c 292 s 17 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020, and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; however, the employer shall notify its employees as required by section 2 of this act; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) ~~((Before January 1, 1978, in the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education", or~~

~~—(4))~~ In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

~~((5))~~ (4) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; or

~~((6))~~ (5) For a custodial or penal institution by an inmate of the custodial or penal institution; or

~~((7))~~ (6) In the employ of a hospital, if such service is performed by a patient of such hospital; or

~~((8))~~ (7) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

~~((9))~~ (8) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers; or

~~((10) Before January 1, 1978, in the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis; or~~

~~—(11) Before January 1, 1978, in the employ of the legislature of the state of Washington by an individual who is compensated pursuant to an agreement which provides for a guaranteed rate of compensation for irregular hours worked; or~~

~~((12))~~ (9) In the employ of a nongovernmental preschool which is devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom or laboratory instruction which did not employ four or more individuals on each of some twenty days during the calendar year or the preceding calendar year, each day being in a different calendar week; or

~~((13) After December 31, 1977;)~~ (10) In the employ of the state or any of its instrumentalities or political subdivisions of this state in any of its instrumentalities by an individual in the exercise of duties:

(a) As an elected official;

(b) As a member of the national guard or air national guard; or

(c) In a policymaking position the performance of the duties of which ordinarily do not require more than eight hours per week.

NEW SECTION. Sec. 2. A new section is added to chapter 50.44 RCW to read as follows:

A church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches shall inform each individual performing services exempt from "employment" under RCW 50.44.040(1) that the individual may not be eligible to receive unemployment benefits based on such services. The employer shall provide a written notice of this exclusion to the individual at the time of hire. The employer shall display a poster giving notice of this exclusion in a conspicuous place. The employer's compliance with these notice requirements shall not affect an individual's eligibility for benefits. The employment security department shall make posters available to employers without charge."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Benton moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5702.

Senator Benton spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5702.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5702 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5702, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5702, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Morton - 1

Excused: Senators Parlette and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5702, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5718, with the following amendment: 5718-S AMH ENGR H3087.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.68A.001 and 1984 c 262 s 1 are each amended to read as follows:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay

to engage in the sexual abuse of children accountable for the trauma they inflict on children.

Sec. 2. RCW 9.68A.100 and 1999 c 327 s 4 are each amended to read as follows:

(1) A person is guilty of ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor if ((that person engages or agrees or offers));

(a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee ~~(; and is guilty of)~~;

(2) Commercial sexual abuse of a minor is a class C felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 3. RCW 9.68A.110 and 1992 c 178 s 1 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040 ~~((or))~~, 9.68A.090, section 4 of this act, or section 5 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, it shall be an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION. **Sec. 4.** A new section is added to chapter 9.68A RCW to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse of a minor or profits from a minor engaged in sexual conduct.

(2) Promoting commercial sexual abuse of a minor is a class B felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a

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person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 9.68A RCW to read as follows:

(1) A person commits the offense of promoting travel for commercial sexual abuse of a minor if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in what would be commercial sexual abuse of a minor or promoting commercial sexual abuse of a minor, if occurring in this state.

(2) Promoting travel for commercial sexual abuse of a minor is a class C felony.

(3) For purposes of this section, "travel services" has the same meaning as defined in RCW 19.138.021.

Sec. 6. RCW 19.138.340 and 2006 c 250 s 3 are each amended to read as follows:

(1) No seller of travel shall engage in any of the following:

(a) Promoting travel for prostitution or promoting travel for commercial sexual abuse of a minor;

(b) Selling, advertising, or otherwise offering to sell travel services or facilitate travel:

(i) For the purposes of engaging in a commercial sex act;

(ii) That consists of tourism packages or activities using and offering sexual acts as an enticement for tourism; or

(iii) That provides, purports to provide access to, or facilitates the availability of sex escorts or sexual services.

(2) For the purposes of this section:

(a) "Commercial sex act" means any sexual contact, as defined in chapter 9A.44 RCW, for which anything of value is given to or received by any person.

(b) "Sexual act" means any sexual contact as defined in chapter 9A.44 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 9.68A RCW to read as follows:

(1) A person is guilty of permitting commercial sexual abuse of a minor if, having possession or control of premises which he or she knows are being used for the purpose of commercial sexual abuse of a minor, he or she fails without lawful excuse to make reasonable effort to halt or abate such use and to make a reasonable effort to notify law enforcement of such use.

(2) Permitting commercial sexual abuse of a minor is a gross misdemeanor.

Sec. 8. RCW 9A.88.140 and 1999 c 327 s 3 are each amended to read as follows:

(1) Upon an arrest for a suspected violation of patronizing a prostitute or ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor, the arresting law enforcement officer may impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; (b) the person arrested is the owner of the vehicle; and (c) the person arrested has previously been convicted of patronizing a prostitute, under RCW 9A.88.110, or ~~((patronizing a juvenile prostitute))~~ commercial sexual abuse of a minor, under RCW 9.68A.100.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW.

Sec. 9. RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses,

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regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.1010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after the effective date of this act, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in sexual conduct in return for a fee, an additional one-year enhancement shall be

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added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for a violation of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, or an anticipatory offense for a violation of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, committed on or after the effective date of this act, the prosecuting attorney may file a special allegation that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee, when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in return for a fee. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in exchange for a fee. If no jury is had, the court shall make a finding of fact as to whether the defendant engaged, agreed, offered, attempted, solicited another, or conspired to engage the victim in the sexual conduct in exchange for a fee.

(3) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact as defined in chapter 9A.44 RCW.

Sec. 11. RCW 9.68A.105 and 1995 c 353 s 12 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100 or a comparable county or municipal ordinance shall be assessed a ~~(two)~~ five hundred fifty dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100 or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 12. RCW 9A.88.120 and 1995 c 353 s 13 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9A.88.010, 9A.88.030, and 9A.88.090, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county or municipal ordinances shall be assessed a fifty dollar fee.

(b) In addition to penalties set forth in RCW 9A.88.110, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.110 or a comparable county or municipal ordinance shall be assessed a one hundred fifty dollar fee.

(c) In addition to penalties set forth in RCW 9A.88.070 and 9A.88.080, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal ordinances shall be assessed a three hundred dollar fee.

(2) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(3) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation under this chapter or comparable county or municipal ordinances, the court shall assess the fee as specified under subsection (1) of this section. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(4) Any fee assessed under this section shall be collected by the clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(5) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county, or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

Sec. 13. RCW 9A.88.070 and 1975 1st ex.s. c 260 s 9A.88.070 are each amended to read as follows:

(1) A person is guilty of promoting prostitution in the first degree if he or she knowingly(~~e~~

~~(a))~~ advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force(~~or~~

~~(b) Advances or profits from prostitution of a person less than eighteen years old).~~

(2) Promoting prostitution in the first degree is a class B felony.

Sec. 14. RCW 9.94A.515 and 2006 c 277 s 6, 2006 c 228 s 9, 2006 c 191 s 2, 2006 c 139 s 2, 2006 c 128 s 3, and 2006 c 73 s 12 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)

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| <p>XIV Murder 2 (RCW 9A.32.050)
Trafficking 1 (RCW 9A.40.100(1))</p> <p>XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))</p> <p>XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)
Trafficking 2 (RCW 9A.40.100(2))</p> <p>XI Manslaughter 1 (RCW 9A.32.060)
Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)</p> <p>X Child Molestation 1 (RCW 9A.44.083)
Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Sexually Violent Predator Escape (RCW 9A.76.115)</p> <p>IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
Assault of a Child 2 (RCW 9A.36.130)
Criminal Mistreatment 1 (RCW 9A.42.020)
Explosive devices prohibited (RCW 70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)</p> <p>VIII Arson 1 (RCW 9A.48.020)</p> | <p>Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)</p> <p>Manslaughter 2 (RCW 9A.32.070)</p> <p><u>Promoting Commercial Sexual Abuse of a Minor (section 4 of this act)</u></p> <p>Promoting Prostitution 1 (RCW 9A.88.070)</p> <p>Theft of Ammonia (RCW 69.55.010)</p> <p>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)</p> <p>VII Burglary 1 (RCW 9A.52.020)
Child Molestation 2 (RCW 9A.44.086)
Civil Disorder Training (RCW 9A.48.120)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</p> <p>VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))</p> |
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- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063(3))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

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- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- ~~((Patronizing a Juvenile Prostitute (RCW 9.68A.100)))~~
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- ~~((Retail))~~ Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(10)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- ~~((Retail))~~ Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))

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- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(4))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. Sec. 15. If funds are specifically appropriated to the prostitution prevention and intervention account as provided in RCW 43.63A.720 for the purposes provided in this section, the department of community, trade, and economic development shall prioritize such funds to provide minors who have a history of engaging in sexual conduct for a fee or are the victims of commercial sexual abuse of a minor with (1) residential treatment and services; (2) counseling services including mental health and substance abuse services and intensive case management; (3) services to engage the minors in school or vocational training; and (4) health care services.

NEW SECTION. Sec. 16. If funds are specifically appropriated to the prostitution prevention and intervention account as provided in RCW 43.63A.720 for the purposes provided in this section, the department of community, trade, and economic development shall prioritize such funds for training of law enforcement and community outreach and education on minors who have a history of engaging in sexual conduct for a fee or are the victims of commercial sexual abuse of a minor, including awareness training regarding the availability of services for minors under chapter 13.32A RCW."

On page 1, line 2 of the title, after "minors;" strike the remainder of the title and insert "amending RCW 9.68A.001, 9.68A.100, 9.68A.110, 19.138.340, 9A.88.140, 9.68A.105, 9A.88.120, and 9A.88.070; reenacting and amending RCW 9.94A.533 and 9.94A.515; adding new sections to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5718.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5718.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5718 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5718, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Parlette and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5718, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5721 with the following amendment: 5721-S AMH CL H3160.2

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer, importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding

requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered as a 501(c)(3) under the internal revenue code and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(j) Nothing in this section shall prohibit a manufacturer, importer, or distributor from entering into an arrangement with any holder of a sports/entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail

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licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

Sec. 2. RCW 66.24.570 and 2003 c 345 s 3 are each amended to read as follows:

(1) There is a license for sports entertainment facilities to be designated as a sports/entertainment facility license to sell beer, wine, and spirits at retail, for consumption upon the premises only, the license to be issued to the entity providing food and beverage service at a sports entertainment facility as defined in this section. The cost of the license is two thousand five hundred dollars per annum.

(2) For purposes of this section, a sports entertainment facility includes a publicly or privately owned arena, coliseum, stadium, or facility where sporting events are presented for a price of admission. The facility does not have to be exclusively used for sporting events.

(3) The board may impose reasonable requirements upon a licensee under this section, such as requirements for the availability of food and victuals including but not limited to hamburgers, sandwiches, salads, or other snack food. The board may also restrict the type of events at a sports entertainment facility at which beer, wine, and spirits may be served. When imposing conditions for a licensee, the board must consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a sports entertainment facility.

(4)(a) The board may issue a caterer's endorsement to the license under this section to allow the licensee to remove from the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(5) The board may issue an endorsement to the beer, wine, and spirits sports/entertainment facility license that allows the holder of a beer, wine, and spirits sports/entertainment facility license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this section is one hundred twenty dollars.

(6)(a) A licensee and an affiliated business may enter into arrangements with a manufacturer, importer, or distributor for brand advertising at the sports/entertainment facility or promotion of events held at the sports/entertainment facility, with a capacity of five thousand people or more. The financial arrangements providing for the brand advertising or promotion of events shall not be used as an inducement to purchase the products of the manufacturer, importer, or distributor entering into the arrangement nor shall it result in the exclusion of brands or products of other companies.

(b) The arrangements allowed under this subsection (6) are an exception to arrangements prohibited under RCW 66.28.010. The board shall monitor the impacts of these arrangements. The board may conduct audits of the licensee and the affiliated business to determine compliance with this subsection (6). Audits may include but are not limited to product selection at the facility; purchase patterns of the licensee; contracts with the liquor manufacturer, importer, or distributor; and the amount allocated or used for liquor advertising by the licensee, affiliated business, manufacturer, importer, or distributor under the arrangements.

(c) The board shall report to the appropriate committees of the legislature by December 30, 2008, and biennially thereafter, on the impacts of arrangements allowed between sports/entertainment licensees and liquor manufacturers, importers, and distributors for brand advertising and promotion of events at the facility."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5721.

Senators Kohl-Welles and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5721.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5721 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5721, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5721, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators McCaslin and Morton - 2

Excused: Senators Parlette and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5721, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2007

NINETY-NINTH DAY, APRIL 16, 2007

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MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5731, with the following amendment: 5731-S AMH ENGR H3305.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state of Washington leads the nation in providing employment for people with baccalaureate degrees, but only ranks thirty-sixth in the nation in the production of degrees. Beginning in 2007 it is estimated that for job openings in Washington that require a bachelor's degree, forty-seven percent will be in fields identified as high demand or high impact, but that only fourteen percent of Washington students each year graduate with degrees in one of these fields. Washington ranks among the top ten states in scientists and computer specialists employed per capita and leads the nation in engineers employed per capita, but must import employees to meet employer demands. Additionally, Washington does not produce a sufficient number of newly prepared workers in areas that require more than one year but less than four years of higher education. The in-state supply at this mid-level of education and training is sufficient to fill only eighty-three percent of employer job openings that require that level of training. Therefore, the legislature finds that Washington needs to produce eight to ten thousand additional baccalaureate degrees per year so that Washington employers will not have to look out of state to find employees. The legislature further finds that Washington needs to enroll over fourteen thousand additional students at the mid-level of education and training in order to meet employer demand.

NEW SECTION. Sec. 2. (1) A committee on the education of students in high demand fields is established to:

(a) Develop a plan to increase the number of baccalaureate degrees granted by Washington institutions of higher education by ten thousand per year and to significantly increase the number of certificates and associate degrees granted by 2020 with a special emphasis directed toward high impact, high demand areas of study;

(b) Develop a marketing project to inform students, parents, and educators of opportunities in high demand fields;

(c) Investigate ways to motivate students to take more mathematics and science courses in high school and college; and

(d) Identify ways that the business community can enter into more partnerships with the state to ensure that Washington institutions of higher education produce graduates in high demand fields that are ready and able to find employment in Washington.

(2) The committee shall be cochaired by a member of the house of representatives and a member of the senate. It shall consist of:

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(b) Two members of the senate, with one appointed by each major caucus of the senate;

(c) One person representing the higher education coordinating board, appointed by the director of the board;

(d) One person representing the state board for community and technical colleges, appointed by the director of the state board;

(e) One person representing the state workforce training and education coordinating board, appointed by the director of the board;

(f) One person representing the office of the superintendent of public instruction, appointed by the superintendent of public instruction;

(g) One person representing each of the following, appointed by the governor:

(i) The labor council;

(ii) The council of presidents;

(iii) The prosperity partnership;

(iv) The council of faculty representatives; and

(v) One employer of persons in high demand fields; and

(h) A graduate student member of the Washington student lobby, appointed by the governor.

(3) The committee shall receive staff and logistical support from senate committee services and the office of program research.

(4) The committee shall report its findings and recommendations to appropriate committees of the legislature by December 1, 2007.

(5) This section expires December 31, 2007." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5731.

Senator Shin spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kline was excused.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5731.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5731 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5731, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5731, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Kline and Prentice - 2

SUBSTITUTE SENATE BILL NO. 5731, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, with the following amendment: 5770-S.E AMH SGTA H3285.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.350 and 2001 c 38 s 1 are each amended to read as follows:

(1) When the cost to The Evergreen State College(~~(;)~~) or any regional (~~(university;)~~) or state university(~~(;)~~) of any building, construction, renovation, remodeling, or demolition, other than maintenance or repairs, will equal or exceed the sum of (~~(thirty-five)~~) fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, complete plans and specifications for (~~(such))~~ the work shall be prepared (~~(and~~

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~~such~~), the work shall be put out for public bid(s), and the contract shall be awarded to the ~~((lowest))~~ responsible bidder ~~((if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications. This subsection shall not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.155 or under any other procedure authorized for an institution of higher education))~~ who submits the lowest responsive bid.

(2) Any building, construction, renovation, remodeling, or demolition project that exceeds the dollar amounts in subsection (1) of this section is subject to the provisions of chapter 39.12 RCW.

(3) The Evergreen State College(;) or any regional ((university;)) or state university may require a project to be put to public bid even when it is not required to do so under subsection (1) of this section. Any project publicly bid under this subsection is subject to the provisions of chapter 39.12 RCW.

~~((3))~~ (4) Where the estimated cost ((to The Evergreen State College, any regional university, or state university)) of any building, construction, renovation, remodeling, or demolition is less than ((twenty-five)) fifty-five thousand dollars or the contract is awarded by the small works roster procedure authorized in RCW 39.04.155, the publication requirements of RCW 39.04.020 ((shall be inapplicable)) do not apply.

~~((4))~~ (5) In the event of any emergency when the public interest or property of The Evergreen State College(;) or a regional ((university;)) or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of ((such)) an emergency and, reciting the facts constituting the same, may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency((- PROVIDED, That an "emergency,") For the purposes of this section, "emergency" means a condition likely to result in immediate physical injury to persons or to property of ~~((such))~~ the college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

(6) This section does not apply when a contract is awarded by the small works roster procedure authorized in RCW 39.04.155 or under any other procedure authorized for an institution of higher education.

Sec. 2. RCW 28B.50.330 and 1993 c 379 s 108 are each amended to read as follows:

(1) The boards of trustees of college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, where the estimated cost exceeds ~~((twenty-five))~~ fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, complete plans and specifications for ((such)) the work shall be prepared ((and such)), the work shall be put out for a public bid((s)), and the

contract shall be awarded to the ~~((lowest))~~ responsible bidder ~~((if in accordance with the bid specifications: PROVIDED, That when such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications))~~ who submits the lowest responsive bid. Any project regardless of dollar amount may be put to public bid.

(2) This ((subsection shall)) section does not apply when a contract is awarded by the small works roster procedure authorized in RCW ((39.04.150: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid)) 39.04.155.

(3) Where the estimated cost to any college of any building, improvements, or repairs, or other work, is less than ~~((twenty-five thousand dollars))~~ fifty-five thousand dollars, or thirty-five thousand dollars if the work involves one trade or craft area, the publication requirements of RCW 39.04.020 ((shall be inapplicable)) do not apply." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Shin moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5770.

Senator Shin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Shin that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5770.

The motion by Senator Shin carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5770 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5770, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Carrell, Holmquist, Honeyford and Stevens - 4

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, with the following amendment: 5774-S.E AMH KAGI H3373.2

Strike everything after the enacting clause and insert the following:

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"NEW SECTION. Sec. 1. A new section is added to chapter 43.43 RCW to read as follows:

(1) In order to determine the character, competence, and suitability of any applicant or service provider to have unsupervised access, the secretary may require a fingerprint-based background check through the Washington state patrol and the federal bureau of investigation at anytime, but shall require a fingerprint-based background check when the applicant or service provider has resided in the state less than three consecutive years before application, and:

(a) Is an applicant or service provider providing services to children or people with developmental disabilities under RCW 74.15.030;

(b) Is an individual residing in an applicant or service provider's home, facility, entity, agency, or business or who is authorized by the department to provide services to children or people with developmental disabilities under RCW 74.15.030; or

(c) Is an applicant or service provider providing in-home services funded by:

(i) Medicaid personal care under RCW 74.09.520;

(ii) Community options program entry system waiver services under RCW 74.39A.030;

(iii) Chore services under RCW 74.39A.110; or

(iv) Other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department.

(2) The secretary shall require a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation when the department seeks to approve an applicant or service provider for a foster or adoptive placement of children in accordance with federal and state law.

(3) Any secure facility operated by the department under chapter 71.09 RCW shall require applicants and service providers to undergo a fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation.

(4) Service providers and service provider applicants who are required to complete a fingerprint-based background check may be hired for a one hundred twenty-day provisional period as allowed under law or program rules when:

(a) A fingerprint-based background check is pending; and

(b) The applicant or service provider is not disqualified based on the immediate result of the background check.

(5) Fees charged by the Washington state patrol and the federal bureau of investigation for fingerprint-based background checks shall be paid by the department for applicants or service providers providing:

(a) Services to people with a developmental disability under RCW 74.15.030;

(b) In-home services funded by medicaid personal care under RCW 74.09.520;

(c) Community options program entry system waiver services under RCW 74.39A.030;

(d) Chore services under RCW 74.39A.110;

(e) Services under other home and community long-term care programs, established pursuant to chapters 74.39 and 74.39A RCW, administered by the department;

(f) Services in, or to residents of, a secure facility under RCW 71.09.115; and

(g) Foster care as required under RCW 74.15.030.

(6) Service providers licensed under RCW 74.15.030 must pay fees charged by the Washington state patrol and the federal bureau of investigation for conducting fingerprint-based background checks.

(7) Children's administration service providers licensed under RCW 74.15.030 may not pass on the cost of the background check fees to their applicants unless the individual is determined to be disqualified due to the background information.

(8) The department shall develop rules identifying the financial responsibility of service providers, applicants, and the department for paying the fees charged by law enforcement to roll, print, or scan fingerprints-based for the purpose of a

Washington state patrol or federal bureau of investigation fingerprint-based background check.

(9) For purposes of this section, unless the context plainly indicates otherwise:

(a) "Applicant" means a current or prospective department or service provider employee, volunteer, student, intern, researcher, contractor, or any other individual who will or may have unsupervised access because of the nature of the work or services he or she provides. "Applicant" includes but is not limited to any individual who will or may have unsupervised access and is:

(i) Applying for a license or certification from the department;

(ii) Seeking a contract with the department or a service provider;

(iii) Applying for employment, promotion, reallocation, or transfer;

(iv) An individual that a department client or guardian of a department client chooses to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered; or

(v) A department applicant who will or may work in a department-covered position.

(b) "Authorized" means the department grants an applicant, home, or facility permission to:

(i) Conduct licensing, certification, or contracting activities;

(ii) Have unsupervised access to vulnerable adults, juveniles, and children;

(iii) Receive payments from a department program; or

(iv) Work or serve in a department-covered position.

(c) "Department" means the department of social and health services.

(d) "Secretary" means the secretary of the department of social and health services.

(e) "Secure facility" has the meaning provided in RCW 71.09.020.

(f) "Service provider" means entities, facilities, agencies, businesses, or individuals who are licensed, certified, authorized, or regulated by, receive payment from, or have contracts or agreements with the department to provide services to vulnerable adults, juveniles, or children. "Service provider" includes individuals whom a department client or guardian of a department client may choose to hire or engage to provide services to himself or herself or another vulnerable adult, juvenile, or child and who might be eligible to receive payment from the department for services rendered. "Service provider" does not include those certified under chapter 70.96A RCW.

Sec. 2. RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

(a) The concept of adoption as a lifelong developmental process and commitment;

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(b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;

(c) Disclosure of the fact of adoption to the child;

(d) The child's possible questions about birth parents and relatives; and

(e) The relevance of the child's racial, ethnic, and cultural heritage.

(3) All preplacement reports shall include ~~((an investigation))~~ a background check of ~~((the))~~ any conviction records, pending charges, or disciplinary board final decisions of prospective adoptive parents. The ~~((investigation))~~ background check shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system ~~((as described in chapter 43.43 RCW))~~ including, but not limited to, a fingerprint-based background check of national crime information databases for any person being investigated. It shall also include a review of any child abuse and neglect history of any adult living in the prospective adoptive parents' home. The background check of the child abuse and neglect history shall include a review of the child abuse and neglect registries of all states in which the prospective adoptive parents or any other adult living in the home have lived during the five years preceding the date of the preplacement report.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

Sec. 3. RCW 26.44.030 and 2005 c 417 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract,

or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to

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the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(13) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

~~((+3))~~ (14) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((+4))~~ (15) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

~~((+5))~~ (16) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

Sec. 4. RCW 43.43.842 and 1998 c 10 s 4 are each amended to read as follows:

(1)(a) The secretary of social and health services and the secretary of health shall adopt additional requirements for the licensure or relicensure of agencies, facilities, and licensed individuals who provide care and treatment to vulnerable adults, including nursing pools registered under chapter 18.52C RCW. These additional requirements shall ensure that any person associated with a licensed agency or facility having unsupervised access with a vulnerable adult shall not be the respondent in an active protective order under RCW 74.34.130, nor have been: (i) Convicted of a crime against persons as defined in RCW 43.43.830, except as provided in this section; (ii) convicted of crimes relating to financial exploitation as defined in RCW 43.43.830, except as provided in this section; or (iii) found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830(~~;~~ or (iv) ~~the subject in a protective proceeding under chapter 74.34 RCW).~~

(b) A person associated with a licensed agency or facility who has unsupervised access with a vulnerable adult shall make the disclosures specified in RCW 43.43.834(2). The person shall make the disclosures in writing, sign, and swear to the contents under penalty of perjury. The person shall, in the disclosures, specify all crimes against children or other persons, all crimes relating to financial exploitation, and all crimes relating to drugs as defined in RCW 43.43.830, committed by the person.

(2) The rules adopted under this section shall permit the licensee to consider the criminal history of an applicant for employment in a licensed facility when the applicant has one or more convictions for a past offense and:

(a) The offense was simple assault, assault in the fourth degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(b) The offense was prostitution, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(c) The offense was theft in the third degree, or the same offense as it may be renamed, and three or more years have passed between the most recent conviction and the date of application for employment;

(d) The offense was theft in the second degree, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment;

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(e) The offense was forgery, or the same offense as it may be renamed, and five or more years have passed between the most recent conviction and the date of application for employment.

The offenses set forth in (a) through (e) of this subsection do not automatically disqualify an applicant from employment by a licensee. Nothing in this section may be construed to require the employment of any person against a licensee's judgment.

(3) In consultation with law enforcement personnel, the secretary of social and health services and the secretary of health shall investigate, or cause to be investigated, the conviction record and the protection proceeding record information under this chapter of the staff of each agency or facility under their respective jurisdictions seeking licensure or relicensure. An individual responding to a criminal background inquiry request from his or her employer or potential employer shall disclose the information about his or her criminal history under penalty of perjury. The secretaries shall use the information solely for the purpose of determining eligibility for licensure or relicensure. Criminal justice agencies shall provide the secretaries such information as they may have and that the secretaries may require for such purpose.

Sec. 5. RCW 74.15.030 and 2006 c 265 s 402 and 2006 c 54 s 8 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

~~(b) (The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons.~~

~~In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure.~~

~~No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee except that in the case of a foster family home, if this expense would work a hardship on the licensee, the department shall pay the expense.~~

~~The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are~~

~~authorized to care for children, expectant mothers, and developmentally disabled persons. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;~~

~~(c)) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;~~

~~(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;~~

~~(d) Obtaining child protective services information or records maintained in the department case management information system. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under this chapter;~~

~~(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:~~

~~(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicensure;~~

~~(ii) Foster care and adoption placements; and~~

~~(iii) Any adult living in a home where a child may be placed;~~

~~(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;~~

~~(g) The cost of fingerprint background check fees will be paid as required in section 1 of this act;~~

~~(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;~~

~~(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;~~

~~((f)) (j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;~~

~~((e)) (k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;~~

~~((f)) (l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and~~

~~((g)) (m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;~~

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall

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specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies;

(9) To engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the family child care licensees selected in accordance with RCW 74.15.035 and with other affected interests before adopting requirements that affect family child care licensees; and

(10) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 6. Federal and state law require the balancing of the privacy interests of individuals with the government's interest in the protection of children and vulnerable adults. The legislature finds that the balancing of these interests may be skewed in favor of the privacy rights of individuals. Therefore, a work group is created to research the current laws regarding background checks for prospective employees of public and private entities which work with vulnerable adults or children. The legislature finds that a comprehensive background check which includes both civil and criminal information is a valuable tool in safeguarding vulnerable adults and children from preventable risk.

NEW SECTION. Sec. 7. (1) The department of social and health services shall convene a work group to: (a) Review the current federal and state laws and administrative rules and practices with respect to sharing confidential information; (b) analyze how state agencies use background check information to make employment decisions, including how such information may disqualify an individual for employment; and (c) examine the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required.

(2)(a) The work group shall include but not be limited to the following members, chosen by the chief executive officer of each entity:

(i) A representative of the department of social and health services;

(ii) A representative of the department of early learning;

(iii) A representative of the department of health;

(iv) A representative of the office of the superintendent of public instruction;

(v) A representative of the department of licensing;

(vi) A representative of the Washington state patrol;

(vii) A representative from the Washington state bar association;

(viii) A representative of the Washington association of sheriffs and police chiefs;

(ix) A representative of the Washington association of criminal defense attorneys;

(x) A representative from the administrative office of the courts; and

(xi) A representative from the department of information services.

(b) The work group shall also include as nonvoting ex officio members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate; and

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives.

(c) Additional voting members may be invited to participate as determined by the work group.

(3) Appointments to the work group shall be completed within thirty days of the effective date of this section.

(4) The work group may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The secretary of the department of social and health services or the secretary's designee shall serve as chair of the work group.

(7) The department of social and health services shall provide staff support to the work group.

(8) The work group shall:

(a) Provide an interim report to the legislature and the governor by December 1, 2007; and

(b) Make recommendations to the legislature and the governor by July 1, 2008, regarding improving current processes for sharing and use of background information, including but not limited to the feasibility of creating a clearinghouse of information.

(i) The clearinghouse shall simplify administrative handling of background check requests and reduce the total costs and number of full-time employees involved in doing the work, develop expertise in searching multiple databases, and include a process for reducing the total amount of time it takes to process background checks, including using workflow management software to improve transparency of process impediments.

(ii) The workgroup should consider where to locate the administrative work, possibly considering the use of the department of licensing's facilities for collecting fingerprints and other identifying information about applicants.

(9) This section expires November 30, 2008.

Sec. 8. RCW 41.06.475 and 2002 c 354 s 222 are each amended to read as follows:

The director shall adopt rules, in cooperation with the ~~((secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons))~~ director of the department of early learning, for the background investigation of current employees and of persons being actively considered for positions with the department who will or may have unsupervised access to children. The director shall also adopt rules, in cooperation with the director of the department of early learning, for background investigation of positions otherwise required by federal law to meet employment standards. "Considered for positions" includes decisions about (1) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (2) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

Sec. 9. RCW 43.43.830 and 2005 c 421 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.845.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between

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twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults;

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a person, business, or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, or that provides child day care, early learning, or early learning childhood education services, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication proceeding" is a judicial or administrative adjudicative proceeding that results in a finding of, or upholds an agency finding of, domestic violence, abuse, sexual abuse, neglect, abandonment, violation of a professional licensing standard regarding a child or vulnerable adult, or exploitation or financial exploitation of a child or vulnerable adult under any provision of law, including but not limited to chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW. "Civil adjudication proceeding" also includes judicial or administrative (~~orders~~) findings that become final due to the failure of the alleged perpetrator to timely exercise a legal right (afforded to him or her) to administratively challenge such findings (made by the department of social and health services or the department of health under chapter 13.34, 26.44, or 74.34 RCW, or rules adopted under chapters 18.51 and 74.42 RCW).

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030 and 10.97.050 relating to a crime committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(9) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(10) "Financial exploitation" means "financial exploitation" as defined in RCW 74.34.020.

(11) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults, juveniles, or children, or which provides child day care, early learning, or early childhood education services.

Sec. 10. RCW 43.43.832 and 2006 c 263 s 826 are each amended to read as follows:

(1) The legislature finds that businesses and organizations providing services to children, developmentally disabled persons, and vulnerable adults need adequate information to determine which employees or licensees to hire or engage. The legislature further finds that many developmentally disabled individuals and vulnerable adults desire to hire their own employees directly and also need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol identification and criminal history section shall disclose, upon the request of a business or organization as defined in RCW 43.43.830, a developmentally disabled person, or a vulnerable adult as defined in RCW 43.43.830 or his or her guardian, an applicant's conviction record (for convictions) as defined in chapter 10.97 RCW.

(2) The legislature also finds that the Washington professional educator standards board may request of the Washington state patrol criminal identification system information regarding a certificate applicant's conviction record (for convictions) under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child, developmentally disabled person, and vulnerable adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the secretary of the department of social and health services must establish rules and set standards to require specific action when considering the information listed in subsection (1) of this section, and when considering additional information including but not limited to civil adjudication proceedings as defined in RCW 43.43.830 and any out-of-state equivalent, in the following circumstances:

(a) When considering persons for state employment in positions directly responsible for the supervision, care, or treatment of children, vulnerable adults, or individuals with mental illness or developmental disabilities;

(b) When considering persons for state positions involving unsupervised access to vulnerable adults to conduct comprehensive assessments, financial eligibility determinations, licensing and certification activities, investigations, surveys, or case management; or for state positions otherwise required by federal law to meet employment standards;

(c) When licensing agencies or facilities with individuals in positions directly responsible for the care, supervision, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to agencies or facilities licensed under chapter 74.15 or 18.51 RCW;

(d) When contracting with individuals or businesses or organizations for the care, supervision, case management, or treatment of children, developmentally disabled persons, or vulnerable adults, including but not limited to services contracted for under chapter 18.20, 18.48, 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW;

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(e) When individual providers are paid by the state or providers are paid by home care agencies to provide in-home services involving unsupervised access to persons with physical, mental, or developmental disabilities or mental illness, or to vulnerable adults as defined in chapter 74.34 RCW, including but not limited to services provided under chapter 74.39 or 74.39A RCW.

(5) The director of the department of early learning shall investigate the conviction records, pending charges, and other information including civil adjudication proceeding records of current employees and of any person actively being considered for any position with the department who will or may have unsupervised access to children, or for state positions otherwise required by federal law to meet employment standards. "Considered for any position" includes decisions about (a) initial hiring, layoffs, reallocations, transfers, promotions, or demotions, or (b) other decisions that result in an individual being in a position that will or may have unsupervised access to children as an employee, an intern, or a volunteer.

(6) The director of the department of early learning shall adopt rules and investigate conviction records, pending charges, and other information including civil adjudication proceeding records, in the following circumstances:

(a) When licensing or certifying agencies with individuals in positions that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood education services, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(b) When authorizing individuals who will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services in licensed or certified agencies, including but not limited to licensees, agency staff, interns, volunteers, contracted providers, and persons living on the premises who are sixteen years of age or older;

(c) When contracting with any business or organization for activities that will or may have unsupervised access to children who are in child day care, in early learning programs, or receiving early childhood learning education services;

(d) When establishing the eligibility criteria for individual providers to receive state paid subsidies to provide child day care or early learning services that will or may involve unsupervised access to children.

(7) Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis pending completion of the state background investigation. Whenever a national criminal record check through the federal bureau of investigation is required by state law, a person may be employed or engaged as a volunteer or independent contractor on a conditional basis pending completion of the national check. The Washington personnel resources board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

~~((6))~~ (8)(a) For purposes of facilitating timely access to criminal background information and to reasonably minimize the number of requests made under this section, recognizing that certain health care providers change employment frequently, health care facilities may, upon request from another health care facility, share copies of completed criminal background inquiry information.

(b) Completed criminal background inquiry information may be shared by a willing health care facility only if the following conditions are satisfied: The licensed health care facility sharing the criminal background inquiry information is reasonably known to be the person's most recent employer, no more than twelve months has elapsed from the date the person was last employed at a licensed health care facility to the date of their current employment application, and the criminal background information is no more than two years old.

(c) If criminal background inquiry information is shared, the health care facility employing the subject of the inquiry must require the applicant to sign a disclosure statement indicating

that there has been no conviction or finding as described in RCW 43.43.842 since the completion date of the most recent criminal background inquiry.

(d) Any health care facility that knows or has reason to believe that an applicant has or may have a disqualifying conviction or finding as described in RCW 43.43.842, subsequent to the completion date of their most recent criminal background inquiry, shall be prohibited from relying on the applicant's previous employer's criminal background inquiry information. A new criminal background inquiry shall be requested pursuant to RCW 43.43.830 through 43.43.842.

(e) Health care facilities that share criminal background inquiry information shall be immune from any claim of defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of this information in accordance with this subsection.

(f) Health care facilities shall transmit and receive the criminal background inquiry information in a manner that reasonably protects the subject's rights to privacy and confidentiality.

(g) For the purposes of this subsection, "health care facility" means a nursing home licensed under chapter 18.51 RCW, a boarding home licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

~~((7) If a federal bureau of investigation check is required in addition to the state background check by the department of social and health services, an applicant who is not disqualified based on the results of the state background check shall be eligible for a one hundred twenty day provisional approval to hire, pending the outcome of the federal bureau of investigation check. The department may extend the provisional approval until receipt of the federal bureau of investigation check. If the federal bureau of investigation check disqualifies an applicant, the department shall notify the requestor that the provisional approval to hire is withdrawn and the applicant may be terminated.))~~

NEW SECTION. Sec. 11. If specific funding for the purposes of sections 6 and 7 of this act, referencing sections 6 and 7 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, sections 6 and 7 of this act are null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5774.

Senator Hargrove spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5774.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5774 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5774, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5774, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton,

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Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5774, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828, with the following amendment: 5828-S2.E AMH ELCS H3102.3

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that education is the single most effective investment that can be made in children, the state, the economy, and the future. A well-educated citizenry is essential both for the preservation of democracy and for enhancing the state's ability to compete in the knowledge-based global economy.

As recommended by Washington learns, the legislature declares that the overarching goal for education in the state is to have a world-class, learner-focused, seamless education system that educates more Washingtonians to the highest levels of educational attainment.

Sec. 2. RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Department" means the department of early learning.

(4) "Director" means the director of the department.

(5) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

NEW SECTION. Sec. 3. A new section is added to chapter 43.215 RCW to read as follows:

EARLY LEARNING ADVISORY COUNCIL. (1) The early learning advisory council is established to advise the department on statewide early learning community needs and progress.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that crosses systems and sectors to promote alignment of private and public sector actions, objectives, and resources, and to ensure school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than twenty-five members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of

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financial management, the department of social and health services, the department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint at least seven leaders in early childhood education, with at least one representative with experience or expertise in each of the following areas: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) Two representatives of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(8) The department shall provide staff support to the council.

NEW SECTION. Sec. 4. A new section is added to chapter 43.215 RCW to read as follows:

VOLUNTARY QUALITY RATING AND IMPROVEMENT SYSTEM. Subject to the availability of amounts appropriated for this specific purpose, the department, in collaboration with community and statewide partners, shall implement a voluntary quality rating and improvement system applicable to licensed or certified child care centers and homes and early education programs. The purpose of the voluntary quality rating and improvement system is to give parents clear and easily accessible information about the quality of child care and early education programs, support improvement in early learning programs throughout the state, increase the readiness of children for school, and close the disparity in access to quality care. Before final implementation of the voluntary quality rating and improvement system, the department shall report to the appropriate policy and fiscal committees of the legislature. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.

Sec. 5. RCW 43.215.020 and 2006 c 265 s 103 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To ~~((improve parent education and support))~~ make early learning resources available to parents and caregivers;

(c) To carry out activities ~~((to improve))~~, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children ~~((including activities))~~, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To ~~((assist in))~~ support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council; ~~((and))~~

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs; and

(i) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 6. A new section is added to chapter 43.215 RCW to read as follows:

DEPARTMENT'S PARTNERSHIP RESPONSIBILITIES.

(1) In order to meet its partnership responsibilities, the department shall:

(a) Work collaboratively with the nongovernmental private-public partnership; and

(b) Actively seek public and private money for distribution as grants to the nongovernmental private-public partnership.

(2) In order to meet its partnership responsibilities, the nongovernmental private-public partnership shall:

(a) Work with and complement existing statewide efforts by enhancing parent resources and support, child care, preschool, and other early learning environments;

(b) Accept and expend funds to be used for quality improvement initiatives, including but not limited to parent resources and support, and support the alignment of existing funding streams and coordination of efforts across sectors;

(c) In conjunction with the department, provide leadership to early learning private-public partnerships forming in communities across the state. These local partnerships shall be encouraged to seek local funding and develop strategies to improve coordination and exchange information between the community, early care and education programs, and the K-12 system; and

(d) Assist the statewide movement to high quality early learning and the support of parents as a child's first and best teacher.

NEW SECTION. Sec. 7. A new section is added to chapter 43.215 RCW to read as follows:

RULES REVIEW. In conjunction with child care providers and other early learning leaders, the department shall review and revise child care provider rules in order to emphasize the need for mutual respect among parents, providers, and state staff who enforce rules. Revised rules shall clearly focus on keeping children safe and improving early learning outcomes for children. The department shall develop a plan by July 2007 that outlines the process and timelines to complete the rules review. Nothing in this section changes the department's responsibility to collectively bargain over mandatory subjects.

NEW SECTION. Sec. 8. Captions used in this act are not any part of the law."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kauffman moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5828.

Senator Kauffman spoke in favor of the motion.

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The President declared the question before the Senate to be the motion by Senator Kauffman that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5828.

The motion by Senator Kauffman carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5828 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5828, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, with the following amendment: 5836-S.E AMH LG H3248.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.13.270 and 2001 c 299 s 2 are each amended to read as follows:

(1) Whenever any territory is annexed to a city or town which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the city or town and by the city or town placed in the city or town street fund; except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. (~~This section shall~~)

(2) When territory that is part of a fire district is annexed to a city or town, the following apply:

(a) Fire district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing city or town at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Fire district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the fire district.

(3) When territory that is part of a library district is annexed to a city or town, the following apply:

(a) Library district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing city or town at times required by the county, but no less

frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Library district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the library district.

(4) Subsections (1) through (3) of this section do not apply to any special assessments due in behalf of such property.

(5) If a city or town annexes property within a fire district or library district while any general obligation bond secured by the taxing authority of the district is outstanding, the bonded indebtedness of the fire district or library district remains an obligation of the taxable property annexed as if the annexation had not occurred.

(6) The city or town is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor, and to the fire district and library district, as appropriate, at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the city or town those road taxes, fire district taxes, and library district taxes collected thirty days or more after receipt of the notification.

(7)(a) In counties that do not have a boundary review board, the city or town shall provide notification to the fire district or library district of the jurisdiction's resolution approving the annexation. The notification required under this subsection must:

(i) Be made by certified mail within seven days of the resolution approving the annexation; and

(ii) Include a description of the annexed area.

(b) In counties that have a boundary review board, the city or town shall provide notification of the proposed annexation to the fire district or library district simultaneously when notice of the proposed annexation is provided by the jurisdiction to the boundary review board under RCW 36.93.090.

(8) The provisions of this section regarding (a) the transfer of fire and library district property taxes and (b) city and town notifications to fire and library districts do not apply if the city or town has been annexed to and is within the fire or library district when the city or town approves a resolution to annex unincorporated county territory.

Sec. 2. RCW 35A.14.801 and 2001 c 299 s 3 are each amended to read as follows:

(1) Whenever any territory is annexed to a code city which is part of a road district of the county and road district taxes have been levied but not collected on any property within the annexed territory, the same shall when collected by the county treasurer be paid to the code city and by the city placed in the city street fund; except that road district taxes that are delinquent before the date of annexation shall be paid to the county and placed in the county road fund. (~~This section shall~~)

(2) When territory that is part of a fire district is annexed to a code city, the following apply:

(a) Fire district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing code city at times required by the county, but no less frequently than by July 10th for collections through June 30th and January 10th for collections through December 31st following the annexation; and

(b) Fire district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the fire district.

(3) When territory that is part of a library district is annexed to a code city, the following apply:

(a) Library district taxes on annexed property that were levied, but not collected, and were not delinquent at the time of the annexation shall, when collected, be paid to the annexing code city at times required by the county, but no less frequently than by July 10th for collections through June 30th and January

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10th for collections through December 31st following the annexation; and

(b) Library district taxes on annexed property that were levied, but not collected, and were delinquent at the time of the annexation and the pro rata share of the current year levy budgeted for general obligation debt, when collected, shall be paid to the library district.

(4) Subsections (1) through (3) of this section do not apply to any special assessments due in behalf of such property.

(5) If a code city annexes property within a fire district or library district while any general obligation bond secured by the taxing authority of the district is outstanding, the bonded indebtedness of the fire district or library district remains an obligation of the taxable property annexed as if the annexation had not occurred.

(6) The code city is required to provide notification, by certified mail, that includes a list of annexed parcel numbers, to the county treasurer and assessor, and to the fire district and library district, as appropriate, at least thirty days before the effective date of the annexation. The county treasurer is only required to remit to the code city those road taxes, fire district taxes, and library district taxes collected thirty or more days after receipt of the notification.

(7)(a) In counties that do not have a boundary review board, the code city shall provide notification to the fire district or library district of the jurisdiction's resolution approving the annexation. The notification required under this subsection must:

(i) Be made by certified mail within seven days of the resolution approving the annexation; and

(ii) Include a description of the annexed area.

(b) In counties that have a boundary review board, the code city shall provide notification of the proposed annexation to the fire district or library district simultaneously when notice of the proposed annexation is provided by the jurisdiction to the boundary review board under RCW 36.93.090.

(8) The provisions of this section regarding (a) the transfer of fire and library district property taxes and (b) code city notifications to fire and library districts do not apply if the code city has been annexed to and is within the fire or library district when the code city approves a resolution to annex unincorporated county territory.

Sec. 3. RCW 84.09.030 and 2004 c 129 s 19 are each amended to read as follows:

Except as follows, the boundaries of counties, cities, and all other taxing districts, for purposes of property taxation and the levy of property taxes, shall be the established official boundaries of such districts existing on the first day of (~~March~~) August of the year in which the property tax levy is made.

The official boundaries of a newly incorporated taxing district shall be established at a different date in the year in which the incorporation occurred as follows:

(1) Boundaries for a newly incorporated city shall be established on the last day of March of the year in which the initial property tax levy is made, and the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was incorporated within its boundaries shall be altered as of this date to exclude this area, if the budget for the newly incorporated city is filed pursuant to RCW 84.52.020 and the levy request of the newly incorporated city is made pursuant to RCW 84.52.070. Whenever a proposed city incorporation is on the March special election ballot, the county auditor shall submit the legal description of the proposed city to the department of revenue on or before the first day of March;

(2) Boundaries for a newly incorporated port district or regional fire protection service authority shall be established on the first day of October if the boundaries of the newly incorporated port district or regional fire protection service authority are coterminous with the boundaries of another taxing district or districts, as they existed on the first day of March of that year;

(3) Boundaries of any other newly incorporated taxing district shall be established on the first day of June of the year in which the property tax levy is made if the taxing district has boundaries coterminous with the boundaries of another taxing district, as they existed on the first day of March of that year;

(4) Boundaries for a newly incorporated water-sewer district shall be established on the fifteenth of June of the year in which the proposition under RCW 57.04.050 authorizing a water district excess levy is approved.

The boundaries of a taxing district shall be established on the first day of June if territory has been added to, or removed from, the taxing district after the first day of March of that year with boundaries coterminous with the boundaries of another taxing district as they existed on the first day of March of that year. However, the boundaries of a road district, library district, or fire protection district or districts, that include any portion of the area that was annexed to a city or town within its boundaries shall be altered as of this date to exclude this area. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

No property tax levy shall be made for any taxing district whose boundaries are not established as of the dates provided in this section."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5836.

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5836.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5836 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5836, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5836, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkeley, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5836, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859, with the following amendment: 5859-S2.E AMH CL H3197.1

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Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.375 and 1997 c 321 s 61 are each amended to read as follows:

"Society or organization" as used in RCW 66.24.380 means a not-for-profit group organized and operated (1) solely for charitable, religious, social, political, educational, civic, fraternal, athletic, or benevolent purposes, or (2) as a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section. No portion of the profits from events sponsored by a not-for-profit group may be paid directly or indirectly to members, officers, directors, or trustees except for services performed for the organization. Any compensation paid to its officers and executives must be only for actual services and at levels comparable to the compensation for like positions within the state. A society or organization which is registered with the secretary of state or the federal internal revenue service as a nonprofit organization (may) shall submit such registration, upon request, as proof that it is a not-for-profit group.

"Sec. 2. RCW 66.28.010 and 2006 c 330 s 28, 2006 c 92 s 1, and 2006 c 43 s 1 are each reenacted and amended to read as follows:

(1)(a) No manufacturer, importer, distributor, or authorized representative, or person financially interested, directly or indirectly, in such business; whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, unless the retail business is owned by a corporation in which a manufacturer or importer has no direct stock ownership and there are no interlocking officers and directors, the retail license is held by a corporation that is not owned directly or indirectly by a manufacturer or importer, the sales of liquor are incidental to the primary activity of operating the property as a hotel, alcoholic beverages produced by the manufacturer or importer or their subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation or the retail licensee; nor shall any manufacturer, importer, distributor, or authorized representative own any of the property upon which such licensed persons conduct their business; nor shall any such licensed person, under any arrangement whatsoever, conduct his or her business upon property in which any manufacturer, importer, distributor, or authorized representative has any interest unless title to that property is owned by a corporation in which a manufacturer has no direct stock ownership and there are no interlocking officers or directors, the retail license is held by a corporation that is not owned directly or indirectly by the manufacturer, the sales of liquor are incidental to the primary activity of operating the property either as a hotel or as an amphitheater offering live musical and similar live entertainment activities to the public, alcoholic beverages produced by the manufacturer or any of its subsidiaries are not sold at the licensed premises, and the board reviews the ownership and proposed method of operation of all involved entities and determines that there will not be an unacceptable level of control or undue influence over the operation of the retail licensee. Except as provided in subsection (3) of this section, no manufacturer, importer, distributor, or authorized representative shall advance moneys or moneys' worth to a licensed person under an arrangement, nor shall such licensed person receive, under an arrangement, an advance of moneys or moneys' worth. "Person" as used in this section only shall not include those state or federally chartered banks, state or federally chartered savings and loan associations, state or federally chartered mutual savings banks, or institutional investors which are not controlled directly or indirectly by a manufacturer, importer, distributor, or authorized representative as long as the bank, savings and loan association, or institutional investor does not influence or attempt to influence the purchasing practices of the retailer with respect to alcoholic beverages. Except as otherwise provided in this section, no manufacturer, importer, distributor, or authorized representative shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer,

importer, distributor, or authorized representative sell at retail any liquor as herein defined. A corporation granted an exemption under this subsection may use debt instruments issued in connection with financing construction or operations of its facilities.

(b) Nothing in this section shall prohibit a licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and at one additional off-site retail only location and nothing in this section shall prohibit a domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(c) Nothing in this section shall prohibit a licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW. This section does not prohibit a brewery or microbrewery holding a spirits, beer, and wine restaurant license or a beer and/or wine license under chapter 66.24 RCW operated on the premises of the brewery or microbrewery from holding a second retail only license at a location separate from the premises of the brewery or microbrewery.

(d) Nothing in this section prohibits retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(e) Nothing in this section prohibits an organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(f) Nothing in this section prohibits a bona fide charitable nonprofit society or association registered (as a) under section 501(c)(3) (under) of the internal revenue code, or a local wine industry association registered under section 501(c)(6) of the internal revenue code as it exists on the effective date of this section, and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(g) Nothing in this section prohibits domestic wineries and retailers licensed under chapter 66.24 RCW from jointly producing brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, domestic wineries, and their products.

(h) Nothing in this section prohibits domestic wineries and retail licensees from identifying the wineries on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(i) Until July 1, 2007, nothing in this section prohibits a nonprofit statewide organization of microbreweries formed for the purpose of promoting Washington's craft beer industry as a trade association registered as a 501(c) with the internal revenue service from holding a special occasion license to conduct up to six beer festivals.

(2) Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership,

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mortgage, lien, or through interlocking directors, or otherwise. Pursuant to rules promulgated by the board in accordance with chapter 34.05 RCW manufacturers, distributors, and importers may perform, and retailers may accept the service of building, rotating and restocking case displays and stock room inventories; rotating and rearranging can and bottle displays of their own products; provide point of sale material and brand signs; price case goods of their own brands; and perform such similar normal business services as the board may by regulation prescribe.

(3)(a) This section does not prohibit a manufacturer, importer, or distributor from providing services to a special occasion licensee for: (i) Installation of draft beer dispensing equipment or advertising, (ii) advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event, or (iii) a special occasion licensee from receiving any such services as may be provided by a manufacturer, importer, or distributor. Nothing in this section shall prohibit a retail licensee, or any person financially interested, directly or indirectly, in such a retail licensee from having a financial interest, direct or indirect, in a business which provides, for a compensation commensurate in value to the services provided, bottling, canning or other services to a manufacturer, so long as the retail licensee or person interested therein has no direct financial interest in or control of said manufacturer.

(b) A person holding contractual rights to payment from selling a liquor distributor's business and transferring the license shall not be deemed to have a financial interest under this section if the person (i) lacks any ownership in or control of the distributor, (ii) is not employed by the distributor, and (iii) does not influence or attempt to influence liquor purchases by retail liquor licensees from the distributor.

(c) The board shall adopt such rules as are deemed necessary to carry out the purposes and provisions of subsection (3)(a) of this section in accordance with the administrative procedure act, chapter 34.05 RCW.

(4) A license issued under RCW 66.24.395 does not constitute a retail license for the purposes of this section.

(5) A public house license issued under RCW 66.24.580 does not violate the provisions of this section as to a retailer having an interest directly or indirectly in a liquor-licensed manufacturer.

Sec. 3. RCW 66.08.150 and 2003 c 320 s 1 are each amended to read as follows:

The action, order, or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and it incorporates a finding to that effect in its order(~~and~~). Proceedings for revocation or other action must be promptly instituted and determined. An administrative law judge may extend the summary suspension period for up to one calendar year in the event the proceedings for revocation or other action cannot be completed during the initial one hundred eighty day period due to actions by the licensee or permittee. The board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

Sec. 4. RCW 66.24.244 and 2006 c 302 s 3 and 2006 c 44 s 2 are each reenacted and amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Any microbrewery licensed under this section may act as a distributor for beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

~~(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.~~

~~(4) The board may issue ((an endorsement to this)) a license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~

~~(4)) The microbrewer ((obtaining such endorsement)) must determine, at the time the ((endorsement)) license is issued, whether the licensed premises will be operated ((either)) as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.~~

~~(5) If the microbrewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, at a location separate from the licensed brewery premises.~~

~~(6)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.~~

~~(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.~~

~~(c) The beer sold at qualifying farmers markets must be produced in Washington.~~

~~(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ((5)) (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.~~

~~(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ((5)) (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the~~

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board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 5. RCW 66.24.244 and 2006 c 44 s 2 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A microbrewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) The board may issue a license allowing a microbrewery to operate a spirits, beer, and wine restaurant under RCW 66.24.420.

~~(4) The board may issue ~~((an endorsement to this))~~ a license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. ~~((Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.~~~~

~~(4))~~ The microbrewer ~~((obtaining such endorsement))~~ must determine, at the time the ~~((endorsement))~~ license is issued, whether the licensed premises will be operated ~~((either))~~ as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5) If the microbrewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant, operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine

restaurant or a beer and/or wine restaurant, at a location separate from the licensed brewery premises.

~~(6)(a)~~ A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection ~~((5))~~ (6) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection ~~((5))~~ (6) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((5))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection ~~((5))~~ (6):

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 6. RCW 66.24.240 and 2006 c 302 s 2 and 2006 c 44 s 1 are each reenacted and amended to read as follows:

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(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a retailer for beer of its own production. Any domestic brewery licensed under this section may act as a distributor for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. A brewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(4) If the brewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant at a location separate from the brewery premises.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((+))~~ (6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((+))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 7. RCW 66.24.240 and 2006 c 44 s 1 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(6), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers. A domestic brewery holding a spirits, beer, and wine restaurant license may sell beer of its own production for off-premises consumption from its restaurant premises in kegs or in a sanitary container brought to the premises by the purchaser or furnished by the licensee and filled at the tap by the licensee at the time of sale.

(3) A domestic brewery may hold a retail license under this chapter. This retail license is separate from the brewery license. A brewery that holds a spirits, beer, and wine restaurant license or a beer and/or wine restaurant license shall hold the same privileges and endorsements as permitted under RCW 66.24.320 and 66.24.420.

(4) If the brewery licensee holds a separate license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant operated on the brewery premises, the licensee may hold a second retail license for a spirits, beer, and wine restaurant or a beer and/or wine restaurant at a location separate from the brewery premises.

(5) Any domestic brewery licensed under this section may contract-produce beer for a brand owner of malt beverages defined under RCW 66.04.010(6), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

~~((+))~~ (6)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale.

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This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection ~~((+))~~ (6)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 8. RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

(e) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An additional license fee of twenty dollars shall be required for such duplicate licenses.

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

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(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand ~~((four))~~ three hundred ~~((fifty))~~ of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with a catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the ~~((alcohol))~~ alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Sec. 9. RCW 66.24.320 and 2006 c 362 s 1 and 2006 c 101 s 2 are each reenacted and amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine that was purchased for consumption with a meal.

(1) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(2)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are

authorized under the on-premises license privileges for sale and service at event locations at a specified date and, except as provided in subsection (3) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on the premises of another not licensed by the board so long as there is a written agreement between the licensee and the other party to provide for ongoing catering services, the agreement contains no exclusivity clauses regarding the alcoholic beverages to be served, and the agreement is filed with the board.

(d) The holder of this license with a caterer's endorsement may, under conditions established by the board, store liquor on other premises operated by the licensee so long as the other premises are owned or controlled by a leasehold interest by that licensee. A duplicate license may be issued for each additional premises. A license fee of twenty dollars shall be required for such duplicate licenses.

(3) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel and may store liquor at such premises under conditions established by the board under the following conditions:

(a) Agreements between the domestic winery or the passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the ~~((alcohol))~~ alcoholic beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

(4) The holder of this license or its manager may furnish beer or wine to the licensee's employees free of charge as may be required for use in connection with instruction on beer and wine. The instruction may include the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The beer and/or wine licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the beer and/or wine licensee.

(5) If the license is issued to a person who contracts with the Washington state ferry system to provide food and alcohol service on a designated ferry route, the license shall cover any vessel assigned to the designated route. A separate license is required for each designated ferry route.

Sec. 10. RCW 66.04.010 and 2006 c 225 s 1 and 2006 c 101 s 1 are each reenacted and amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

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(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced anywhere outside Washington by a brewery or winery which does not hold a certificate of approval issued by the board; and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its exclusive authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(10) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(11) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(12) "Distiller" means a person engaged in the business of distilling spirits.

(13) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(14) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(15) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(16) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(17) "Employee" means any person employed by the board.

(18) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(19) "Fund" means 'liquor revolving fund.'

(20) "Hotel" means ~~((every building or other structure)) buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests ((and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: PROVIDED FURTHER, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms)). The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.~~

(21) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(22) "Imprisonment" means confinement in the county jail.

(23) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(24) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(25) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(26) "Package" means any container or receptacle used for holding liquor.

(27) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(28) "Permit" means a permit for the purchase of liquor under this title.

(29) "Person" means an individual, copartnership, association, or corporation.

(30) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(31) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(32) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title,

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soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(33) "Regulations" means regulations made by the board under the powers conferred by this title.

(34) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(35) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(36) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(37) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(38) "Store" means a state liquor store established under this title.

(39) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(40) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(41)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(42) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same

not in violation of this title, or who represents such vintner or winery as agent.

(43) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title.

NEW SECTION. Sec. 11. A new section is added to chapter 66.24 RCW to read as follows:

(1) There shall be a retailer's license to be designated as a hotel license. No license may be issued to a hotel offering rooms to its guests on an hourly basis. Food service provided for room service, banquets or conferences, or restaurant operation under this license shall meet the requirements of rules adopted by the board.

(2) The hotel license authorizes the licensee to:

(a) Sell spiritous liquor, beer, and wine, by the individual glass, at retail, for consumption on the premises, including mixed drinks and cocktails compounded and mixed on the premises, at dining places in the hotel.

(b) Sell, at retail, from locked honor bars, in individual units, spirits not to exceed fifty milliliters, beer in individual units not to exceed twelve ounces, and wine in individual bottles not to exceed three hundred eighty-five milliliters, to registered guests of the hotel for consumption in guest rooms. The licensee shall require proof of age from the guest renting a guest room and requesting the use of an honor bar. The guest shall also execute an affidavit verifying that no one under twenty-one years of age shall have access to the spirits, beer, and wine in the honor bar;

(c) Provide without additional charge, to overnight guests, spirits, beer, and wine by the individual serving for on-premises consumption at a specified regular date, time, and place as may be fixed by the board. Self-service by attendees is prohibited;

(d) Sell beer, including strong beer, wine, or spirits, in the manufacturer's sealed container or by the individual drink to guests through room service, or through service to occupants of private residential units;

(e) Sell beer, including strong beer, or wine, in the manufacturer's sealed container at retail sales locations within the hotel premises;

(f) Sell for on or off-premises consumption, including through room service and service to occupants of private residential units managed by the hotel, wine carrying a label exclusive to the hotel license holder;

(g) Place in guest rooms at check-in, a complimentary bottle of beer, including strong beer, or wine in a manufacturer-sealed container, and make a reference to this service in promotional material.

(3) If all or any facilities for alcoholic beverage service and the preparation, cooking, and serving of food are operated under contract or joint venture agreement, the operator may hold a license separate from the license held by the operator of the hotel. Food and beverage inventory used in separate licensed operations at the hotel may not be shared and shall be separately owned and stored by the separate licensees.

(4) All spirits to be sold under this license must be purchased from the board.

(5) All on-premise alcoholic beverage service must be done by an alcohol server as defined in RCW 66.20.300 and must comply with RCW 66.20.310.

(6)(a) The hotel license allows the licensee to remove from the liquor stocks at the licensed premises, liquor for sale and service at event locations at a specified date and place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived.

(b) The holder of this license shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any event. Upon request, the licensee shall provide to the board all necessary or requested information

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concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(c) Licensees may cater events on a domestic winery premises.

(7) The holder of this license or its manager may furnish spirits, beer, or wine to the licensee's employees who are twenty-one years of age or older free of charge as may be required for use in connection with instruction on spirits, beer, and wine. The instruction may include the history, nature, values, and characteristics of spirits, beer, or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling spirits, beer, or wine. The licensee must use the beer or wine it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the licensee.

(8) Minors may be allowed in all areas of the hotel where alcohol may be consumed; however, the consumption must be incidental to the primary use of the area. These areas include, but are not limited to, tennis courts, hotel lobbies, and swimming pool areas. If an area is not a mixed use area, and is primarily used for alcohol service, the area must be designated and restricted to access by minors.

(9) The annual fee for this license is two thousand dollars.

(10) As used in this section, "hotel," "spirits," "beer," and "wine" have the meanings defined in RCW 66.24.410 and 66.04.010.

Sec. 12. RCW 66.44.310 and 1998 c 126 s 14 are each amended to read as follows:

(1) Except as otherwise provided by RCW 66.44.316 ~~(and)~~, 66.44.350, and section 11 of this act, it shall be a misdemeanor:

(a) To serve or allow to remain in any area classified by the board as off-limits to any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a spirits, beer, and wine private club license;

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify licensed premises or portions of licensed premises as off-limits to persons under the age of twenty-one years of age.

Sec. 13. RCW 66.24.400 and 2005 c 152 s 2 are each amended to read as follows:

(1) There shall be a retailer's license, to be known and designated as a spirits, beer, and wine restaurant license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only (~~PROVIDED, That a hotel, or~~). A club licensed under chapter 70.62 RCW with overnight sleeping accommodations, that is licensed under this section may sell liquor by the bottle to registered guests of the ~~(hotel or)~~ club for consumption in guest rooms, hospitality rooms, or at banquets in the ~~(hotel or)~~ club (~~PROVIDED FURTHER, That~~). A patron of a bona fide ~~(hotel)~~ restaurant ~~(or)~~ club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the ~~(hotel or)~~ club by the bottle may remove from the premises any unused portion of such liquor in its original container. Such license may be issued only to bona fide restaurants ~~(hotels)~~ and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the

discretion of the board should have, a spirits, beer, and wine restaurant license under the provisions and limitations of this title.

(2) The board may issue an endorsement to the spirits, beer, and wine restaurant license that allows the holder of a spirits, beer, and wine restaurant license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this subsection is one hundred twenty dollars.

(3) The holder of a spirits, beer, and wine license or its manager may furnish beer, wine, or spirituous liquor to the licensee's employees free of charge as may be required for use in connection with instruction on beer, wine, or spirituous liquor. The instruction may include the history, nature, values, and characteristics of beer, wine, or spirituous liquor, the use of wine lists, and the methods of presenting, serving, storing, and handling beer, wine, and spirituous liquor. The spirits, beer, and wine restaurant licensee must use the beer, wine, or spirituous liquor it obtains under its license for the sampling as part of the instruction. The instruction must be given on the premises of the spirits, beer, and wine restaurant licensee.

Sec. 14. RCW 66.08.180 and 2000 c 192 s 1 are each amended to read as follows:

Except as provided in RCW 66.24.290(1), moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title.

(1) All license fees, penalties and forfeitures derived under chapter 13, Laws of 1935 from spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licenses or spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licensees shall every three months be disbursed by the board as follows:

(a) Three hundred thousand dollars per biennium, to the death investigations account for the state toxicology program pursuant to RCW 68.50.107; and

(b) Of the remaining funds:

(i) 6.06 percent to the University of Washington and 4.04 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research; and

(ii) 89.9 percent to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050;

(2) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(3) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and 66.24.360, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96A.050; and

(4) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

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Sec. 15. RCW 66.08.220 and 1999 c 281 s 2 are each amended to read as follows:

The board shall set aside in a separate account in the liquor revolving fund an amount equal to ten percent of its gross sales of liquor to spirits, beer, and wine restaurant; spirits, beer, and wine private club; hotel; and sports entertainment facility licensees collected from these licensees pursuant to the provisions of RCW 82.08.150, less the fifteen percent discount provided for in RCW 66.24.440; and the moneys in said separate account shall be distributed in accordance with the provisions of RCW 66.08.190, 66.08.200 and 66.08.210(~~(= PROVIDED, HOWEVER, That)~~). No election unit in which the sale of liquor under spirits, beer, and wine restaurant; spirits, beer, and wine private club; and sports entertainment facility licenses is unlawful shall be entitled to share in the distribution of moneys from such separate account.

Sec. 16. RCW 66.20.010 and 1998 c 126 s 1 are each amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee shall issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanitorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit;

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit;

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit;

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation at prices to be fixed by the board;

(8) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association

composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board or a spirits, beer, and wine restaurant licensee and any such beer and wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in Title 66 RCW to the contrary notwithstanding. Any such spirituous liquor shall be purchased from the board and any such beer or wine shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a (~~hotel or similar~~) facility offering from one to eight lodging units and breakfast to travelers and guests.

Sec. 17. RCW 66.20.310 and 1997 c 321 s 45 are each amended to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every person employed, under contract or otherwise, by an annual retail liquor licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, section 11 of this act, or 66.24.570, who as part of his or her employment participates in any manner in the sale or service of alcoholic beverages shall have issued to them a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) No licensee described in (a) of this subsection, except as provided in (d) of this subsection, may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act

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of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350.

Sec. 18. RCW 66.24.410 and 1983 c 3 s 164 are each amended to read as follows:

(1) "Spirituous liquor," as used in RCW 66.24.400 to 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010, except "wine" and "beer" sold as such.

(2) "Restaurant" as used in RCW 66.24.400 to 66.24.450, inclusive, means an establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains: PROVIDED, That such establishments shall be approved by the board and that the board shall be satisfied that such establishment is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders or such food and victuals as sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition.

(3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400 to 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW(~~PROVIDED, That any such hotel shall be provided with special space and accommodations where, in consideration of payment, food is habitually furnished to the public. PROVIDED FURTHER, That the board shall be satisfied that such hotel is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals. The service of only fry orders, sandwiches, hamburgers, or salads shall not be deemed in compliance with this definition~~)).

Sec. 19. RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are each reenacted and amended to read as follows:

(1) The spirits, beer, and wine restaurant license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for a spirits, beer, and wine restaurant license shall be graduated according to the dedicated dining area and type of service provided as follows:

Less than 50% dedicated dining area	\$2,000
50% or more dedicated dining area	\$1,600
Service bar only	\$1,000

(b) The annual fee for the license when issued to any other spirits, beer, and wine restaurant licensee outside of incorporated cities and towns shall be prorated according to the calendar quarters, or portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(c) Where the license shall be issued to any corporation, association or person operating a bona fide restaurant in an airport terminal facility providing service to transient passengers with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a restaurant in an airport terminal facility must maintain in a substantial

manner at least one place on the premises for preparing, cooking, and serving of complete meals, and such food service shall be available on request in other licensed places on the premises. An additional license fee of twenty-five percent of the annual master license fee shall be required for such duplicate licenses.

(d) Where the license shall be issued to any corporation, association, or person operating dining places at a publicly or privately owned civic or convention center with facilities for sports, entertainment, or conventions, or a combination thereof, with more than one place where liquor is to be dispensed and sold, such license shall be issued upon the payment of the annual fee, which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to additional places on the premises at the discretion of the board and a duplicate license may be issued for each such additional place. The holder of a master license for a dining place at such a publicly or privately owned civic or convention center must maintain in a substantial manner at least one place on the premises for preparing, cooking, and serving of complete meals, and food service shall be available on request in other licensed places on the premises. An additional license fee of ten dollars shall be required for such duplicate licenses.

~~((e) Where the license shall be issued to any corporation, association or person operating more than one building containing dining places at privately owned facilities which are open to the public and where there is a continuity of ownership of all adjacent property, such license shall be issued upon the payment of an annual fee which shall be a master license and shall permit such sale within and from one such place. Such license may be extended to the additional dining places on the property or, in the case of a spirits, beer, and wine restaurant licensed hotel, property owned or controlled by leasehold interest by that hotel for use as a conference or convention center or banquet facility open to the general public for special events in the same metropolitan area, at the discretion of the board and a duplicate license may be issued for each additional place. The holder of the master license for the dining place shall not offer alcoholic beverages for sale, service, and consumption at the additional place unless food service is available at both the location of the master license and the duplicate license. An additional license fee of twenty dollars shall be required for such duplicate licenses.))~~

(2) The board, so far as in its judgment is reasonably possible, shall confine spirits, beer, and wine restaurant licenses to the business districts of cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue spirits, beer, and wine restaurant licenses outside of cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) The total number of spirits, beer, and wine restaurant licenses issued in the state of Washington by the board, not including spirits, beer, and wine private club licenses, shall not in the aggregate at any time exceed one license for each one thousand four hundred fifty of population in the state, determined according to the yearly population determination developed by the office of financial management pursuant to RCW 43.62.030.

(5) Notwithstanding the provisions of subsection (4) of this section, the board shall refuse a spirits, beer, and wine restaurant license to any applicant if in the opinion of the board the spirits, beer, and wine restaurant licenses already granted for the particular locality are adequate for the reasonable needs of the community.

(6)(a) The board may issue a caterer's endorsement to this license to allow the licensee to remove the liquor stocks at the licensed premises, for use as liquor for sale and service at event

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locations at a specified date and, except as provided in subsection (7) of this section, place not currently licensed by the board. If the event is open to the public, it must be sponsored by a society or organization as defined by RCW 66.24.375. If attendance at the event is limited to members or invited guests of the sponsoring individual, society, or organization, the requirement that the sponsor must be a society or organization as defined by RCW 66.24.375 is waived. Cost of the endorsement is three hundred fifty dollars.

(b) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(7) Licensees under this section that hold a caterer's endorsement are allowed to use this endorsement on a domestic winery premises or on the premises of a passenger vessel under the following conditions:

(a) Agreements between the domestic winery or passenger vessel, as the case may be, and the retail licensee shall be in writing, contain no exclusivity clauses regarding the alcohol beverages to be served, and be filed with the board; and

(b) The domestic winery or passenger vessel, as the case may be, and the retail licensee shall be separately contracted and compensated by the persons sponsoring the event for their respective services.

Sec. 20. RCW 66.24.440 and 1998 c 126 s 8 are each amended to read as follows:

Each spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, and sports entertainment facility licensee shall be entitled to purchase any spirituous liquor items salable under such license from the board at a discount of not less than fifteen percent from the retail price fixed by the board, together with all taxes.

NEW SECTION. Sec. 21. Sections 4 and 6 of this act expire June 30, 2008.

NEW SECTION. Sec. 22. Sections 5 and 7 of this act take effect June 30, 2008.

NEW SECTION. Sec. 23. Sections 10 through 20 of this act take effect July 1, 2008." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5859.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5859.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5859 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5859, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5859, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig,

Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senators Honeyford and Stevens - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862, with the following amendment: 5862-S2.E AMH ENGR H3255.E

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.57A.220 and 2006 c 332 s 8 are each amended to read as follows:

A public transportation benefit area seeking grant funding as described in RCW 47.01.350 for a passenger-only ferry route between Kingston and Seattle shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, ~~((2006))~~ 2007. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with the Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and a long-term financial plan.

Sec. 2. RCW 47.01.350 and 2006 c 332 s 4 are each amended to read as follows:

(1) The department of transportation shall establish a ferry grant program subject to availability of amounts appropriated for this specific purpose. The purpose of the grant program is to provide operating or capital grants for ferry systems as provided in chapters 36.54 and 36.57A RCW to operate passenger-only ferry service.

(2) In providing grants under this section, the department may enter into multiple year contracts with the stipulation that future year allocations are subject to the availability of funding as provided by legislative appropriation.

~~((3) Priority shall be given to grant applications that provide continuity of existing passenger-only service and the provision of local or federal matching funds.))~~

Sec. 3. RCW 47.60.662 and 2006 c 332 s 5 are each amended to read as follows:

The Washington state ferry system shall collaborate with new and potential passenger-only ferry service providers, as described in ~~((RCW 36.54.110(5)))~~ chapters 36.54 and 36.57A RCW, for terminal operations at its existing terminal facilities.

Sec. 4. 2006 c 332 s 2 (uncodified) is amended to read as follows:

~~((By October 31, 2006, the department of transportation shall have an independent appraisal of the market value of the Washington state ferries Snohomish and Chinook and present it to the transportation committees of the legislature and the governor by November 1, 2006.))~~ The department of transportation shall ~~((sell or otherwise dispose of))~~ make available for sale the Washington state ferries Snohomish and Chinook ~~((for))~~ at market value ~~((and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645 as soon as practicable upon approval by the governor of the business plan described in RCW 36.54.110(5)))~~ by June 1, 2007. Proceeds from the sale must be deposited into the passenger ferry account created in RCW 47.60.645.

Sec. 5. RCW 36.54.110 and 2006 c 332 s 7 are each amended to read as follows:

(1) The legislative authority of a county may adopt an ordinance creating a ferry district in all or a portion of the area

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of the county, including the area within the corporate limits of any city or town within the county. The ordinance may be adopted only after a public hearing has been held on the creation of a ferry district, and the county legislative authority makes a finding that it is in the public interest to create the district.

(2) A ferry district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(3) A ferry district is a body corporate and possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(4) The members of the county legislative authority, acting ex officio and independently, shall compose the governing body of any ferry district that is created within the county. The voters of a ferry district must be registered voters residing within the boundaries of the district.

(5) A county with a population greater than one million persons and having a boundary on Puget Sound, or a county to the west of Puget Sound with a population greater than two hundred thirty thousand but less than three hundred thousand persons, proposing to create a ferry district to assume a passenger-only ferry route between Vashon and Seattle, including an expansion of that route to include Southworth, shall first receive approval from the governor after submitting a complete business plan to the governor and the legislature by November 1, ~~((2006))~~ 2007. The business plan must, at a minimum, include hours of operation, vessel needs, labor needs, proposed routes, passenger terminal facilities, passenger rates, anticipated federal and local funding, coordination with Washington state ferry system, coordination with existing transit providers, long-term operation and maintenance needs, and long-term financial plan. The business plan may include provisions regarding coordination with an appropriate county to participate in a joint ferry under RCW 36.54.030 through 36.54.070. In order to be considered for assuming the route, the ferry district shall ensure that the route will be operated only by the ferry district and not contracted out to a private entity, all existing labor agreements will be honored, and operations will begin no later than July 1, ~~((2007))~~ 2008. If the route is to be expanded to include serving Southworth, the ferry district shall enter into an interlocal agreement with the public transportation benefit area serving the Southworth ferry terminal within thirty days of beginning Southworth ferry service. For the purposes of this subsection, Puget Sound is considered as extending north to Admiralty Inlet.

Sec. 6. RCW 36.54.130 and 2006 c 332 s 9 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities~~((:));~~

(b) The operation ~~((and)),~~ maintenance, and improvement of ferry vessels and dock facilities~~((:));~~

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 7. A new section is added to chapter 36.54 RCW to read as follows:

(1) A county ferry district may incur general indebtedness, and issue general obligation bonds, to finance the construction, purchase, and preservation of passenger-only ferries and associated terminals and retire the indebtedness in whole or in

part from the revenues received from the tax levy authorized in RCW 36.54.130.

(2) The ordinance adopted by the county legislative authority creating the county ferry district and authorizing the use of revenues received from the tax levy authorized in RCW 36.54.130 must indicate an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated.

Sec. 8. RCW 47.60.658 and 2006 c 332 s 3 are each amended to read as follows:

The department shall maintain the level of service existing on January 1, 2006, for the Vashon to Seattle passenger-only ferry route until such time as the ~~((legislature approves a county ferry district's assumption of the route, as authorized under RCW 36.54.110(5)))~~ route is assumed by another entity, providing a level of service at or exceeding the state level.

Sec. 9. RCW 82.08.0255 and 2005 c 443 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of motor vehicle and special fuel if:

(a) The fuel is purchased for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

~~((d))~~ (d) The fuel is taxable under chapter 82.36 or 82.38 RCW.

(2) Any person who has paid the tax imposed by RCW 82.08.020 on the sale of special fuel delivered in this state shall be entitled to a credit or refund of such tax with respect to fuel subsequently established to have been actually transported and used outside this state by persons engaged in interstate commerce. The tax shall be claimed as a credit or refunded through the tax reports required under RCW 82.38.150.

Sec. 10. RCW 82.12.0256 and 2005 c 443 s 6 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of:

(1) Special fuel purchased in this state upon which a refund is obtained as provided in RCW 82.38.180(2); and

(2) Motor vehicle and special fuel if:

(a) The fuel is used for the purpose of public transportation and the purchaser is entitled to a refund or an exemption under RCW 82.36.275 or 82.38.080(3); or

(b) The fuel is purchased by a private, nonprofit transportation provider certified under chapter 81.66 RCW and the purchaser is entitled to a refund or an exemption under RCW 82.36.285 or 82.38.080(1)(h); or

(c) The fuel is purchased by a public transportation benefit area created under chapter 36.57A RCW or a county-owned ferry or county ferry district created under chapter 36.54 RCW for use in passenger-only ferry vessels; or

~~((d))~~ (d) The fuel is taxable under chapter 82.36 or 82.38 RCW: PROVIDED, That the use of motor vehicle and special fuel upon which a refund of the applicable fuel tax is obtained shall not be exempt under this subsection ~~((2))~~~~((f))~~ ~~((d))~~, and the director of licensing shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Kilmer moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5862.

Senator Kilmer spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Pridemore was excused.

The President declared the question before the Senate to be the motion by Senator Kilmer that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5862.

The motion by Senator Kilmer carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5862 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5862, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5862, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senators Benton, Poulsen and Stevens - 3

Excused: Senator Pridemore - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5915, with the following amendment: 5915-S.E AMH CL REIN 100

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 50.12 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay unemployment insurance taxes, the employment security department shall send to the employer any printed material the department recommends or requires the employer to post. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer.

NEW SECTION. Sec. 2. A new section is added to chapter 43.22 RCW to read as follows:

When an employer initially files a master application under chapter 19.02 RCW for the purpose, in whole or in part, of registering to pay industrial insurance taxes, the department shall send to the employer any printed material the department recommends or requires the employer to post. Any time the printed material has substantive changes in the information, the department shall send a copy to each employer."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5915.

Senators Honeyford and Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5915.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5915 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5915, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5915, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Pridemore - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5915, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5926, with the following amendment: 5926 AMH CONW ELGE 080

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that some current estimates place the percentage of unreported employment in Washington state's construction industry at between twenty percent and fifty percent, although solid data on this phenomenon is not readily available in Washington. The legislature also finds that unreported construction employment may result in the loss of a worker's employment rights and protections, including workers' compensation and unemployment insurance compensation. The legislature further finds that unreported construction employment also could deny the state the revenues it is due, including sales taxes, business and occupation taxes, and other business fees paid to the state. The legislature declares that the underground economy in this state may permit unfair conditions to exist against persons working in the construction industry who do follow the employment laws and appropriately pay taxes. It is the legislature's intent to determine the extent and potential costs to the state of the underground economy in the construction industry."

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NEW SECTION. Sec. 2. (1) The joint legislative task force on the underground economy in the Washington state construction industry is established. For purposes of this section, "underground economy" means contracting and construction activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices in the construction industry in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy in the construction industry, the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing the construction business, selected from nominations submitted by statewide construction business organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(iv) Four members representing construction laborers, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or cochair from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(5) The task force shall report its findings and recommendations to the legislature by January 1, 2008.

(6) This section expires July 1, 2008.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Senate Bill No. 5926.

Senators Kohl-Welles and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Senate Bill No. 5926.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5926 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5926, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5926, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5926, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5995, with the following amendment: 5995-S2 AMH KENN TAYL 164

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.005 and 2003 c 235 s 1 are each amended to read as follows:

The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing ((an effective)) a comprehensive economic development ((strategy for the state and operating)) strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, ((are)) is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. ((In addition, the legislature finds that)) There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need

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~~for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature to create an economic development commission that will ((develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development)) provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system.~~

Sec. 2. RCW 43.162.010 and 2003 c 235 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) ~~The Washington state economic development commission shall consist of ((at least seven and no more than nine)) eleven voting members appointed by the governor as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of four-year state public higher education, one representative for state community or technical colleges, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.~~

~~The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs.~~

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. ~~((Representation shall derive primarily from the)) Private sector(, including, but not limited to,) members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses(, but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector)).~~ Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms(, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms).

(4) ~~((The commission chair shall be selected from among the appointed members by the majority vote of the members.~~

~~—(5)) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.~~

~~(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.~~

(6) The commission may adopt rules for its own governance. **NEW SECTION. Sec. 3.** A new section is added to chapter 43.162 RCW to read as follows:

(1) The commission shall employ an executive director. The executive director shall serve as chief executive officer of the commission and shall administer the provisions of this chapter, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate.

(2) The executive director may not be the chair of the commission.

(3) The executive director shall appoint necessary staff who shall be exempt from the provisions of chapter 41.06 RCW. The executive director's appointees shall serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW.

(4) The executive director shall appoint and employ such other employees as may be required for the proper discharge of the functions of the commission.

(5) The executive director shall exercise such additional powers, other than rule making, as may be delegated by the commission.

Sec. 4. RCW 43.162.020 and 2003 c 235 s 3 are each amended to read as follows:

The Washington state economic development commission shall ~~((perform the following duties:~~

~~—(1) Review and periodically update the state's economic development strategy, including implementation steps, and performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;~~

~~—(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:~~

~~—(a) Promote business retention, expansion, and creation within the state;~~

~~—(b) Promote the business climate of the state and stimulate increased national and international investment in the state;~~

~~—(c) Promote products and services of the state;~~

~~—(d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;~~

~~—(e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and~~

~~—(f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;~~

~~—(3) Identify policies and programs to assist Washington's small businesses;~~

~~—(4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;~~

~~—(5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and~~

~~—(6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004);~~

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(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and

(4) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

The commission may delegate to the director any of the functions of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 43.162 RCW to read as follows: Subject to available funds, the Washington state economic development commission may:

(1) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:

(a) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of community, trade, and economic development, and the office of minority and women-owned business enterprises;

(b) Export assistance by the small business export finance assistance center, the international marketing program for agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of community, trade, and economic development; and

(c) Infrastructure development by the department of community, trade, and economic development and the department of transportation; and

(2) Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development;

(3) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;

(4) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;

(5) Identify partners and develop a plan to develop a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by January 1, 2011.

(a) In coordination with the development of the database, the commission shall establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission shall require a minimum of common core data to be collected by each entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

(b) The commission shall establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

(c) The commission shall, beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files; and

(6) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account.

The commission may delegate to the director any of the functions of this section.

NEW SECTION. Sec. 6. (1) The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.

(2) Using the information from the inventory, public input, and such other information as it deems appropriate, the commission shall, by September 1, 2008, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

(3) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

Sec. 7. RCW 43.162.030 and 2003 c 235 s 4 are each amended to read as follows:

~~((1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.~~

~~—(2)) Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.~~

Sec. 8. RCW 82.33A.010 and 1998 c 245 s 168 are each amended to read as follows:

(1) The economic climate council is hereby created.

(2) The council shall, in consultation with the Washington economic development commission, select a series of ~~((no more~~

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than ten)) benchmarks that characterize the competitive environment of the state. The benchmarks should be indicators of the cost of doing business; the education and skills of the work force; a sound infrastructure; and the quality of life. In selecting the appropriate benchmarks, the council shall use the following criteria:

(a) The availability of comparative information for other states and countries;

(b) The timeliness with which benchmark information can be obtained; and

(c) The accuracy and validity of the benchmarks in measuring the economic climate indicators named in this section.

(3) Each year the council shall prepare an official state economic climate report on the present status of benchmarks, changes in the benchmarks since the previous report, and the reasons for the changes. The reports shall include current benchmark comparisons with other states and countries, and an analysis of factors related to the benchmarks that may affect the ability of the state to compete economically at the national and international level.

(4) All agencies of state government shall provide to the council immediate access to all information relating to economic climate reports.

Sec. 9. RCW 82.33A.020 and 1996 c 152 s 4 are each amended to read as follows:

~~((+)) The economic climate council shall ((create an advisory committee to assist the council)) consult with the Washington economic development commission in selecting benchmarks and developing economic climate reports and benchmarks. The ((advisory committee)) commission shall provide for a process to ensure public participation in the selection of the benchmarks. ((The advisory committee shall consist of no more than seven members. At least two of the members of the advisory committee shall have experience in and represent business, and at least two of the members shall have experience in and represent labor. All of the members of the advisory committee shall have special expertise and interest in the state's economic climate and competitive strategies. Appointments to the advisory committee shall be recommended by the chair of the council and approved by a two-thirds vote of the council. The chair of the advisory committee shall be selected by the members of the committee.~~

~~—(2) The advisory committee shall meet as determined by the chair of the committee until September 30, 1996, and shall meet at least twice per year thereafter in advance of the economic climate reports due on March 31st and September 30th of each year.~~

~~—(3) Members of the advisory council shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 while attending meetings of the advisory committee, sessions of the economic climate council, or on official business authorized by the council.)~~

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5995.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5995.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5995 by voice vote.

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The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Poulsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 6016, with the following amendment: 6016-S2 AMH KAGIH3516.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.270 and 2002 c 89 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year ~~((, except that at the time a child reaches the age of three months, the recipient is required to participate in one of the following for up to twenty hours per week:~~

~~—(i) Instruction or training which has the purpose of improving parenting skills or child well-being;~~

~~—(ii) Preemployment or job readiness training;~~

~~—(iii) Course study leading to a high school diploma or GED;~~

~~or~~

~~—(iv) Volunteering in a child care facility licensed under chapter 74.15 RCW so long as the child care facility agrees to accept the recipient as a volunteer and the child without compensation while the parent is volunteering at the facility. The volunteer recipient and his or her child shall not be counted for the purposes of determining licensed capacity or the staff to child ratio of the facility).~~

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

(a) Mental health treatment;

(b) Alcohol or drug treatment;

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(c) Domestic violence services; or
(d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating ((fully)) in the WorkFirst program on a voluntary basis. ((A recipient who chooses to participate fully in the WorkFirst program shall be considered to be fulfilling the requirements of this section.

(3) For any recipient who claims a good cause reason for failure to participate in the WorkFirst program based on the fact that the recipient has a child under the age of one year, the department shall, within existing resources, conduct an assessment of the recipient within ninety days and before a job search component is initiated in order to determine if the recipient has any specific service needs or employment barriers. The assessment may include identifying the need for substance abuse treatment, mental health treatment, or domestic violence services, and shall be used in developing the recipient's individual responsibility plan.

(4) A parent may only receive the exemption under subsection (1)(b) of this section one time, for one child.)

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime."
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6016.

Senator Regala spoke in favor of the motion.

Senator Zarelli spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Regala that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 6016.

The motion by Senator Regala carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 6016 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 6016, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6016, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 1; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Absent: Senator Poulsen - 1

SECOND SUBSTITUTE SENATE BILL NO. 6016, as amended by the House, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Kline, Poulsen and Pridemore were excused.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6119, with the following amendment: 6119 AMH APP H3301.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; ((and))

(c) Twenty percent of all moneys received by the state on fire insurance premiums; and

(d) General fund--state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated only for fire service training. ((During the 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.)) The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund--state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Eide moved that the Senate concur in the House amendment(s) to Senate Bill No. 6119.

Senator Eide spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Eide that the Senate concur in the House amendment(s) to Senate Bill No. 6119.

The motion by Senator Eide carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6119 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6119, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6119, as amended by the House, and the bill passed the

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Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Kline and Poulsen - 2

SENATE BILL NO. 6119, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, with the following amendment: 8011-S AMH ED MCLA 207

On page 3, at the beginning of line 4, insert "WHEREAS, Career and technical education teachers are often hired from industries in which a bachelor's degree is not the preferred level of certification; and

WHEREAS, The Washington State Legislature passed legislation in 2006 that recognizes credit for core academic subjects learned through career and technical education, but if the teacher does not have a bachelor's degree the school district must report them to parents as "not highly qualified," which places these teachers at a disadvantage in school districts; and

WHEREAS, Positive changes in the definition of highly qualified teachers will assist in the awarding of equivalency credits and remove the stigma surrounding industry-certified teachers; and"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Substitute Senate Joint Memorial No. 8011.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Substitute Senate Joint Memorial No. 8011.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Substitute Senate Joint Memorial No. 8011 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Joint Memorial No. 8011, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8011, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Hargrove, Kline and Poulsen - 3

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House has passed as amended by the Senate the following bills:

HOUSE BILL NO. 1418,
ENGROSSED HOUSE BILL NO. 2113,
SUBSTITUTE HOUSE BILL NO. 2304,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
SUBSTITUTE HOUSE BILL NO. 2394,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kauffman moved that Gubernatorial Appointment No. 9028, Arlista D. Holman; Gubernatorial Appointment No. 9093, Larry Brown; and Gubernatorial Appointment No. 9233, Lawton Case as members of the Board of Trustees, Green River Community College District No. 10, be confirmed.

Senator Kauffman spoke in favor of the motion.

APPOINTMENT OF ARLISTA D. HOLMAN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9028, Arlista D. Holman, Gubernatorial Appointment No. 9093, Larry Brown and Gubernatorial Appointment No. 9233, Lawton Case as members of the Board of Trustees, Green River Community College District No. 10.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9028, Arlista D. Holman as a member of the Board of Trustees, Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield,

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Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Fairley - 1

Excused: Senators Hargrove, Kline and Poulsen - 3

APPOINTMENT OF LARRY BROWN

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9093, Larry Brown as a member of the Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Fairley - 1

Excused: Senators Hargrove, Kline and Poulsen - 3

APPOINTMENT OF LAWTON CASE

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9233, Lawton Case as a member of the Green River Community College District No. 10 and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Fairley - 1

Excused: Senators Hargrove, Kline and Poulsen - 3

Gubernatorial Appointment No. 9028, Arlista D. Holman; Gubernatorial Appointment No. 9093, Larry Brown and Gubernatorial Appointment No. 9233, Lawton Case having received the constitutional majority were declared confirmed as members of the Board of Trustees, Green River Community College District No. 10.

MOTION

At 3:31 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:43 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

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The House has passed SUBSTITUTE SENATE BILL NO. 5288, with the following amendment: 5288-S AMH ENGR H3181.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.285 and 2002 c 207 s 2 are each amended to read as follows:

(1) By August 1, 2003, each school district shall adopt or amend if necessary a policy, within the scope of its authority, that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(a) Physically harms a student or damages the student's property; or

(b) Has the effect of substantially interfering with a student's education; or

(c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in any district policy. Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and

(c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

(5) The Washington state school directors association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student. In developing the policy, the Washington state school directors association shall review current and ongoing United States and Washington state case law concerning the first amendment rights of students, including but not limited to *Frederick v. Morse*, 439 F.3d 1114 (9th Cir. 2006), cert. granted, 127 S. Ct. 722 (2006). The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors

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association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5288 and ask the House to recede therefrom.

Senators Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5288 and ask the House to recede therefrom.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5288 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, with the following amendment: 5312-S.E AMH ENGR H3210.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead,

zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

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The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT. (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full,

true, and correct transcript of the records from the purchase or receipt of nonferrous metal property and commercial metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS. It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

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(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

NEW SECTION. Sec. 8. CIVIL PENALTIES. (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

NEW SECTION. Sec. 9. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for theft in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim greatly exceeds the value of the stolen property. If a jury is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

(1) In a prosecution for possessing stolen property in the first or second degree, the prosecution may file a special allegation of disproportionate impact when sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify a finding by a reasonable and objective fact-finder that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(2) Once a special allegation has been made under this section, the state has the burden to prove beyond a reasonable doubt that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If a jury

is had, the jury shall, if it finds the defendant guilty, also find a special verdict as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property. If no jury is had, the court shall make a finding of fact as to whether the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

(3) For the purposes of this section, damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property when the replacement cost of the stolen item is more than three times the value of the stolen item, or the theft of the item creates a public hazard.

Sec. 12. RCW 9.94A.533 and 2006 c 339 s 301 and 2006 c 123 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the

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offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.01.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9A.01.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

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(9) An additional twelve months and one day shall be added to the standard sentence range for theft in the first or second degree when there has been a special verdict or finding under section 10 of this act that the damage to the victim greatly exceeds the value of the stolen property.

(10) An additional twelve months and one day shall be added to the standard sentence range for possessing stolen property in the first or second degree when there has been a special verdict or finding under section 11 of this act that the damage to the victim from whom the property was stolen greatly exceeds the value of the stolen property.

NEW SECTION. Sec. 13. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 14. RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

NEW SECTION. Sec. 15. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

POINT OF ORDER

Senator Kline: "Mr. President, the question is whether the amendments by the other body to Engrossed Substitute Senate Bill No. 5312 are within the scope and object of the underlying bill as it was passed in this body?"

REPLY BY THE PRESIDENT

President Owen: "Are you raising the question of scope and object on the House amendments to Engrossed Substitute Senate Bill No. 5312?"

REMARKS BY SENATOR KLINE

Senator Kline: "I am Mr. President."

POINT OF ORDER

Senator Kline: "Thank you Mr. President. The underlying bill had as its purpose to protect and recover metal property owned by private entities and government agencies. It does so by establishing requirements upon business. The underlying bill is very much about metal theft, not about theft in general. The exceptional sentence amendments that were placed in the other body, create new authorities for prosecutors to seek exceptional sentence under the criminal code. It does not affect or relate to the sale or purchase of metal properties in particular but the entire wide spectrum of theft first degree, theft second degree, possession of stolen property first degree and possession second degree. In those, it requires, it allows the prosecutor to make special allegations of an exceptional sentence. It requires the judge, then, to impose an exceptional sentence, if the jury so finds. It has nothing to do with business requirements of the tracking and the return of metal. The bill, as it passed the Senate, proposed to create a new chapter entitled '19'. The exceptional sentence adds new sections in titled 9.9A, the criminal code. The underlying bill, as passed the Senate, included penalties within a new chapter in titled 19 that relates to violations of these business-oriented requirements. The exceptional sentence amended applies to all theft first and second degree and all possession of stolen property. I urge finding that this is beyond the scope. Thank you."

MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 5312 was deferred and the bill held its place on the concurrence and dispute calendar.

POINT OF ORDER

Senator Sheldon: "Is it appropriate to make an argument on behalf of the scope?"

REPLY BY THE PRESIDENT

President Owen: "Yes, Senator Sheldon, let me dispose of this motion and then I'll come back to you."

Without objection, the motion by Senator Eide carried and Engrossed Substitute Senate Bill No. 5312 was deferred by voice vote.

POINT OF ORDER

Senator Sheldon: "Thank you Mr. President. The amendment in question would allow prosecutors to file a special allegation of disproportionate impact when prosecuting the crime of theft in the first or second degree. One of the primary characteristics of metal theft that makes it such a pressing concern is the damage caused to the victim during the theft or the hazard created when the metal is part of a safety apparatus such as a highway guard rail or a grounding wire for an electrical facility. This amendment allows prosecutors to seek a penalty more in line with the crime, rather than simply rely on the value of the stolen material. I believe that this amendment is within the scope of the bill for the following reasons: First, the bill addresses the notion of stolen property in several places, such as, in section two, where anyone selling metal is required to sign a declaration affirming that the property is not stolen and immediately reports such material to law enforcement. Second, the bill establishes criminal penalties for various acts, such as altering identifying marks for the purpose of selling stolen materials or to make a false entry in the recording of a sale of metal property. Therefore, I believe that it is clearly the intent of the bill to discourage metal theft through the creation of additional penalties for those involved in the crime. The notion of additional penalties for the creation of a public hazard is also clearly connected to the protection of property owned by utilities, railroad, state agencies and the like. The theft of the electrical wire from a railroad crossing sign may only be a petty crime accordingly to the value of the material stolen but the cost to society is clearly much greater. I believe that creating a deterrent for this behavior in a form of increased penalties is clearly in line with the bill intended to protect and recover property owned by utilities, telecommunication companies, railroads, state agencies, political divisions of the state, construction firms and other parties. Thank you Mr. President."

PARLIAMENTARY INQUIRY

Senator Clements: "Mr. President, I do not know the proper order to respond to Senator Sheldon's comment or if it's appropriate?"

REPLY BY THE PRESIDENT

President Owen: "Senator Clements, the President allows one person to speak on either side of a scope and object argument and that has been done."

RULING BY THE PRESIDENT

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President Owen: "In ruling upon the point of order raised by Senator Pridemore that the House Amendments are beyond the scope and object of Substitute Senate Bill 5174, the President finds and rules as follows:

The underlying bill as it passed the Senate can be fairly characterized as a technical, if substantive, correction to various public retirement service system statutes, including vesting requirements and contribution rates for certain classes of participants.

There are two House amendments at issue: Amendment 516, and Amendment 505. Amendment 516 would permit certain individuals to transfer service credits between public retirement systems under certain circumstances. Similarly, Amendment 505 relates to purchasing service credits in a public retirement system.

Neither of these amendments relates to the underlying technical purposes of the original bill. Instead, they impermissibly broaden the object of the measure to include different subjects.

For these reasons, the President finds that the House Amendments are beyond the scope and scope and object of the underlying bill, and Senator Pridemore's point of order is well-taken."

The Senate resumed consideration of Substitute Senate Bill No. 5174 which had been deferred on the previous day.

MOTION

Senator Prentice moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5174 and ask the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, since the point of order by Senator Pridemore was well taken and the amendments are considered to be out of scope and object of the bill, my question is, how can be concurring or not concurring? How can we vote on a motion to not concur when there are no longer amendments on the bill if they've been removed or ruled out of order by the President?"

REPLY BY THE PRESIDENT

President Owen: "For clarification the, if Senator Prentice did not make her motion, and the motion did not pass with the scope and object ruling, the bill would go back to the committee. This gives the opportunity, if in fact Senator Prentice motion passes, for them to remove the amendment and pass the bill as sent over to them by the Senate. The House. That is correct."

The President declared the question before the Senate to be motion by Senator Prentice that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5174 and ask the House to recede therefrom.

The motion by Senator Prentice carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5174 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5340, with the following amendment: 5340-S AMH LANT H3503.1; 5340-S AMH JUDI PERR 061

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a (~~disabled~~) person with a disability, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private,

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including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(17) "Complainant" means the person who files a complaint in a real estate transaction;

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ sensory, mental, or physical disability of a person with a disability;

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

NEW SECTION. Sec. 2. This act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after the effective date of this act."

Correct the title.

On page 1, beginning on line 5, strike all of section 1

Remember the remaining sections accordingly and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5340 and ask the House to recede therefrom.

Senators Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5340 and ask the House to recede therefrom.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5340 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, with the following amendment: 5930-S2.E AMH ENGR H3526.E

Strike everything after the enacting clause and insert the following:

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"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY"

NEW SECTION. **Sec. 1.** (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

- (a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;
- (b) Pay for care that reflects patient preference and is of proven value;
- (c) Require the use of evidence-based standards of care where available;
- (d) Tie provider rate increases to measurable improvements in access to quality care;
- (e) Direct enrollees to quality care systems;
- (f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and
- (g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and (c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing state purchased health care. The demonstration project shall include the following elements:

(a) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology;

(b) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process; and

(c) As a condition of participating in the demonstration project, a participating practice site must bear the cost of

selecting, purchasing, and incorporating the chosen decision aids into clinical practice.

(3) The health care authority may solicit and accept funding and in-kind contributions to support the demonstration and evaluation, and may scale the evaluation to fall within resulting resource parameters.

Sec. 3. RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

((+)) (a) A description, in language the patient could reasonably be expected to understand, of:

((+)) (i) The nature and character of the proposed treatment;

((+)) (ii) The anticipated results of the proposed treatment;

((+)) (iii) The recognized possible alternative forms of treatment; and

((+)) (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

((+)) (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ~~((1) of this section).~~

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of

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scientific knowledge about outcomes, and that is certified by one or more national certifying organizations.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

(a) Clinical information systems and sharing and organization of patient data;

(b) Decision support to promote evidence-based care;

(c) Clinical delivery system design;

(d) Support for patients managing their own conditions; and

(e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid program, the basic

health plan, and health plans offered through the public employees' benefits board.

NEW SECTION. Sec. 6. (1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

Sec. 7. RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

NEW SECTION. Sec. 8. A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect a fee of three dollars and fifty cents from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020 to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where a screening specimen is obtained.

COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS

NEW SECTION. Sec. 9. A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

(1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;

(2) Coordinate the collection of health care quality data among state health care purchasing agencies;

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(3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;

(4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and

(5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

NEW SECTION. Sec. 10. A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

(a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;

(b) Implement the first health record banks in pilot sites as funding allows;

(c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and

(d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(I), which authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

Sec. 11. RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost

of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in (~~RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360~~) subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

NEW SECTION. Sec. 12. A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

Sec. 13. RCW 70.56.030 and 2006 c 8 s 107 are each amended to read as follows:

(1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; (~~and~~)

(b) Provide to the Washington state quality forum established in section 9 of this act such information from the adverse health events and incidents reports made under this chapter as the department and the Washington state quality forum determine will assist in the Washington state quality forum's research regarding health care quality, evidence-based medicine, and patient safety. Any shared information must be aggregated and not identify an individual medical facility. As determined by the department and the Washington state quality forum, selected shared information may be disseminated on the Washington state quality forum's web site and through other appropriate means; and

(c) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of RCW 70.56.020 using (~~their~~) its existing enforcement authority provided in chapter 18.46 RCW for childbirth centers,

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chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

REDUCING UNNECESSARY EMERGENCY ROOM USE

NEW SECTION. Sec. 14. The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to design a demonstration pilot to reduce such unnecessary visits.

NEW SECTION. Sec. 15. A new section is added to chapter 41.05 RCW to read as follows:

In collaboration with the department of social and health services, the administrator shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

NEW SECTION. Sec. 16. A new section is added to chapter 74.09 RCW to read as follows:

In collaboration with the health care authority, the department shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

REDUCE HEALTH CARE ADMINISTRATIVE COSTS

NEW SECTION. Sec. 17. By September 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

NEW SECTION. Sec. 18. A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

NEW SECTION. Sec. 19. A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 20. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 21. A new section is added to chapter 48.44 RCW to read as follows:

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(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 22. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

NEW SECTION. Sec. 23. (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds.

NEW SECTION. Sec. 24. A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

REINSURANCE

NEW SECTION. Sec. 25. (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance

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markets, and submit an interim report to the governor and the legislature by December 1, 2007, and a final report, including implementing legislation and supporting information, including financing options, by September 1, 2008. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

Sec. 26. RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure

shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least two policies, one of which will be a comprehensive policy that must comply with RCW 48.41.120 and must at a minimum include the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or for the private room if medically necessary, ~~((but limited to))~~ including no less than a total of one hundred eighty inpatient days in a calendar year, and ~~((limited to))~~ no less than thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) ~~((The first))~~ No less than twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not ~~((more))~~ less than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery ~~((limited to))~~ including at least the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((+))~~(5) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

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~~((5)) (6)~~ The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~(The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however,)~~ No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6)) (7)~~ The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7)) (8)~~ of this section.

~~((7)) (8)(a)~~ Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8)) (9)~~ If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(10) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate.

Sec. 27. RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

~~(1) (A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.~~

(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.

(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:

(a) Nonpayment of premium;

(b) Violation of published policies of the pool;

(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace a plan under this subsection until it has completed an evaluation of the impact of replacing the plan upon:

(i) The cost and quality of care to pool enrollees;

(ii) Pool financing and enrollment;

(iii) The board's ability to offer comprehensive and other plans to its enrollees;

(iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((3)) (6)~~ A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

Sec. 28. RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

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(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~aged fifty to sixty-four~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 29. RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

Sec. 30. RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~(one)~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted,

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including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 31. RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, ~~((a))~~ the comprehensive pool policy offered ~~((in accordance with))~~ under RCW 48.41.110 ~~((3))~~ (4) shall impose a deductible as provided in this subsection. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed at ~~((the))~~ a rate ~~((of))~~ not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under ~~((a))~~ the comprehensive pool policy offered ~~((in accordance with))~~ under RCW 48.41.110 ~~((3))~~ (4) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

Sec. 32. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five

hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ~~((five hundred))~~ dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

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(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care

service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 33. RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

~~(Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.)~~ The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.

Sec. 34. RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

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(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health

information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

Sec. 35. RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

~~((a))~~ (i) Who is not eligible for medicare;

~~((b))~~ (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

~~((c))~~ (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

~~((d))~~ (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

~~((e))~~ (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

~~((f))~~ (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan(-);

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, ("subsidized enrollee" also means) an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ~~((d))~~ (iv) and ~~((f))~~ (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

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(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ~~((d))~~ (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ~~((e))~~ (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, ~~((based upon gross family income))~~ which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 36. RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The

structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

~~(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.~~

~~(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.~~

~~((c)) (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.~~

~~((c)) (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.~~

~~((c)) (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.~~

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer

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exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicare, and subsequently became ineligible for medicare coverage.

Sec. 37. RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

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(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan ~~((and, but for the number of persons employed by his or her employer, would have qualified for))~~ or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) ~~((Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii)))~~ The person had at least twenty-four months of continuous group coverage including church plans immediately prior to ~~((the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if))~~ disenrollment; (ii) application is made no more than ninety days prior to the date of ~~((a qualifying event))~~ disenrollment; and (iii) the effective date of the individual coverage applied for is the date of ~~((the qualifying event))~~ disenrollment, or within ninety days thereafter.

~~(f) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.~~

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 38. RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985,

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group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

PREVENTION AND HEALTH PROMOTION

NEW SECTION. Sec. 39. (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

(a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;

(b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(c) Reimbursing for cost-effective prevention activities; and

(d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

Sec. 40. RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel,))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.~~

~~(2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program))~~ shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.

(2) The state employee health program shall:

(a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;

(b) Develop effective communication tools and ongoing training for wellness staff;

(c) Contract with outside vendors for evaluation of program goals;

(d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:

(i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;

(ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and

(iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.

(3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.

NEW SECTION. Sec. 41. A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

PRESCRIPTION MONITORING PROGRAM

NEW SECTION. Sec. 42. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

NEW SECTION. Sec. 43. (1) When sufficient funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall establish and maintain a prescription monitoring program to monitor the

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prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices with the intent of eventually establishing an electronic database available in real time to dispensers and prescribers of control substances. As much as possible, the department should establish a common database with other states.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the department by electronic means information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall submit the information in accordance with transmission methods established by the department.

(4) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department of corrections must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(5) The department shall seek federal grants to support the activities described in this act. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

NEW SECTION. Sec. 44. To the extent that funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall study the feasibility of enhancing the prescription monitoring program established in section 43 of this act in order to improve the quality of state purchased health services by reducing legend drug abuse, reducing duplicative and overprescribing of legend drugs, and improving legend drug prescribing practices. The study shall address the steps necessary to expand the program to allow those who prescribe or dispense prescription drugs to perform a web-based inquiry and obtain real time information regarding the legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through state purchased health care programs.

NEW SECTION. Sec. 45. (1) Prescription information submitted to the department shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3) and (4) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) and (4) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(4) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(5) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

NEW SECTION. Sec. 46. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

NEW SECTION. Sec. 47. The department shall adopt rules to implement this chapter.

NEW SECTION. Sec. 48. (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

Sec. 49. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance

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committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 70.-- RCW (sections 42 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

STRATEGIC HEALTH PLANNING

NEW SECTION. Sec. 50. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

NEW SECTION. Sec. 51. (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data

collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

NEW SECTION. Sec. 52. (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need

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determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

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NEW SECTION. Sec. 53. The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

NEW SECTION. Sec. 54. (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

Sec. 55. RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((to)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((to)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((excessive)) increases in costs, and ((to)) recognize prevention as a high priority in health programs((is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions)). Involvement in health planning from both consumers and providers throughout the state should be encouraged;

(2) ~~((That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation))~~ That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

NEW SECTION. Sec. 56. (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource strategy" or "strategy" means the statewide health resource strategy developed by the office of financial management pursuant to chapter 43-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that

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consistency with those terms will create an undue burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

Sec. 57. RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy:

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

HEALTH INSURANCE PARTNERSHIP

Sec. 58. RCW 70.47A.010 and 2006 c 255 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a ~~((small employer))~~ health insurance partnership program, to remove economic barriers to health insurance coverage for low-wage employees of small employers by building on the private sector health benefit plan system and encouraging employer and employee participation in employer-sponsored health benefit plan coverage.

Sec. 59. RCW 70.47A.020 and 2006 c 255 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) "Board" means the health insurance partnership board established in section 61 of this act.

(3) "Eligible ~~((employee))~~ partnership participant" means an individual who:

(a) Is a resident of the state of Washington;

(b) Has family income ~~((less than))~~ that does not exceed two hundred percent of the federal poverty level, as determined

annually by the federal department of health and human services; and

(c) Is employed by a participating small employer or is a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

~~((3))~~ (4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 ~~((or any plan provided by a self-funded multiple employer welfare arrangement as defined in RCW 48.125.010 or by another benefit arrangement defined in the federal employee retirement income security act of 1974, as amended)).~~

~~((4))~~ "Program" (5) "Participating small employer" means a small employer that employs at least one eligible partnership participant and has entered into an agreement with the partnership for the partnership to offer and administer the small employer's group health benefit plan, as defined in federal law, Sec. 706 of ERISA (29 U.S.C. Sec. 1167), for enrollees in the plan.

(6) "Partnership" means the ~~((small employer))~~ health insurance partnership ~~((program))~~ established in RCW 70.47A.030.

~~((5))~~ (7) "Partnership participant" means an employee of a participating small employer, or a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

(8) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((6))~~ (9) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible ~~((employee))~~ partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

Sec. 60. RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ~~((small employer))~~ health insurance partnership ~~((program))~~ is established. The administrator shall be responsible for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~, directly or by contract. The administrator shall offer premium subsidies to eligible ~~((employees))~~ partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 61 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or

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contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

NEW SECTION. Sec. 61. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

- (a) Two representatives of small employers;
- (b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;
- (c) Four employee health plan benefits specialists; and
- (d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be chair of the board. Meetings of the board shall be at the call of the chair.

(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

NEW SECTION. Sec. 62. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board shall:

(a) Develop policies for enrollment of small employers in the partnership, including minimum participation rules for small employer groups. The small employer shall determine the criteria for eligibility and enrollment in his or her plan and the terms and amounts of the employer's contributions to that plan, consistent with any minimum employer premium contribution level established by the board under (d) of this subsection;

(b) Designate health benefit plans that are currently offered in the small group market that will qualify for premium subsidy payments. At least four health benefit plans shall be chosen, with multiple deductible and point-of-service cost-sharing

options. The health benefit plans shall range from catastrophic to comprehensive coverage, and one health benefit plan shall be a high deductible health plan. Every effort shall be made to include health benefit plans that include components to maximize the quality of care provided and result in improved health outcomes, such as preventive care, wellness incentives, chronic care management services, and provider network development and payment policies related to quality of care;

(c) Approve a mid-range benefit plan from those selected to be used as a benchmark plan for calculating premium subsidies;

(d) Determine whether there should be a minimum employer premium contribution on behalf of employees, and if so, how much;

(e) Determine appropriate health benefit plan rating methodologies. The methodologies shall be based on the small group adjusted community rate as defined in Title 48 RCW. The board shall evaluate the impact of applying the small group community rating with the partnership principle of allowing each employee to choose their health benefit plan, and consider options to reduce uncertainty for carriers and provide for efficient risk management of high-cost enrollees through risk adjustment, reinsurance, or other mechanisms;

(f) Conduct analyses and provide recommendations as requested by the legislature and the governor, with the assistance of staff from the health care authority and the office of the insurance commissioner.

(2) The board may authorize one or more limited health care service plans for dental care services to be offered by limited health care service contractors under RCW 48.44.035. However, such plan shall not qualify for subsidy payments.

(3) In fulfilling the requirements of this section, the board shall consult with small employers, the office of the insurance commissioner, members in good standing of the American academy of actuaries, health carriers, agents and brokers, and employees of small business.

Sec. 63. RCW 70.47A.040 and 2006 c 255 s 4 are each amended to read as follows:

~~((1+))~~ Beginning ~~(July 1, 2007)~~ September 1, 2008, the administrator shall accept applications from eligible ~~((employees))~~ partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the ~~((small employer))~~ health insurance partnership ~~((program))~~.

~~((2))~~ Premium subsidy payments may be provided to eligible employees if:

~~(a) The eligible employee is employed by a small employer;~~

~~(b) The actuarial value of the health benefit plan offered by the small employer is at least equivalent to that of the basic health plan benefit offered under chapter 70.47 RCW. The office of the insurance commissioner under Title 48 RCW shall certify those small employer health benefit plans that are at least actuarially equivalent to the basic health plan benefit; and~~

~~(c) The small employer will pay at least forty percent of the monthly premium cost for health benefit plan coverage of the eligible employee.~~

~~(3) The amount of an eligible employee's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.~~

~~(4) After an eligible individual has enrolled in the program, the program shall issue subsidies in an amount determined pursuant to subsection (3) of this section to either the eligible employee or to the carrier designated by the eligible employee.~~

~~(5) An eligible employee must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the employee, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate an employee's participation in the program and seek repayment of any subsidy~~

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~~amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.))~~

Sec. 64. RCW 48.21.045 and 2004 c 244 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.240, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan

design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 65. RCW 48.44.023 and 2004 c 244 s 7 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this

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subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.340, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030.

However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 66. RCW 48.46.066 and 2004 c 244 s 9 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.290, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All

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forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 67. On or before December 1, 2008, the health insurance partnership board shall submit a report to the governor and the legislature that includes an implementation plan to incorporate the individual and small group health insurance markets into the partnership program. In preparing the report, the board shall examine at least the following issues:

(1) The impact of these markets being incorporated into the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(2) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

(3) How the composition of the board should be modified to reflect the incorporation of the individual and small group markets in the partnership.

NEW SECTION. Sec. 68. On or before December 1, 2009, the health insurance partnership board shall submit a report and recommendations to the governor and the legislature regarding:

(1) The risks and benefits of additional markets participating in the partnership:

(a) The report shall examine the following markets:

(i) Washington state health insurance pool under chapter 48.41 RCW;

(ii) Basic health plan under chapter 70.47 RCW;

(iii) Public employees' benefits board enrollees under chapter 41.05 RCW; and

(iv) Public school employees; and

(b) The report shall examine at least the following issues:

(i) The impact of these markets participating in the partnership, with respect to the utilization of services and cost of health plans offered through the partnership;

(ii) Whether any distinction should be made in participation between active and retired employees enrolled in public employees' benefits board plans, giving consideration to the implicit subsidy that nonmedicare-eligible retirees currently benefit from by being pooled with active employees, and how medicare-eligible retirees would be affected;

(iii) The impact of applying small group health benefit plan regulations on access to health services and the cost of coverage for these markets; and

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(iv) If the board recommends the inclusion of additional markets, how the composition of the board should be modified to reflect the participation of these markets; and

(2) The risks and benefits of establishing a requirement that residents of the state of Washington age eighteen and over obtain and maintain affordable creditable coverage, as defined in the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg(c)). The report shall address the question of how a requirement that residents maintain coverage could be enforced in the state of Washington.

Sec. 69. RCW 70.47A.050 and 2006 c 255 s 5 are each amended to read as follows:

Enrollment in the ((small-employer)) health insurance partnership ((program)) is not an entitlement and shall not result in expenditures that exceed the amount that has been appropriated for the program in the operating budget. If it appears that continued enrollment will result in expenditures exceeding the appropriated level for a particular fiscal year, the administrator may freeze new enrollment in the program and establish a waiting list of eligible employees who shall receive subsidies only when sufficient funds are available.

Sec. 70. RCW 70.47A.060 and 2006 c 255 s 6 are each amended to read as follows:

The administrator shall adopt all rules necessary for the implementation and operation of the ((small-employer)) health insurance partnership ((program)). As part of the rule development process, the administrator shall consult with small employers, carriers, employee organizations, and the office of the insurance commissioner under Title 48 RCW to determine an effective and efficient method for the payment of subsidies under this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 71. RCW 70.47A.080 and 2006 c 255 s 8 are each amended to read as follows:

The ((small-employer)) health insurance partnership ((program)) account is hereby established in the custody of the state treasurer. Any nongeneral fund--state funds collected for the ((small-employer)) health insurance partnership ((program)) shall be deposited in the ((small-employer)) health insurance partnership ((program)) account. Moneys in the account shall be used exclusively for the purposes of administering the ((small-employer)) health insurance partnership ((program)), including payments to ((participating managed health care systems)) insurance carriers on behalf of ((small-employer)) health insurance partnership enrollees. Only the administrator of the health care authority or his or her designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 72. (1) The office of the insurance commissioner shall contract for an independent study of health benefit mandates, rating requirements, and insurance statutes and rules to determine the impact on premiums and individuals' health if those statutes or rules were amended or repealed.

(2) The office of the insurance commissioner shall submit an interim report to the governor and appropriate committees of the legislature by December 1, 2007, and a final report by December 1, 2008.

PUBLIC HEALTH

NEW SECTION. Sec. 73. A new section is added to chapter 43.70 RCW to read as follows:

(1) Protecting the public's health across the state is a fundamental responsibility of the state. With any new state funding of the public health system as provided in section 74 of this act, the state expects that measurable benefits will be realized to the health of the residents of Washington. A transparent process that shows the impact of increased public health spending on performance measures related to the health outcomes in subsection (2) of this section is of great value to the state and its residents. In addition, a well-funded public health system is expected to become a more integral part of the state's emergency preparedness system.

(2) Distributions from the local public health financing account in section 74 of this act shall deliver the following outcomes, subject to the availability of amounts appropriated to the account for this specific purpose:

(a) Create a disease response system capable of responding at all times;

(b) Stop the increase in, and reduce, sexually transmitted disease rates;

(c) Reduce vaccine preventable diseases;

(d) Build capacity to quickly contain disease outbreaks;

(e) Decrease childhood and adult obesity and types I and II diabetes rates, and resulting kidney failure and dialysis;

(f) Increase childhood immunization rates;

(g) Improve birth outcomes and decrease child abuse;

(h) Reduce animal-to-human disease rates; and

(i) Monitor and protect drinking water across jurisdictional boundaries.

(3) Benchmarks for these outcomes shall be drawn from the national healthy people 2010 goals, other reliable data sets, and any subsequent national goals.

NEW SECTION. Sec. 74. A new section is added to chapter 43.70 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year funding" means the 2007 budgeted amount of local funding for public health functions passed through ordinance by each county by December 31, 2006.

(b) "Core public health functions of statewide significance" or "public health functions" means health services that:

(i) Address: Communicable disease prevention and response; preparation for, and response to, public health emergencies caused by pandemic disease, earthquake, flood, or terrorism; prevention and management of chronic diseases and disabilities; promotion of healthy families and the development of children; assessment of local health conditions, risks, and trends, and evaluation of the effectiveness of intervention efforts; and environmental health concerns;

(ii) Promote uniformity in the public health activities conducted by all local health jurisdictions in the public health system, increase the overall strength of the public health system, or apply to broad public health efforts; and

(iii) If left neglected or inadequately addressed, are reasonably likely to have a significant adverse impact on counties beyond the borders of the local health jurisdiction.

(c) "Local funding" means discretionary local resources for public health functions, including amounts from general and special revenue funds, but excluding amounts received from fees and licenses and other user fee types of payments for service. "Local funding" does not include payments received from the state or federal government.

(d) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(e) "Population" means the most recent population estimates by the office of financial management for state revenue allocations.

(2) The local public health financing account is created in the state treasury. Expenditures from the account must be used for the purposes specified in subsections (3) and (4) of this section, except for such moneys appropriated to the department of health for the purpose of conducting its responsibilities under sections 75, 76, and 78 of this act.

(3) During the month of January 2008, and during the month of each January thereafter, the state treasurer shall distribute from the local public health financing account any amounts in the account up to a maximum of five million four hundred twenty-five thousand dollars to be shared equally amongst all local health jurisdictions to address core public health functions of statewide significance.

(4) During the month of January 2008, and during the first month of each fiscal quarter thereafter, the state treasurer, in consultation with the department of revenue or the department of health, as necessary, shall distribute money in the local public

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health financing account as provided in this subsection. The distributions under this subsection (4) are subsequent to the distribution under subsection (3) of this section.

Appropriated funds remaining following the distribution of moneys under subsection (3) of this section must be apportioned to local health jurisdictions in the manner provided in this subsection (4). The apportionment factor for each jurisdiction is the population of the jurisdiction's county as a percentage of the statewide population for the prior calendar year. For two or more counties that have jointly created a health district under chapter 70.46 RCW, the combined population of all counties comprising the health district must be used. Money received by a jurisdiction under this subsection (4) must be used to fund core public health functions of statewide significance, and until July 1, 2008, money shall be used to fund only known deficiencies in core public health functions of statewide significance of the jurisdiction.

(5) To receive distributions under subsections (3) and (4) of this section in calendar year 2010 and thereafter, total local funding spent by the jurisdiction on public health functions in the calendar year prior to the previous calendar year must have equaled or exceeded base year funding. The department of health shall notify the state treasurer to discontinue distributions if the jurisdiction does not meet this requirement.

(6) In the event of an extraordinary financial circumstance beyond the control of a county that results in funding for local public health functions being reduced to an amount lower than the base year funding, the county may petition the secretary for a waiver from the local funding requirement in subsection (5) of this section. The secretary, after reviewing the county's petition and determining that the local funding reduction is necessary, may grant the county a waiver from the requirements of subsection (5) of this section. In order for the waiver to continue beyond one calendar year, the county must demonstrate to the secretary that an effort is being made to restore funding to the base year funding level.

(7) The department may adopt rules necessary to administer this section.

NEW SECTION. Sec. 75. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall accomplish the tasks included in subsection (2) of this section by utilizing the expertise of varied interests, as provided in this subsection.

(a) In addition to the perspectives of local health jurisdictions, the state board of health, the Washington health foundation, and department staff that are currently engaged in development of the public health services improvement plan under RCW 43.70.520, the secretary shall actively engage:

(i) Individuals or entities with expertise in the development of performance measures, accountability and systems management, such as the University of Washington school of public health and community medicine, and experts in the development of evidence-based medical guidelines or public health practice guidelines; and

(ii) Individuals or entities who will be impacted by performance measures developed under this section and have relevant expertise, such as community clinics, public health nurses, large employers, tribal health providers, family planning providers, and physicians.

(b) In developing the performance measures, consideration shall be given to levels of performance necessary to promote uniformity in core public health functions of statewide significance among all local health jurisdictions, best scientific evidence, national standards of performance, and innovations in public health practice. The performance measures shall be developed to meet the goals and outcomes in section 1 of this act. The office of the state auditor shall provide advice and consultation to the committee to assist in the development of effective performance measures and health status indicators.

(c) On or before November 1, 2007, the experts assembled under this section shall provide recommendations to the secretary related to the activities and services that qualify as core public health functions of statewide significance and performance measures. The secretary shall provide written justification for any departure from the recommendations.

(2) By January 1, 2008, the department shall:

(a) Adopt a prioritized list of activities and services performed by local health jurisdictions that qualify as core public health functions of statewide significance as defined in section 74 of this act; and

(b) Adopt appropriate performance measures with the intent of improving health status indicators applicable to the core public health functions of statewide significance that local health jurisdictions must provide pursuant to section 74 of this act.

(3) The secretary may revise the list of activities and the performance measures in future years as appropriate. Prior to modifying either the list or the performance measures, the secretary must provide a written explanation of the rationale for such changes.

(4) The department and the local health jurisdictions shall abide by the prioritized list of activities and services and the performance measures developed pursuant to this section.

(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources.

NEW SECTION. Sec. 76. A new section is added to chapter 43.70 RCW to read as follows:

Beginning November 15, 2009, the department shall report to the legislature and the governor annually on the distribution of funds under section 74 of this act and the use of those funds. The initial report must discuss the performance measures adopted by the secretary and any impact the funding in this act has had on local health jurisdiction performance and health status indicators. Future reports shall evaluate trends in performance over time and the effects of expenditures on performance over time.

Sec. 77. RCW 43.70.520 and 1993 c 492 s 467 are each amended to read as follows:

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system. The legislature further finds that public health nurses and nursing services are an essential part of our public health system, delivering evidence-based care and providing core services including prevention of illness, injury, or disability; the promotion of health; and maintenance of the health of populations.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

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(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) ~~((Timing of increased funding for public health services linked to specific objectives for improving public health))~~
Linking funding for public health services to performance measures that relate to achieving improved health outcomes; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 78. A new section is added to chapter 43.70 RCW to read as follows:

(1) Each local health jurisdiction shall submit to the secretary such data as the secretary determines is necessary to allow the secretary to assess whether the local health jurisdiction has used the funds in a manner consistent with achieving the performance measures in section 75 of this act.

(2) If the secretary determines that the data submitted demonstrates that the local health jurisdiction is not spending the funds in a manner consistent with achieving the performance measures, the secretary shall:

(a) Provide a report to the governor identifying the local health jurisdiction and the specific items that the secretary identified as inconsistent with achieving the performance measures; and

(b) Require that the local health jurisdiction submit a plan of correction to the secretary within sixty days of receiving notice from the secretary, which explains the measures that the jurisdiction will take to resume spending funds in a manner consistent with achieving the performance measures. The secretary shall provide technical assistance to the local health jurisdiction to support the jurisdiction in successfully completing the activities included in the plan of correction.

(3) Upon a determination by the secretary that a local health jurisdiction that had previously been identified as not spending the funds in a manner consistent with achieving the performance

measures has resumed consistency, the secretary shall notify the governor that the jurisdiction has returned to consistent status.

(4) Any local health jurisdiction that has not resumed spending funds in a manner consistent with achieving the performance measures within one year of the secretary reporting the jurisdiction to the governor shall be precluded from receiving any funds from the local public health financing account established in section 74 of this act. Funds may resume once the local health jurisdiction has demonstrated to the satisfaction of the secretary that it has returned to consistent status. The secretary shall inform the state treasurer of any determinations by the secretary regarding the eligibility status of a local health jurisdiction to receive funds from the local public health financing account.

Sec. 79. RCW 70.48.130 and 1993 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX Medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government (~~whose law enforcement officers~~) that initiated the charges on which the person is being held in the jail: **PROVIDED**, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility. If a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW,

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the rate charged for any medical care provided by a health care provider shall not exceed one hundred sixty percent of the medicaid rates for such service.

There shall be no right of reimbursement to the governing unit from units of government (~~whose law enforcement officers~~) that initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

(1) RCW 70.38.919 (Effective date--State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610; and

(2) 2006 c 255 s 10 (uncodified).

NEW SECTION. Sec. 81. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 82. Sections 42 through 48 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 83. Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 84. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 85. Sections 18 through 22 of this act take effect January 1, 2009.

NEW SECTION. Sec. 86. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

(1) Section 9 of this act (Washington state quality forum);

(2) Section 10 of this act (health records banking pilot project);

(3) Section 14 of this act;

(4) Section 40 of this act (state employee health program);

(5) Section 41 of this act (state employee health demonstration project);

(6) Sections 50 through 57 of this act;

(7) Section 62 of this act (health insurance partnership board);

(8) Section 72 of this act (office of insurance commissioner independent study).

NEW SECTION. Sec. 87. Sections 58 through 63 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

NEW SECTION. Sec. 88. Section 79 of this act expires June 30, 2009."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5930 and ask the House to recede therefrom.

Senators Keiser spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5930 and ask the House to recede therefrom.

The motion by Senator Keiser carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5930 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, with the following amendment: 6032-S.E AMH ENGR H3219.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

Sec. 2. RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~(would)~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

Sec. 3. RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(d) Is the designated provider to only one patient at any one time.

(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

((2) "Primary caregiver" means a person who:

(a) Is eighteen years of age or older;

(b) Is responsible for the housing, health, or care of the patient;

(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.))

(3) "Qualifying patient" means a person who:

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(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance ((board [commission])) commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(5) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying)) patient may benefit from the medical use of marijuana; ((and))

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

Sec. 4. RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the ((potential benefits of the)) medical use of marijuana ((would likely outweigh the health risks for the)) may benefit a particular qualifying patient.

Sec. 5. RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ((primary caregiver)) provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with

the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2) The))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3) The))~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

~~((4) The designated primary caregiver shall:~~

~~— (a) Meet all criteria for status as a primary caregiver to a qualifying patient;~~

~~— (b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;~~

~~— (c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;~~

~~— (d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and~~

~~— (e) Be the primary caregiver to only one patient at any one time.)~~

Sec. 6. RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ((or)) in any youth center, or in any correctional facility.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010~~((5))~~ (6)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

Sec. 7. RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:

The Washington state medical quality assurance ((board [commission])) commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ((by physicians or patients)) to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ((board [commission])) commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical

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quality assurance (~~board [commission]~~) commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

NEW SECTION. Sec. 8. A new section is added to chapter 69.51A RCW to read as follows:

(1) By July 1, 2008, the department of health shall adopt rules defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for any qualifying patient; this presumption may be overcome with evidence of the qualifying patient's necessary medical use.

(2) As used in this chapter, "sixty-day supply" means that amount of marijuana that qualifying patients would reasonably be expected to need over a period of sixty days for their personal medical use.

(3) The department of health shall gather information from medical and scientific literature, consulting with experts and the public, and reviewing the best practices of other states regarding access to an adequate, safe, consistent, and secure source of medical marijuana for qualifying patients. The report shall evaluate the feasibility of proposals to establish government-operated distribution systems for supplying qualifying patients with medical marijuana from potential sources such as marijuana confiscated by law enforcement agencies or produced by certified production facilities, including ways to address any concerns related to production, safety, or legal requirements. The department shall report its findings to the legislature by July 1, 2008."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6032 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6032 and request of the House for a conference thereon.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6032 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 6032 and the House amendment(s) thereto: Senators Carrell, Keiser and Kohl-Welles.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOMENT OF SILENCE

On motion of Senator McAuliffe the Senate observed a moment of silence in memory of thirty-two students of Virginia Polytechnic and State University (Virginia Tech) who lost their lives on April 16, 2007.

PERSONAL PRIVILEGE

Senator Eide: "Mr. President, I would just like to say that your wife makes the very best rum balls that has ever existed. We all in the caucus absolutely loved them."

REMARKS BY THE PRESIDENT

President Owen: "The President would suggest that you get a designated driver."

MOTION

At 5:00 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Tuesday, April 17, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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ONE-HUNDREDTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 17, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Carrell, Hargrove and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Campbell Brett and Ben Leonard, presented the Colors. Pastor Dennis Magnuson of the Light of the Hill United Methodist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6172 by Senators Carrell, Regala, Hargrove and Kohl-Welles

AN ACT Relating to reducing offender recidivism by increasing access and coordination of offender services in communities; by improving liability protections for government entities and its employees charged with supervision; by developing and implementing individual reentry plans; by improving transition facilities for offenders under the jurisdiction of department of corrections; by permitting partial confinement in lieu of earned early release up to three months; by requiring, upon the third violation hearing, the return of an offender to total confinement to serve up to the remaining portion of his or her sentence unless it is determined that returning the offender would substantially interfere with the offender's ability to maintain community supports to participate in treatment or would increase the likelihood of reoffending; by requiring an offender arrested for a new felony to be held in confinement until a hearing before the department or until a formal charge, whichever is earlier; by conducting a review of current laws and policy regarding the supervision of offenders; by improving educational opportunities; by increasing access to housing; by increasing employment opportunities; by increasing offenders' opportunities for civic participation; and by increasing legislative oversight of the department of corrections; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 9.94A.850, 72.09.460, 72.09.480, 72.09.450, 72.09.111, 29A.04.079, 29A.08.520, 9.92.066, 9.94A.637, 9.96.050, and 10.64.140; adding new sections to chapter 4.24 RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; repealing RCW 10.64.021 and 29A.08.660; and providing expiration dates.

HELD ON FIRST READING.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 2395 by Representatives Fromhold, McDonald and Morrell

AN ACT Relating to leasing state lands and development rights on state lands to public agencies; amending RCW 79.13.010, 79.13.060, and 79.13.110; creating a new section; and declaring an emergency.

HB 2396 by Representatives Fromhold and McDonald

AN ACT Relating to investment of moneys in the permanent common school fund; amending RCW 28A.515.300 and 43.84.170; adding a new section to chapter 43.84 RCW; and adding a new section to chapter 28A.515 RCW.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Bill No. 6172 was held at the desk, House Bill No. 2395 and House Bill No. 2396 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS****MOTION**

Senator Prentice moved that Gubernatorial Appointment No. 9140, Ruthann Kurose, as a member of the Liquor Control Board, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators Benton, Carrell, Pflug and Roach were excused.

MOTION

On motion of Senator Regala, Senators Hargrove and Kauffman were excused.

APPOINTMENT OF RUTHANN KUROSE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9140, Ruthann Kurose as a member of the Liquor Control Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9140, Ruthann Kurose as a member of the Liquor Control Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Brown - 1

Excused: Senators Carrell, Hargrove and Pflug - 3

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Gubernatorial Appointment No. 9140, Ruthann Kurose, having received the constitutional majority was declared confirmed as a member of the Liquor Control Board.

MESSAGE FROM THE HOUSE

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SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5002,
 SENATE BILL NO. 5014,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,
 SUBSTITUTE SENATE BILL NO. 5053,
 SENATE BILL NO. 5084,
 SENATE BILL NO. 5088,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5098,
 SUBSTITUTE SENATE BILL NO. 5101,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,
 SECOND SUBSTITUTE SENATE BILL NO. 5188,
 SUBSTITUTE SENATE BILL NO. 5243,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5321,
 SENATE BILL NO. 5332,
 SENATE BILL NO. 5402,
 SENATE BILL NO. 5429,
 SUBSTITUTE SENATE BILL NO. 5503,
 ENGROSSED SENATE BILL NO. 5508,
 SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5533,
 SUBSTITUTE SENATE BILL NO. 5534,

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Prentice moved that Gubernatorial Appointment No. 9221, Lorraine Lee, as Chair of the Liquor Control Board, be confirmed.

Senator Prentice spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF LORRAINE LEE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9221, Lorraine Lee as Chair of the Liquor Control Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9221, Lorraine Lee as Chair of the Liquor Control Board and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Carrell, Hargrove and Pflug - 4

Gubernatorial Appointment No. 9221, Lorraine Lee, having received the constitutional majority was declared confirmed as Chair of the Liquor Control Board.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1051 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator McAuliffe, the Senate refuses to concur and insists on its position regarding the Senate amendment(s) to House Bill No. 1051 and asks of the House to concur therein.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

MOTION

On motion of Senator Eide, Senators Kohl-Welles and Regala were excused.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Hewitt moved that Gubernatorial Appointment No. 9178, Manford Simcock, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Hewitt spoke in favor of the motion.

MOTION

On motion of Senator Delvin, Senators Benton and Swecker were excused.

APPOINTMENT OF MANFORD SIMCOCK

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9178, Manford Simcock as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9178, Manford Simcock as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Benton, Carrell, Hargrove, Pflug and Regala - 5

Gubernatorial Appointment No. 9178, Manford Simcock, having received the constitutional majority was declared

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confirmed as a member of the Higher Education Facilities Authority.

On motion of Senator Regala, Senator Pridemore was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

ROLL CALL

MOTION

Senator Zarelli moved that Gubernatorial Appointment No. 9096, Michael Ciraulo, as a member of the Higher Education Facilities Authority, be confirmed.

Senator Zarelli spoke in favor of the motion.

The Secretary called the roll on the final passage of House Bill No. 1073, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Hargrove - 2

HOUSE BILL NO. 1073, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF MICHAEL CIRAULO

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9096, Michael Ciraulo as a member of the Higher Education Facilities Authority.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9096, Michael Ciraulo as a member of the Higher Education Facilities Authority and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Carrell and Hargrove - 2

Gubernatorial Appointment No. 9096, Michael Ciraulo, having received the constitutional majority was declared confirmed as a member of the Higher Education Facilities Authority.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1909 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Jacobsen, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1909 and asks of the House to concur therein.

Senator Jacobsen spoke in favor of the motion.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The Speaker ruled the Senate amendment{s} to ENGROSSED HOUSE BILL NO. 2070 to be beyond scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position in the House amendment(s) to Engrossed House Bill No. 2070.

Senator Kline spoke in favor of the motion.

Senator Benton spoke against the motion.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed House Bill No. 2070 was returned to second reading for the purposes of amendment.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1073 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate recede from its position on House Bill No. 1073 and pass the bill without the Senate amendment(s).

Senator Fairley spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Fairley that the Senate recede from its position on House Bill No. 1073 and pass the bill without Senate amendment(s).

The motion by Senator Fairley carried and the Senate receded from its position on House Bill No. 1073.

MOTION

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MOTION

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On motion of Senator Eide, further consideration of Engrossed House Bill No. 2070 was deferred and the bill held its place on the dispute calendar.

The President Pro Tempore assumed the chair.

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, with the following amendment: 6099-S.E AMH ENGR H3316.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 9. The legislature finds that the replacement of the vulnerable state route number 520 corridor is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 520 floating bridge is susceptible to damage, closure, or even catastrophic failure from earthquakes, windstorms, and waves. Additionally, the bridge serves as a vital route for vehicles to cross Lake Washington, carrying over three times its design capacity in traffic, resulting in more than seven hours of congestion per day.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to move forward with a state route number 520 bridge replacement project design that provides six total lanes, with four general purpose lanes and two lanes that are for high-occupancy vehicle travel that could also accommodate high capacity transportation, and the bridge shall also be designed to accommodate light rail in the future. High-occupancy vehicle lanes in the state route 520 corridor must also be able to support a bus rapid transit system.

NEW SECTION. Sec. 10. A new section is added to chapter 47.01 RCW to read as follows:

(1) As soon as practicable after the effective date of this act, and after consulting with the city of Seattle, the office of financial management shall hire a mediator, and appropriate planning staff, including urban, transportation, and neighborhood planners, to develop a state route number 520 project impact plan for addressing the impacts of the state route number 520 bridge replacement and HOV project design on Seattle city neighborhoods, parks, including the Washington park arboretum, and institutions of higher education. The mediator must have significant professional experience in working with communities that surround major transportation construction projects, and mitigating the impacts of those transportation projects on those communities. The office of financial management shall hire the mediator and the planning staff within existing appropriations allocated for the state route number 520 bridge replacement and HOV project. The position of mediator under this section is not considered a certified or legally binding position.

(2) The mediator's responsibility to develop a project impact plan is highly time sensitive. As a result, competitive bidding is not cost-effective or appropriate for personal service contracts to hire the mediator. The director of the office of financial management shall, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(3) In evaluating the project impacts, the mediator must consider the concerns of neighborhoods and institutions of higher education directly impacted by the proposed design, establish a process that incorporates interest-based negotiation, and work with the appropriate planning staff to develop mitigation recommendations related to the project design. The

mediator shall work to ensure that the project impact plan provides a comprehensive approach to mitigating the impacts of the project, including incorporating construction mitigation plans.

(4) The ultimate goal of the mediation and planning process established in subsection (1) of this section is to develop a project impact plan agreed to by all appropriate parties including, but not limited to, those parties listed in subsection (6) of this section. The project impact plan must be consistent with RCW 47.01.380, and must support and be consistent with the approved purpose and need statement for the project, which is: "The purpose of the project is to improve mobility for people and goods across Lake Washington within the SR 520 corridor from Seattle to Redmond in a manner that is safe, reliable, and cost-effective while avoiding, minimizing, and/or mitigating impacts on the affected neighborhoods and the environment." The mediator must strive to develop a consensus-based plan. In the event that the mediation process does not result in consensus, the mediator shall submit a project impact plan to the governor and the joint transportation committee that reflects the views of the majority of the mediation participants.

(5) The process established in subsection (1) of this section shall result in a project design that provides six total lanes, with four general purpose lanes and two lanes that are for high-occupancy vehicle travel that could also accommodate high capacity transportation. The bridge shall also be designed to accommodate light rail in the future and to support a bus rapid transit system. Additionally, the mediator shall strive to develop a project impact plan within the constraints of the range of estimated project costs as of May 1, 2007.

(6)(a) In performing the duties of this section, and consistent with the governor's findings and conclusions, dated December 15, 2006, the mediator shall work with interested parties directly affected by the state route number 520 bridge replacement and HOV project including, but not limited to, at least the following:

(i) Representation from each neighborhood directly impacted by the project;

(ii) Representation from local governments on both ends of the bridge directly impacted by the project;

(iii) Representation from King county;

(iv) Representation from the Washington park arboretum;

(v) Representation from the University of Washington; and

(vi) Representation from sound transit.

(b) The mediator shall also work with the department and others as necessary.

(c) Before the mediator may submit the project impact plan, it must be reviewed by the mayor of Seattle and the Seattle city council. The project impact plan must reflect whether the mayor and council concur or do not concur with the plan and include an explanation regarding their positions.

(7) Until December 1, 2008, the mediator must provide periodic reports to the joint transportation committee and the governor regarding the status of the project impact plan development process. The mediator must submit a progress report to the joint transportation committee and the governor by August 1, 2007. The mediator must submit a final project impact plan to the governor and legislature by December 1, 2008.

NEW SECTION. Sec. 11. A new section is added to chapter 47.01 RCW to read as follows:

In developing the state route number 520 project impact plan provided in section 2 of this act, the mediator and associated planning staff shall review the department's project design plans in the draft environmental impact statement for conformance with the following legislative goals regarding the final design for the state route number 520 bridge replacement and HOV project:

(1) Minimize the total footprint and width of the bridge, and seek appropriate federal design variances to safety and mobility standards, while complying with other federal laws;

(2) Minimize the project impact on surrounding neighborhoods, including incorporation of green lids and connectors, and minimize any increases in additional traffic volumes through the Washington park arboretum and other adjacent neighborhoods;

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(3) Incorporate the recommendations of a health impact assessment to calculate the project's impact on air quality, carbon emissions, and other public health issues, conducted by the Puget Sound clean air agency and King county public health;

(4) Ensure that the ultimate project configuration effectively prioritizes maintaining travel time, speed, and reliability on the two high-occupancy vehicle lanes; and

(5) Clearly articulate in required environmental documents the alignment of the selected preferred alternative for the state route number 520 bridge replacement and HOV project and the footprint of the project and the affected areas.

NEW SECTION. Sec. 12. A new section is added to chapter 47.01 RCW to read as follows:

In addition to the review required in section 3 of this act, the mediator may determine that additional alternative concept designs should be considered for the west end of the project to best meet the expressed legislative goals described in section 3 of this act. The mediator may contract with an engineering firm to conduct an independent feasibility analysis of the following proposals: A combination of tunnels and submerged tubes under Lake Washington; a partial tunnel from Interstate 5 to the west end of the state route number 520 bridge; and a proposal to move state route number 520 from its current alignment through the arboretum. The analyses for all alternative concept design plans must be submitted to the joint transportation committee and the governor by September 1, 2007. The mediator must hold a public hearing regarding the results of the independent review and reflect the independent review findings in the project impact plan. Up to two hundred fifty thousand dollars of the existing funding appropriation to the project shall be used for reviewing these alternative concept design plans.

Sec. 13. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

(1) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both.

(2) The department shall not commence on-site construction on any part of the state route number 520 bridge replacement and HOV project until the department submits the finance plan required in section 7 of this act to the legislature.

(3) The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

NEW SECTION. Sec. 14. A new section is added to chapter 47.01 RCW to read as follows:

As part of the state route number 520 bridge replacement and HOV project, the governor's office shall work with the department, sound transit, King county metro, and the University of Washington, to plan for high capacity transportation in the state route number 520 corridor. The parties shall jointly develop a multimodal transportation plan that ensures the effective and efficient coordination of bus services and light rail services throughout the state route number 520 corridor. The plan shall include alternatives for a multimodal transit station that serves the state route number 520 - Montlake interchange vicinity, and mitigation of impacts on affected parties. The high capacity transportation planning work must be closely coordinated with the state route number 520 bridge replacement and HOV project's environmental planning process, and must be completed within the current funding for the project. A draft plan must be submitted to the governor and the joint transportation committee by October 1, 2007. A final plan must be submitted to the governor and the joint transportation committee by December 2008.

NEW SECTION. Sec. 15. A new section is added to chapter 47.01 RCW to read as follows:

The state route number 520 bridge replacement and HOV project finance plan must include state funding, federal funding, at least one billion dollars in regional contributions, and revenue from tolling. The department must provide a proposed finance plan to be tied to the estimated cost of the recommended project solutions, as provided under section 3 of this act, to the governor and the joint transportation committee by January 1, 2008.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6099.

Senators Murray and Swecker spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

POINT OF INQUIRY

Senator Jacobsen: "Would Senator Murray yield to a question? When discussing the neighborhoods, and part of that is my district, I have like the Ravenna neighborhoods very interested in this, Laurelhurst, and for sure those two neighborhoods if not others. Is it only restricted to the University of Washington and Mountlake neighborhood?"

Senator Murray: "Thank you Senator. No, it is all the impacted and affected neighborhoods and the mediator's given some leeway to work with the Governor's office and the city to determine who should participate. So, the neighborhoods that you mentioned, which also are partly in my district or border my district, will be involved."

Senators Jacobsen, Prentice and Haugen spoke in favor of the motion.

Senator Pflug spoke against the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6099.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6099 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6099, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6099, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Carrell,

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Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 42

Voting nay: Senators Benton, Holmquist, Honeyford, McCaslin, Morton and Pflug - 6

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6099, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117, with the following amendment: 6117-S2.E AMH ENGR H3334.E

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) Since the 1992 enactment of the reclaimed water act, the value of reclaimed water as a new source of supply has received increasing recognition across the state and across the nation. New information on the matters in this section has increased awareness of the need to better manage, protect, and conserve water resources and to use reclaimed water in that process. The legislature now finds the following:

(a) Global warming and climate change. Global warming has reduced the volume of glaciers in the North Cascade mountains to between eighteen to thirty-two percent since 1983, and up to seventy-five percent of the glaciers are at risk of disappearing under projected temperatures for this century. Mountain snow pack has declined at virtually every measurement location in the Pacific Northwest, reducing the proportion of annual river flow to Puget Sound during summer months by eighteen percent since 1948. Global warming has also shifted peak stream flows earlier in the year in watersheds covering much of Washington state, including the Columbia river basin, jeopardizing the state's salmon fisheries. The state's recent report on the economic impacts of climate change indicate that water resources will be one of the areas most affected, and that many utilities may need to invest major resources in new supply and conservation measures. Developing and implementing adaptation strategies, such as water conservation that includes the use of reclaimed water, can extend existing water supply systems to help address the global warming impacts. In particular, because reclaimed water uses existing sources of supply and fairly constant base flows of wastewater, it has year-round dependability, without regard to any given year's climate variability. This is particularly important during summer months, when outdoor demands peak and stream flows are critical for fish.

(b) Puget Sound. The governor has initiated a Puget Sound partnership, with a request for an initial strategy to address high priority problems. In December, the partnership delivered a strategy that includes expanded use of reclaimed water both in order to improve the Puget Sound's water quality by reducing wastewater discharges and by replacing current sources of supply for nonpotable uses that detrimentally affect stream flows and habitat.

(c) Salmon recovery. The federal fisheries services recently approved a salmon recovery plan for the Puget Sound, which was developed across multiple watersheds by numerous local governments, tribal governments, and other parties to achieve sustainable populations of salmon and other species. That plan includes an adaptive management component where continued efforts will be made to address issues, including problems with

instream flows, identified as a limiting factor in virtually all the watersheds, through strategies that will be developed by regional and watershed implementation groups. A potentially significant strategy may be the substitution of reclaimed water for nonpotable uses where it will benefit streams and habitat.

(d) Water quality. Increasingly stringent federal standards for water quality are forcing a number of communities to develop strategies for wastewater treatment that, in addition to providing higher treatment levels, will reduce the quantity of discharges. For many of those communities, facilities to produce reclaimed water will be a necessary approach to achieve both water quality and water supply objectives.

(e) Watershed plans. Under the watershed planning act of 1997, approximately two-thirds of the watersheds in the state have used a bottom-up approach to developing collaborative plans for meeting future water supply needs. Many of those plans include the use of reclaimed water for meeting those needs.

(f) Columbia river water management. Pursuant to legislation and funding provided in 2006, federal, state, and local governments and agencies, along with tribal governments, user groups, environmental organizations, and others are developing a comprehensive strategy for the mainstem Columbia that will ensure supplies for future growth while protecting stream flows and fish habitat. The strategy will include multiple tools that may include the potential development of new storage, conservation measures, and water use efficiency. One pathway toward conservation and efficiency is likely to be identification and implementation of reclaimed water opportunities.

(g) Development schedule. The time frame required to plan, design, construct, and begin use of reclaimed water can be extensive due to the public information and acceptance efforts required in addition to planning, design, and environmental assessment required for infrastructure projects. This extended time frame necessitates the initiation of reclaimed water projects as soon as possible.

(2) It is therefore the intent of the legislature to:

(a) Effectuate and reinvigorate the original intent behind the reclaimed water act to expand the use of reclaimed water for nonpotable uses throughout the state;

(b) Restate and emphasize the use of reclaimed water as a matter of water resource management policy;

(c) Address current barriers to the use of reclaimed water, where changes in state law will resolve such issues;

(d) Develop information from the state agencies responsible for promoting the use of reclaimed water and address regulatory, financial, planning, and other barriers to the expanded use of reclaimed water, relying on state agency expertise and experience with reclaimed water;

(e) Facilitate achieving state, regional, and local objectives through use of reclaimed water for water supply purposes in high priority areas of the state, and in regional and local watershed and water planning;

(f) Provide planning tools to local governments to incorporate reclaimed water and related water conservation into land use plans, consistent with water planning;

(g) Expand the scope of work of the advisory committee established under chapter 279, Laws of 2006 to identify other reclaimed water issues that should be addressed; and

(h) Provide initial funding, and evaluate options for providing additional direct state funding, for reclaimed water projects.

Sec. 2. RCW 90.46.005 and 2001 c 69 s 1 are each amended to read as follows:

The legislature finds that by encouraging the use of reclaimed water while assuring the health and safety of all Washington citizens and the protection of its environment, the state of Washington will continue to use water in the best interests of present and future generations.

To facilitate the immediate use of reclaimed water ((as soon as is practicable, the legislature encourages the cooperative efforts of the public and private sectors and the use of pilot projects)) for uses approved by the departments of ecology and health, the state shall expand both direct financial support and

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financial incentives for capital investments in water reuse and reclaimed water to effectuate the goals of this chapter. The legislature further directs the department of health and the department of ecology to coordinate efforts towards developing an efficient and streamlined process for creating and implementing processes for the use of reclaimed water.

It is hereby declared that the people of the state of Washington have a primary interest in the development of facilities to provide reclaimed water to replace potable water in nonpotable applications, to supplement existing surface and ground water supplies, and to assist in meeting the future water requirements of the state.

The legislature further finds and declares that the utilization of reclaimed water by local communities for domestic, agricultural, industrial, recreational, and fish and wildlife habitat creation and enhancement purposes, including wetland enhancement, will contribute to the peace, health, safety, and welfare of the people of the state of Washington. To the extent reclaimed water is appropriate for beneficial uses, it should be so used to preserve potable water for drinking purposes, contribute to the restoration and protection of instream flows that are crucial to preservation of the state's salmonid fishery resources, contribute to the restoration of Puget Sound by reducing wastewater discharge, provide a drought resistant source of water supply for nonpotable needs, or be a source of supply integrated into state, regional, and local strategies to respond to population growth and global warming. Use of reclaimed water constitutes the development of new basic water supplies needed for future generations and local and regional water management planning should consider coordination of infrastructure, development, storage, water reclamation and reuse, and source exchange as strategies to meet water demands associated with population growth and impacts of global warming.

The legislature further finds and declares that the use of reclaimed water is not inconsistent with the policy of antidegradation of state waters announced in other state statutes, including the water pollution control act, chapter 90.48 RCW and the water resources act, chapter 90.54 RCW.

The legislature finds that other states, including California, Florida, and Arizona, have successfully used reclaimed water to supplement existing water supplies without threatening existing resources or public health.

It is the intent of the legislature that the department of ecology and the department of health undertake the necessary steps to encourage the development of water reclamation facilities so that reclaimed water may be made available to help meet the growing water requirements of the state.

The legislature further finds and declares that reclaimed water facilities are water pollution control facilities as defined in chapter 70.146 RCW and are eligible for financial assistance as provided in chapter 70.146 RCW. The legislature finds that funding demonstration projects will ensure the future use of reclaimed water. The demonstration projects in RCW 90.46.110 are varied in nature and will provide the experience necessary to test different facets of the standards and refine a variety of technologies so that water purveyors can begin to use reclaimed water technology in a more cost-effective manner. This is especially critical in smaller cities and communities where the feasibility for such projects is great, but there are scarce resources to develop the necessary facilities.

The legislature further finds that the agricultural processing industry can play a critical and beneficial role in promoting the efficient use of water by having the opportunity to develop and reuse agricultural industrial process water from food processing.

Sec. 3. RCW 90.46.120 and 2003 1st sp.s. c 5 s 13 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use (and), distribution (of the), and the recovery from aquifer storage of reclaimed water by the owner of the wastewater treatment facility is exempt from the permit requirements of RCW 90.03.250 and 90.44.060, provided that a permit for recovery of reclaimed water from

aquifer storage and recovery shall be reviewed under the standards established under RCW 90.03.370(2). Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of system-wide funding.

(2) If the proposed use or uses of reclaimed water are intended to augment or replace potable water supplies or create the potential for the development of additional potable water supplies, such use or uses shall be considered in the development of ((the)) any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans.

(3) Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed under chapters 43.20 ((or)), 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW, these plans must be developed and coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

(4) The provisions of any plan for reclaimed water, developed under the authorities in subsections (2) and (3) of this section, should be included by a city, town, or county in reviewing provisions for water supplies in a proposed short plat, short subdivision, or subdivision under chapter 58.17 RCW, where reclaimed water supplies may be proposed for nonpotable purposes in the short plat, short subdivision, or subdivision.

Sec. 4. RCW 90.46.130 and 2002 c 329 s 5 are each amended to read as follows:

(1)(a) Except as provided in subsections (2) and (5) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless ((compensation or mitigation for such impairment is agreed to by the holder of the affected water right)) the impairment is mitigated or the holder of the water right is provided just compensation for the impairment. For purposes of this subsection, "just compensation" has the same meaning as provided in Title 8 RCW.

(b) Any reclaimed water project that reduces the quantity of sewage treatment plant effluent discharged directly into marine waters is deemed to not impair any existing water rights.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002.

(3) The department of ecology shall convene and staff a task force to review potential barriers or issues related to development of reclaimed water projects pursuant to the evaluation of water rights impairment under this section and related impairment issues and shall report the findings and any recommendations of this review to the appropriate standing committees of the legislature no later than December 31, 2007.

The task force shall be cochaired by a representative from the water quality and the water resources programs at the department, and shall consist of representatives of interested groups, including the attorney general, the department of health, local governments, tribal governments, water utilities, reclaimed water utilities, wastewater utilities, environmental organizations, agricultural organizations, and businesses including golf course owners. The task force and report shall address the following

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topics at a minimum: (a) Internal processing of reclaimed water permits by the department, including the ability to deliver timely decisions on potential impairment of water rights; (b) compliance with state and federal water quality standards on existing and future discharges, including potential requirements on wastewater utilities to reduce discharges to water and increase upland discharges; (c) nature of water that is imported into a watershed or potentially exported from the watershed in the form of effluent or reclaimed water; (d) inequities or different treatment of processing of reclaimed water permits and wastewater permits for similar treatment and facilities; (e) ability of existing provisions of state law, such as chapter 90.48 RCW, to address possible impacts to, and mitigation for, stream flows and fish habitat; (f) technical ability to determine impacts to water sources from reclaimed water facilities; (g) approaches to these issues in other western states with significant use of reclaimed water; (h) the ability of subsection (1)(a) of this section to adequately, efficiently, and equitably address impairment compensation and mitigation.

(4) For purposes of determining a claim of impairment under subsection (1)(a) of this section, of a downstream water right existing as of August 18, 1997, the applicant for a reclaimed water permit shall publish notice of an application for a permit for a reclaimed water facility in the same manner as provided for in RCW 90.48.170. If the department receives a claim of impairment within thirty days of the last publication of notice, the department shall investigate the claim of impairment and issue a written decision. The decision must include any conditions the department finds necessary to mitigate any impairment. The decision must be issued within one hundred eighty days and is appealable by any party under RCW 43.21B.310, regardless of whether the party submits a claim of impairment within thirty days of the last publication of notice, upon the issuance of the decision or as part of the overall reclaimed water permit upon the issuance of a reclaimed water permit. This section may not be construed as exempting a reclaimed water project from the provisions of chapter 43.21C RCW.

(5) This section may not be construed as establishing any right for a downstream water right holder to the continued discharge from an upstream wastewater treatment plant or reclaimed water facility.

Sec. 5. 2006 c 279 s 3 (uncodified) is amended to read as follows:

(1) In order to identify and pursue other measures to facilitate achieving the objectives in RCW 90.46.005 for expanded, appropriate, and safe use of reclaimed water, the department of ecology and the department of health shall provide the legislature with relevant information through periodic progress reports, as provided in this section.

(2) The department of ecology (~~(must present)~~) shall provide interim reports to the appropriate committees of the legislature by January 1, 2008, and January 1, 2009, that summarize the steps taken to that date towards the final rule making required by (~~(section 1 of this act)~~) RCW 90.46.015. The reports (~~(must)~~) shall include, at a minimum, a summary of participation in the rule advisory (~~(group and)~~) committee, the topics considered by the department, and issues identified by the rule advisory committee as barriers to expanded use of reclaimed water that may not be addressed within the rules to be adopted by the department.

(3) In addition to subsection (2) of this section, the department shall form a subtask force consisting of not more than ten members chosen from the existing rule advisory committee, and reclaimed water users, to further identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. At a minimum, the subtask force shall consider (a) issues assigned by the rule advisory committee; (b) staffing levels, resources, and roles within both state agencies; (c) optimizing organizational structure; (d) unresolved legal issues specific to reclaimed water use; and (e) a more appropriate name to describe reclaimed water. Information regarding these topics shall be appended to the required interim reports as the topics are considered by the advisory group.

Sec. 6. RCW 90.82.043 and 2003 1st sp.s. c 4 s 3 are each amended to read as follows:

(1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

(2) Each implementation plan must contain strategies to provide sufficient water for: (a) Production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.

(3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative approvals and permits that must be secured; and specific funding mechanisms.

(4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.

(5)(a) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

(b) Beginning with the December 1, 2007, report, and then every two years thereafter, the director shall include in each report the extent to which reclaimed water has been identified in the watershed plans as potential sources or strategies to meet future water needs, and provisions in any watershed implementation plans that discuss barriers to implementation of the water reuse elements of those plans. The department's report shall include an estimate of the potential cost of reclaimed water facilities and identification of potential sources of funding for them.

NEW SECTION. Sec. 7. (1) By January 1, 2008, the department of health shall file a brief report with the appropriate committees of the legislature on the general status of:

(a) Development of permit fees for industrial and commercial uses of reclaimed water as required by RCW 90.46.030;

(b) Development of standards and guidelines for greywater use as required by RCW 90.46.140; and

(c) Permitting of greywater use by local health officers and plumbing officials in accordance with standards and guidelines developed pursuant to RCW 90.46.140.

(2) The report shall also identify:

(a) A general description of the number, type, and location of reclaimed water opportunities included in water supply and coordinated water system plans since 2003, as required by RCW 90.46.140;

(b) The best information currently available regarding potential public health risks associated with reclaimed water, if any, any known occurrences of any public health incidents associated with reclaimed water use, the approaches to reclaimed water-related public health issues taken in other states, and resource needs of the department to evaluate any known public health risks; and

(c) A description of a basic public information and public acceptance program necessary to generate public support for the beneficial use of reclaimed water.

(3) In order to ensure brevity of the report, the department should include references to existing documents, reports, internet sites, and other sources of detailed information on the foregoing issues.

Sec. 8. RCW 90.54.020 and 1997 c 442 s 201 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and

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enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency (~~and~~), conservation, and use of reclaimed water shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state. Use of reclaimed water shall be encouraged through state and local planning and programs with incentives for state financial assistance recognizing programs and plans that encourage the use of conservation and reclaimed water use, and state agencies shall continue to review and reduce regulatory barriers and streamline permitting for the use of reclaimed water where appropriate.

(8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally

in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

Sec. 9. RCW 90.54.180 and 1989 c 348 s 5 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred.

(2) Increased water use efficiency and reclaimed water should receive consideration as a potential source of water in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters. Where reclaimed water is a feasible replacement source of water, it shall be used by state agencies and state facilities for nonpotable water uses in lieu of the use of potable water. For purposes of this requirement, feasible replacement source means (a) the reclaimed water is of adequate quality and quantity for the proposed use; (b) the proposed use is approved by the departments of ecology and health; (c) the reclaimed water can be reliably supplied by a local public agency or public water system; and (d) the cost of the reclaimed water is reasonable relative to the costs of conservation or other potentially available supplies of potable water, after taking into account all costs and benefits, including environmental costs and benefits.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve stream flow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; regional areas that the governor has identified as high priority for investments in improved water quality and quantity, including the Spokane river, the Columbia river basin, and the Puget Sound; areas most likely to be affected by global warming; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public (~~education~~) information programs on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

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NEW SECTION. Sec. 10. A new section is added to chapter 90.46 RCW to read as follows:

(1) The department of ecology shall establish a subtask force from the existing rule advisory committee, and reclaimed water users, by July 31, 2007, composed of no more than ten members including a representative from the department of ecology, who shall serve as chair, a representative from the department of health, and representatives from city, county, and water-sewer district utilities, and the environmental and business communities. By January 1, 2008, the subtask force shall submit to the appropriate legislative committees a recommendation for a long-term dedicated funding program to construct reclaimed water facilities. To minimize the administrative burden, the subtask force shall work toward a coordinated effort with the current clean water state revolving fund and centennial clean water fund integrated program under which reclaimed water projects with a water quality benefit are currently eligible and shall review the "2006 Inventory of State Infrastructure Programs" produced by the joint legislative audit and review committee. The subtask force shall also review current existing conservation and water reuse plans or programs for cities, counties, and districts and provide a report to the appropriate legislative committees regarding the number, general nature, and extent that conservation and reclaimed water use is identified or incorporated into such plans. The subtask force also shall consider, and recommend, provisions on: (a) The inclusion of reclaimed water use criteria or requirements as an element of water use efficiency requirements required under RCW 70.119A.180 and for water system, public water system, and/or regional water plans as required under chapters 43.20 and 70.119 RCW; and (b) the current and potential use of water conservation plans or ordinances, water conservation measures in regional watershed plans, and water conservation programs adopted by cities, towns, or counties addressing the use of reclaimed water where potable water is not required by the department of health.

(2) The recommendation shall provide a comprehensive funding, loan, and grant program that includes the following:

(a) Eligibility requirements: Eligible components should include the additional water reclamation components to treat wastewater effluent to reclaimed water standards, distribution pump stations, storage, trunk lines, and distribution lines, and multiple-purpose projects in proportion to the costs allocated to reclaimed water;

(b) Competitive process for funding: The funding should be competitive and establish a maximum percentage or maximum funding amount available to any applicant;

(c) Priorities for funding that target reclaimed water projects ready to proceed, local support for the project, projects in areas that have adopted mandatory use ordinances or letters of intent to execute user contracts, projects providing broader public benefits to environmental water quality or water resource needs such as Puget Sound restoration, Columbia river water management strategies, water quality improvements, wetlands habitat, and instream flows, projects with benefits that clearly extend to citizens other than the utility ratepayers; and

(d) A proposed grant program for projects in identified high priority areas.

NEW SECTION. Sec. 11. A new section is added to chapter 90.46 RCW to read as follows:

(1) The legislature finds that the state should take a lead in increasing the visibility of the use of reclaimed water.

(2) The department of general administration shall develop a proposal to provide a comprehensive campus-wide plan for the use of nonpotable water in lieu of the use of potable water for irrigation and related outdoor uses, to serve as a demonstration project for the use of reclaimed water. The department of general administration shall work with the city of Olympia to provide a report to the legislature by December 1, 2007, of the needed infrastructure, cost, and potential funding sources for the project."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6117.

Senator Poulsen spoke in favor of the motion.
Senator Honeyford spoke against the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6117.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6117 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6117, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6117, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 1; Excused, 1.

Voting yea: Senators Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker, Tom and Weinstein - 32

Voting nay: Senators Benton, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens and Zarelli - 15

Absent: Senator McAuliffe - 1

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5074, with the following amendment: 5074-S AMH AGNR H3228.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.82.060 and 2003 c 328 s 1 are each amended to read as follows:

(1) Planning conducted under this chapter must provide for a process to allow the local citizens within a WRIA or multi-WRIA area to join together in an effort to: (a) Assess the status of the water resources of their WRIA or multi-WRIA area; and (b) determine how best to manage the water resources of the WRIA or multi-WRIA area to balance the competing resource demands for that area within the parameters under RCW 90.82.120.

(2)(a) Watershed planning under this chapter may be initiated for a WRIA only with the concurrence of: ((~~(a)~~)) (i) All counties within the WRIA; ((~~(b)~~)) (ii) the largest city or town within the WRIA unless the WRIA does not contain a city or town; and ((~~(c)~~)) (iii) the water supply utility obtaining the largest quantity of water from the WRIA or, for a WRIA with

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lands within the Columbia Basin project, the water supply utility obtaining from the Columbia Basin project the largest quantity of water for the WRIA. To apply for a grant for organizing the planning unit as provided for under RCW 90.82.040(2)(a), these entities shall designate the entity that will serve as the lead agency for the planning effort and indicate how the planning unit will be staffed.

(b) For purposes of this chapter, WRIA 40 shall be divided such that the portion of the WRIA located entirely within the Stemilt and Squilchuck subbasins shall be considered WRIA 40a and the remaining portion shall be considered WRIA 40b. Planning may be conducted separately for WRIA 40a and 40b. WRIA 40a shall be eligible for one-fourth of the funding available for a single WRIA, and WRIA 40b shall be eligible for three-fourths of the funding available for a single WRIA.

(c) For purposes of this chapter, WRIA 29 shall be divided such that the portion of the WRIA located entirely within the White Salmon subbasin and the subbasins east thereof shall be considered WRIA 29b and the remaining portion shall be considered WRIA 29a. Planning may be conducted separately for WRIA 29a and 29b. WRIA 29a shall be eligible for one-half of the funding available for a single WRIA and WRIA 29b shall be eligible for one-half of the funding available for a single WRIA.

(3) Watershed planning under this chapter may be initiated for a multi-WRIA area only with the concurrence of: (a) All counties within the multi-WRIA area; (b) the largest city or town in each WRIA unless the WRIA does not contain a city or town; and (c) the water supply utility obtaining the largest quantity of water in each WRIA.

(4) If entities in subsection (2) or (3) of this section decide jointly and unanimously to proceed, they shall invite all tribes with reservation lands within the management area.

(5) The entities in subsection (2) or (3) of this section, including the tribes if they affirmatively accept the invitation, constitute the initiating governments for the purposes of this section.

(6) The organizing grant shall be used to organize the planning unit and to determine the scope of the planning to be conducted. In determining the scope of the planning activities, consideration shall be given to all existing plans and related planning activities. The scope of planning must include water quantity elements as provided in RCW 90.82.070, and may include water quality elements as contained in RCW 90.82.090, habitat elements as contained in RCW 90.82.100, and instream flow elements as contained in RCW 90.82.080. The initiating governments shall work with state government, other local governments within the management area, and affected tribal governments, in developing a planning process. The initiating governments may hold public meetings as deemed necessary to develop a proposed scope of work and a proposed composition of the planning unit. In developing a proposed composition of the planning unit, the initiating governments shall provide for representation of a wide range of water resource interests.

(7) Each state agency with regulatory or other interests in the WRIA or multi-WRIA area to be planned shall assist the local citizens in the planning effort to the greatest extent practicable, recognizing any fiscal limitations. In providing such technical assistance and to facilitate representation on the planning unit, state agencies may organize and agree upon their representation on the planning unit. Such technical assistance must only be at the request of and to the extent desired by the planning unit conducting such planning. The number of state agency representatives on the planning unit shall be determined by the initiating governments in consultation with the governor's office.

(8) As used in this section, "lead agency" means the entity that coordinates staff support of its own or of other local governments and receives grants for developing a watershed plan."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5074.
Senator Honeyford spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5074.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5074 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5074, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5074, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Hargrove - 1

SUBSTITUTE SENATE BILL NO. 5074, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5320, with the following amendment: 5320-S AMH ENGR H3314.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In establishing an office of public guardianship, the legislature intends to promote the availability of guardianship services for individuals who need them and for whom adequate services may otherwise be unavailable. The legislature reaffirms its commitment to treat liberty and autonomy as paramount values for all Washington residents and to authorize public guardianship only to the minimum extent necessary to provide for health or safety, or to manage financial affairs, when the legal conditions for appointment of a guardian are met. It does not intend to alter those legal conditions or to expand judicial authority to determine that any individual is incapacitated.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Office" means the office of public guardianship.

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(2) "Public guardian" means an individual or entity providing public guardianship services.

(3) "Public guardianship services" means the services provided by a guardian or limited guardian appointed under chapters 11.88 and 11.92 RCW, who is compensated under a contract with the office of public guardianship.

(4) "Long-term care services" means services provided through the department of social and health services either in a hospital or skilled nursing facility, or in another setting under a home and community-based waiver authorized under 42 U.S.C. Sec. 1396n.

NEW SECTION. Sec. 3. (1) There is created an office of public guardianship within the administrative office of the courts.

(2) The supreme court shall appoint a public guardianship administrator to establish and administer a public guardianship program in the office of public guardianship. The public guardianship administrator serves at the pleasure of the supreme court.

NEW SECTION. Sec. 4. The public guardianship administrator is authorized to establish and administer a public guardianship program as follows:

(1)(a) The office shall contract with public or private entities or individuals to provide public guardianship services to persons age eighteen or older whose income does not exceed two hundred percent of the federal poverty level determined annually by the United States department of health and human services or who are receiving long-term care services through the Washington state department of social and health services. Neither the public guardianship administrator nor the office may act as public guardian or limited guardian or act in any other representative capacity for any individual.

(b) The office is exempt from RCW 39.29.008 because the primary function of the office is to contract for public guardianship services that are provided in a manner consistent with the requirements of this chapter. The office shall otherwise comply with chapter 39.29 RCW and is subject to audit by the state auditor.

(c) Public guardianship service contracts are dependent upon legislative appropriation. This chapter does not create an entitlement.

(d) The initial implementation of public guardianship services shall be on a pilot basis in a minimum of two geographical areas that include one urban area and one rural area. There may be one or several contracts in each area.

(2) The office shall, within one year of the commencement of its operation, adopt eligibility criteria to enable it to serve individuals with the greatest need when the number of cases in which courts propose to appoint a public guardian exceeds the number of cases in which public guardianship services can be provided. In adopting such criteria, the office may consider factors including, but not limited to, the following: Whether an incapacitated individual is at significant risk of harm from abuse, exploitation, abandonment, neglect, or self-neglect; and whether an incapacitated person is in imminent danger of loss or significant reduction in public services that are necessary for the individual to live successfully in the most integrated and least restrictive environment that is appropriate in light of the individual's needs and values.

(3) The office shall adopt minimum standards of practice for public guardians providing public guardianship services. Any public guardian providing such services must be certified by the certified professional guardian board established by the supreme court.

(4) The office shall require a public guardian to visit each incapacitated person for which public guardianship services are provided no less than monthly to be eligible for compensation.

(5) The office shall not petition for appointment of a public guardian for any individual. It may develop, and shall consult with the advisory committee regarding the need to develop, a proposal for the legislature to make affordable legal assistance available to petition for guardianships.

(6) The office shall not authorize payment for services for any entity that is serving more than twenty incapacitated persons per certified professional guardian.

(7) The office shall monitor and oversee the use of state funding to ensure compliance with this chapter.

(8) The office shall collect uniform and consistent basic data elements regarding service delivery. This data shall be made available to the legislature and supreme court in a format that is not identifiable by individual incapacitated person to protect confidentiality.

(9) The office shall report to the legislature on how services other than guardianship services, and in particular services that might reduce the need for guardianship services, might be provided under contract with the office by December 1, 2009. The services to be considered should include, but not be limited to, services provided under powers of attorney given by the individuals in need of the services.

(10) The office shall require public guardianship providers to seek reimbursement of fees from program clients who are receiving long-term care services through the department of social and health services to the extent, and only to the extent, that such reimbursement may be paid, consistent with an order of the superior court, from income that would otherwise be required by the department to be paid toward the cost of the client's care. Fees reimbursed shall be remitted by the provider to the office unless a different disposition is directed by the public guardianship administrator.

(11) The office shall require public guardianship providers to certify annually that for each individual served they have reviewed the need for continued public guardianship services and the appropriateness of limiting, or further limiting, the authority of the public guardian under the applicable guardianship order, and that where termination or modification of a guardianship order appears warranted, the superior court has been asked to take the corresponding action.

(12) The office shall adopt a process for receipt and consideration of and response to complaints against the office and contracted providers of public guardianship services. The process shall include investigation in cases in which investigation appears warranted in the judgment of the administrator. The office shall provide the advisory committee with a summary and analysis of the results of these complaints. When requested by the complaining party, his or her identity shall not be disclosed to the advisory committee created under section 5 of this act.

(13) The office shall contract with the Washington state institute for public policy for a study. An initial report is due two years following the effective date of this section and a second report by December 1, 2011. The study shall analyze costs and off-setting savings to the state from the delivery of public guardianship services.

(14) The office shall develop standardized forms and reporting instruments that may include, but are not limited to, intake, initial assessment, guardianship care plan, decisional accounting, staff time logs, changes in condition or abilities of an incapacitated person, and values history. The office shall collect and analyze the data gathered from these reports and submit it to the advisory committee periodically.

(15) The office shall identify training needs for guardians it contracts with, and shall make recommendations, after consultation with the advisory committee, to the supreme court, the certified professional guardian board, and the legislature for improvements in guardianship training. The office may offer training to individuals providing services pursuant to this chapter.

(16) The office shall establish a system for monitoring the performance of public guardians, and office staff shall make in-home visits to a randomly selected sample of public guardianship clients. The office may conduct further monitoring, including in-home visits, as the administrator deems appropriate. For monitoring purposes, office staff shall have access to any information relating to a public guardianship client that is available to the guardian. The office shall confer with the advisory committee in developing its monitoring process.

(17) During the first five years of its operations, the office shall issue annual reports of its activities, after review of and comment by the advisory committee.

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NEW SECTION. Sec. 5. (1) There is created a public guardianship advisory committee consisting of the following members:

- (a) Two persons appointed by the supreme court;
- (b) Two persons appointed by the board for judicial administration;
- (c) Two senators, one from each of the two largest caucuses, appointed by the president of the senate; and two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;
- (d) One person appointed by the governor;
- (e) One person appointed by the secretary of the department of social and health services;
- (f) Two persons appointed by the director of the Washington protection and advocacy system;
- (g) One person appointed by the chairperson of the governor's committee on disability issues and employment;
- (h) Two persons appointed by the chairperson of the developmental disabilities council;
- (i) One person appointed by the long-term care ombudsman;
- (j) One person appointed by the Washington state bar association; and
- (k) One person appointed by the dean of the University of Washington school of social work.

(2) During the term of his or her appointment, an appointee may not be employed by a provider of public guardianship services.

(3) Except as provided in subsection (4) of this section, members shall each serve a three-year term, subject to renewal for no more than one additional three-year term.

(4) The first appointments to the advisory committee shall be for terms of varying durations as follows: By the supreme court for two and four years; by the board for judicial administration for three and four years; by the president of the senate for two and three years; by the speaker of the house of representatives for two and three years; by the governor for four years; by the secretary of the department of social and health services for two years; by the director of the Washington protection and advocacy system for one and three years; by the chairperson of the governor's committee on disability issues and employment for four years; by the chairperson of the developmental disabilities council for two and four years; by the long-term care ombudsman for three years; by the Washington state bar association for three years; and by the dean of the University of Washington school of social work for four years.

(5) Members of the advisory committee receive no compensation for their services as members of the advisory committee, but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(6) The advisory committee: Shall review the activities of the office; shall review the performance of the public guardianship administrator; and may make recommendations to the supreme court, the certified professional guardian board, and the legislature on issues relating to the provision of public guardianship services.

(7) The meetings of the advisory committee shall be open to the public, with agendas published in advance and minutes kept and made available to the public. The public notice of all meetings shall indicate that accommodations for disability will be available upon request.

NEW SECTION. Sec. 6. The courts shall waive court costs and filing fees in any proceeding in which an incapacitated person is receiving public guardianship services funded under this chapter.

NEW SECTION. Sec. 7. The public guardianship administrator may develop rules to implement this chapter. The administrator shall request and consider recommendations from the advisory committee in the development of rules.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 2 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5320.
Senator Kline spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5320.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5320 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5320, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5320, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5320, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5572, with the following amendment: 5572 AMH FIN H3060.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to public corporations, commissions, or authorities created under RCW 35.21.660 or 35.21.730 for amounts derived from sales of tangible personal property and services to:

- (1) A limited liability company in which the corporation, commission, or authority is the managing member;
- (2) A limited partnership in which the corporation, commission, or authority is the general partner; or
- (3) A single asset entity required under any federal, state, or local governmental housing assistance program, which is controlled directly or indirectly by the corporation, commission, or authority.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

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(1) The tax imposed by RCW 82.08.020 does not apply to sales of tangible personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in section 1 of this act." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Senate Bill No. 5572.

Senator Murray spoke in favor of the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Senate Bill No. 5572.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5572 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5572, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5572, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SENATE BILL NO. 5572, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5881, with the following amendment: 5881-S AMH APP H3308.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.16.050 and 1929 c 105 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of ~~(July, 1929, and on or before the first day of)~~ January of each year ~~((thereafter))~~ pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of ~~((ten))~~ eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of ~~((two))~~ three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter until December 31, 2017.

(i) The progress report will: (A) Describe how license fees were expended in the federal energy regulatory commission licensing process during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, 2017. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee ~~((above))~~ specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects. ~~((PROVIDED, That upon the filing of statement, as hereinafter required, by the United States or the state claiming the right to the use of water to any extent for the generation of power, or any other claimant to the use of water for the generation of fifty horsepower, or less, shall be exempted from the payment of all fees hereinafter required; and PROVIDED FURTHER, That))~~

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water

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for irrigation, ~~((may))~~ upon the filing of a statement~~((:))~~ showing the amount of power used for irrigation pumping, ~~((be exempted))~~ is exempt from the fees in subsection (1) of this section to the extent of the power ~~((so))~~ used ~~((from the payment of the annual license fee herein provided))~~ for irrigation pumping.

Sec. 2. RCW 90.16.090 and 1988 c 127 s 79 are each amended to read as follows:

(1) All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation ~~((revolving))~~ account created in RCW 89.16.020 and subject to legislative appropriation, be allocated and expended by the director of ecology for:

(a) Investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys(~~(PROVIDED, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium. AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys))~~); and

(b) Expenses associated with staff at the departments of ecology and fish and wildlife working on federal energy regulatory commission relicensing and license implementation.

(2) Unless otherwise required by the omnibus biennial appropriations acts, the expenditures for these purposes must be proportional to the revenues collected under RCW 90.16.050(1)."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5881.

Senator Poulsen spoke in favor of the motion.
Senator Honeyford spoke against the motion.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5881.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5881 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5881, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5881, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 37

Voting nay: Senators Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon and Swecker - 12

SUBSTITUTE SENATE BILL NO. 5581, as amended by the House, having received the constitutional majority, was

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958, with the following amendment: 5958-S2.E AMH HINK H3512.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the public policy of Washington to promote access to medical care for all citizens and to encourage innovative arrangements between patients and providers that will help provide all citizens with a medical home.

Washington needs a multipronged approach to provide adequate health care to many citizens who lack adequate access to it. Direct patient-provider practices, in which patients enter into a direct relationship with medical practitioners and pay a fixed amount directly to the health care provider for primary care services, represent an innovative, affordable option which could improve access to medical care, reduce the number of people who now lack such access, and cut down on emergency room use for primary care purposes, thereby freeing up emergency room facilities to treat true emergencies.

Sec. 2. RCW 48.44.010 and 1990 c 120 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. "Health care service contractor" does not include direct patient-provider primary care practices as defined in section 3 of this act.

(4) "Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

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(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.44.037(3) and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW, plans administered under chapter 41.05, 70.47, or 70.47A RCW, or self-insured plans; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the

direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

NEW SECTION. Sec. 4. Except as provided in section 7 of this act, no direct practice shall decline to accept any person solely on account of race, religion, national origin, the presence of any sensory, mental, or physical disability, education, economic status, or sexual orientation.

NEW SECTION. Sec. 5. (1) A direct practice must charge a direct fee on a monthly basis. The fee must represent the total amount due for all primary care services specified in the direct agreement and may be paid by the direct patient or on his or her behalf by others.

(2) A direct practice must:

(a) Maintain appropriate accounts and provide data regarding payments made and services received to direct patients upon request; and

(b) Either:

(i) Bill patients at the end of each monthly period; or

(ii) If the patient pays the monthly fee in advance, promptly refund to the direct patient all unearned direct fees following receipt of written notice of termination of the direct agreement from the direct patient. The amount of the direct fee considered earned shall be a proration of the monthly fee as of the date the notice of termination is received.

(3) If the patient chooses to pay more than one monthly direct fee in advance, the funds must be held in a trust account and paid to the direct practice as earned at the end of each month. Any unearned direct fees held in trust following receipt of termination of the direct agreement shall be promptly refunded to the direct patient. The amount of the direct fee earned shall be a proration of the monthly fee for the then current month as of the date the notice of termination is received.

(4) The direct fee schedule applying to an existing direct patient may not be increased over the annual negotiated amount more frequently than annually. A direct practice shall provide advance notice to existing patients of any change within the fee schedule applying to those existing direct patients. A direct practice shall provide at least sixty days' advance notice of any change in the fee.

(5) A direct practice must designate a contact person to receive and address any patient complaints.

(6) Direct fees for comparable services within a direct practice shall not vary from patient to patient based on health status or sex.

NEW SECTION. Sec. 6. (1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of

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determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services provided in connection with wellness physical examinations. In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

NEW SECTION. Sec. 7. (1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice. So long as the direct practice provides the patient notice and opportunity to obtain care from another physician, the direct practice may discontinue care for direct patients if: (a) The patient fails to pay the direct fee under the terms required by the direct agreement; (b) the patient has performed an act that constitutes fraud; (c) the patient repeatedly fails to comply with the recommended treatment plan; (d) the patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice; or (e) the direct practice discontinues operation as a direct practice.

(2) Direct practices may accept payment of direct fees directly or indirectly from nonemployer third parties.

NEW SECTION. Sec. 8. Direct practices, as defined in section 3 of this act, who comply with this chapter are not insurers under RCW 48.01.050, health carriers under chapter 48.43 RCW, health care service contractors under chapter 48.44 RCW, or health maintenance organizations under chapter 48.46 RCW.

NEW SECTION. Sec. 9. A person shall not make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of the business of a direct practice, or relative to the business of a direct practice.

NEW SECTION. Sec. 10. A person shall not make, issue, or circulate, or cause to be made, issued, or circulated, a misrepresentation of the terms of any direct agreement, or the benefits or advantages promised thereby, or use the name or title of any direct agreement misrepresenting the nature thereof.

NEW SECTION. Sec. 11. Violations of this chapter constitute unprofessional conduct enforceable under RCW 18.130.180.

NEW SECTION. Sec. 12. (1) Direct practices must submit annual statements, beginning on October 1, 2007, to the office of insurance commissioner specifying the number of providers in each practice, total number of patients being served, the

average direct fee being charged, providers' names, and the business address for each direct practice. The form and content for the annual statement must be developed in a manner prescribed by the commissioner.

(2) A health care provider may not act as, or hold himself or herself out to be, a direct practice in this state, nor may a direct agreement be entered into with a direct patient in this state, unless the provider submits the annual statement in subsection (1) of this section to the commissioner.

(3) The commissioner shall report annually to the legislature on direct practices including, but not limited to, participation trends, complaints received, voluntary data reported by the direct practices, and any necessary modifications to this chapter. The initial report shall be due December 1, 2009.

NEW SECTION. Sec. 13. (1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their participation forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner.

NEW SECTION. Sec. 14. By December 1, 2012, the commissioner shall submit a study of direct care practices to the appropriate committees of the senate and house of representatives. The study shall include an analysis of the extent to which direct care practices:

(1) Improve or reduce access to primary health care services by recipients of medicare and medicaid, individuals with private health insurance, and the uninsured;

(2) Provide adequate protection for consumers from practice bankruptcy, practice decisions to drop participants, or health conditions not covered by direct care practices;

(3) Increase premium costs for individuals who have health coverage through traditional health insurance;

(4) Have an impact on a health carrier's ability to meet network adequacy standards set by the commissioner or state health purchasing agencies; and

(5) Cover a population that is different from individuals covered through traditional health insurance.

The study shall also examine the extent to which individuals and families participating in a direct care practice maintain health coverage for health conditions not covered by the direct care practice. The commissioner shall recommend to the legislature whether the statutory authority for direct care practices to operate should be continued, modified, or repealed.

NEW SECTION. Sec. 15. Sections 1 and 3 through 14 of this act constitute a new chapter in Title 48 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5958.

Senators Keiser and Pflug spoke in favor of the motion.

MOTION

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On motion of Senator Hewitt, Senator Zarelli was excused.

MOTION

The President Pro Tempore declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5958.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5958 by voice vote.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5958, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5958, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 48

Excused: Senator Zarelli - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5958, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President assumed the chair.

MOTION

On motion of Senator Regala, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 6, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5937, with the following amendment: 5937-S AMH CLIB H3328.1

On page 3, line 31, after "service," strike "fifty percent of"

On page 3, beginning on line 32, strike "and fifty percent of which must be deposited according to section 4 of this act" and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5937.

Senator Murray spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5937.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5937 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5937, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5937, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Fairley - 1

SUBSTITUTE SENATE BILL NO. 5937, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Schoesler, Senator Zarelli was excused.

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5987, with the following amendment: 5987-S AMH PSEP H3209.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the people of Washington state face a crisis brought upon by increased gang crime and violence, which is threatening public safety in communities across the state. Those who live in communities where gang membership is on the rise find themselves living with the daily threat of intimidation and harassment. Ordinary citizens are increasingly vulnerable to gang-related crimes such as drug dealing, damage to real property, theft of personal property and automobiles, or even assault, rape, and murder. Even those not directly affected by gang-related crime, share in the indirect costs such as lower property values, higher insurance premiums, and the endangerment of our youth. Moreover, our first responders find themselves increasingly vulnerable to personal injury or death when responding to gang-related crimes such as drug dealing, assault, driving without a license, or attempting to elude a police vehicle.

It is the intent of the legislature to establish a work group to evaluate and make legislative recommendations regarding the problem of gang-related crime in Washington state.

NEW SECTION. Sec. 2. The Washington association of sheriffs and police chiefs is directed to convene a work group to evaluate the problem of gang-related crime in Washington state. Members shall include one member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives, one member from each of the two largest caucuses in the senate, appointed by the president of the senate, and representatives of the following,

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appointed jointly by the president of the senate and the speaker of the house of representatives: The office of the attorney general, local law enforcement, prosecutors and municipal attorneys, criminal defense attorneys, court administrators, prison or detention administrators and probation officers, and experts in gang or delinquency prevention including the governor's juvenile justice advisory committee. The work group shall evaluate and make recommendations regarding additional legislative measures to combat gang-related crime, the creation of a statewide gang information database, possible reforms to the juvenile justice system for gang-related juvenile offenses, best practices for prevention and intervention of youth gang membership, and the adoption of legislation authorizing a civil antigang injunction. The Washington association of sheriffs and police chiefs shall report back to the legislature on its findings and the recommendations of the work group or groups on or before January 1, 2008."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Clements moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5987.

Senator Clements spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Clements that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5987.

The motion by Senator Clements carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5987 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5987, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5987, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Absent: Senator Hargrove - 1

Excused: Senators Fairley and Zarelli - 2

SUBSTITUTE SENATE BILL NO. 5987, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5647, with the following amendment: 5647-S AMH ENGR H3208.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 67.28.080 and 1997 c 452 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city or town of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor(±) that is: (a)(i) Owned by a public entity; (ii) owned by a nonprofit organization described under section 501(c)(3) of the federal internal revenue code of 1986, as amended; or (iii) owned by a nonprofit organization described under section 501(c)(6) of the federal internal revenue code of 1986, as amended, a business organization, destination marketing organization, main street organization, lodging association, or chamber of commerce and (b) used to support tourism, performing arts, or to accommodate tourist activities.

(8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

(9) Amendments made in section 1 of this act (chapter . . . , Laws of 2007) expire June 30, 2013.

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

(1) Lodging tax revenues under this chapter may be used, directly by local jurisdictions or indirectly through a convention and visitors bureau or destination marketing organization, for the marketing and operations of special events and festivals and to support the operations and capital expenditures of tourism-related facilities owned by nonprofit organizations described under 501(c)(3) and 501(c)(6) of the internal revenue code of 1986, as amended.

(2) Local jurisdictions that use the lodging tax revenues under this section must submit an annual economic impact report for these expenditures to the department of community, trade, and economic development beginning January 1, 2008. This economic impact report, at a minimum, must include: (a) The total revenue received under this chapter for each year; (b) the list of festivals, special events, or nonprofit 501(c)(3) or 501(c)(6) organizations that received funds under this chapter; (c) the amount of revenue expended on each festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; (d) the estimated number of tourists, persons traveling over fifty miles to the destination, persons remaining at the destination overnight, and lodging stays generated per festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; (e) an estimated increase in sales and use tax revenues attributable to the special event, festival, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization; and (f) any other measurements the local government finds that demonstrate the

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impact of the increased tourism attributable to the festival, special event, or tourism-related facility owned by a nonprofit 501(c)(3) or 501(c)(6) organization.

(3) The joint legislative audit and review committee must report to the legislature and the governor on the use and economic impact of lodging tax revenues by local jurisdictions since the effective date of this act to support festivals, special events, and tourism-related facilities owned by a nonprofit organization under section 501(c)(3) or 501(c)(6) of the internal revenue code of 1986, as amended, and the economic impact generated by these festivals, events, and facilities. This report shall be due September 1, 2012.

(4) This section expires June 30, 2013."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5647.

Senator Kastama spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5647.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5647 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5647, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5647, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Delvin, Hewitt, Honeyford, Marr, Parlette, Pflug, Schoesler and Stevens - 8

SUBSTITUTE SENATE BILL NO. 5647, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5202, with the following amendment: 5202-S AMH JUDI PERR 066

On page 2, beginning on line 1, strike all of subsection (2) and insert the following:

"(2) Subsection (1)(a) of this section does not apply to:

(a) The possession of a spring blade knife by a law enforcement officer while the officer:

(i) Is on official duty; or

(ii) Is transporting the knife to or from the place where the knife is stored when the officer is not on official duty; or

(b) The storage of a spring blade knife by a law enforcement officer."

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5202.

Senator Kline spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5202.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5202 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5202, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5202, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5202, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5227, with the following amendment: 5227-S AMH JUDI ADAM 060

Beginning on page 1, line 4, strike all of section 1 and insert the following:

"Sec. 1. RCW 16.52.207 and 2005 c 481 s 2 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention and the animal suffers unnecessary or unjustifiable physical pain as a result of the failure; ((or))

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(b) Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons the animal; or

(c) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

(3)(a) Animal cruelty in the second degree under subsection (1), (2)(a), or (2)(b) of this section is a misdemeanor.

(b) Animal cruelty in the second degree under subsection (2)(c) of this section is a gross misdemeanor.

(4) In any prosecution of animal cruelty in the second degree under subsection (1) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5227.

Senator Tom spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senator Poulsen was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5227.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5227 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5227, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5227, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Swecker - 1

Excused: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 5227, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5063, with the following amendment: 5063.E AMH ENGR H3086.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to make technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18 RCW with regard to gender-specific terminology. The legislature finds that gender-neutral terms must be used in accordance with RCW 44.04.210. This act is technical in nature and no substantive legal changes are intended or implied.

Sec. 2. RCW 41.08.020 and 1935 c 31 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.08.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for ~~((firemen))~~ firefighters as referred to in RCW 41.08.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the fire department.

Sec. 3. RCW 41.08.030 and 1935 c 31 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.08.010, having a full paid fire department a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ the chief of a fire department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

Sec. 4. RCW 41.08.075 and 1972 ex.s. c 37 s 4 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.08.010 to reside within the limits of such municipal corporation as a condition of employment, or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

Sec. 5. RCW 41.08.080 and 1935 c 31 s 8 are each amended to read as follows:

The tenure of every one holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or

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discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 6. RCW 41.08.090 and 1935 c 31 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith (~~for~~) for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof,

and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Sec. 7. RCW 41.08.100 and 1935 c 31 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department. Whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

Sec. 8. RCW 41.08.150 and 1935 c 31 s 16 are each amended to read as follows:

No commissioner or any other person(-) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration or application or request to be examined or registered.

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Sec. 9. RCW 41.08.220 and 1935 c 31 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid fire department.

The term "full paid fire department" means that the officers and ~~((firemen))~~ firefighters employed in such are paid regularly by the city and devote their whole time to firefighting.

Sec. 10. RCW 41.12.020 and 1937 c 13 s 2 are each amended to read as follows:

If any of the cities or towns referred to in RCW 41.12.010 shall at any time repeal the charter provisions or other local acts of said cities or towns providing for civil service for ~~((policemen))~~ police officers as referred to in RCW 41.12.010, in that event this chapter shall apply to all of such cities and towns which have at any time abolished civil service for members of the police department.

Sec. 11. RCW 41.12.030 and 1937 c 13 s 3 are each amended to read as follows:

There is hereby created in every city, town or municipality except those referred to in RCW 41.12.010, having fully paid ~~((policemen))~~ police officers a civil service commission which shall be composed of three persons.

The members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with the power and authority to select, appoint, or employ the chief of a police department in any such city, prior to the enactment of this chapter. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of such city for at least three years immediately preceding such appointment, and an elector of the county wherein he or she resides. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed for different terms, as follows: One to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, incompatibility or dereliction of duty, or malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no member of the commission shall be removed until charges have been preferred, in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter. Two members of such commission shall constitute a quorum and the votes of any two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. Confirmation of said appointment or appointments of commissioners by any legislative body shall not be required. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

Sec. 12. RCW 41.12.075 and 1972 ex.s. c 37 s 5 are each amended to read as follows:

No city, town, or municipality shall require any person applying for or holding an office, place, position, or employment under the provisions of this chapter or under any local charter or other regulations described in RCW 41.12.010

to reside within the limits of such municipal corporation as a condition of employment or to discriminate in any manner against any such person because of his or her residence outside of the limits of such city, town, or municipality.

Sec. 13. RCW 41.12.080 and 1937 c 13 s 8 are each amended to read as follows:

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(1) Incompetency, inefficiency or inattention to or dereliction of duty;

(2) Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself or herself; or any willful violation of the provisions of this chapter or the rules and regulation to be adopted hereunder;

(3) Mental or physical unfitness for the position which the employee holds;

(4) Dishonest, disgraceful, immoral or prejudicial conduct;

(5) Drunkenness or use of intoxicating liquors, narcotics, or any other habit forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service;

(6) Conviction of a felony, or a misdemeanor, involving moral turpitude;

(7) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

Sec. 14. RCW 41.12.090 and 1937 c 13 s 9 are each amended to read as follows:

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may within ten days from the time of his or her removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith ~~((for))~~ for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement ~~((of for))~~ or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, ~~((for))~~ in lieu of affirming the removal, suspension, demotion or discharge may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay; the findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such

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hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his or her defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of the county wherein he or she resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to such judgment or order, be filed by the commission with such court. The commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner: PROVIDED, HOWEVER, That such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commission, was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

Sec. 15. RCW 41.12.100 and 1937 c 13 s 11 are each amended to read as follows:

Whenever a position in the classified service becomes vacant, the appointing power, if it desires to fill the vacancy, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. The commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the name of the person standing highest on said list held appropriate for such class. If more than one vacancy is to be filled an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the name of the person eligible for appointment to the appointing power, and said appointing power shall forthwith appoint the person so certified to said position. No person so certified shall be laid off, suspended, or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

To enable the appointing power to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of three to six months' probationary service, as may be provided in the rules of the civil service commission during which the appointing power may terminate the employment of the person certified to him or her, or it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power deems him or her unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate the person certified as standing next highest on any such list and such person shall likewise enter upon said duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

Sec. 16. RCW 41.12.150 and 1937 c 13 s 16 are each amended to read as follows:

No commissioner or any other person(;) shall, by himself or herself, or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his or her right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation

concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him or her, in connection with any examination or registration of application or request to be examined or registered.

Sec. 17. RCW 41.12.220 and 1937 c 13 s 24 are each amended to read as follows:

As used in this chapter, the following mentioned terms shall have the following described meanings:

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are, invested by law with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

The term "city" includes all cities, towns and municipalities having a full paid police department.

The term "full paid police department" means that the officers and (~~police men~~) police officers employed in such are paid regularly by the city and devote their whole time to police duty: PROVIDED, "full paid police department" whenever used in this chapter shall also mean "full paid (~~police men~~) police officers."

Sec. 18. RCW 41.16.010 and 2003 c 30 s 1 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a (~~fireman~~) firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased (~~fireman~~) firefighter under this chapter.

(2) "Board" shall mean the municipal (~~firemen's~~) firefighters' pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of (~~firemen~~) firefighters and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) (~~"Fireman" or~~) "Firefighter" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for (~~fireman~~) firefighter and who is actively employed as a (~~fireman~~) firefighter; and shall include any "prior (~~fireman~~) firefighter."

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of (~~firemen~~) firefighters of the municipality.

(8) "Fund" shall mean the (~~firemen's~~) firefighters' pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing (~~firemen~~) firefighters.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of (~~firemen~~) firefighters and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior (~~fireman~~) firefighter" shall mean a (~~fireman~~) firefighter who was actively employed as a (~~fireman~~) firefighter of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

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(12) "Retired (~~(fireman)~~ firefighter" shall mean and include a person employed as a (~~(fireman)~~ firefighter and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired (~~(fireman)~~ firefighter who was retired on account of length of service and who was lawfully married to such (~~(fireman)~~ firefighter; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired (~~(fireman)~~ firefighter who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired (~~(fireman's)~~ firefighter's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

Sec. 19. RCW 41.16.020 and 2003 c 30 s 2 are each amended to read as follows:

There is hereby created in each city and town a municipal (~~(firemen's)~~ firefighters' pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or a designated representative who shall be an elected official of the city, who shall be (~~(chairman)~~ chairperson of the board, the city comptroller or clerk, (~~(chairman)~~ chairperson of finance of the city council, or if there is no (~~(chairman)~~ chairperson of finance, the city treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of those employed and retired firefighters who are subject to the jurisdiction of the board. The members to be elected by the firefighters shall be elected annually for a two year term. The two firefighters elected as members shall, in turn, select a third eligible member who shall serve as an alternate in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the (~~(chairman)~~ chairperson to act, the board may select a (~~(chairman)~~ chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the (~~(chairman)~~ chairperson. A majority of the members of the board shall constitute a quorum and have power to transact business.

Sec. 20. RCW 41.16.030 and 2002 c 15 s 1 are each amended to read as follows:

The board shall meet at least once quarterly, the date to be fixed by regulation of the board, at such other regular times as may be fixed by a regulation of the board; and at any time upon call of the (~~(chairman)~~ chairperson, of which due advance notice shall be given the other members of the board.

Sec. 21. RCW 41.16.040 and 1992 c 89 s 1 are each amended to read as follows:

The board shall have such general powers as are vested in it by the provisions of this chapter, and in addition thereto, the power to:

(1) Generally supervise and control the administration of this chapter and the (~~(firemen's)~~ firefighters' pension fund created hereby.

(2) Pass upon and allow or disallow all applications for pensions or other benefits provided by this chapter.

(3) Provide for payment from said fund of necessary expenses of maintenance and administration of said pension system and fund.

(4) Invest the moneys of the fund in a manner consistent with the investment policies outlined in RCW 35.39.060. Authorized investments shall include investment grade securities issued by the United States, state, municipal corporations, other public bodies, corporate bonds, and other investments authorized by RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 68.52.060, 68.52.065, and 72.19.120.

(5) Employ such agents, employees and other personnel as the board may deem necessary for the proper administration of this chapter.

(6) Compel witnesses to appear and testify before it, in the same manner as is or may be provided by law for the taking of depositions in the superior court. Any member of the board may administer oaths to witnesses who testify before the board of a nature and in a similar manner to oaths administered by superior courts of the state of Washington.

(7) Issue vouchers approved by the (~~(chairman)~~ chairperson and secretary and to cause warrants therefor to be issued and paid from said fund for the payment of claims allowed by it.

(8) Keep a record of all its proceedings, which record shall be public; and prepare and file with the city treasurer and city clerk or comptroller prior to the date when any payments are to be made from the fund, a list of all persons entitled to payment from the fund, stating the amount and purpose of such payment, said list to be certified to and signed by the (~~(chairman)~~ chairperson and secretary of the board and attested under oath.

(9) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same.

(10) Appoint one or more duly licensed and practicing physicians who shall examine and report to the board upon all applications for relief and pension under this chapter. Such physicians shall visit and examine all sick firefighters and (~~(disabled firemen)~~ firefighters who are disabled when, in their judgment, the best interests of the relief and pension fund require it or when ordered by the board. They shall perform all operations on such sick and injured (~~(firemen)~~ firefighters and render all medical aid and care necessary for the recovery of such (~~(firemen)~~ firefighters on account of sickness or disability received while in the performance of duty as defined in this chapter. Such physicians shall be paid from said fund, the amount of said fees or salary to be set and agreed upon by the board and the physicians. No physician not regularly appointed or specially appointed and employed, as hereinafter provided, shall receive or be entitled to any fees or compensation from said fund as attending physician to a sick or injured (~~(fireman)~~ firefighter. If any sick or injured (~~(fireman)~~ firefighter refuses the services of the appointed physicians, or the specially appointed and employed physician, he or she shall be personally liable for the fees of any other physician employed by him or her. No person shall have a right of action against the board or the municipality for negligence of any physician employed by it. The board shall have the power and authority to select and employ, besides the regularly appointed physician, such other physician, surgeon or specialist for consultation with, or assistance to the regularly appointed physician, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services from said fund. Said board shall hear and decide all applications for such relief or pensions under this chapter, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

Sec. 22. RCW 41.16.050 and 1999 c 117 s 3 are each amended to read as follows:

There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the (~~(firemen's)~~ firefighters' pension fund, which shall consist of: (1) All bequests, fees, gifts, emoluments, or donations given or paid thereto; (2) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; (3) taxes paid pursuant to the provisions of RCW 41.16.060; (4) interest on the investments of the fund; and (5) contributions by firefighters as provided for herein. The moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the (~~(firemen's)~~ firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter,

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certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the ((firemen's)) firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section, the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the ((firemen's)) firefighters' pension fund of such city, town, or fire protection district.

Sec. 23. RCW 41.16.070 and 1947 c 91 s 7 are each amended to read as follows:

(1) Every ((fireman)) firefighter employed on and after January 1, 1947, shall contribute to the fund and there shall be deducted from his or her pay and placed in the fund an amount in accordance with the following table:

((Fireman)) Firefighter whose		
age at last birthday		Contributions and
at time of entry		deductions from
of service was:		salary
21 and under	.....	5.00%
22	.....	5.24%
23	.....	5.50%
24	.....	5.77%
25	.....	6.07%
26	.....	6.38%
27	.....	6.72%
28	.....	7.09%
29	.....	7.49%
30 and over	.....	7.92%

(2) Every ((fireman)) firefighter employed prior to January 1, 1947, and continuing active employment shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, five percent of his or her salary.

(3) Every ((fireman)) firefighter actively employed and eligible for retirement and not retired shall contribute to the fund and there shall be deducted from his or her salary and placed in the fund, four percent of his or her salary.

Sec. 24. RCW 41.16.080 and 1959 c 5 s 2 are each amended to read as follows:

Any ((fireman)) firefighter employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as ((fireman";)) "firefighter," and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement any ((fireman)) firefighter shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his or her service and a

percentage factor based upon his or her age on entering service, as follows:

Entrance age at		Salary
last birthday		percentage factor
20 and under	.....	1.50%
21	.....	1.55%
22	.....	1.60%
23	.....	1.65%
24	.....	1.70%
25	.....	1.75%
26	.....	1.80%
27	.....	1.85%
28	.....	1.90%
29	.....	1.95%
30 and over	.....	2.00%

Said monthly pension shall be in the amount of his or her average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor.

Sec. 25. RCW 41.16.100 and 1973 1st ex.s. c 154 s 62 are each amended to read as follows:

The widow or widower, child, children or beneficiary of any ((fireman)) firefighter retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually; PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars.

Sec. 26. RCW 41.16.110 and 1959 c 5 s 5 are each amended to read as follows:

Whenever any ((fireman)) firefighter shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100.

Sec. 27. RCW 41.16.120 and 1973 1st ex.s. c 154 s 63 are each amended to read as follows:

Whenever any active ((fireman)) firefighter or ((fireman)) firefighter retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased ((fireman's)) firefighter's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the ((fireman's)) firefighter's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children.

Sec. 28. RCW 41.16.130 and 1959 c 5 s 7 are each amended to read as follows:

(1) Any ((fireman)) firefighter who shall become disabled as a result of the performance of his or her duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement.

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(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him or her, after giving him or her a thirty days' notice. Upon his or her retirement he or she shall be paid a monthly disability pension in amount equal to one-half of his or her monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he or she recovers from his or her disability he or she shall thereupon be restored to active service, with the same rank he or she held when he or she retired.

(3) If the ~~((fireman))~~ firefighter dies during disability and not as a result thereof, RCW 41.16.160 shall apply.

Sec. 29. RCW 41.16.140 and 1973 1st ex.s. c 154 s 64 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such ~~((fireman))~~ firefighter shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his or her contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

Sec. 30. RCW 41.16.145 and 1975-'76 2nd ex.s. c 44 s 1 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 ~~((as now or hereafter amended.))~~ shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and firefighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 31. RCW 41.16.150 and 1973 1st ex.s. c 154 s 65 are each amended to read as follows:

(1) Any ~~((fireman))~~ firefighter who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his or her average monthly salary times the number of

years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The ~~((fireman))~~ firefighter shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his or her contribution, plus accrued compounded interest. In the event he or she elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such ~~((fireman))~~ firefighter during his or her lifetime.

(2) Any ~~((fireman))~~ firefighter who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest.

Sec. 32. RCW 41.16.160 and 1973 1st ex.s. c 154 s 66 are each amended to read as follows:

Whenever any ~~((fireman))~~ firefighter, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

Sec. 33. RCW 41.16.170 and 1973 1st ex.s. c 154 s 67 are each amended to read as follows:

Whenever a ~~((fireman))~~ firefighter dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary.

Sec. 34. RCW 41.16.180 and 1959 c 5 s 12 are each amended to read as follows:

Upon the death of any active firefighter, ~~((disabled))~~ firefighter who is disabled, or retired ~~((fireman))~~ firefighter, the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

Sec. 35. RCW 41.16.190 and 1959 c 5 s 13 are each amended to read as follows:

No ~~((fireman))~~ firefighter disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a ~~((fireman))~~ firefighter has been disabled while in the performance of his or her duties, it shall declare him or her inactive. For a period of six months from the time he or she became disabled, he or she shall continue to draw full pay from his or her municipality and in addition thereto he or she shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the ~~((fireman))~~ firefighter is unable to return to and perform his or her duties, then he or she shall be retired as herein provided.

Sec. 36. RCW 41.16.200 and 1947 c 91 s 9 are each amended to read as follows:

The board shall require all ~~((firemen))~~ firefighters receiving disability pensions to be examined every six months. All such examinations shall be made by physicians duly appointed by the board. If a ~~((fireman))~~ firefighter shall fail to submit to such

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examination within ten days of having been so ordered in writing by said retirement board all pensions or benefits paid to said ~~((fireman))~~ firefighter under this chapter, shall immediately cease and the disbursing officer in charge of such payments shall issue no further payments to such ~~((fireman))~~ firefighter. If such ~~((fireman))~~ firefighter fails to present himself or herself for examination within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ~~((fireman))~~ firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank, then, at his or her request, in such other rank, the duties of which he or she is then able to perform. The board shall thereupon so notify the ~~((fireman))~~ firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall fail to report for employment within ten days, he or she shall forfeit all rights to any benefits under this chapter.

Sec. 37. RCW 41.16.210 and 1947 c 91 s 10 are each amended to read as follows:

(1) Funds or assets on hand in the ~~((firemen's))~~ firefighters' relief and pension fund of any municipality established under the provisions of chapter 50, Laws of 1909, as amended, after payment of warrants drawn upon and payable therefrom, shall, by the city treasurer, be transferred to and placed in the ~~((firemen's))~~ firefighters' pension fund created by this chapter; and the ~~((firemen's))~~ firefighters' pension fund created by this chapter shall be liable for and there shall be paid therefrom in the order of their issuance any and all unpaid warrants drawn upon said ~~((firemen's))~~ firefighters' relief and pension fund.

(2) Any moneys loaned or advanced by a municipality from the general or any other fund of such municipality to the ~~((firemen's))~~ firefighters' relief and pension fund created under the provisions of chapter 50, Laws of 1909, as amended, and not repaid shall be an obligation of the ~~((firemen's))~~ firefighters' pension fund created under this chapter, and shall at such times and in such amounts as is directed by the board be repaid.

Sec. 38. RCW 41.16.220 and 1969 ex.s. c 269 s 7 are each amended to read as follows:

Any person who was a member of the fire department and within the provisions of chapter 50, Laws of 1909, as amended, at the time he or she entered, and who is a veteran, as defined in RCW 41.04.005, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter as computed under this chapter his or her period of war service in such armed forces upon payment by him or her of his or her contribution for the period of his or her absence, at the rate provided by chapter 50, Laws of 1909, as amended, for other members: PROVIDED, HOWEVER, Such accredited service shall not in any case exceed five years.

Sec. 39. RCW 41.16.230 and 1973 1st ex.s. c 154 s 68 are each amended to read as follows:

Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any ~~("prior fireman";)~~ "prior firefighter," his widow, her widower, child or children, any ~~((fireman))~~ firefighter eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired ~~((fireman))~~ firefighter, his widow, her widower, child or children, to receive payments and benefits from the ~~((firemen's))~~ firefighters' pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed.

Sec. 40. RCW 41.16.250 and 1963 c 63 s 1 are each amended to read as follows:

If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid ~~((fireman))~~ firefighter affected by such annexation, incorporation or succession shall receive a reduction in his or her retirement and job security rights: PROVIDED,

That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW.

Sec. 41. RCW 41.18.010 and 1973 1st ex.s. c 154 s 69 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a ~~((fireman))~~ firefighter in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased ~~((fireman))~~ firefighter under this chapter.

(2) ~~(("Fireman"))~~ "Firefighter" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for ~~((fireman))~~ firefighters and who is actively employed as a ~~((fireman))~~ firefighter or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a ~~((fireman))~~ firefighter or as a member of the fire department as a ~~((fireman))~~ firefighter or fire dispatcher.

(3) "Retired ~~((fireman))~~ firefighter" means and includes a person employed as a ~~((fireman))~~ firefighter and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired ~~((fireman))~~ firefighter at the date of his or her retirement, without regard to extra compensation which such ~~((fireman))~~ firefighter may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a ~~((fireman))~~ firefighter and shall include the surviving wife or husband of a ~~((fireman))~~ firefighter, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a ~~((fireman))~~ firefighter, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired ~~((fireman))~~ firefighter.

(6) "Child" or "children" means a ~~((fireman's))~~ firefighter's child or children under the age of eighteen years, unmarried, and in the legal custody of such ~~((fireman))~~ firefighter at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the ~~((firemen's))~~ firefighters' pension fund from income earned by investment of the fund. The earned interest payable to any ~~((fireman))~~ firefighter when he or she leaves the service and accepts his or her contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual ~~((fireman's))~~ firefighter's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual ~~((firemen's))~~ firefighters' accounts as of January 1st of each year.

(8) "Board" shall mean the municipal ~~((firemen's))~~ firefighters' pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of ~~((firemen))~~ firefighters and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a ~~((fireman))~~ firefighter.

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(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of ~~((firemen))~~ firefighters of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing ~~((firemen))~~ firefighters.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of ~~((firemen))~~ firefighters and shall include services of an emergency nature normally rendered while off regular duty.

Sec. 42. RCW 41.18.015 and 1992 c 6 s 1 are each amended to read as follows:

There is hereby created in each fire protection district which qualifies under this chapter, a ~~((firemen's))~~ firefighters' pension board to consist of the following five members, the ~~((chairman))~~ chairperson of the fire commissioners for said district who shall be ~~((chairman))~~ chairperson of the board, the county auditor, county treasurer, and in addition, two regularly employed or retired firefighters elected by secret ballot of the employed and retired firefighters. Retired members who are subject to the jurisdiction of the pension board have both the right to elect and the right to be elected under this section. The first members to be elected by the firefighters shall be elected annually for a two-year term. The two firefighter elected members shall, in turn, select a third eligible member who shall serve in the event of an absence of one of the regularly elected members. In case a vacancy occurs in the membership of the firefighter or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the ~~((chairman))~~ chairperson to act, the board may select a ~~((chairman))~~ chairperson pro tempore who shall during such absence or inability perform the duties and exercise the powers of the ~~((chairman))~~ chairperson. A majority of the members of said board shall constitute a quorum and have power to transact business.

Sec. 43. RCW 41.18.020 and 1955 c 382 s 2 are each amended to read as follows:

The board, in addition to such general and special powers as are vested in it by the provisions of chapter 41.16 RCW, which powers the board shall have with respect to this chapter shall have power to:

(1) Generally supervise and control the administration of this chapter;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this chapter;

(3) Provide for payment from the ~~((firemen's))~~ firefighters' pension fund of necessary expenses of maintenance and administration required by the provisions of this chapter;

(4) Make rules and regulations not inconsistent with this chapter for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 41.16 RCW, to examine and report to the board upon all applications for relief and pensions under this chapter; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in RCW 41.16.040.

Sec. 44. RCW 41.18.030 and 1961 c 255 s 2 are each amended to read as follows:

Every ~~((fireman))~~ firefighter to whom this chapter applies shall contribute to the ~~((firemen's))~~ firefighters' pension fund a sum equal to six percent of his or her basic salary which shall be deducted therefrom and placed in the fund.

Sec. 45. RCW 41.18.040 and 1973 1st ex.s. c 154 s 70 are each amended to read as follows:

Whenever any ~~((fireman))~~ firefighter, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter,

and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such ~~((fireman))~~ firefighter shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said ~~((fireman))~~ firefighter at the date of his or her retirement: PROVIDED, That a ~~((fireman))~~ firefighter hereafter retiring who has served as a member for more than twenty-five years, shall have his or her pension payable under this section increased by two percent of the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired ~~((fireman))~~ firefighter, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired ~~((fireman))~~ firefighter would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 46. RCW 41.18.045 and 1973 1st ex.s. c 154 s 71 are each amended to read as follows:

Upon the death of a ~~((fireman))~~ firefighter who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of ~~((firemen))~~ firefighters who died after January 1, 1967, if such ~~((firemen))~~ firefighters were otherwise eligible to retire on the date of death.

Sec. 47. RCW 41.18.050 and 1955 c 382 s 5 are each amended to read as follows:

Every ~~((fireman))~~ firefighter who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date of his or her disability, upon his or her written request filed with his or her retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his or her duties in the fire department, the board may refuse to recommend his or her retirement. If, after the expiration of six months from the date of his or her disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a ~~((fireman))~~ firefighter disabled as a result of the performance of duty without any request for the same by him or her, and after having been given by the board a thirty days' written notice of such recommendation he or she shall be retired.

Sec. 48. RCW 41.18.060 and 1992 c 22 s 1 are each amended to read as follows:

Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a firefighter has been disabled while in the performance of his or her duties it shall declare the firefighter inactive. For a period of six months from the time of the disability the firefighter shall draw from the pension fund a disability allowance equal to his or her basic monthly salary and, in addition, shall be provided with medical, hospital and nursing care as long as the disability exists. The board may, at its discretion, elect to reimburse the ~~((disabled))~~ firefighter who is disabled for premiums the firefighter has paid for medical insurance that supplements medicare, including premiums the firefighter has paid for medicare part B coverage. If the board finds at the expiration of six months that the firefighter is unable to return to and perform his or her duties, the firefighter shall be

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retired at a monthly sum equal to fifty percent of the amount of his or her basic salary at any time thereafter attached to the rank which he or she held at the date of retirement: PROVIDED, That where, at the time of retirement hereafter for disability under this section, the firefighter has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, the firefighter shall have his or her pension payable under this section increased by two percent of his or her basic salary per year for each full year of additional service to a maximum of five additional years.

Sec. 49. RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the ~~((fireman))~~ firefighter capable of performing his or her duties, it may refuse to recommend retirement and order the ~~((fireman))~~ firefighter back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the ~~((fireman))~~ firefighter. The board shall give the ~~((fireman))~~ firefighter a thirty-day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he or she shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the ~~((fireman))~~ firefighter shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the ~~((fireman))~~ firefighter was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any ~~((fireman))~~ firefighter shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased ~~((fireman))~~ firefighter, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased ~~((fireman's))~~ firefighter's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

Sec. 50. RCW 41.18.090 and 1955 c 382 s 15 are each amended to read as follows:

The board shall require all ~~((firemen))~~ firefighters receiving disability pensions to be examined every six months: PROVIDED, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a ~~((fireman))~~ firefighter shall willfully fail to present himself or herself for examination, within thirty days after being ordered so to do, he or she shall forfeit all rights under this chapter. If such ~~((fireman))~~ firefighter, upon examination as aforesaid, shall be found fit for service, he or she shall be restored to duty in the same rank held at the time of his or her retirement, or if unable to perform the duties of said rank then, at his or her request, in such other like or lesser rank as may be or become open and

available, the duties of which he or she is then able to perform. The board shall thereupon so notify the ~~((fireman))~~ firefighter and shall require him or her to resume his or her duties as a member of the fire department. If, upon being so notified, such member shall willfully fail to report for employment within ten days, he or she shall forfeit all rights to any benefit under this chapter.

Sec. 51. RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each amended to read as follows:

In the event a ~~((fireman))~~ firefighter is killed in the performance of duty, or in the event a ~~((fireman))~~ firefighter retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a ~~((fireman))~~ firefighter is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a ~~((fireman))~~ firefighter who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired ~~((fireman))~~ firefighter was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such ~~((fireman's))~~ firefighter's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries: PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200.

Sec. 52. RCW 41.18.102 and 1969 ex.s. c 209 s 32 are each amended to read as follows:

The provisions of RCW 41.18.040 and 41.18.100 shall be applicable to all ~~((firemen))~~ firefighters employed prior to March 1, 1970, but shall not apply to any former ~~((fireman))~~ firefighter who has terminated his or her employment prior to July 1, 1969.

Sec. 53. RCW 41.18.130 and 1969 ex.s. c 209 s 31 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his or her contributions to the fund plus earned interest: PROVIDED, That in the case of any ~~((fireman))~~ firefighter who has completed twenty years of service, such ~~((fireman))~~ firefighter, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his or her contributions as herein provided, to be classified as a vested ~~((fireman))~~ firefighter in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such ~~((fireman's))~~ firefighter's termination;

(2) During the period between the date of his or her termination and the date upon which he or she becomes a retired ~~((fireman))~~ firefighter as hereinafter provided, such vested ~~((fireman))~~ firefighter and his or her spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired ~~((fireman))~~ firefighter and his or her spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any ~~((fireman))~~ firefighter electing to become a vested ~~((fireman))~~ firefighter shall be entitled at such time as he or she otherwise would have completed twenty-five years of service had he or she not terminated, to receive a service retirement

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allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested ~~((fireman))~~ firefighter for the year preceding the date of his or her termination, for each year of service rendered prior to the date of his or her termination.

Sec. 54. RCW 41.18.140 and 1961 c 255 s 7 are each amended to read as follows:

The board shall pay from the ~~((firemen's))~~ firefighters' pension fund upon the death of any active or retired ~~((fireman))~~ firefighter the sum of five hundred dollars, to assist in defraying the funeral expenses of such ~~((fireman))~~ firefighter.

Sec. 55. RCW 41.18.150 and 1955 c 382 s 14 are each amended to read as follows:

Every person who was a member of the fire department at the time he or she entered and served in the armed forces of the United States in time of war, whether as a draftee, or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of war or peacetime service in the armed forces: PROVIDED, That such added and accredited service shall not as to any individual exceed five years.

Sec. 56. RCW 41.18.160 and 1955 c 382 s 17 are each amended to read as follows:

Every ~~((fireman))~~ firefighter as defined in this chapter heretofore employed as a member of a fire department, whether or not as a prior ~~((fireman))~~ firefighter as defined in chapter 41.16 RCW, who desires to make the contributions and avail himself or herself of the pension and other benefits of said chapter 41.16 RCW, can do so by handing to and leaving with the ~~((firemen's))~~ firefighters' pension board of his or her municipality a written notice of such intention within sixty days of the effective date of this chapter, or if he or she was on disability retirement under chapter 41.16 RCW, at the effective date of this chapter and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his or her return to active duty, and not otherwise.

Sec. 57. RCW 41.18.165 and 1959 c 69 s 1 are each amended to read as follows:

Every person who was a member of a fire-fighting organization operated by a private enterprise, which fire-fighting organization shall be hereafter acquired before September 1, 1959, by a municipality as its fire department as a matter of public convenience or necessity, where it is in the public interest to retain the trained personnel of such fire-fighting organization, shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of service with said private enterprise, except that this shall apply only to those persons who are in the service of such fire-fighting organization at the time of its acquisition by the municipality and who remain in the service of that municipality until this chapter shall become applicable to such persons.

No such person shall have added and accredited to his or her period of employment as a ~~((fireman))~~ firefighter his or her period of service with said private enterprise unless he, she, or a third party shall pay to the municipality his or her contribution for the period of such service with the private enterprise at the rate provided in RCW 41.18.030, or, if he or she shall be entitled to any private pension or retirement benefits as a result of such service with the private enterprise, unless he or she agrees at the time of his or her employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of those private pension or retirement benefits received. For the purposes of RCW 41.18.030, the date of entry of service shall be deemed the date of entry into service with the private enterprise, which service is accredited by this section, and the amount of contributions for the period of accredited service shall be based on the wages or salary of such person during that added and accredited period of service with the private enterprise.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

Sec. 58. RCW 41.18.170 and 1955 c 382 s 16 are each amended to read as follows:

The provisions of this chapter governing contributions, pensions, and benefits shall have exclusive application (1) to ~~((firemen))~~ firefighters as defined in this chapter hereafter becoming members of a fire department, (2) to ~~((firemen))~~ firefighters as defined in this chapter heretofore employed in a department who have not otherwise elected as provided for in RCW 41.18.160, and (3) to ~~((firemen))~~ firefighters on disability retirement under chapter 41.16 RCW, at the effective date of this chapter, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in RCW 41.18.160 within sixty days after return to active duty.

Sec. 59. RCW 41.18.180 and 1961 c 255 s 12 are each amended to read as follows:

Any ~~((fireman))~~ firefighter who has made contributions under any prior act may elect to avail himself or herself of the benefits provided by this chapter or under such prior act by filing written notice with the board within sixty days from the effective date of this 1961 amendatory act: PROVIDED, That any ~~((fireman))~~ firefighter who has received refunds by reason of selecting the benefits of prior acts shall return the amount of such refunds as a condition to coverage under this 1961 amendatory act.

Sec. 60. RCW 41.18.190 and 1969 ex.s. c 209 s 41 are each amended to read as follows:

Any ~~((fireman))~~ firefighter as defined in RCW 41.18.010 who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself or herself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his or her membership from any other pension fund, except the Washington law enforcement officers' and firefighters' retirement system, to the pension fund provided in chapter 41.18 RCW: PROVIDED, That such ~~((fireman))~~ firefighter transmits written notice of his or her intent to transfer to the pension board of his or her municipality prior to September 1, 1969.

Sec. 61. RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended to read as follows:

Any former employee of a department of a city of the first class, who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the fire department of such city, may transfer his or her former membership credit from the city employees' retirement system to the ~~((fireman's))~~ firefighter's pension system created by chapters 41.16 and 41.18 RCW by filing a written request with the board of administration and the municipal ~~((fireman's))~~ firefighters' pension board, respectively.

Upon the receipt of such request, the transfer of membership to the city's ~~((fireman's))~~ firefighter's pension system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration shall transmit to the municipal ~~((fireman's))~~ firefighters' pension board a record of service credited to such member which shall be computed and credited to such member as a part of his or her period of employment in the city's ~~((fireman's))~~ firefighter's pension system. For the purpose of the transfer contemplated by this section, those affected individuals who have formerly withdrawn funds from the city employees' retirement system shall be allowed to restore contributions withdrawn from that retirement system directly to the ~~((fireman's))~~ firefighter's pension system and receive credit in the ~~((fireman's))~~ firefighter's pension system for their former membership service in the prior system.

Any employee so transferring shall have all the rights, benefits, and privileges that he or she would have been entitled to had he or she been a member of the city's ~~((fireman's))~~ firefighter's pension system from the beginning of his or her employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon such service with the city.

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The right of any employee to file a written request for transfer of membership as set forth in this section shall expire December 31, 1974.

Sec. 62. RCW 9.40.130 and 1971 ex.s. c 302 s 5 are each amended to read as follows:

RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by (~~firemen~~) firefighters, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Sec. 63. RCW 9A.48.020 and 1981 c 203 s 2 are each amended to read as follows:

(1) A person is guilty of arson in the first degree if he or she knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life, including (~~firemen~~) firefighters; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime; or

(d) Causes a fire or explosion on property valued at ten thousand dollars or more with intent to collect insurance proceeds.

(2) Arson in the first degree is a class A felony.

Sec. 64. RCW 19.09.100 and 1994 c 287 s 2 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

(1) A charitable organization, whether or not required to register pursuant to this chapter, that directly solicits contributions from the public in this state shall make the following clear and conspicuous disclosures at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The identity of the charitable organization and the city of the principal place of business of the charitable organization;

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary.

(2) A commercial fund raiser shall clearly and conspicuously disclose at the point of solicitation:

(a) The name of the individual making the solicitation;

(b) The name of the entity for which the fund raiser is an agent or employee and the name and city of the charitable organization for which the solicitation is being conducted; and

(c) If requested by the solicitee, the published number in the office of the secretary for the donor to obtain additional financial disclosure information on file with the secretary. The disclosure must be made during an oral solicitation of a contribution, and at the same time at which a written request for a contribution is made.

(3) A person or organization soliciting charitable contributions by telephone shall make the disclosures required under subsection (1) or (2) of this section in the course of the solicitation but prior to asking for a commitment for a contribution from the solicitee, and in writing to any solicitee that makes a pledge within five working days of making the pledge. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in subsection (1) or (2) of this section, whichever is applicable.

(4) In the case of a solicitation by advertisement or mass distribution, including posters, leaflets, automatic dialing machines, publication, and audio or video broadcasts, it shall be clearly and conspicuously disclosed in the body of the solicitation material that:

(a) The solicitation is conducted by a named commercial fund raiser, if it is;

(b) The notice of solicitation required by the charitable solicitation act is on file with the secretary's office; and

(c) The potential donor can obtain additional financial disclosure information at a published number in the office of the secretary.

(5) A container or vending machine displaying a solicitation must also display in a clear and conspicuous manner the name of the charitable organization for which funds are solicited, the name, business address, and telephone number of the individual and any commercial fund raiser responsible for collecting funds placed in the containers or vending machines, and the following statement: "This charity is currently registered with the secretary's office under the charitable solicitation act, registration number . . ."

(6) A commercial fund raiser shall not represent that tickets to any fund raising event will be donated for use by another person unless all the following requirements are met:

(a) The commercial fund raiser prior to conducting a solicitation has written commitments from persons stating that they will accept donated tickets and specifying the number of tickets they will accept;

(b) The written commitments are kept on file by the commercial fund raiser for three years and are made available to the secretary, attorney general, or county prosecutor on demand;

(c) The contributions solicited for donated tickets may not be more than the amount representing the number of ticket commitments received from persons and kept on file under (a) of this subsection; and

(d) Not later than seven calendar days prior to the date of the event for which ticket donations are solicited, the commercial fund raiser shall give all donated tickets to the persons who made the written commitments to accept them.

(7) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by a commercial fund raiser.

(8) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government. This subsection does not apply to a foundation or other charitable organization that is organized, operated, or controlled by or in connection with a registered public charity, including any governmental agency or unit, from which it derives its name.

(9) No person may, in conducting any solicitation, use the name "police," "sheriff," "fire fighter," (~~"firemen,"~~) "firefighters," or a similar name unless properly authorized by a bona fide police, sheriff, or fire fighter organization or police, sheriff, or fire department. A proper authorization shall be in writing and signed by two authorized officials of the organization or department and shall be filed with the secretary.

(10) A person may not, in conducting any solicitation, use the name of a federally chartered or nationally recognized military veterans' service organization as determined by the United States veterans' administration unless authorized in

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writing by the highest ranking official of that organization in this state.

(11) A charitable organization shall comply with all local governmental regulations that apply to soliciting for or on behalf of charitable organizations.

(12) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure.

(13) Solicitations shall not be conducted by a charitable organization or commercial fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years or has been subject to any permanent injunction or administrative order or judgment under RCW 19.86.080 or 19.86.090, involving a violation or violations of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

(14) No charitable organization or commercial fund raiser subject to this chapter may use or exploit the fact of registration under this chapter so as to lead the public to believe that registration constitutes an endorsement or approval by the state, but the use of the following is not deemed prohibited: "Currently registered with the Washington state secretary of state as required by law. Registration number"

(15) No entity may engage in any solicitation for contributions for or on behalf of any charitable organization or commercial fund raiser unless the charitable organization or commercial fund raiser is currently registered with the secretary.

(16) No entity may engage in any solicitation for contributions unless it complies with all provisions of this chapter.

(17)(a) No entity may place a telephone call for the purpose of charitable solicitation that will be received by the solicitee before eight o'clock a.m. or after nine o'clock p.m.

(b) No entity may, while placing a telephone call for the purpose of charitable solicitation, engage in any conduct the natural consequence of which is to harass, intimidate, or torment any person in connection with the telephone call.

(18) Failure to comply with subsections (1) through (17) of this section is a violation of this chapter.

Sec. 65. RCW 35.17.100 and 1965 c 7 s 35.17.100 are each amended to read as follows:

Every member of the city commission, before qualifying, shall give a good and sufficient bond to the city in a sum equivalent to five times the amount of his or her annual salary, conditioned for the faithful performance of the duties of his or her office. The bonds must be approved by a judge of the superior court for the county in which the city is located and filed with the clerk thereof. The commission, by resolution, may require any of its appointees to give bond to be fixed and approved by the commission and filed with the mayor.

Sec. 66. RCW 35A.11.020 and 1993 c 83 s 8 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for ~~((firemen))~~ firefighters and ~~((policemen))~~ police officers which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for ~~((firemen))~~ firefighters and chapter 41.12 RCW for ~~((policemen))~~ police officers now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for ~~((firemen))~~ firefighters or ~~((policemen))~~ police officers which provides different pensions

or retirement benefits than are provided by general law for such classes.

Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.

The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns.

In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, 82.36.440, 48.14.020, and 48.14.080.

Sec. 67. RCW 35.27.240 and 1987 c 3 s 13 are each amended to read as follows:

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the mayor. He or she may pursue and arrest violators of town ordinances beyond the town limits.

~~((His))~~ The marshal's lawful orders shall be promptly executed by ~~deputies, police officers and~~ ~~((watchmen))~~ watchpersons. Every citizen shall lend him or her aid, when required, for the arrest of offenders and maintenance of public order. He or she may appoint, subject to the approval of the mayor, one or more deputies, for whose acts he and his ~~((bondsmen))~~ or her bondspersons shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, ~~((he))~~ the marshal may appoint additional ~~((policemen))~~ police officers for one day only when necessary for the preservation of public order.

~~((He))~~ The marshal shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful exercise of their functions and shall be entitled to the same protection.

~~((He))~~ The marshal shall execute and return all process issued and directed to him or her by any legal authority and for his or her services shall receive the same fees as are paid to constables. ~~((He))~~ The marshal shall perform such other services as the council by ordinance may require.

Sec. 68. RCW 35.66.040 and 1965 c 7 s 35.66.040 are each amended to read as follows:

A police matron must be paid such compensation for her services as shall be fixed by the city council and at such time as may be appointed for the payment of ~~((policemen))~~ police officers.

Sec. 69. RCW 35.75.050 and 1965 c 7 s 35.75.050 are each amended to read as follows:

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The city or town council shall by ordinance provide that the whole amount or any amount not less than seventy-five percent of all license fees, penalties or other moneys collected under the authority of this chapter shall be paid into and placed to the credit of a special fund to be known as the "bicycle road fund." The moneys in the bicycle road fund shall not be transferred to any other fund and shall be paid out for the sole purpose of building and maintaining bicycle paths and roadways authorized to be constructed and maintained by this chapter or for special (~~police~~) police officers, bicycle tags, stationery and other expenses growing out of the regulating and licensing of the riding of bicycles and other vehicles and the construction, maintenance and regulation of the use of bicycle paths and roadways.

Sec. 70. RCW 35.88.020 and 1965 c 7 s 35.88.020 are each amended to read as follows:

Every city and town may by ordinance prescribe what acts shall constitute offenses against the purity of its water supply and the punishment or penalties therefor and enforce them. The mayor of each city and town may appoint special (~~police~~) police officers, with such compensation as the city or town may fix, who shall, after taking oath, have the powers of constables, and who may arrest with or without warrant any person committing, within the territory over which any city or town is given jurisdiction by this chapter, any offense declared by law or by ordinance, against the purity of the water supply, or which violate any rule or regulation lawfully promulgated by the state board of health for the protection of the purity of such water supply. Every special (~~police~~) police officer whose appointment is authorized herein may take any person arrested for any such offense or violation before any court having jurisdiction thereof to be proceeded with according to law. Every such special (~~police~~) police officer shall, when on duty wear in plain view a badge or shield bearing the words "special police" and the name of the city or town by which he or she has been appointed.

Sec. 71. RCW 41.44.060 and 1951 c 275 s 3 are each amended to read as follows:

(~~Police~~) Police officers in first class cities and all city (~~fire~~) firefighters shall be excluded from the provisions of this chapter, except those employees of the fire department who are not eligible to the benefits of any (~~fire~~) firefighters' pension system established by or pursuant to state law, and who shall be included in the miscellaneous personnel.

Sec. 72. RCW 41.48.030 and 1971 ex.s. c 257 s 19 are each amended to read as follows:

(1) The governor is hereby authorized to enter on behalf of the state into an agreement with the secretary of health, education, and welfare consistent with the terms and provisions of this chapter, for the purpose of extending the benefits of the federal old-age and survivors insurance system to employees of the state or any political subdivision not members of an existing retirement system, or to members of a retirement system established by the state or by a political subdivision thereof or by an institution of higher learning with respect to services specified in such agreement which constitute "employment" as defined in RCW 41.48.020. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the governor and secretary of health, education, and welfare shall agree upon, but, except as may be otherwise required by or under the social security act as to the services to be covered, such agreement shall provide in effect that--

(a) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of title II of the social security act;

(b) The state will pay to the secretary of the treasury, at such time or times as may be prescribed under the social security act, contributions with respect to wages (as defined in RCW 41.48.020), equal to the sum of the taxes which would be imposed by the federal insurance contributions act if the services

covered by the agreement constituted employment within the meaning of that act;

(c) Such agreement shall be effective with respect to services in employment covered by the agreement or modification thereof performed after a date specified therein but in no event may it be effective with respect to any such services performed prior to the first day of the calendar year immediately preceding the calendar year in which such agreement or modification of the agreement is accepted by the secretary of health, education and welfare.

(d) All services which constitute employment as defined in RCW 41.48.020 and are performed in the employ of the state by employees of the state, shall be covered by the agreement;

(e) All services which (i) constitute employment as defined in RCW 41.48.020, (ii) are performed in the employ of a political subdivision of the state, and (iii) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the governor under RCW 41.48.050, shall be covered by the agreement; and

(f) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals to whom section 218(c)(3)(C) of the social security act is applicable, and shall provide that the service of any such individual shall continue to be covered by the agreement in case he thereafter becomes eligible to be a member of a retirement system; and

(g) As modified, the agreement shall include all services described in either paragraph (d) or paragraph (e) of this subsection and performed by individuals in positions covered by a retirement system with respect to which the governor has issued a certificate to the secretary of health, education, and welfare pursuant to subsection (5) of this section.

(h) Law enforcement officers and (~~fire~~) firefighters of each political subdivision of this state who are covered by the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or hereafter amended shall constitute a separate "coverage group" for purposes of the agreement entered into under this section and for purposes of section 218 of the social security act. To the extent that the agreement between this state and the federal secretary of health, education, and welfare in existence on the date of adoption of this subsection is inconsistent with this subsection, the governor shall seek to modify the inconsistency.

(2) Any instrumentality jointly created by this state and any other state or states is hereby authorized, upon the granting of like authority by such other state or states, (a) to enter into an agreement with the secretary of health, education, and welfare whereby the benefits of the federal old-age and survivors insurance system shall be extended to employees of such instrumentality, (b) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under RCW 41.48.040(1) if they were covered by an agreement made pursuant to subsection (1) of this section, and (c) to make payments to the secretary of the treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (1) and other provisions of this chapter.

(3) The governor is empowered to authorize a referendum, and to designate an agency or individual to supervise its conduct, in accordance with the requirements of section 218(d)(3) of the social security act, and subsection (4) of this section on the question of whether service in all positions covered by a retirement system established by the state or by a political subdivision thereof should be excluded from or included under an agreement under this chapter. If a retirement system covers positions of employees of the state of Washington, of the institutions of higher learning, and positions of employees of one or more of the political subdivisions of the state, then for the purpose of the referendum as provided herein, there may be deemed to be a separate retirement system with respect to employees of the state, or any one or more of the political subdivisions, or institutions of higher learning and the

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governor shall authorize a referendum upon request of the subdivisions' or institutions' of higher learning governing body: PROVIDED HOWEVER, That if a referendum of state employees generally fails to produce a favorable majority vote then the governor may authorize a referendum covering positions of employees in any state department who are compensated in whole or in part from grants made to this state under title III of the federal social security act: PROVIDED, That any city or town affiliated with the statewide city employees retirement system organized under chapter 41.44 RCW may at its option agree to a plan submitted by the board of trustees of said statewide city employees retirement system for inclusion under an agreement under this chapter if the referendum to be held as provided herein indicates a favorable result: PROVIDED FURTHER, That the teachers' retirement system be considered one system for the purpose of the referendum except as applied to the several colleges of education. The notice of referendum required by section 218(d)(3)(C) of the social security act to be given to employees shall contain or shall be accompanied by a statement, in such form and such detail as the agency or individual designated to supervise the referendum shall deem necessary and sufficient, to inform the employees of the rights which will accrue to them and their dependents and survivors, and the liabilities to which they will be subject, if their services are included under an agreement under this chapter.

(4) The governor, before authorizing a referendum, shall require the following conditions to be met:

(a) The referendum shall be by secret written ballot on the question of whether service in positions covered by such retirement system shall be excluded from or included under the agreement between the governor and the secretary of health, education, and welfare provided for in RCW 41.48.030(1);

(b) An opportunity to vote in such referendum shall be given and shall be limited to eligible employees;

(c) Not less than ninety days' notice of such referendum shall be given to all such employees;

(d) Such referendum shall be conducted under the supervision (of the governor or) of an agency or individual designated by the governor;

(e) The proposal for coverage shall be approved only if a majority of the eligible employees vote in favor of including services in such positions under the agreement;

(f) The state legislature, in the case of a referendum affecting the rights and liabilities of state employees covered under the state employees' retirement system and employees under the teachers' retirement system, and in all other cases the local legislative authority or governing body, shall have specifically approved the proposed plan and approved any necessary structural adjustment to the existing system to conform with the proposed plan.

(5) Upon receiving satisfactory evidence that with respect to any such referendum the conditions specified in subsection (4) of this section and section 218(d)(3) of the social security act have been met, the governor shall so certify to the secretary of health, education, and welfare.

(6) If the legislative body of any political subdivision of this state certifies to the governor that a referendum has been held under the terms of RCW 41.48.050(1)(i) and gives notice to the governor of termination of social security for any coverage group of the political subdivision, the governor shall give two years advance notice in writing to the federal department of health, education, and welfare of such termination of the agreement entered into under this section with respect to said coverage group.

Sec. 73. RCW 46.37.185 and 1987 c 330 s 709 are each amended to read as follows:

~~((Firemen))~~ **Firefighters**, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to

any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 74. RCW 81.28.080 and 1973 1st ex.s. c 154 s 117 are each amended to read as follows:

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to ~~((firemen))~~ lineworkers of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to ~~((newsboys))~~ newspaper delivery persons on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or ~~((policemen))~~ police officers or members of fire

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departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

Sec. 75. RCW 35.23.121 and 1995 c 301 s 36 are each amended to read as follows:

The city clerk shall keep a full and true record of every act and proceeding of the city council and keep such books, accounts and make such reports as may be required by the state auditor. The city clerk shall record all ordinances, annexing thereto his or her certificate giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication and shall be admissible as such evidence in any court or proceeding.

The city clerk shall be custodian of the seal of the city and shall have authority to acknowledge the execution of all instruments by the city which require acknowledgment.

The city clerk may appoint a deputy for whose acts he or she and his or her ~~((bondsmen))~~ bondspersons shall be responsible, and he or she and his or her deputy shall have authority to take all necessary affidavits to claims against the city and certify them without charge.

The city clerk shall perform such other duties as may be required by statute or ordinance.

Sec. 76. RCW 35.27.220 and 1965 c 7 s 35.27.220 are each amended to read as follows:

The town clerk shall be custodian of the seal of the town. ~~((He))~~ The town clerk may appoint a deputy for whose acts he or she and his ~~((bondsmen))~~ or her bondspersons shall be responsible~~((-he))~~. The town clerk and his or her deputy may administer oaths or affirmations and certify to them, and may take affidavits and depositions to be used in any court or proceeding in the state.

~~((He))~~ The town clerk shall make a quarterly statement in writing showing the receipts and expenditures of the town for the preceding quarter and the amount remaining in the treasury.

At the end of every fiscal year ~~((he))~~ the town clerk shall make a full and detailed statement of receipts and expenditures of the preceding year and a full statement of the financial condition of the town which shall be published.

~~((He))~~ The town clerk shall perform such other services as may be required by statute or by ordinances of the town council.

~~((He))~~ The town clerk shall keep a full and true account of all the proceedings of the council.

Sec. 77. RCW 59.12.110 and 1905 c 86 s 4 are each amended to read as follows:

The plaintiff or defendant at any time, upon two days' notice to the adverse party, may apply to the court or any judge thereof for an order raising or lowering the amount of any bond in this chapter provided for. Either party may, upon like notice, apply to the court or any judge thereof for an order requiring additional or other surety or sureties upon any such bond. Upon the hearing or any application made under the provisions of this section evidence may be given. The judge after hearing any such application shall make such an order as shall be just in the premises. The ~~((bondsmen))~~ bondspersons may be required to be present at such hearing if so required in the notice thereof, and shall answer under oath all questions that may be asked them touching their qualifications as ~~((bondsmen))~~ bondspersons, and in the event the ~~((bondsmen))~~ bondspersons

shall fail or refuse to appear at such hearing and so answer such questions the bond shall be stricken. In the event the court shall order a new or additional bond to be furnished by defendant, and the same shall not be given within twenty-four hours, the court shall order the sheriff to forthwith execute the writ. In the event the defendant shall file a second or additional bond and it shall also be found insufficient after hearing, as above provided, the right to retain the premises by bond shall be lost and the sheriff shall forthwith put the plaintiff in possession of the premises.

Sec. 78. RCW 82.38.230 and 1998 c 176 s 77 are each amended to read as follows:

Whenever any licensee is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the department, the department shall proceed to collect the amount due from the licensee in the following manner: The department shall seize any property subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent licensee and to all persons appearing of record to have an interest in such property. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to the licensee at the licensee's address as the same appears in the records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to such person at his or her last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, together with a statement of the amount due under this chapter, the name of the licensee and the further statement that unless such amount is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale or deed which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent licensee, the excess shall be returned to the licensee and the licensee's receipt obtained for the excess. If any person having an interest in or lien upon the property has filed with the department prior to such sale, notice of such interest or lien, the department shall withhold payment of any such excess to the licensee pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the licensee is not available, the department shall deposit such excess with the state treasurer as trustee for the licensee or the licensee's heirs, successors, or assigns: PROVIDED, That prior to making any seizure of property as provided for in this section, the department may first serve upon the licensee's ~~((bondsmen))~~ bondsperson a notice of the delinquency, with a demand for the payment of the amount due.

Sec. 79. RCW 87.03.020 and 1988 c 127 s 40 are each amended to read as follows:

For the purpose of organizing an irrigation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall contain the following:

(1) A description of the lands to be included in the operation of the district, in legal subdivisions or fractions thereof, and the name of the county or counties in which said lands are situated.

(2) The signature and post office address of each petitioner, together with the legal description of the particular lands within the proposed district owned by said respective petitioners.

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(3) A general statement of the probable source or sources of water supply and a brief outline of the plan of improvement, which may be in the alternative, contemplated by the organization of the district.

(4) A statement of the number of directors, either three or five, desired for the administration of the district and of the name by which the petitioners desire the district to be designated.

(5) Any other matter deemed material.

(6) A prayer requesting the board to take the steps necessary to organize the district.

The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the ~~((bondsmen))~~ bondspersons will pay all of the cost in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks (three issues) before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice signed by the clerk of the board of county commissioners stating the time of the meeting at which the same will be presented. There shall also be published a notice of the hearing on said petition in a newspaper published at Olympia, Washington, to be designated by the director of ecology from year to year, which said notice shall be published for at least two weeks (three issues) prior to the date of said meeting and shall contain the name of the county or counties and the number of each township and range in which the lands embraced within the boundaries of the proposed district are situated, also the time, place and purpose for said meeting, which said notice shall be signed by the petitioner whose name first appears upon the said petition. If any portion of the lands within said proposed district lie within another county or counties, then the said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. The said notice, together with a map of the district, shall also be served by registered mail at least thirty days before the said hearing upon the state director of ecology at Olympia, Washington, who shall, at the expense of the district in case it is later organized, otherwise at the expense of the petitioners' ~~((bondsmen))~~ bondspersons, make such investigation of the sufficiency of the source and supply of water for the purposes of the proposed district, as he or she may deem necessary, and file a report of his or her findings, together with a statement of his or her costs, with the board of county commissioners at or prior to the time set for said hearing. When the petition is presented, the board of county commissioners shall hear the same, shall receive such evidence as it may deem material, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing shall establish and define the boundaries of the district along such lines as in the judgment of the board will best reclaim the lands involved and enter an order to that effect: PROVIDED, That said board shall not modify the boundaries so as to except from the operation of the district any territory within the boundaries outlined in the petition, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district; any lands included within any district, which have a partial or full water right shall be given equitable credit therefor in the apportionment of the assessments in this act provided for: AND PROVIDED FURTHER, That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district.

At said hearing the board shall also give the district a name and shall order that an election be held therein for the purpose of determining whether or not the district shall be organized under

the provisions of this act and for the purpose of electing directors.

The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks (three issues) prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lies within another county or counties, then said notice shall be published in like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District--Yes," and "Irrigation District--No," and also the names of persons to be voted for as directors of the district: PROVIDED, That where in this act publication is required to be made in a newspaper of any county, the same may be made in a newspaper of general circulation in such county, selected by the person or body charged with making the publication and such newspaper shall be the official paper for such purpose.

Sec. 80. RCW 87.84.020 and 1961 c 226 s 3 are each amended to read as follows:

A petition to convert an existing irrigation district to an irrigation and rehabilitation district shall be signed by at least fifty holders of title or evidence of title to land within the district. The petition shall contain the following:

(1) The legal description of the property to be served.

(2) The signature and address of each petitioner, together with the legal description of the lands within the district owned by each.

(3) Any other matter deemed material.

The petition shall be accompanied by a bond, to be approved by the board, in double the amount of the probable cost of organizing the district, and conditioned that the ~~((bondsmen))~~ bondsperson will pay all the costs if the organization is not effected.

Sec. 81. RCW 19.29.010 and 1989 c 12 s 3 are each amended to read as follows:

It shall be unlawful from and after the passage of this chapter for any officer, agent, or employee of the state of Washington, or of any county, city or other political subdivision thereof, or for any other person, firm or corporation, or its officers, agents or employees, to run, place, erect, maintain, or use any electrical apparatus or construction, except as provided in the rules of this chapter.

Rule 1. No wire or cable, except the neutral, carrying a current of less than seven hundred fifty volts of electricity within the corporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is less than thirteen inches from the center line of any pole. And no such wire, except the neutral, shall be run past any pole to which it is not attached at a distance of less than thirteen inches from the center line thereof. This rule shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure and the point of attachment to such building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole; nor to bridle or jumper wires on any pole which are attached to or connected with signal wires on the same pole; nor to any aerial cable as between such cable and any pole upon which it originates or terminates; nor to exclusive telephone or telegraph toll lines; nor to aerial cables containing telephone, telegraph, or signal wires, or wires continuing from same, where the cable is attached to poles on which no wires or cables other than the wires continuing from said cable are maintained, provided, that electric light or power wires or cables are in no case maintained on the same side of the street or highway on which said aerial cable is placed.

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Rule 2. No wire or cable used to carry a current of over seven hundred fifty volts of electricity within the incorporate limits of any city or town shall be run, placed, erected, maintained or used on any insulator the center of which is nearer than twenty-four inches to the center line of any pole. And no such wire or cable shall be run past any pole to which it is not attached at a distance of less than twenty-four inches from the center line thereof: PROVIDED, That this shall not apply to any wire or cable where the same is run from under ground and placed vertically on the pole; nor to any wire or cable where the same is attached to the top of the pole; nor to a pole top fixture, as between it and the same pole; nor to any wire or cable between the points where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with transformers or other appliances on the same pole: PROVIDED FURTHER, That where said wire or cable is run vertically, it shall be rigidly supported and where possible run on the ends of the cross-arms.

Rule 3. No wire or cable carrying a current of more than seven hundred fifty volts, and less than seventy-five hundred volts of electricity, shall be run, placed, erected, maintained or used within three feet of any wire or cable carrying a current of seven hundred fifty volts or less of electricity; and no wire or cable carrying a current of more than seventy-five hundred volts of electricity shall be run, placed, erected, maintained, or used within seven feet of any wire or cable carrying less than seventy-five hundred volts: PROVIDED, That the foregoing provisions of this paragraph shall not apply to any wire or cable within buildings or other structures; nor where the same are run from under ground and placed vertically upon the pole; nor to any service wire or cable where the same is made to leave any pole or fixture thereon for the purpose of entering any building or other structure, and the point of attachment to said building or structure; nor to any jumper wire or cable carrying a current or connected with a transformer or other appliance on the same pole: PROVIDED, That where run vertically, wires or cables shall be rigidly supported, and where possible run on the ends of the cross-arms: PROVIDED FURTHER, That as between any two wires or cables mentioned in Rules 1, 2 and 3 of this section, only the wires or cables last in point of time so run, placed, erected or maintained, shall be held to be in violation of the provisions thereof.

Rule 4. No wire or cable used for telephone, telegraph, district messenger, or call bell circuit, fire or burglar alarm, or any other similar system, shall be run, placed, erected, maintained or used on any pole at a distance of less than three feet from any wire or cable carrying a current of over three hundred volts of electricity; and in all cases (except those mentioned in exceptions to Rules 1, 2 and 3) where such wires or cables are run, above or below, or cross over or under electric light or power wires, or a trolley wire, a suitable method of construction, or insulation or protection to prevent contact shall be maintained as between such wire or cable and such electric light, power or trolley wire; and said methods of construction, insulation or protection shall be installed by, or at the expense of the person owning the wire last placed in point of time: PROVIDED, That telephone, telegraph or signal wires or cables operated for private use and not furnishing service to the public, may be placed less than three feet from any line carrying a voltage of less than seven hundred and fifty volts.

Rule 5. Transformers, either single or in bank, that exceed a total capacity of over ten K.W. shall be supported by a double cross-arm, or some fixture equally as strong. No transformer shall be placed, erected, maintained or used on any cross-arm or other appliance on a pole upon which is placed a series electric arc lamp or arc light: PROVIDED, This shall not apply to a span wire supporting a lamp only. All aerial and underground transformers used for low potential distribution shall be subjected to an insulation test in accordance with the standardized rules of the American Institute of Electrical Engineers. In addition to this each transformer shall be tested at rated line voltage prior to each installation and shall have

attached to it a tag showing the date on which the test was made, and the name of the person making the test.

Rule 6. No wire or cable, other than ground wires, used to conduct or carry electricity, shall be placed, run, erected, maintained or used vertically on any pole without causing such wire or cable to be at all times sufficiently insulated the full length thereof to insure the protection of anyone coming in contact with said wire or cable.

Rule 7. The neutral point or wire of all transformer secondaries strung or erected for use in low potential distributing systems shall be grounded in all cases where the normal maximum difference of potential between the ground and any point in the secondary circuit will not exceed one hundred and fifty volts. When no neutral point or wire is accessible one side of the secondary circuit shall be grounded in the case of single phase transformers, and any one common point in the case of interconnected polyphase bank or banks of transformers. Where the maximum difference of potential between the ground and any point in the secondary circuit will, when grounded, exceed one hundred fifty volts, grounding shall be permitted. Such grounding shall be done in the manner provided in Rule 30.

Rule 8. In all cases where a wire or cable larger than No. 14 B.W.G. originates or terminates on insulators attached to any pin or other appliance, said wire or cable shall be attached to at least two insulators: PROVIDED HOWEVER, That this section shall not apply to service wires to buildings; nor to wires run vertically on a pole; nor to wires originating or terminating on strain insulators or circuit breakers; nor to telephone, telegraph or signal wires outside the limits of any incorporated city or town.

Rule 9. Fixtures placed or erected for the support of wires on the roofs of buildings shall be of sufficient strength to withstand all strains to which they may be subjected, due to the breaking of all wires on one side thereof, and except where insulated wires or cables are held close to fire walls by straps or rings, shall be of such height and so placed that all of the wires supported by such fixtures shall be at least seven feet above any point of roofs less than one-quarter pitch over which they pass or may be attached, and no roof fixtures or wire shall be so placed that they will interfere with the free passage of persons upon, over, to or from the roofs.

Rule 10. No guy wire or cable shall be placed, run, erected, maintained or used within the incorporate limits of any city or town on any pole or appliance to which is attached any wire or cable used to conduct electricity without causing said guy wire or cable to be efficiently insulated with circuit breakers at all times at a distance of not less than eight feet nor more than ten feet measured along the line of said guy wire or cable from each end thereof: PROVIDED, No circuit breaker shall be required at the lower end of the guy wire or cable where the same is attached to a ground anchor, nor shall any circuit breaker be required where said guy wire or cable runs direct from a grounded messenger wire to a grounded anchor rod.

Rule 11. In all span wires used for the purpose of supporting trolley wires or series arc lamps there shall be at least two circuit breakers, one of which shall at all times be maintained no less than four feet nor more than six feet distant from the trolley wire or series arc lamp, and in cases where the same is supported by a building or metallic pole, the other circuit breaker shall be maintained at the building or at the pole: PROVIDED, That in span wires which support two or more trolley wires no circuit breaker shall be required in the span wire between any two of the trolley wires: PROVIDED FURTHER, That in span wires supporting trolley wires attached to wooden poles only the circuit breaker adjacent to the trolley wire shall be required.

Rule 12. At all points where in case of a breakdown of trolley span wires, the trolley wire would be liable to drop within seven feet of the ground, there shall be double span wires and hangers placed at such points.

Rule 13. All energized wires or appliances installed inside of any building or vault, for the distribution of electrical energy, shall be sufficiently insulated, or so guarded, located, or arranged as to protect any person from injury.

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Rule 14. The secondary circuit of current transformers, the casings of all potential regulators and arc light transformers, all metal frames of all switch boards, metal oil tanks used on oil switches except where the tank is part of the conducting system, all motor and generator frames, the entire frame of the crane and the tracks of all traveling cranes and hoisting devices, shall be thoroughly grounded, as provided in Rule 30.

Rule 15. All generators and motors having a potential of more than three hundred volts shall be provided with a suitable insulated platform or mat so arranged as to permit the attendant to stand upon such platform or mat when working upon the live parts of such generators or motors.

Rule 16. Suitable insulated platforms or mats shall be provided for the use of all persons while working on any live part of switchboards on which any wire or appliance carries a potential in excess of three hundred volts.

Rule 17. Every generator, motor, transformer, switch or other similar piece of apparatus and device used in the generation, transmission or distribution of electrical energy in stations or substations, shall be either provided with a name plate giving the capacity in volts and amperes, or have this information stamped thereon in such a manner as to be clearly legible.

Rule 18. When lines of seven hundred fifty volts or over are cut out at the station or substation to allow employees to work upon them, they shall be short-circuited and grounded at the station, and shall in addition, if the line wires are bare, be short-circuited, and where possible grounded at the place where the work is being done.

Rule 19. All switches installed with overload protection devices, and all automatic overload circuit breakers must have the trip coils so adjusted as to afford complete protection against overloads and short circuits, and the same must be so arranged that no pole can be opened manually without opening all the poles, and the trip coils shall be instantly operative upon closing.

Rule 20. All feeders for electric railways must, before leaving the plant or substation, be protected by an approved circuit breaker which will cut off the circuit in case of an accidental ground or short circuit.

Rule 21. There shall be provided in all distributing stations a ground detecting device.

Rule 22. There shall be provided in all stations, plants, and buildings herein specified warning cards printed on red cardboard not less than two and one-quarter by four and one-half inches in size, which shall be attached to all switches opened for the purpose of ~~((linemen))~~ lineworkers or other employees working on the wires. The person opening any line switch shall enter upon said card the name of the person ordering the switch opened, the time opened, the time line was reported clear and by whom, and shall sign his own name.

Rule 23. No manhole containing any wire carrying a current of over three hundred volts shall be less than six feet from floor to inside of roof; if circular in shape it shall not be less than six feet in diameter; if square it shall be six feet from wall to wall: PROVIDED HOWEVER, That this paragraph shall not apply to any manhole in which it shall not be required that any person enter to perform work: PROVIDED FURTHER, That the foregoing provisions of this paragraph shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with this law within the space or location designated by the proper authorities.

Rule 24. All manholes containing any wires or appliances carrying electrical current shall be kept in a sanitary condition, free from stagnant water or seepage or other drainage which is offensive or dangerous to health, either by sewer connection or otherwise, while any person is working in the same.

Rule 25. No manhole shall have an opening to the outer air of less than twenty-six inches in diameter, and the cover of same shall be provided with vent hole or holes equivalent to three square inches in area.

Rule 26. No manhole shall have an opening which is, at the surface of the ground, within a distance of three feet at any point from any rail of any railway or street car track:

PROVIDED, That this shall not apply where satisfactory proof shall be submitted to the proper authorities that it is impracticable or physically impossible to comply with the provisions of this paragraph: PROVIDED, That in complying with the provisions of this rule only the construction last in point of time performed, placed or erected shall be held to be in violation thereof.

Rule 27. Whenever persons are working in any manhole whose opening to the outer air is less than three feet from the rail of any railway or street car track, a ~~((watchman))~~ watchperson or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Rule 28. All persons employed in manholes shall be furnished with insulated platforms so as to protect the workers while at work in the manholes: PROVIDED, That this paragraph shall not apply to manholes containing only telephone, telegraph or signal wires or cables.

Rule 29. No work shall be permitted to be done on any live wire, cable or appliance carrying more than seven hundred fifty volts of electricity by less than two competent and experienced persons, who, at all times while performing such work shall be in the same room, chamber, manhole or other place in which, or on the same pole on which, such work is being done: PROVIDED, That in districts where only one competent and experienced person is regularly employed, and a second competent and experienced person cannot be obtained without delay at prevailing rate of pay in said district, such work shall be permitted to be done by one competent and experienced person and a helper who need not be on the same pole on which said work is being done.

No work shall be permitted to be done in any manhole or subway on any live wire, cable or appliance carrying more than three hundred volts of electricity by less than two competent and experienced persons, who at all times while performing such work shall be in the same manhole or subway in which such work is being done.

Rule 30. The grounding provided for in these rules shall be done in the following manner: By connecting a wire or wires not less than No. 6 B.&S. gauge to a water pipe of a metallic system outside of the meter, if there is one, or to a copper plate one-sixteenth inch thick and not less than three feet by six feet area buried in coke below the permanent moisture level, or to other device equally as efficient. The ground wire or wires of a direct current system of three or more wires shall not be smaller than the neutral wire at the central station, and not smaller than a No. 6 B.&S. gauge elsewhere: PROVIDED, That the maximum cross section area of any ground wire or wires at the central station need not exceed one million circular mils. The ground wires shall be carried in as nearly a straight line as possible, and kinks, coils and short bends shall be avoided: PROVIDED, That the provisions of this rule shall not apply as to size to ground wires run from instrument transformers or meters.

Sec. 82. RCW 81.40.095 and 1961 c 14 s 81.40.095 are each amended to read as follows:

The utilities and transportation commission shall adopt and enforce rules and regulations relating to sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to railroad ~~((trainmen, enginemen, yardmen))~~ workers, maintenance of way employees, highway crossing ~~((watchmen))~~ watchpersons, clerical, platform, freight house and express employees.

Sec. 83. RCW 19.28.261 and 2003 c 399 s 302 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work

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and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

(a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

(b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside (~~lineman~~) lineworker apprenticeship course that is recognized by the department and that qualifies a person to perform such work;

(c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(8).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

Sec. 84. RCW 19.28.321 and 2001 c 211 s 21 are each amended to read as follows:

The director of labor and industries of the state of Washington and the officials of all incorporated cities and towns where electrical inspections are required by local ordinances shall have power and it shall be their duty to enforce the provisions of this chapter in their respective jurisdictions. The director of labor and industries shall appoint a chief electrical inspector and may appoint other electrical inspectors as the director deems necessary to assist the director in the performance of the director's duties. The chief electrical inspector, subject to the review of the director, shall be responsible for providing the final interpretation of adopted state electrical standards, rules, and policies for the department and its inspectors, assistant inspectors, electrical plan examiners, and other individuals supervising electrical program personnel. If a dispute arises within the department regarding the interpretation of adopted state electrical standards, rules, or policies, the chief electrical inspector, subject to the review of the director, shall provide the final interpretation of the disputed standard, rule, or policy. All electrical inspectors appointed by the director of labor and industries shall have not less than: Four years experience as (~~journeyman~~) journeyperson electricians in the electrical construction trade installing and maintaining electrical wiring and equipment, or two years electrical training in a college of electrical engineering of recognized standing and four

years continuous practical electrical experience in installation work, or four years of electrical training in a college of electrical engineering of recognized standing and two years continuous practical electrical experience in electrical installation work; or four years experience as a (~~journeyman~~) journeyperson electrician performing the duties of an electrical inspector employed by the department or a city or town with an approved inspection program under RCW 19.28.141, except that for work performed in accordance with the national electrical safety code and covered by this chapter, such inspections may be performed by a person certified as an outside (~~journeyman—lineman~~) journeyperson lineworker, under RCW 19.28.261(~~(2)~~) (5)(b), with four years experience or a person with four years experience as a certified outside (~~journeyman—lineman~~) journeyperson lineworker performing the duties of an electrical inspector employed by an electrical utility. Such state inspectors shall be paid such salary as the director of labor and industries shall determine, together with their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. As a condition of employment, inspectors hired exclusively to perform inspections in accordance with the national electrical safety code must possess and maintain certification as an outside (~~journeyman—lineman~~) journeyperson lineworker. The expenses of the director of labor and industries and the salaries and expenses of state inspectors incurred in carrying out the provisions of this chapter shall be paid entirely out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 85. RCW 50.04.240 and 1945 c 35 s 25 are each amended to read as follows:

The term "employment" shall not include service as a (~~newsboy~~) newspaper delivery person selling or distributing newspapers on the street or from house to house.

Sec. 86. RCW 28B.07.020 and 1985 c 370 s 47 are each amended to read as follows:

As used in this chapter, the following words and terms shall have the following meanings, unless the context otherwise requires:

(1) "Authority" means the Washington higher education facilities authority created under RCW 28B.07.030 or any board, body, commission, department or officer succeeding to the principal functions of the authority or to whom the powers conferred upon the authority shall be given by law.

(2) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the authority issued under this chapter.

(3) "Bond resolution" means any resolution of the authority, adopted under this chapter, authorizing the issuance and sale of bonds.

(4) "Higher education institution" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, which is open to residents of the state, which neither restricts entry on racial or religious grounds, which provides programs of education beyond high school leading at least to the baccalaureate degree, and which is accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education coordinating board.

(5) "Participant" means a higher education institution which, under this chapter, undertakes the financing of a project or projects or undertakes the refunding or refinancing of obligations, mortgages, or advances previously incurred for a project or projects.

(6) "Project" means any land or any improvement, including, but not limited to, buildings, structures, fixtures, utilities, machinery, excavations, paving, and landscaping, and any interest in such land or improvements, and any personal property pertaining or useful to such land and improvements, which are necessary, useful, or convenient for the operation of a higher education institution, including but not limited to, the following: Dormitories or other multi-unit housing facilities for students, faculty, officers, or employees; dining halls; student unions; administration buildings; academic buildings; libraries; laboratories; research facilities; computer facilities; classrooms; athletic facilities; health care facilities; maintenance, storage, or

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utility facilities; parking facilities; or any combination thereof, or any other structures, facilities, or equipment so related.

(7) "Project cost" means any cost related to the acquisition, construction, improvement, alteration, or rehabilitation by a participant or the authority of any project and the financing of the project through the authority, including, but not limited to, the following costs paid or incurred: Costs of acquisition of land or interests in land and any improvement; costs of contractors, builders, laborers, ~~((materialmen))~~ material suppliers, and suppliers of tools and equipment; costs of surety and performance bonds; fees and disbursements of architects, surveyors, engineers, feasibility consultants, accountants, attorneys, financial consultants, and other professionals; interest on bonds issued by the authority during any period of construction; principal of and interest on interim financing of any project; debt service reserve funds; depreciation funds, costs of the initial start-up operation of any project; fees for title insurance, document recording, or filing; fees of trustees and the authority; taxes and other governmental charges levied or assessed on any project; and any other similar costs. Except as specifically set forth in this definition, the term "project cost" does not include books, fuel, supplies, and similar items which are required to be treated as a current expense under generally accepted accounting principles.

(8) "Trust indenture" means any agreement, trust indenture, or other similar instrument by and between the authority and one or more corporate trustees.

Sec. 87. RCW 39.04.155 and 2001 c 284 s 1 are each amended to read as follows:

(1) This section provides uniform small works roster provisions to award contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of real property that may be used by state agencies and by any local government that is expressly authorized to use these provisions. These provisions may be used in lieu of other procedures to award contracts for such work with an estimated cost of two hundred thousand dollars or less. The small works roster process includes the limited public works process authorized under subsection (3) of this section and any local government authorized to award contracts using the small works roster process under this section may award contracts using the limited public works process under subsection (3) of this section.

(2)(a) A state agency or authorized local government may create a single general small works roster, or may create a small works roster for different specialties or categories of anticipated work. Where applicable, small works rosters may make distinctions between contractors based upon different geographic areas served by the contractor. The small works roster or rosters shall consist of all responsible contractors who have requested to be on the list, and where required by law are properly licensed or registered to perform such work in this state. A state agency or local government establishing a small works roster or rosters may require eligible contractors desiring to be placed on a roster or rosters to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the state agency or local government as a condition of being placed on a roster or rosters. At least once a year, the state agency or local government shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. In addition, responsible contractors shall be added to an appropriate roster or rosters at any time they submit a written request and necessary records. Master contracts may be required to be signed that become effective when a specific award is made using a small works roster.

(b) A state agency establishing a small works roster or rosters shall adopt rules implementing this subsection. A local government establishing a small works roster or rosters shall adopt an ordinance or resolution implementing this subsection. Procedures included in rules adopted by the department of general administration in implementing this subsection must be included in any rules providing for a small works roster or rosters that is adopted by another state agency, if the authority for that state agency to engage in these activities has been

delegated to it by the department of general administration under chapter 43.19 RCW. An interlocal contract or agreement between two or more state agencies or local governments establishing a small works roster or rosters to be used by the parties to the agreement or contract must clearly identify the lead entity that is responsible for implementing the provisions of this subsection.

(c) Procedures shall be established for securing telephone, written, or electronic quotations from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to the lowest responsible bidder, as defined in RCW 43.19.1911. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes. Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from one hundred thousand dollars to two hundred thousand dollars, a state agency or local government, other than a port district, that chooses to solicit bids from less than all the appropriate contractors on the appropriate small works roster must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The government has the sole option of determining whether this notice to the remaining contractors is made by: (i) Publishing notice in a legal newspaper in general circulation in the area where the work is to be done; (ii) mailing a notice to these contractors; or (iii) sending a notice to these contractors by facsimile or other electronic means. For purposes of this subsection (2)(c), "equitably distribute" means that a state agency or local government soliciting bids may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

(d) A contract awarded from a small works roster under this section need not be advertised.

(e) Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

(3) In lieu of awarding contracts under subsection (2) of this section, a state agency or authorized local government may award a contract for work, construction, alteration, repair, or improvement ~~((project projects))~~ projects estimated to cost less than thirty-five thousand dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (2) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW 39.04.010.

For limited public works projects, a state agency or authorized local government shall solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 43.19.1911. After an award is made, the quotations shall be open to public inspection and available by electronic request. A state agency or authorized local government shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. A state agency or authorized local government shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. For limited

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public works projects, a state agency or authorized local government may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, ~~((materialmen))~~ material suppliers, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project, however the state agency or authorized local government shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

(4) The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

(5) As used in this section, "state agency" means the department of general administration, the state parks and recreation commission, the department of natural resources, the department of fish and wildlife, the department of transportation, any institution of higher education as defined under RCW 28B.10.016, and any other state agency delegated authority by the department of general administration to engage in construction, building, renovation, remodeling, alteration, improvement, or repair activities.

Sec. 88. RCW 39.08.010 and 1989 c 145 s 1 are each amended to read as follows:

Whenever any board, council, commission, trustees, or body acting for the state or any county or municipality or any public body shall contract with any person or corporation to do any work for the state, county, or municipality, or other public body, city, town, or district, such board, council, commission, trustees, or body shall require the person or persons with whom such contract is made to make, execute, and deliver to such board, council, commission, trustees, or body a good and sufficient bond, with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics, and subcontractors and ~~((materialmen))~~ material suppliers, and all persons who supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond in cases of cities and towns shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: PROVIDED, HOWEVER, That the provisions of RCW 39.08.010 through 39.08.030 shall not apply to any money loaned or advanced to any such contractor, subcontractor or other person in the performance of any such work: PROVIDED FURTHER, That on contracts of twenty-five thousand dollars or less, at the option of the contractor the respective public entity may, in lieu of the bond, retain fifty percent of the contract amount for a period of thirty days after date of final acceptance, or until receipt of all necessary releases from the department of revenue and the department of labor and industries and settlement of any liens filed under chapter 60.28 RCW, whichever is later: PROVIDED FURTHER, That for contracts of one hundred thousand dollars or less, the public entity may accept a full payment and performance bond from an individual surety or sureties: AND PROVIDED FURTHER, That the surety must agree to be bound by the laws of the state of Washington and subjected to the jurisdiction of the state of Washington.

Sec. 89. RCW 39.08.030 and 2003 c 301 s 4 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract

price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or ~~((materialman))~~ material supplier, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or ~~((materialman))~~ material supplier, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of dollars (here insert the amount) against the bond taken from (here insert the name of the principal and surety or sureties upon such bond) for the work of (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed)

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in RCW 39.10.130, bonds will be in an amount not less than the dollar value of all open work orders.

Sec. 90. RCW 47.28.030 and 1999 c 15 s 1 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof ~~((is less))~~ are less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars: PROVIDED, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to

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effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars. The rules adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, ~~((materialmen))~~ material suppliers, mechanics, and subcontractors from the reserved partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

Sec. 91. RCW 60.28.010 and 1986 c 181 s 6 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or ~~((materialman))~~ material supplier who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body; (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: PROVIDED, That the contractor may request that retainage be reduced to one hundred percent of the value of the work remaining on the project; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims

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filed, recovery may be had on such bond by the department of revenue and the ((materialmen)) material suppliers and laborers filing claims.

(7) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations shall not be subject to subsections (1) through (6) of this section.

Sec. 92. RCW 60.28.011 and 2003 c 301 s 7 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the

retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the ((materialmen)) material suppliers and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

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(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

Sec. 93. RCW 60.28.020 and 1975 1st ex.s. c 104 s 2 are each amended to read as follows:

After the expiration of the thirty day period, and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of ~~((materialmen))~~ material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body shall pay to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Sec. 94. RCW 60.28.021 and 1992 c 223 s 3 are each amended to read as follows:

After the expiration of the forty-five day period for giving notice of lien provided in RCW 60.28.011(2), and after receipt of the department of revenue's certificate, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue are discharged, and the claims of ~~((materialmen))~~ material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Sec. 95. RCW 85.28.130 and Code 1881 s 2517 are each amended to read as follows:

Persons owning or desiring to improve contiguous tracts of tide marsh or swampy lands exposed to the overflow of the tide and capable of being made dry, may separate their respective tracts by a dike or ditch, which shall make and designate their common boundary. In all such cases said dike or ditch shall be constructed at the equal cost and expense of the respective parties, and either party failing to pay his or her contributive share of such expense shall be liable to the party constructing the dike or ditch for such contributive share, or so much thereof as may remain due and unpaid, to be recovered in a civil action in a court of competent jurisdiction and the party constructing such dike shall also be entitled to a lien upon the tract of the party failing to pay his or her contributive share for the construction of said dike, or so much thereof as shall be due, which lien shall be secured and enforced as liens of ~~((materialmen))~~ material suppliers and mechanics are now by law enforced.

Sec. 96. RCW 85.28.140 and Code 1881 s 2518 are each amended to read as follows:

Any person or persons who may hereafter take a tract of tide land or marsh and shall desire to adopt as his or her boundary line any dike or ditch heretofore constructed upon and entirely within the boundary line of a neighboring contiguous tract he or she may join on to said tract and adopt said dike as his or her boundary by paying to the owner of the tract upon

which said dike is constructed one-half of the cost and expense of the construction thereof, and any person so adopting the dike or ditch of another without contributing his or her half share of the cost or expense thereof shall be liable for his or her said half share, which may be recovered in a civil action in any court of competent jurisdiction, or the owner of the dike or ditch so used may secure a lien upon the tract of land bounded by said dike for the amount due for the use of said dike in accordance with the provisions of the law securing a lien to ~~((materialmen))~~ material suppliers and mechanics: PROVIDED ALWAYS, That when such dike has become the common boundary ~~((of two adjacent tracts, it shall be and remain the common boundary))~~ of two adjacent tracts, it shall be and remain the common boundary and the persons owning the said tracts shall be mutually liable for the expense of keeping it in repair, share and share alike.

NEW SECTION. Sec. 97. The office of the code reviser, in consultation with the statute law committee, shall develop and implement a plan to correct gender-specific references throughout the Revised Code of Washington, submitting recommendations to the legislature annually pursuant to RCW 1.08.025. The revision shall be complete by June 30, 2015."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5063.

Senator Kohl-Welles spoke in favor of the motion.
Senator Clements spoke against the motion.

MOTION

On motion of Senator Jacobsen, Senator Kline was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5063.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5063 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5063, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5063, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Clements - 1

Absent: Senator Brandland - 1

Excused: Senators Kline and Poulsen - 2

ENGROSSED SENATE BILL NO. 5063, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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MESSAGE FROM THE HOUSE

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April 12, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5435, with the following amendment: 5435-S AMH KESS H3470.1

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that public disclosure exemptions are enacted to meet objectives that are determined to be in the public interest. Given the changing nature of information technology and management, recordkeeping, and the increasing number of public disclosure exemptions, the legislature finds that periodic reviews of public disclosure exemptions are needed to determine if each exemption serves the public interest.

NEW SECTION. Sec. 2. A new section is added to chapter 42.56 RCW to read as follows:

(1)(a) The public records exemptions accountability committee is created to review exemptions from public disclosure, with thirteen members as provided in this subsection.

(i) The governor shall appoint two members, one of whom represents the governor and one of whom represents local government.

(ii) The attorney general shall appoint two members, one of whom represents the attorney general and one of whom represents a statewide media association.

(iii) The state auditor shall appoint one member.

(iv) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(v) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(vi) The governor shall appoint four members of the public, with consideration given to diversity of viewpoint and geography.

(b) The governor shall select the chair of the committee from among its membership.

(c) Terms of the members shall be four years and shall be staggered, beginning August 1, 2007.

(2) The purpose of the public records exemptions accountability committee is to review public disclosure exemptions and provide recommendations pursuant to subsection (7)(d) of this section. The committee shall develop and publish criteria for review of public exemptions.

(3) All meetings of the committee shall be open to the public.

(4) The committee must consider input from interested parties.

(5) The office of the attorney general and the office of financial management shall provide staff support to the committee.

(6) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7)(a) Beginning August 1, 2007, the code reviser shall provide the committee by August 1st of each year with a list of all public disclosure exemptions in the Revised Code of Washington.

(b) The committee shall develop a schedule to accomplish a review of each public disclosure exemption. The committee shall publish the schedule and publish any revisions made to the schedule.

(c) The chair shall convene an initial meeting of the committee by September 1, 2007. The committee shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee.

(d) For each public disclosure exemption, the committee shall provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15th of each year, the committee shall transmit its recommendations to the governor, the attorney general, and the appropriate committees of the house of representatives and the senate."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5435.

Senator Fairley spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5435.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5435 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5435, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Kline and Poulsen - 2

SUBSTITUTE SENATE BILL NO. 5435, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6128, with the following amendment: 6128.E AMH HUNS REIL 069

On page 5, beginning on line 1, strike all of subsection (ix) and insert the following:

"(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in subsection (15)(b)(vi) of this section or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of

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their respective statements of organization under RCW 42.17.040; and

declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under subsection (15)(a)(ii) of this section.

MESSAGE FROM THE HOUSE

April 5, 2007

A person who performs ministerial functions under this subsection (ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee."

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, with the following amendment: 5788-S.E AMH ENGR H3484.E

Strike everything after the enacting clause and insert the following:

On page 9, beginning on line 9, after "(34)" insert the following:

"Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

"NEW SECTION. Sec. 1. (1) The department of licensing shall conduct a study of the home inspector profession and make recommendations to the legislature as to whether the home inspector profession should be regulated for the purpose of protecting the public interest under the criteria set forth in RCW 18.118.010.

(35)"

Re-number the subsections consecutively and correct any internal references accordingly.

(2) In conducting the study, the department shall consider the factors, to the extent appropriate, in RCW 18.118.030.

On page 12, beginning on line 32, strike all material through "committee" on line 34 and insert the following:

(3) The department must hold public hearings as part of its study. The department must file notice of the hearings with the code reviser for publication in the Washington State Register. The notice must state that information is sought regarding possible regulation of the home inspector profession; and when, where, and how public members may present information about the home inspector profession and possible regulation. The department must request names of interested individuals and organizations from legislators and other identified interested parties and send these individuals and organizations copies of the notice filed with the code reviser.

"(k) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(4) The department shall submit a report detailing its findings and recommendations under this section to the appropriate legislative committees by December 1, 2007."

(l) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees" and the same are herewith transmitted.

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MOTION

MOTION

Senator Fairley moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6128.

Senator Fairley spoke in favor of the motion.

Senator Spanel moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788.

Senator Spanel spoke in favor of the motion.

Senator Clements spoke against the motion.

MOTION

MOTION

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6128.

The motion by Senator Fairley carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6128 by voice vote.

The President declared the question before the Senate to be the motion by Senator Spanel that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788.

The motion by Senator Spanel carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5788 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House.

ROLL CALL

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Tom and Weinstein - 38

Voting nay: Senators Brandland, Delvin, Hewitt, Holmquist, Honeyford, Parlette, Pflug, Schoesler, Swecker and Zarelli - 10

Excused: Senator Poulsen - 1

ENGROSSED SENATE BILL NO. 6128, as amended by the House, having received the constitutional majority, was

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5788, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel,

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Swecker, Tom, Weinstein and Zarelli - 41

and the same are herewith transmitted.

Voting nay: Senators Clements, Hatfield, Hewitt, Holmquist, Morton, Schoesler and Stevens - 7

RICHARD NAFZIGER, Chief Clerk

Excused: Senator Poulsen - 1

MOTION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5788, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6100.

Senator Kline spoke in favor of the motion.

MESSAGE FROM THE HOUSE

MOTION

April 4, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6100, with the following amendment: 6100-S AMH JUDI PERR 064

On page 2, after line 11, add the following:

"Sec. 3. RCW 10.01.160 and 2005 c 263 s 2 are each amended to read as follows:

(1) The court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution or pretrial supervision may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not (~~sentence~~) order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been (~~sentenced~~) ordered to pay costs and who is not in contumacious default in the payment thereof may at any time petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170."

Correct the title.

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6100.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6100 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6100, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6100, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Poulsen - 1

SUBSTITUTE SENATE BILL NO. 6100, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, with the following amendment: 5317-S.E AMH ELCS H3217.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.005 and 2006 c 265 s 101 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

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(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;

(d) To provide tools to promote the hiring of suitable providers of child care by:

(i) Providing parents with access to information regarding child care providers;

(ii) Providing parents with child care licensing action histories regarding child care providers; and

(iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;

(e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

~~((+))~~ (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

~~((+))~~ (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

Sec. 2. RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such

persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

~~((+))~~ (4) "Department" means the department of early learning.

~~((+))~~ (5) "Director" means the director of the department.

~~((+))~~ (6) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((+))~~ (7) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((+))~~ (8) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((+))~~ (9) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

Sec. 3. RCW 43.215.200 and 2006 c 265 s 301 are each amended to read as follows:

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter(~~t~~);

~~—The minimum requirements shall be limited to:~~

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~~— (a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;~~

~~— (b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;~~

~~— (c) The number of qualified persons required to render the type of care for which an agency seeks a license;~~

~~— (d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;~~

~~— (e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;~~

~~— (f) The financial ability of an agency to comply with minimum requirements established under this chapter; and~~

~~— (g) The maintenance of records pertaining to the care of children);~~

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

((4)) (5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

((5)) (6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

((6)) (7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

((7)) (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 4. MINIMUM REQUIREMENTS FOR LICENSING. Applications for licensure shall require, at a minimum, the following information:

(1) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

NEW SECTION. Sec. 5. CHARACTER, SUITABILITY, AND COMPETENCE. (1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider all child abuse and neglect history information regarding a prospective child care provider. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

(c) The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

Sec. 6. RCW 43.215.525 and 2006 c 209 s 11 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ((74.15.310)) 43.215.520;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose((upon request)) the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day-care center or family day-care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 7. RCW 43.215.530 and 2006 c 209 s 12 are each amended to read as follows:

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(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers ~~((consistent with chapter 42.56 RCW))~~. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day-care centers and family day-care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. PARENTAL NOTIFICATION. The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents or guardian of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents annually with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee.

NEW SECTION. Sec. 9. REPORTING ACTIONS--POSTING ON WEB SITE. For the purposes of reporting actions taken against agency licensees, upon the development of an early learning information system, the following actions shall be posted to the department's web site accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license.

Sec. 10. RCW 43.215.535 and 2005 c 473 s 7 are each amended to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance

status to parents with a child enrolled and shall not be subject to the requirements of (b)(c) or (c) ~~((or (d)))~~ of this subsection.

(b) Any licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to ~~((notify the department when coverage has been terminated as required under (b)))~~ comply with the requirements of this subsection.

(e) A family day-care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. Sec. 11. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 4, 5, 8, and 9 of this act are each added to chapter 43.215 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5470, with the following amendment: 5470-S2 AMH ENGR H3506.E

Strike everything after the enacting clause and insert the following:

"PART I - Intent

Sec. 101. RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. Residential time and financial support are equally important components of parenting arrangements. The

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best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

NEW SECTION. Sec. 102. A new section is added to chapter 26.09 RCW to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

PART II - Family Court Provisions

Sec. 201. RCW 2.56.180 and 2005 c 282 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall create a handbook explaining the sections of Washington law pertaining to the rights and responsibilities of marital partners to each other and to any children during a marriage and a dissolution of marriage. The handbook may also be provided in videotape or other electronic form.

(2) The handbook created under subsection (1) of this section shall be provided by the county auditor when an individual applies for a marriage license under RCW 26.04.140.

(3) The handbook created under subsection (1) of this section shall also be provided to the petitioner when he or she files a petition for dissolution, and to the respondent, unless the respondent did not file a response, notice of appearance, or any other paper in the case or did not appear in court. The administrative office of the courts shall on an annual basis reimburse the counties for each copy of the handbook that is distributed directly to family law parties under this section, provided that the county submits documentation of the number of handbooks distributed on an annual basis.

(4) The information contained in the handbook created under subsection (1) of this section shall be reviewed and updated annually. The handbook must contain the following information:

(a) Information on prenuptial agreements as contracts and as a means of structuring financial arrangements and other aspects of the marital relationship;

(b) Information on shared parental responsibility for children, including establishing a residential schedule for the child in the event of the dissolution of the marriage;

(c) Information on notice requirements and standards for parental relocation;

(d) Information on child support for minor children;

(e) Information on property rights, including equitable distribution of assets and premarital and postmarital property rights;

(f) Information on spousal maintenance;

(g) Information on domestic violence, child abuse, and neglect, including penalties;

(h) Information on the court process for dissolution;

(i) Information on the effects of dissolution on children;

(j) Information on community resources that are available to separating or divorcing persons and their children.

PART III - Domestic Violence and Child Abuse

NEW SECTION. Sec. 301. A new section is added to chapter 26.09 RCW to read as follows:

Mediation is generally inappropriate in cases involving domestic violence and child abuse. In order to effectively identify cases where issues of domestic violence and child abuse are present and reduce conflict in dissolution matters: (1) Where appropriate parties shall be provided access to trained domestic violence advocates; and (2) in cases where a victim requests mediation the court may make exceptions and permit mediation, so long as the court makes a finding that mediation is appropriate under the circumstances and the victim is permitted to have a supporting person present during the mediation proceedings.

Sec. 302. RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be

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updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, ((1997)) 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

Sec. 303. RCW 26.09.191 and 2004 c 38 s 12 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual

assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

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(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting

residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child,

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and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the

court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

~~((5))~~ (6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

~~((6))~~ (7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 304. A new section is added to chapter 26.09 RCW to read as follows:

Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

Sec. 305. RCW 26.12.177 and 2005 c 282 s 30 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under section 306 of this act, when it is available.

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(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. Sec. 306. A new section is added to chapter 2.53 RCW to read as follows:

(1)(a) The legislature requests that the supreme court convene and support a task force to establish statewide protocols for dissolution cases.

(b) The task force shall develop: (i) Clear and concise dispute resolution procedures; (ii) in conjunction with the office of crime victims advocacy, a sexual assault training curriculum; (iii) consistent standards for parenting evaluators; and (iv) a domestic violence training curriculum for individuals making evaluations in dissolution cases. The task force shall make recommendations concerning specialized evaluators for dissolution cases, dissolution forms and procedures, and fees.

(c) The task force shall also study issues related to: (i) Venue for filing and modifying petitions; and (ii) establishing a program that would be the initial point of contact for parties in dissolution cases where parties would be provided information on the dissolution process and alternatives to dissolution. The task force shall address issues that include but are not limited to: (A) Whether the program should be required for all parties in dissolutions; (B) whether the program should be administered by the courts or county clerks; (C) the type and extent of information provided to parties and how such information should be delivered.

(2) The governor shall appoint the following members of the task force:

(a) A representative of the office of crime victims advocacy;

(b) A professor of law specializing in family law;

(c) A representative from a statewide domestic violence advocacy group;

(d) A representative from a community sexual assault program;

(e) Two noncustodial parents with at least one representing the interests of low-income noncustodial parents; and

(f) Two custodial parents with at least one representing the interests of low-income custodial parents.

(3) The chief justice of the supreme court is requested to appoint the following members of the task force:

(a) Two representatives from the superior court judges association, including a superior court judge and a court commissioner who is familiar with dissolution issues;

(b) A representative from the administrative office of the courts;

(c) A representative from the Washington state bar association's family law executive committee;

(d) A representative from a qualified legal aid provider that receives funding from the office of civil legal aid;

(e) A representative of the Washington state association of county clerks; and

(f) A guardian ad litem.

(4) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(5) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with at least one member.

(6) Membership of the task force may also include members of the civil legal aid oversight committee, including but not limited to the legislative members of the committee.

(7) The task force shall carefully consider all input received from interested organizations and individuals during the task force process.

(8) The task force may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the task force.

(9) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) The task force shall present preliminary findings and conclusions to the governor's office, the supreme court, and the appropriate committees of the legislature by September 1, 2008. A final report and recommendations, including recommendations for legislative action, if necessary, shall be completed by December 1, 2008.

(11) This section expires June 30, 2009.

PART IV - Additional Services

NEW SECTION. Sec. 401. A new section is added to chapter 26.09 RCW to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardian ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

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(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

PART V - Mediation

Sec. 501. RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2)(a) Each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(b) In any proceeding involving issues relating to residential time or other matters governed by a parenting plan, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. Counties may, and to the extent state funding is provided therefor counties shall, provide both predecree and postdecree mediation at reduced or waived fee to the parties within one year of the filing of the dissolution petition.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(3)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(3)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this

subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

PART VI - Residential Time

Sec. 601. RCW 26.09.184 and 1991 c 367 s 7 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN. In establishing a permanent parenting plan, the court shall consider the cultural heritage and religious beliefs of a child.

(4) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;

(e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

~~((+))~~ (5) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the

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allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

~~((5))~~ (6) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

~~((6))~~ (7) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

~~((7))~~ (8) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections ~~((3))~~ (4)(a) through (c), ~~((4))~~ (5)(b) and (c), and ~~((6))~~ (7) of this section.

Sec. 602. RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184~~((3))~~ (4)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184~~((3))~~ (4)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not

render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

Sec. 603. RCW 26.09.187 and 1989 c 375 s 10 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184~~((4))~~ (5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

(c) MUTUAL DECISION-MAKING AUTHORITY. Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

(i) The existence of a limitation under RCW 26.09.191;

(ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184~~((4))~~ (5)(a);

(iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184~~((4))~~ (5)(a); and

(iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) RESIDENTIAL PROVISIONS.

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

(i) The relative strength, nature, and stability of the child's relationship with each parent~~(including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child)~~;

(ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;

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(iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;

(iv) The emotional needs and developmental level of the child;

(v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;

(vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and

(vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time ((only if the court finds the following:

~~(i) No limitation exists under RCW 26.09.191;~~

~~(ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or~~

~~(B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and~~

~~(iii) The provisions are in the best interests of the child)) if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.~~

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

Sec. 604. RCW 26.09.197 and 1987 c 460 s 14 are each amended to read as follows:

After considering the affidavit required by RCW 26.09.194(1) and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest of the child. In making this determination, the court shall give particular consideration to:

(1) ~~((Which parent has taken greater responsibility during the last twelve months for performing parenting functions relating to the daily needs of the child)) The relative strength, nature, and stability of the child's relationship with each parent; and~~

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

PART VII - Data Tracking

NEW SECTION. Sec. 701. A new section is added to chapter 26.09 RCW to read as follows:

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. The clerk of the court must forward the form to the division of child support on at least a monthly basis.

NEW SECTION. Sec. 702. A new section is added to chapter 26.18 RCW to read as follows:

(1) The administrative office of the courts in consultation with the department of social and health services, division of child support, shall develop a residential time summary report

form to provide for the reporting of summary information in every case in which residential time with children is to be established or modified.

(2) The residential time summary report must include at a minimum: A breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent, including enforcement practices, representation status of the parties, whether domestic violence, child abuse, chemical dependency, or mental health issues exist, and whether the matter was agreed or contested.

(3) The division of child support shall compile and electronically transmit the information in the residential time summary reports to the administrative office of the courts for purposes of tracking residential time awards by parent, enforcement practices, representation status of the parties, the existence of domestic violence, child abuse, chemical dependency, or mental health issues and whether the matter was agreed or contested.

(4) The administrative office of the courts shall report the compiled information, organized by each county, on at least an annual basis. These reports shall be made publicly available through the judicial information public access services and shall not contain any personal identifying information of parties in the proceedings.

PART VIII - Miscellaneous

NEW SECTION. Sec. 801. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 802. If specific funding for the purposes of section 306 of this act, referencing section 306 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 306 of this act is null and void.

NEW SECTION. Sec. 803. If specific funding for the purposes of section 701 of this act, referencing section 701 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 701 of this act is null and void.

NEW SECTION. Sec. 804. If specific funding for the purposes of section 702 of this act, referencing section 702 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 702 of this act is null and void.

NEW SECTION. Sec. 805. (1) Section 201 of this act takes effect January 1, 2008.

(2) Section 501 of this act takes effect January 1, 2009."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5470 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Second Substitute Senate Bill No. 5470 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Second Substitute Senate Bill No. 5470 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5830, with the following amendment: 5830-S AMH ELCS H3103.3

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Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.121 RCW to read as follows:

The legislature finds that:

(1) The years from birth to three are critical in building the social, emotional, and cognitive developmental foundations of a young child. Research into the brain development of young children reveals that children are born learning.

(2) The farther behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up.

(3) A significant number of children age birth to five years are born with two or more of the following risk factors and have a greater chance of failure in school and beyond: Poverty; single or no parent; no parent employed full time or full year; all parents with disability; and mother without a high school degree.

(4) Parents and children involved in home visitation programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation.

The legislature intends to promote the use of voluntary home visitation services to families at high risk as an early intervention strategy to alleviate the effect risk factors have on child development.

NEW SECTION. Sec. 2. A new section is added to chapter 43.121 RCW to read as follows:

The definitions in this section apply throughout sections 1 through 4 of this act unless the context clearly requires otherwise.

(1) "Evidence-based" means a program or practice that has had multiple site random controlled trials demonstrating that the program or practice is effective for the population.

(2) "Home visitation" means providing services in the permanent or temporary residence, or in other familiar surroundings, of the family receiving such services.

(3) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

NEW SECTION. Sec. 3. A new section is added to chapter 43.121 RCW to read as follows:

(1) Within available funds, the children's trust of Washington shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes for children. Home visitation programs must be voluntary and must address the needs of families at high risk.

(2) The children's trust of Washington shall develop a plan with the department of social and health services, the department of health, the department of early learning, and the family policy council to coordinate or consolidate home visitation services for children and families and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan.

NEW SECTION. Sec. 4. A new section is added to chapter 43.121 RCW to read as follows:

To recognize the focus on home visitation services, the Washington council for the prevention of child abuse and neglect is hereby renamed the children's trust of Washington. All references to the Washington council for the prevention of child abuse and neglect in the Revised Code of Washington shall be construed to mean the children's trust of Washington.

NEW SECTION. Sec. 5. RCW 43.70.530 (Home visitor program) and 1998 c 245 s 75 & 1993 c 179 s 2 are each repealed."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Regala moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5830 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Regala that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5830 and ask the House to recede therefrom.

The motion by Senator Regala carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5830 and asked the House to recede therefrom.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Shin moved adoption of the following resolution:

SENATE RESOLUTION
8647

By Senators Shin, Kastama, Holmquist, Kilmer, Berkey, Morton, Schoesler, Rasmussen, Keiser, Honeyford, Tom, Eide, Regala, Pridemore, Jacobsen, Sheldon, Hobbs, Oemig, Roach, Swecker, Marr, Zarelli, Prentice, Haugen and Hargrove

WHEREAS, Gifted and honor students are those who strive for academic excellence and work above and beyond the basic requirements of graduation; and

WHEREAS, Gifted and honor students are those who serve as role models for their peers and also are the future leaders of our state and our nation; and

WHEREAS, Many gifted and honor students participate in the Advanced Placement or International Baccalaureate programs in high school; and

WHEREAS, In the 2005-06 school year, 23,330 Washington students took an AP exam to earn college credit or advanced placement, or both; and

WHEREAS, Washington state has been singled out by The College Board in their recent *Report to the Nation 2007* for sustained student success in attaining high exam scores; and

WHEREAS, Washington state funds the Highly Capable Program for gifted students for up to 2% of all students in public schools; and

WHEREAS, In the 2005-06 school year, 20,264 students were eligible for this state-funded program;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend all gifted and honor students for their hard work and commitment to academic excellence; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all students to strive for academic and personal excellence.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8647.

Senator Shin spoke in favor of the resolution.

The motion by Senator Shin carried and the resolution was adopted by voice vote.

PERSONAL PRIVILEGE

Senator Shin: "This morning, I got up in the morning, dressed and ready to walk out before 7 o'clock our legislative fellowship Tuesday morning at 7. I heard the news that the Virginia Tech those thirty-three victims are slain by a Korean student. I could not control my emotion. I didn't want to come. It shocked me more than anything and but after a moment of silence I decided to come for devotional and in that meeting I spoke about this situation to my colleagues. How sorry I am that a Korean student had killed thirty-three victims at Virginia

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Tech. I cannot...How grateful we are... to be able to come to this country and do such things? In response to that Representative John Lovick, he said, 'You know Paull, every time these things happen I look at the media, he thinks of the black students and worry about it. It hits me inside.' We all are concerned about it and, I don't know, as you perhaps know in United States most Korean-Americans about two million people look up to us as a role model and leader and for me not to prevent this happening this week shocking to me. I hope you'll forgive me, understand to pay a bit of modicum of wrong doings I contacted the Korean media, two newspapers, one TV station, two radio stations who have started the fund raising projects as we speak, to raise funds to help those families and victims and students whose murder is no fault of their own but they have suffered so much. I tried to picture myself in their situation. It is very difficult, I hope you understand the anxiety that we go through. I charged, we need to, to get together to learn each other, care for each other, to make a better world. Thank you very much Mr. President."

MOTION

At 12:00 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9045, Don Mukai, as a member of the Board of Trustees, Lake Washington Technical College District No 26, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senators McCaslin, Pflug, Roach and Stevens were excused.

MOTION

On motion of Senator Regala, Senator Brown was excused.

APPOINTMENT OF DON MUKAI

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9045, Don Mukai as a member of the Board of Trustees, Lake Washington Technical College District No 26.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9045, Don Mukai as a member of the Board of Trustees, Lake Washington Technical College District No 26 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Haugen, Jacobsen and Oemig - 3

Gubernatorial Appointment No. 9045, Don Mukai, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No 26.

MOTION

On motion of Senator Regala, Senators Haugen, Jacobsen and Oemig were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9057, Bruce Reid, as a member of the Board of Trustees, Lake Washington Technical College District No. 26, be confirmed.

Senator Shin spoke in favor of the motion.

APPOINTMENT OF BRUCE REID

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9057, Bruce Reid as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9057, Bruce Reid as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Jacobsen - 1

Gubernatorial Appointment No. 9057, Bruce Reid, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Shin moved that Gubernatorial Appointment No. 9148, Janis Machala, as a member of the Board of Trustees, Lake Washington Technical College District No. 26, be confirmed.

Senator Shin spoke in favor of the motion.

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MOTION

On motion of Senator Regala, Senator Prentice was excused.

APPOINTMENT OF JANIS MACHALA

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9148, Janis Machala as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9148, Janis Machala as a member of the Board of Trustees, Lake Washington Technical College District No. 26 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator Prentice - 1

Gubernatorial Appointment No. 9148, Janis Machala, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Lake Washington Technical College District No. 26.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of gubernatorial appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9034, Asbury Lockett, and Gubernatorial Appointment No. 9126, Mike Hudson as members of the Work Force Training and Education Coordinating Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF ASBURY LOCKETT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9034, Asbury Lockett and Gubernatorial Appointment No. 9126, Mike Hudson as members of the Work Force Training and Education Coordinating Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9034, Asbury Lockett as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

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Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF MIKE HUDSON

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9126, Mike Hudson as a member of the Work Force Training and Education Coordinating Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9034, Asbury Lockett and Gubernatorial Appointment No. 9126, Mike Hudson, having received the constitutional majority were declared confirmed as members of the Work Force Training and Education Coordinating Board.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9184, Cheryl Terry ; and Gubernatorial Appointment No. 9186, John Turner, as members of the Clemency and Pardons Board, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF CHERYL TERRY

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9184, Cheryl Terry and Gubernatorial Appointment No. 9186, John Turner, as members of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9184, Cheryl Terry as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

APPOINTMENT OF JOHN TURNER

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9186, John Turner as a member

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of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9184, Cheryl Terry and Gubernatorial Appointment No. 9186, John Turner having received the constitutional majority were declared confirmed as members of the Clemency and Pardons Board.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9036, Mike Marave, and Gubernatorial Appointment No. 9059, Paul Rollins, Jr. as members of the Small Business Export Finance Assistance Center Board of Directors, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators McAuliffe and Tom were excused.

APPOINTMENT OF MIKE MARAVE

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9036, Mike Marave and Gubernatorial Appointment No. 9059, Paul Rollins, Jr. as members of the Small Business Export Finance Assistance Center Board of Directors.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9036, Mike Marave as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Tom - 2

APPOINTMENT OF PAUL ROLLINS, JR.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9059, Paul Rollins, Jr. as a member of the Small Business Export Finance Assistance Center Board of Directors and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist,

Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Tom - 2

Gubernatorial Appointment No. 9036, Mike Marave and Gubernatorial Appointment No. 9059, Paul Rollins, Jr., having received the constitutional majority were declared confirmed as members of the Small Business Export Finance Assistance Center Board of Directors.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9069, Claire Spain-Remy, and Gubernatorial Appointment No. 9118, Marc Gaspard, as members of the Board of Trustees, Pierce Community College District No. 11, be confirmed.

Senators Carrell and Rockefeller spoke in favor of the motion.

APPOINTMENT OF CLAIR SPAIN-REMY

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9069, Claire Spain-Remy, and Gubernatorial Appointment No. 9118, Marc Gaspard, as members of the Board of Trustees, Pierce Community College District No. 11.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9069, Claire Spain-Remy as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Tom - 2

APPOINTMENT OF MARC GASPARD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9118, Marc Gaspard as a member of the Board of Trustees, Pierce Community College District No. 11 and the appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Excused: Senators McAuliffe and Tom - 2

Gubernatorial Appointment No. 9069, Claire Spain-Remy and Gubernatorial Appointment No. 9118, Marc Gaspard having

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received the constitutional majority were declared confirmed as members of the Board of Trustees, Pierce Community College District No. 11.

Swecker, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators McAuliffe and Tom - 2

MOTION

Senator Rockefeller moved that the reappointment of Elizabeth A. Willis, April 4, 2007 as a member of the State Board for Community and Technical Colleges for a term ending April 3, 2011 be substituted for Gubernatorial Appointment No. 9194 Elizabeth A. Willis, appointed November 1, 2006 as a member of the State Board for Community and Technical Colleges for a term ending April 3, 2007 and take its place on the second reading calendar.

APPOINTMENT OF ELIZABETH A WILLIS

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9194 Elizabeth A. Willis as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators McAuliffe and Tom - 2

Gubernatorial Appointment No. 9132, Jeff Johnson; Gubernatorial Appointment No. 9112, Sharon Fairchild and Gubernatorial Appointment No. 9194, Elizabeth A. Willis having received the constitutional majority were declared confirmed as members of the State Board of Community and Technical Colleges.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9132, Jeff Johnson; Gubernatorial Appointment No. 9112, Sharon Fairchild and Gubernatorial Appointment No. 9194, Elizabeth A. Willis as members of the State Board of Community and Technical Colleges, be confirmed.

Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF JEFF JOHNSON

The President declared the question before the Senate to be the confirmations of Gubernatorial Appointment No. 9132, Jeff Johnson; Gubernatorial Appointment No. 9112, Sharon Fairchild; and Gubernatorial Appointment No. 9194, Elizabeth A. Willis; as members of the State Board of Community and Technical Colleges.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2007

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9132, Jeff Johnson as a member of the State Board of Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Absent: Senator Brown - 1

Excused: Senators McAuliffe and Tom - 2

APPOINTMENT OF SHARON FAIRCHILD

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9112, Sharon Fairchild as a member of the State Board for Community and Technical Colleges and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens,

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1005,

HOUSE BILL NO. 1366,

SUBSTITUTE HOUSE BILL NO. 1417,

HOUSE BILL NO. 1457,

HOUSE BILL NO. 1520,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1569,

HOUSE BILL NO. 1644,

HOUSE BILL NO. 1859,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916

SECOND SUBSTITUTE HOUSE BILL NO. 1980,

SUBSTITUTE HOUSE BILL NO. 2261,

SECOND SUBSTITUTE HOUSE BILL NO. 2262,

SUBSTITUTE HOUSE BILL NO. 2275,

HOUSE BILL NO. 2281,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House concurred in Senate amendments(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTUE HOUSE BILL NO. 1052,

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HOUSE BILL NO. 1065,
 HOUSE BILL NO. 1077,
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,
 SUBSTITUTE HOUSE BILL NO. 1099,
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,
 SUBSTITUTE HOUSE BILL NO. 1256,
 SUBSTITUTE HOUSE BILL NO. 1328,
 HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1371,
 SUBSTITUTE HOUSE BILL NO. 1407,
 SUBSTITUTE HOUSE BILL NO. 1409,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1461,
 SUBSTITUTE HOUSE BILL NO. 1472,
 SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5248, with the following amendment: 5248-S AMH ENGR H3122.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the goal of preserving Washington's agricultural lands is shared by citizens throughout the state. The legislature recognizes that efforts to achieve a balance between the productive use of these resource lands and associated regulatory requirements have proven difficult, but that good faith efforts to seek solutions have yielded successes. The legislature believes that this willingness to find and pursue common ground will enable Washingtonians to enjoy the benefits of a successful agricultural economy and a healthy environment, while also preventing the unnecessary conversion of valuable agricultural lands.

(2) The legislature, therefore, intends this act, the temporary delays it establishes for amending or adopting provisions of certain critical area ordinances, and the duties and requirements it prescribes for the William D. Ruckelshaus Center, to be expressions of progress in resolving, harmonizing, and advancing commonly held environmental protection and agricultural viability goals.

(3) The legislature fully expects the duties and requirements it is prescribing for the Ruckelshaus Center to be successful. If, however, the efforts of the center do not result in agreement on how to best address the conflicts between agricultural activities and certain regulatory requirements as they apply to agricultural activities, the legislature intends, upon the expiration of the delay, to require jurisdictions that have delayed amending or adopting certain regulatory measures to promptly complete all regulatory amendments or adoptions necessary to comply with the growth management act.

(4) The legislature does not intend this act to reduce or otherwise diminish existing critical area ordinances that apply to agricultural activities during the deferral period established in section 2 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 36.70A RCW to read as follows:

(1) For the period beginning May 1, 2007, and concluding July 1, 2010, counties and cities may not amend or adopt critical area ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities subject to deferral requirements under subsection (1) of this section:

(a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Voluntary programs implemented under this subsection (2)(a) must include measures to evaluate the successes of these programs; and

(b) Must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of this chapter by December 1, 2011.

(3) For purposes of this section and section 3 of this act, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

NEW SECTION. Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, the William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must: (a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007, and December 1, 2008; and

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(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the 2010 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, 2009.

NEW SECTION. Sec. 4. If specific funding for the purposes of section 3 of this act, referencing this act and section 3 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 6. This act expires December 1, 2011."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5248.

Senators Rasmussen, Hatfield, Haugen and Spanel spoke in favor of the motion.

Senator Schoesler spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5248.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5248 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette,

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Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Voting nay: Senators Delvin and Prentice - 2

Excused: Senators McAuliffe and Tom - 2

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 5, 2007

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5552, with the following amendment: 5552 AMH AGNR H3232.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.48.366 and 1994 sp.s. c 9 s 855 are each amended to read as follows:

~~((By July 1, 1991,))~~ The department, in consultation with the departments of ~~((fisheries,))~~ fish and wildlife ~~((;))~~ and natural resources, and the parks and recreation commission, shall adopt rules establishing a compensation schedule for the discharge of oil in violation of this chapter and chapter 90.56 RCW. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than ~~((fifty))~~ one hundred dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any adverse environmental, recreational, aesthetic, or other effects caused by the spill and shall take into account:

(1) Characteristics of any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; (f) significant archaeological resources as determined by the ~~((office))~~ department of archaeology and historic preservation; and (g) other areas of special ecological or recreational importance, as determined by the department ~~((; If the department has adopted rules for a compensation table prior to July 1, 1992, the sensitivity of significant archaeological resources shall only be included among factors to be used in the compensation table when the department revises the rules for the compensation table after July 1, 1992));~~ and

(3) Actions taken by the party who spilled oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

Sec. 2. RCW 90.48.368 and 1994 c 264 s 92 are each amended to read as follows:

(1) The department shall adopt rules establishing a formal process for preassessment screening of damages resulting from spills to the waters of the state causing the death of, or injury to, fish, animals, vegetation, or other resources of the state. The rules shall specify the conditions under which the department shall convene a preassessment screening committee. The

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preassessment screening process shall occur concurrently with reconnaissance activities. The committee shall use information obtained from reconnaissance activities as well as any other relevant resource and resource use information. For each incident, the committee shall determine whether a damage assessment investigation should be conducted, or, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be used to assess damages. The committee may accept restoration or enhancement projects or studies proposed by the liable parties in lieu of some or all of: (a) The compensation schedule authorized under RCW 90.48.366 and 90.48.367; or (b) the claims from damage assessment studies authorized under RCW 90.48.142.

(2) A preassessment screening committee may consist of representatives of the departments of ecology, archaeology and historic preservation, fish and wildlife, health, and natural resources, ~~((social and health services, and emergency management,))~~ and the parks and recreation commission, ~~((the office of archaeology and historic preservation,))~~ as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance the reconnaissance or damage assessment aspects of spill response. The department shall chair the committee and determine which representatives will be needed on a spill-by-spill basis.

(3) The committee shall consider the following factors when determining whether a damage assessment study authorized under RCW 90.48.367 should be conducted: (a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources; (b) the potential loss in services provided by resources injured or likely to be injured and the expected value of the potential loss; (c) whether a restoration project to return lost services is technically feasible; (d) the accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method; (e) the extent to which likely injury to resources can be verified with available quantification methods; and (f) whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) When a resource damage assessment is required for an oil spill in the ~~((navigable))~~ waters of the state, as defined in RCW 90.56.010, the state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party.

(5) Oil spill damage assessment studies authorized under RCW 90.48.367 may only be conducted if the committee, after considering the factors enumerated in subsection (3) of this section, determines that the damages to be investigated are quantifiable at a reasonable cost and that proposed assessment studies are clearly linked to quantification of the damages incurred.

(6) As new information becomes available, the committee may reevaluate the scope of damage assessment using the factors listed in subsection (3) of this section and may reduce or expand the scope of damage assessment as appropriate.

(7) The preassessment screening process shall provide for the ongoing involvement of persons who may be liable for damages resulting from an oil spill. The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation authorized under RCW 90.48.366 and 90.48.367 or the damage assessment studies authorized under RCW 90.48.367.

(8) For the purposes of this section and RCW 90.48.367, the cost of a damage assessment shall be considered "reasonable" when the anticipated cost of the damage assessment is expected to be less than the anticipated damage that may have occurred or may occur.

Sec. 3. RCW 90.56.330 and 1992 c 73 s 36 are each amended to read as follows:

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Except as otherwise provided in RCW 90.56.390, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ~~((twenty))~~ one hundred thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to ~~((one))~~ five hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director. The amount of the penalty shall be determined by the director after taking into consideration the size of the business of the violator, the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty ~~((herein))~~ provided for in this section shall be imposed pursuant to RCW 43.21B.300.

Sec. 4. RCW 88.40.011 and 2003 c 56 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Barge" means a vessel that is not self-propelled.

(2) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons.

(3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

(10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been

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used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any ~~((naturally occurring))~~ kind that is liquid ~~((hydrocarbons))~~ at atmospheric temperature ~~((and pressure coming from the earth, including condensate and natural gasoline;))~~ and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(18) "Spill" means an unauthorized discharge of oil into the waters of the state.

(19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 5. RCW 88.46.010 and 2000 c 69 s 1 are each amended to read as follows:

~~((Unless the context clearly requires otherwise;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently

in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any ~~((naturally occurring))~~ kind that is liquid ~~((hydrocarbons))~~ at atmospheric temperature ~~((and pressure coming from the earth, including condensate and natural gasoline;))~~ and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

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(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(19) "Spill" means an unauthorized discharge of oil into the waters of the state.

(20) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(21) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(22) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

Sec. 6. RCW 90.56.010 and 2000 c 69 s 15 are each amended to read as follows:

~~((For purposes of this chapter, the following definitions shall apply unless the context indicates otherwise.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Committee" means the preassessment screening committee established under RCW 90.48.368.

(7) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(8) "Department" means the department of ecology.

(9) "Director" means the director of the department of ecology.

(10) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; (iii) motor vehicle motor fuel outlet; (iv) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(12) "Fund" means the state coastal protection fund as provided in RCW 90.48.390 and 90.48.400.

(13) "Having control over oil" shall include but not be limited to any person using, storing, or transporting oil immediately prior to entry of such oil into the waters of the state, and shall specifically include carriers and bailees of such oil.

(14) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Necessary expenses" means the expenses incurred by the department and assisting state agencies for (a) investigating the source of the discharge; (b) investigating the extent of the environmental damage caused by the discharge; (c) conducting actions necessary to clean up the discharge; (d) conducting predamage and damage assessment studies; and (e) enforcing the provisions of this chapter and collecting for damages caused by a discharge.

(17) "Oil" or "oils" means ~~((naturally occurring))~~ oil of any kind that is liquid ((hydrocarbons)) at atmospheric temperature ((and pressure coming from the earth, including condensate and natural gasoline,)) and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(18) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

(19) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

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(21) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(24) "Spill" means an unauthorized discharge of oil or hazardous substances into the waters of the state.

(25) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(26) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(27) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Senate Bill No. 5552.

Senator Rockefeller spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Senate Bill No. 5552.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5552 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5552, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5552, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker and Weinstein - 35

Voting nay: Senators Brandland, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Schoesler, Stevens and Zarelli - 12

Excused: Senators McAuliffe and Tom - 2

SENATE BILL NO. 5552, as amended by the House, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 12, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, with the following amendment: 6001-S.E AMH ENGR H3547.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that:

(a) Washington is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities. Extreme weather, a warming Pacific Northwest, reduced snow pack, and sea level rise are four major ways that climate change is disrupting Washington's economy, environment, and communities;

(b) Washington's greenhouse gases emissions are continuing to increase, despite international scientific consensus that worldwide emissions must be reduced significantly below current levels to avert catastrophic climate change;

(c) Washington state greenhouse gases are substantially caused by the transportation sector of the economy;

(d) Washington has been a leader in actions to slow the increase of greenhouse gases emissions, such as being the first state in the nation to adopt a carbon dioxide mitigation program for new thermal electric plants, mandating integrated resource planning for electric utilities to include life-cycle costs of carbon dioxide emissions, adopting clean car standards and stronger appliance energy efficiency standards, increasing production and use of renewable liquid fuels, and increasing renewable energy sources by electric utilities;

(e) A greenhouse gases emissions performance standard will work in unison with the state's carbon dioxide mitigation policy, chapter 80.70 RCW and its related rules, for fossil-fueled thermal electric generation facilities located in the state;

(f) While these actions are significant, there is a need to assess the trend of greenhouse gases emissions statewide over the next several decades, and to take sufficient actions so that Washington meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;

(g) Actions to reduce greenhouse gases emissions will spur technology development and increase efficiency, thus resulting in benefits to Washington's economy and businesses; and

(h) The state of Washington has an obligation to provide clear guidance for the procurement of baseload electric generation to alleviate regulatory uncertainty while addressing risks that can affect the ability of electric utilities to make necessary and timely investments to ensure an adequate, reliable, and cost-effective supply of electricity.

(2) The legislature finds that companies that generate greenhouse gases emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies that provide carbon credits. Companies that are purchasing carbon credits would benefit from a program to trade and to bank carbon credits. Washington forests are one of the most effective resources that can absorb carbon dioxide from the atmosphere. Forests, and other planted lands and waters, provide carbon storage and mitigate greenhouse gases emissions. Washington contains the most productive forests in the world and both public and private landowners could benefit from a carbon storage trading and banking program.

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(3) The legislature intends by this act to establish statutory goals for the statewide reduction in greenhouse gases emissions and to adopt the recommendations provided by the Washington climate change challenge stakeholder group, which is charged with designing and recommending a comprehensive set of policies to the legislature and the governor on how to achieve the goals. The legislature further intends by this act to authorize immediate actions in the electric power generation sector for the reduction of greenhouse gases emissions.

(4) The legislature finds that:

(a) To the extent energy efficiency and renewable resources are unable to satisfy increasing energy and capacity needs, the state will rely on clean and efficient fossil fuel-fired generation and will encourage the development of cost-effective, highly efficient, and environmentally sound supply resources to provide reliability and consistency with the state's energy priorities;

(b) It is vital to ensure all electric utilities internalize the significant and underrecognized cost of emissions and to reduce Washington consumers' exposure to costs associated with future regulation of these emissions, which is consistent with the objectives of integrated resource planning by electric utilities under chapter 19.280 RCW; and

(c) The state of California recently enacted a law establishing a greenhouse gases emissions performance standard for electric utility procurement of baseload electric generation that is based on the emissions of a combined-cycle thermal electric generation facility fueled by natural gas.

(5) The legislature finds that the climate change challenge stakeholder group provides a process for identifying the policies necessary to achieve the economic and emissions reduction goals in section 3 of this act in a manner that maximizes economic opportunities and job creation in Washington.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse gases emissions output" means the level of greenhouse gases emissions as surveyed and determined by the energy policy division of the department of community, trade, and economic development under section 7 of this act.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has

been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of the effective date of this section, but may result in incidental increases in generation capacity.

NEW SECTION. Sec. 3. (1) The following greenhouse gases emissions reduction and clean energy economy goals are established for Washington state:

(a) By 2020, reduce overall greenhouse gases emissions in the state to 1990 levels;

(b) By 2035, reduce overall greenhouse gases emissions in the state to twenty-five percent below 1990 levels;

(c) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year; and

(d) By 2020, increase the number of clean energy sector jobs to twenty-five thousand from the eight thousand four hundred jobs the state had in 2004.

(2)(a) By December 31, 2007, the departments of ecology and community, trade, and economic development shall report to the appropriate committees of the senate and house of representatives the total greenhouse gases emissions for 1990 and the totals in each major sector for 1990.

(b) By December 31st of each even-numbered year beginning in 2010, the departments of ecology and community, trade, and economic development shall report to the governor and the appropriate committees of the senate and house of representatives the total greenhouse gases emissions for the preceding two years, and totals in each major source sector.

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NEW SECTION. Sec. 4. (1) The governor shall develop policy recommendations to the legislature on how the state can achieve the greenhouse gases emissions reduction goals established under section 3 of this act. These recommendations must include, but are not limited to:

(a) How market mechanisms, such as a load-based cap and trade system, would assist in achieving the greenhouse gases emissions reduction goals;

(b) How geologic injection, forest sequestration, and other carbon sequestration options could be used to achieve state greenhouse gases emissions reduction goals;

(c) A process for replacing the highest emitting thermal electric plants that have exceeded their expected useful life with newer technologies that have lower greenhouse gases emissions levels;

(d) Methods to utilize indigenous resources, such as landfill gas, geothermal resources, and other assets that might reduce greenhouse gases emissions consistent with the purposes of this act;

(e) How regulatory and tax policies for electric utilities could be improved to help achieve these goals in a manner that is equitable for electric utilities and consumers.

(2) Recommendations under subsection (1) of this section shall be submitted to the appropriate committees of the house of representatives and the senate for consideration in the 2008 legislative session.

NEW SECTION. Sec. 5. (1) Beginning July 1, 2008, the greenhouse gases emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The average available greenhouse gases emissions output as determined under section 7 of this act.

(2) All baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section until the facilities are the subject of long-term financial commitments. All baseload electric generation that commences operation after June 30, 2008, and is located in Washington, must comply with the greenhouse gases emissions performance standard established in subsection (1) of this section.

(3) All electric generation facilities or power plants powered exclusively by renewable resources, as defined in RCW 19.280.020, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section.

(4) All cogeneration facilities in the state that are fueled by natural gas or waste gas or a combination of the two fuels, and that are in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse gases emissions performance standard established under this section until the facilities are the subject of a new ownership interest or are upgraded.

(5) In determining the rate of emissions of greenhouse gases for baseload electric generation, the total emissions associated with producing electricity shall be included.

(6) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse gases emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended.

(7) The following greenhouse gases emissions produced by baseload electric generation owned or contracted through a long-term financial commitment shall not be counted as

emissions of the power plant in determining compliance with the greenhouse gases emissions performance standard:

(a) Those emissions that are injected permanently in geological formations;

(b) Those emissions that are permanently sequestered by other means approved by the department; and

(c) Those emissions sequestered or mitigated as approved under subsection (13) of this section.

(8) In adopting and implementing the greenhouse gases emissions performance standard, the department of community, trade, and economic development energy policy division, in consultation with the commission, the department, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, electric utilities, public interest representatives, and consumer representatives, shall consider the effects of the greenhouse gases emissions performance standard on system reliability and overall costs to electricity customers.

(9) In developing and implementing the greenhouse gases emissions performance standard, the department shall, with assistance of the commission, the department of community, trade, and economic development energy policy division, and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

(10) The directors of the energy facility site evaluation council and the department shall each adopt rules under chapter 34.05 RCW in coordination with each other to implement and enforce the greenhouse gases emissions performance standard. The rules necessary to implement this section shall be adopted by June 30, 2008.

(11) In adopting the rules for implementing this section, the energy facility site evaluation council and the department shall include criteria to be applied in evaluating the carbon sequestration plan, for baseload electric generation that will rely on subsection (7) of this section to demonstrate compliance, but that will commence sequestration after the date that electricity is first produced. The rules shall include but not be limited to:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological or other approved sequestration commencing within five years of plant operation, including full and sufficient technical documentation to support the planned sequestration;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule;

(e) Provisions for an owner to purchase emissions reductions in the event of the failure of a sequestration plan under subsection (13) of this section; and

(f) Provisions for public notice and comment on the carbon sequestration plan.

(12)(a) Except as provided in (b) of this subsection, as part of its role enforcing the greenhouse gases emissions performance standard, the department shall determine whether sequestration or a plan for sequestration will provide safe, reliable, and permanent protection against the greenhouse gases entering the atmosphere from the power plant and all ancillary facilities.

(b) For facilities under its jurisdiction, the energy facility site evaluation council shall contract for review of sequestration or the carbon sequestration plan with the department consistent with the conditions under (a) of this subsection, consider the adequacy of sequestration or the plan in its adjudicative proceedings conducted under RCW 80.50.090(3), and incorporate specific findings regarding adequacy in its recommendation to the governor under RCW 80.50.100.

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(13) A project under consideration by the energy facility site evaluation council by the effective date of this section is required to include all of the requirements of subsection (11) of this section in its carbon sequestration plan submitted as part of the energy facility site evaluation council process. A project under consideration by the energy facility site evaluation council by the effective date of this section that receives final site certification agreement approval under chapter 80.50 RCW shall make a good faith effort to implement the sequestration plan. If the project owner determines that implementation is not feasible, the project owner shall submit documentation of that determination to the energy facility site evaluation council. The documentation shall demonstrate the steps taken to implement the sequestration plan and evidence of the technological and economic barriers to successful implementation. The project owner shall then provide to the energy facility site evaluation council notification that they shall implement the plan that requires the project owner to meet the greenhouse gases emissions performance standard by purchasing verifiable greenhouse gases emissions reductions from an electric generating facility located within the western interconnection, where the reduction would not have occurred otherwise or absent this contractual agreement, such that the sum of the emissions reductions purchased and the facility's emissions meets the standard for the life of the facility.

NEW SECTION. Sec. 6. A new section is added to chapter 80.50 RCW to read as follows:

The governor may approve or otherwise take action on an amendment to a site certification under the provisions of section 5 of this act.

NEW SECTION. Sec. 7. The energy policy division of the department of community, trade, and economic development shall provide an opportunity for interested parties to comment on the development of a survey of new combined-cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States to determine the average rate of emissions of greenhouse gases for these turbines. The department of community, trade, and economic development shall report the results of its survey to the legislature every five years, beginning June 30, 2013. The department of community, trade, and economic development shall adopt by rule the average available greenhouse gases emissions output every five years beginning five years after the effective date of this act.

NEW SECTION. Sec. 8. (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 5 of this act.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 5 of this act.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric utility, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall determine whether the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity complies with the greenhouse gases emissions performance standard established under section 5 of this act, whether the company has a need for the resource, and whether the specific resource selected is appropriate. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions. The commission shall not decide in a proceeding under this subsection (5) issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding for recovery of the resource or contract costs. A proceeding under this subsection (5) shall be conducted pursuant to chapter 34.05 RCW (part IV). The commission shall adopt rules to provide that the schedule for a proceeding under this subsection takes into account both (a) the needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and (b) the procedural rights to be provided to parties in chapter 34.05 RCW (part IV), including intervention, discovery, briefing, and hearing.

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with the long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed twenty-four months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding for recovery of these costs.

(7) The commission shall consult with the department to apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under section 5 of this act. The department shall report to the commission whether baseload electric generation will comply with the greenhouse gases emissions performance standard for the duration of the period the baseload electric generation is supplied to the electrical company.

(8) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(9) The commission shall adopt rules necessary to implement this section by December 31, 2008.

NEW SECTION. Sec. 9. (1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 5 of this act.

(2) The governing board shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter and after consultation with the department, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under section 5 of this act. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies

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with the greenhouse gases emissions performance standard established under section 5 of this act.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; or (b) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under section 5 of this act, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance.

NEW SECTION. Sec. 10. For the purposes of sections 5 through 10 of this act and RCW 80.70.020, the department, in consultation with the department of community, trade, and economic development energy policy division, the energy facility site evaluation council, the commission, and the governing boards of consumer-owned utilities, shall review the greenhouse gases emissions performance standard established in this chapter to determine need, applicability, and effectiveness no less than every five years following the effective date of this section, or upon implementation of a federal or state law or rule regulating carbon dioxide emissions of electric utilities, and report to the legislature.

NEW SECTION. Sec. 11. By December 31, 2007, the governor shall report to the legislature regarding the potential benefits of creating tax incentives to encourage baseload electric facilities to upgrade their equipment to reduce carbon dioxide emissions, the nature and level of tax incentives likely to produce the greatest benefits, and the cost of providing such incentives.

NEW SECTION. Sec. 12. Sections 1 through 5 and 7 through 10 of this act constitute a new chapter in Title 80 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Pridemore moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001.

Senators Pridemore and Poulsen spoke in favor of the motion.

Senators Honeyford and Delvin spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Pridemore that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001.

The motion by Senator Pridemore carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6001 by voice vote.

Senators Honeyford, Schoesler and Delvin spoke against final passage of the bill.

Senators Brown and Carrell spoke in favor of final passage

of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6001, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker and Weinstein - 37

Voting nay: Senators Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Schoesler, Stevens and Zarelli - 10

Excused: Senators McAuliffe and Tom - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6001, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through April 17, 2007."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through the end of Session.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 2070, by Representatives O'Brien, Goodman and Pearson

Concerning exceptional sentences.

The measure was read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline and McCaslin be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** In *State v. Pillatos*, 150 P.3d 1130 (2007), the Washington supreme court held that the changes made to the sentencing reform act concerning exceptional sentences in chapter 68, Laws of 2005 do not apply to cases where the trials had already begun or guilty pleas had already been entered prior to the effective date of the act on April 15, 2005. The legislature intends that the superior courts shall have the authority to impanel juries to find aggravating

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circumstances in all cases that come before the courts for trial or sentencing, regardless of the date of the original trial or sentencing.

Sec. 2. RCW 9.94A.537 and 2005 c 68 s 4 are each amended to read as follows:

(1) At any time prior to trial or entry of the guilty plea if substantial rights of the defendant are not prejudiced, the state may give notice that it is seeking a sentence above the standard sentencing range. The notice shall state aggravating circumstances upon which the requested sentence will be based.

(2) In any case where an exceptional sentence above the standard range was imposed and where a new sentencing hearing is required, the superior court may impanel a jury to consider any alleged aggravating circumstances listed in RCW 9.94A.535(3), that were relied upon by the superior court in imposing the previous sentence, at the new sentencing hearing.

(3) The facts supporting aggravating circumstances shall be proved to a jury beyond a reasonable doubt. The jury's verdict on the aggravating factor must be unanimous, and by special interrogatory. If a jury is waived, proof shall be to the court beyond a reasonable doubt, unless the defendant stipulates to the aggravating facts.

~~((3))~~ (4) Evidence regarding any facts supporting aggravating circumstances under RCW 9.94A.535(3) (a) through (y) shall be presented to the jury during the trial of the alleged crime, unless the jury has been impaneled solely for resentencing, or unless the state alleges the aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t). If one of these aggravating circumstances is alleged, the trial court may conduct a separate proceeding if the evidence supporting the aggravating fact is not part of the res geste of the charged crime, if the evidence is not otherwise admissible in trial of the charged crime, and if the court finds that the probative value of the evidence to the aggravated fact is substantially outweighed by its prejudicial effect on the jury's ability to determine guilt or innocence for the underlying crime.

~~((4))~~ (5) If the superior court conducts a separate proceeding to determine the existence of aggravating circumstances listed in RCW 9.94A.535(3) (e)(iv), (h)(i), (o), or (t), the proceeding shall immediately follow the trial on the underlying conviction, if possible. If any person who served on the jury is unable to continue, the court shall substitute an alternate juror.

~~((5))~~ (6) If the jury finds, unanimously and beyond a reasonable doubt, one or more of the facts alleged by the state in support of an aggravated sentence, the court may sentence the offender pursuant to RCW 9.94A.535 to a term of confinement up to the maximum allowed under RCW 9A.20.021 for the underlying conviction if it finds, considering the purposes of this chapter, that the facts found are substantial and compelling reasons justifying an exceptional sentence.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Senators Kline and McCaslin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kline and McCaslin to Engrossed House Bill No. 2070.

The motion by Senator Kline carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 9.94A.537; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed House Bill No. 2070 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2070 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2070 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Brown - 1

Excused: Senator McAuliffe - 1

ENGROSSED HOUSE BILL NO. 2070 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Kline that the House Amendments are beyond the scope and object of Engrossed Substitute Senate Bill 5312, the President finds and rules as follows:

The underlying bill as it passed the Senate relates to transactions involving scrap and other metals. The House amendments include provisions on metal transactions, but also create a 12-month and one-day sentencing enhancement for theft and possession of stolen property, including but not limited to metal property, if the damage to the victim greatly exceeds the value of the property stolen.

There is no doubt that these penalties could be part of a multi-faceted approach to combating metal theft, addressing both those who initially steal metal and also those who knowingly possess or purchase stolen metal. Were the proposed penalties more closely tied or limited to metal theft, the President believes this language could fit within the subject matter of the bill as it passed the Senate. By including all categories of theft and possession of stolen property within the penalties, and not just those relating to metal, the House amendments impermissibly broaden the object of the measure to include different subjects and classes of violators within its provisions.

For these reasons, the President finds that the House Amendments are beyond the scope and object of the underlying bill, and Senator Kline's point of order is well-taken."

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MOTION

Senator Kline moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5312 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kline that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5312.

The motion by Senator Kline carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5312 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5312 and the House amendment(s) thereto: Senators Kline, McCaslin and Tom.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 3:12 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 3:55 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

THIRD SUBSTITUTE HOUSE BILL NO. 1001,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,
 SUBSTITUTE HOUSE BILL NO. 1037,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1079,
 SUBSTITUTE HOUSE BILL NO. 1140,
 ENGROSSED HOUSE BILL NO. 1214,
 HOUSE BILL NO. 1220,
 SUBSTITUTE HOUSE BILL NO. 1255,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,
 HOUSE BILL NO. 1343,
 HOUSE BILL NO. 1449
 ENGROSSED HOUSE BILL NO. 1525,
 SUBSTITUTE HOUSE BILL NO. 1651,
 SECOND SUBSTITUTE HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1679,
 HOUSE BILL NO. 1722,
 SUBSTITUTE HOUSE BILL NO. 1805,
 SECOND SUBSTITUTE HOUSE BILL NO. 1811,
 SECOND SUBSTITUTE HOUSE BILL NO. 1906,
 HOUSE BILL NO. 1949,
 SUBSTITUTE HOUSE BILL NO. 1988,
 HOUSE BILL NO. 2004,
 SECOND SUBSTITUTE HOUSE BILL NO. 2055,

SUBSTITUTE HOUSE BILL NO. 2115,
 SUBSTITUTE HOUSE BILL NO. 2118,
 SUBSTITUTE HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2240,
 HOUSE BILL NO. 2357,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 3, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5669, with the following amendment: 5669.E AMH TEC H3166.1

On page 2, at the beginning of line 1, strike "license, permit, or approval requirements or"

On page 2, line 2, after "WAC" insert ", or other license, permit, or approval requirements"
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Holmquist moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5669.
 Senator Holmquist spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Holmquist that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 5669.

The motion by Senator Holmquist carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 5669 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5669, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5669, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senators Brown, Hargrove and Stevens - 3
 ENGROSSED SENATE BILL NO. 5669, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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On motion of Senator Brandland, Senator Stevens was excused.

MOTION

On motion of Senator Regala, Senators Brown and Hargrove were excused.

MESSAGE FROM THE HOUSE

April 9, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843, with the following amendment: 5843-S2.E AMH HUNT H3368.1

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Reliable data on student progress, characteristics of students and schools, and teacher qualifications and mobility is critical for accountability to the state and to the public;

(2) Educational data should be made available as widely as possible while appropriately protecting the privacy of individuals as provided by law;

(3) Having a single, comprehensive, and technically compatible student and school-level data system will streamline data collection for school districts, reduce inefficiencies caused by the lack of connectivity, and minimize or eliminate multiple data entry; and

(4) Schools and districts should be supported in their management of educational data and should have access to user-friendly programs and reports that can be readily used by classroom teachers and building principals to improve instruction.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction is authorized to establish a longitudinal student data system for and on behalf of school districts in the state. The primary purpose of the data system is to better aid research into programs and interventions that are most effective in improving student performance, better understand the state's public educator workforce, and provide information on areas within the educational system that need improvement.

(2) The confidentiality of personally identifiable student data shall be safeguarded consistent with the requirements of the federal family educational rights privacy act and applicable state laws. Consistent with the provisions of these federal and state laws, data may be disclosed for educational purposes and studies, including but not limited to:

(a) Educational studies authorized or mandated by the state legislature;

(b) Studies initiated by other state educational authorities and authorized by the office of the superintendent of public instruction, including analysis conducted by the education data center established under section 3 of this act; and

(c) Studies initiated by other public or private agencies and organizations and authorized by the office of the superintendent of public instruction.

(3) Any agency or organization that is authorized by the office of the superintendent of public instruction to access student-level data shall adhere to all federal and state laws protecting student data and safeguarding the confidentiality and privacy of student records.

(4) Nothing in this section precludes the office of the superintendent of public instruction from collecting and distributing aggregate data about students or student-level data without personally identifiable information.

NEW SECTION. Sec. 3. A new section is added to chapter 43.41 RCW to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative education and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(b) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(c) Track enrollment and outcomes through the public centralized higher education enrollment system;

(d) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; and

(e) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

No later than the beginning of the 2008-09 school year and thereafter, each school district shall collect and electronically submit to the office of the superintendent of public instruction, in a format and according to a schedule prescribed by the office,

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the following data for each class or course offered in each school:

(1) The certification number or other unique identifier associated with the teacher's certificate for each teacher assigned to teach the class or course, including reassignments that may occur during the school year; and

(2) The statewide student identifier for each student enrolled in or being provided services through the class or course.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

(a) Date validation;

(b) Code validation, which includes gender, race or ethnicity, and other code elements;

(c) Decimal and integer validation; and

(d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups so that analyses may be conducted on student achievement using the disaggregated data.

NEW SECTION. Sec. 6. (1) To the extent funds are appropriated for this purpose, the office of the superintendent of public instruction shall conduct a feasibility study on expanding the longitudinal student data system beyond the elements currently collected and those required under section 4 of this act.

(2) The office of the superintendent of public instruction, in consultation with the work group established under subsection (5) of this section, shall identify a preliminary set of additional data elements whose collection shall be field tested on a pilot basis in at least two school districts, with at least one with over twenty thousand in full-time equivalent enrollment and at least one with less than two thousand in full-time equivalent enrollment. Among the data elements to be field tested shall be course codes for a limited set of core high school mathematics courses, based on the classification of secondary school courses by the national center for education statistics.

(3) Additional topics addressed by the feasibility study shall include, but are not limited to:

(a) Detailed estimates on the cost of the development and implementation of the expanded data system;

(b) A final list of specific data elements that are necessary to allow effective and efficient research on an individual school, district, and statewide basis, and of those data elements, identification of what data is currently reported by schools and school districts and what is not reported;

(c) An implementation plan for consistent coding of secondary courses in subjects other than mathematics that is based on a national classification system;

(d) A phased-in implementation of a comprehensive data system with school-level financial, student, teacher, and community variables consistent with recommendations of the joint legislative audit and review committee; and

(e) The staffing and related impacts on schools and school districts from the collection of the recommended data elements and consideration of ways to reduce duplicate reporting of data.

(4) By November 1, 2008, the office of the superintendent of public instruction shall provide a final report on the results of the feasibility study, including the results from the field tests, to the appropriate policy and fiscal committees of the legislature.

(5) To assist in conducting the feasibility study and field tests and in carrying out the responsibilities assigned under section 5 of this act, the office of the superintendent of public instruction shall convene a work group comprised of representatives of the following agencies and organizations:

The education data center established under section 3 of this act, the Washington state institute for public policy, the professional educator standards board, the state board of education, the joint legislative audit and review committee, the center for analysis of longitudinal data in education research, other research organizations as appropriate, school districts of varying sizes and geographic locations, educational service districts, the Washington school information processing cooperative, at least one additional school information system vendor, the association of Washington school principals, the Washington association of school administrators, the Washington education association, the Washington association of school business officials, the Washington association of colleges for teacher education, and the Washington state school directors' association.

Sec. 7. RCW 28A.410.070 and 1983 c 56 s 12 are each amended to read as follows:

(1) All certificates issued by the superintendent of public instruction shall be valid and entitle the holder thereof to employment in any school district of the state upon being registered by the school district if designated to do so by the school district, which fact shall be evidenced on the certificate in the words, "Registered for use in district," together with the date of registry, and an official signature of the person registering the same: PROVIDED, That a copy of the original certificate duly certified by the superintendent of public instruction may be used for the purpose of registry and endorsement in lieu of the original.

(2) The superintendent of public instruction may accept applications for educator certification that are submitted using an electronic signature from the applicant."

Correct the title. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Oemig moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5843.

Senator Oemig spoke in favor of the motion.

Senators Holmquist and Brandland spoke against the motion.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Oemig that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5843.

The motion by Senator Oemig carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5843 by a rising voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5843, as amended by the House.

Senators Holmquist and Brandland spoke against final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5843, as amended

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by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Excused: Senator Hargrove - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5843, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, with the following amendment: 5894-S.E AMH ENGR H3331.E

Strike everything after the enacting clause and insert the following:

**"PART 1
CREATING A NEW CHAPTER DEDICATED TO LARGE
ON-SITE
SEWAGE SYSTEMS**

NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that:

(1) Protection of the environment and public health requires properly designed, operated, and maintained on-site sewage systems. Failure of those systems can pose certain health and environmental hazards if sewage leaks above ground or if untreated sewage reaches surface or groundwater.

(2) Chapter 70.118A RCW provides a framework for ongoing management of on-site sewage systems located in marine recovery areas and regulated by local health jurisdictions under state board of health rules. This chapter will provide a framework for comprehensive management of large on-site sewage systems statewide.

(3) The primary purpose of this chapter is to establish, in a single state agency, comprehensive regulation of the design, operation, and maintenance of large on-site sewage systems, and their operators, that provides both public health and environmental protection. To accomplish these purposes, this chapter provides for:

(a) The permitting and continuing oversight of large on-site sewage systems;

(b) The establishment by the department of standards and rules for the siting, design, construction, installation, operation, maintenance, and repair of large on-site sewage systems; and

(c) The enforcement by the department of the standards and rules established under this chapter.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the state department of health.

(2) "Industrial wastewater" means the water or liquid carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade, or

business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

(3) "Large on-site sewage system" means an on-site sewage system with design flows of between three thousand five hundred gallons per day and one hundred thousand gallons per day.

(4) "On-site sewage system" means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and provides subsurface soil treatment and disposal of domestic sewage. It consists of a collection system, a treatment component or treatment sequence, and a subsurface soil disposal component. It may or may not include a mechanical treatment system. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. A holding tank that discharges to a sewer is not included in the definition of on-site sewage system. A system into which storm water or industrial wastewater is discharged is not included in the definition of on-site sewage system.

(5) "Person" means any individual, corporation, company, association, firm, partnership, governmental agency, or any other entity whatsoever, and the authorized agents of any such entities.

(6) "Secretary" means the secretary of health.

(7) "Waters of the state" has the same meaning as defined in RCW 90.48.020.

NEW SECTION. Sec. 3. AUTHORIZING THE DEPARTMENT TO PROVIDE COMPREHENSIVE REGULATION OF LARGE ON-SITE SEWAGE SYSTEMS. (1) For the protection of human health and the environment the department shall:

(a) Establish and provide for the comprehensive regulation of large on-site sewage systems including, but not limited to, system siting, design, construction, installation, operation, maintenance, and repair;

(b) Control and prevent pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington, except to the extent authorized by permits issued under this chapter;

(c) Issue annual operating permits for large on-site sewage systems based on the system's ability to function properly in compliance with the applicable comprehensive regulatory requirements; and

(d) Enforce the large on-site sewage system requirements.

(2) Large on-site sewage systems permitted by the department may not be used for treatment and disposal of industrial wastewater or combined sanitary sewer and storm water systems.

(3) The work group convened under RCW 70.118A.080(4) to make recommendations to the appropriate committees of the legislature for the development of certification or licensing of maintenance specialists shall include recommendations for the development of certification or licensing of large on-site system operators.

NEW SECTION. Sec. 4. ANNUAL OPERATING PERMITS REQUIRED--APPLICATION. (1) A person may not install or operate a large on-site sewage system without an operating permit as provided in this chapter after July 1, 2009. The owner of the system is responsible for obtaining a permit.

(2) The department shall issue operating permits in accordance with the rules adopted under section 5 of this act.

(3) The department shall ensure the system meets all applicable siting, design, construction, and installation requirements prior to issuing an initial operating permit. Prior to renewing an operating permit, the department may review the performance of the system to determine compliance with rules and any permit conditions.

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(4) At the time of initial permit application or at the time of permit renewal the department shall impose those permit conditions, requirements for system improvements, and compliance schedules as it determines are reasonable and necessary to ensure that the system will be operated and maintained properly. Each application must be accompanied by a fee as established in rules adopted by the department.

(5) Operating permits shall be issued for a term of one year, and shall be renewed annually, unless the operator fails to apply for a new permit or the department finds good cause to deny the application for renewal.

(6) Each permit may be issued only for the site and owner named in the application. Permits are not transferable or assignable except with the written approval of the department.

(7) The department may deny an application for a permit or modify, suspend, or revoke a permit in any case in which it finds that the permit was obtained by fraud or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the standards or rules adopted under this chapter. RCW 43.70.115 governs notice of denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding to the permit applicant or permittee.

(8) For systems with design flows of more than fourteen thousand five hundred gallons per day, the department shall adopt rules to ensure adequate public notice and opportunity for review and comment on initial large on-site sewage system permit applications and subsequent permit applications to increase the volume of waste disposal or change effluent characteristics. The rules must include provisions for notice of final decisions. Methods for providing notice may include electronic mail, posting on the department's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the department determines appropriate.

(9) A person aggrieved by the issuance of an initial permit, or by the issuance of a subsequent permit to increase the volume of waste disposal or to change effluent characteristics, for systems with design flows of more than fourteen thousand five hundred gallons per day, has the right to an adjudicative proceeding. The application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW.

(10) Any permit issued by the department of ecology for a large on-site sewage system under chapter 90.48 RCW is valid until it first expires after the effective date of this section. The system owner shall apply for an operating permit at least one hundred twenty days prior to expiration of the department of ecology permit.

(11) Systems required to meet operator certification requirements under chapter 70.95B RCW must continue to meet those requirements as a condition of the department operating permit.

NEW SECTION. Sec. 5. RULE MAKING. (1) For the protection of human health and the environment, the secretary shall adopt rules for the comprehensive regulation of large on-site sewage systems, which includes, but is not limited to, the siting, design, construction, installation, maintenance, repair, and permitting of the systems.

(2) In adopting the rules, the secretary shall, in consultation with the department of ecology, require that large on-site sewage systems comply with the applicable sections of chapter 90.48 RCW regarding control and prevention of pollution of waters of the state, including but not limited to:

(a) Surface and ground water standards established under RCW 90.48.035; and

(b) Those provisions requiring all known, available, and reasonable methods of treatment.

(3) In adopting the rules, the secretary shall ensure that requirements for large on-site sewage systems are consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county.

NEW SECTION. Sec. 6. CIVIL PENALTIES. (1) A person who violates a law or rule regulating large on-site sewage systems administered by the department is subject to a penalty of not more than ten thousand dollars per day for every violation. Every violation is a separate and distinct offense. In case of a continuing violation, each day's continuing violation is a separate and distinct violation. The penalty assessed must reflect the significance of the violation and the previous record of compliance on the part of the person responsible for compliance with large on-site sewage system requirements.

(2) Every person who, through an act of commission or omission, procures, aids, or abets a violation is considered to have violated the provisions of this section and is subject to the penalty provided in this section.

(3) The penalty provided for in this section must be imposed by a notice in writing to the person against whom the civil penalty is assessed and must describe the violation. The notice must be personally served in the manner of service of a summons in a civil action or in a manner that shows proof of receipt. A penalty imposed by this section is due twenty-eight days after receipt of notice unless application for an adjudicative proceeding is filed as provided in subsection (4) of this section.

(4) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules.

(5) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing with the month in which the notice of penalty was served, and reasonable attorneys' fees as are incurred if civil enforcement of the final administrative order is required to collect the penalty.

(6) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest-bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the department and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorneys' fees for the cost of the attorney general's office in representing the department.

(7) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the department may file a certified copy of the final administrative order with the clerk of the superior court in which the large on-site sewage system is located or in Thurston county, and the clerk shall enter judgment in the name of the department and in the amount of the penalty assessed in the final administrative order.

(8) A judgment entered under subsection (6) or (7) of this section has the same force and effect as, and is subject to all of the provisions of law relating to, a judgment in a civil action, and may be enforced in the same manner as any other judgment of the court in which it is entered.

(9) The large on-site sewage systems account is created in the custody of the state treasurer. All receipts from penalties

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imposed under this section shall be deposited into the account. Expenditures from the account shall be used by the department to provide training and technical assistance to large on-site sewage system owners and operators. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 7. INJUNCTIONS. Notwithstanding the existence or use of any other remedy, the department may bring an action to enjoin a violation or threatened violation of this chapter or rules adopted under this chapter. The department may bring the action in the superior court of the county in which the large on-site sewage system is located or in the superior court of Thurston county.

NEW SECTION. Sec. 8. The authority and duties created in this chapter are in addition to any authority and duties already provided in law. Nothing in this chapter limits the powers of the state or any political subdivision to exercise such authority.

**PART 2
AMENDING CHAPTERS 70.118 AND 70.05 RCW TO
ENHANCE LOCAL
HEALTH OFFICER ENFORCEMENT AUTHORITY
REGARDING ON-SITE SYSTEMS**

NEW SECTION. Sec. 9. A new section is added to chapter 70.118 RCW to read as follows:

CIVIL PENALTIES. A local health officer who is responsible for administering and enforcing regulations regarding on-site sewage disposal systems is authorized to issue civil penalties for violations of those regulations under the same limitations and requirements imposed on the department under section 6 of this act, except that the amount of a penalty shall not exceed one thousand dollars per day for every violation, and judgments shall be entered in the name of the local health jurisdiction and penalties shall be placed into the general fund or funds of the entity or entities operating the local health jurisdiction.

Sec. 10. RCW 70.05.070 and 1999 c 391 s 5 are each amended to read as follows:

The local health officer, acting under the direction of the local board of health or under direction of the administrative officer appointed under RCW 70.05.040 or 70.05.035, if any, shall:

(1) Enforce the public health statutes of the state, rules of the state board of health and the secretary of health, and all local health rules, regulations and ordinances within his or her jurisdiction including imposition of penalties authorized under RCW 70.119A.030 and section 9 of this act, the confidentiality provisions in RCW 70.24.105 and rules adopted to implement those provisions, and filing of actions authorized by RCW 43.70.190;

(2) Take such action as is necessary to maintain health and sanitation supervision over the territory within his or her jurisdiction;

(3) Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within his or her jurisdiction;

(4) Inform the public as to the causes, nature, and prevention of disease and disability and the preservation, promotion and improvement of health within his or her jurisdiction;

(5) Prevent, control or abate nuisances which are detrimental to the public health;

(6) Attend all conferences called by the secretary of health or his or her authorized representative;

(7) Collect such fees as are established by the state board of health or the local board of health for the issuance or renewal of licenses or permits or such other fees as may be authorized by law or by the rules of the state board of health;

(8) Inspect, as necessary, expansion or modification of existing public water systems, and the construction of new public water systems, to assure that the expansion, modification, or construction conforms to system design and plans;

(9) Take such measures as he or she deems necessary in order to promote the public health, to participate in the establishment of health educational or training activities, and to authorize the attendance of employees of the local health department or individuals engaged in community health programs related to or part of the programs of the local health department.

**PART 3
AMENDING STATE BOARD OF HEALTH RULE-
MAKING AUTHORITY FOR
ON-SITE SEWAGE SYSTEMS**

Sec. 11. RCW 43.20.050 and 1993 c 492 s 489 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(a) At least every five years, the state board shall convene regional forums to gather citizen input on public health issues.

(b) Every two years, in coordination with the development of the state biennial budget, the state board shall prepare the state public health report that outlines the health priorities of the ensuing biennium. The report shall:

(i) Consider the citizen input gathered at the forums;

(ii) Be developed with the assistance of local health departments;

(iii) Be based on the best available information collected and reviewed according to RCW 43.70.050 and recommendations from the council;

(iv) Be developed with the input of state health care agencies. At least the following directors of state agencies shall provide timely recommendations to the state board on suggested health priorities for the ensuing biennium: The secretary of social and health services, the health care authority administrator, the insurance commissioner, the superintendent of public instruction, the director of labor and industries, the director of ecology, and the director of agriculture;

(v) Be used by state health care agency administrators in preparing proposed agency budgets and executive request legislation;

(vi) Be submitted by the state board to the governor by January 1st of each even-numbered year for adoption by the governor. The governor, no later than March 1st of that year, shall approve, modify, or disapprove the state public health report.

(c) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

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(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants.

(b) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;

(c) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

(d) Adopt rules for the imposition and use of isolation and quarantine;

(e) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule; and

(f) Adopt rules for accessing existing data bases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on-site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

~~((4))~~ (5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

~~((5))~~ (6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

PART 4 EXEMPTING OPERATORS CERTIFIED BY THE DEPARTMENT OF HEALTH

Sec. 12. RCW 90.48.162 and 1972 ex.s. c 140 s 1 are each amended to read as follows:

Any county or any municipal or public corporation operating or proposing to operate a sewerage system, including any system which collects only domestic sewerage, which results in the disposal of waste material into the waters of the state shall procure a permit from the department of ecology before so disposing of such materials. This section is intended to extend the permit system of RCW 90.48.160 to counties and municipal or public corporations and the provisions of RCW 90.48.170 through ~~((90.48.210))~~ 90.48.200 and 90.52.040 shall be applicable to the permit requirement imposed under this section. A permit under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems permitted by local health jurisdictions under rules of the state board of health.

Sec. 13. RCW 90.48.110 and 2002 c 161 s 5 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter. Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.-- RCW (sections 1 through 8 of this act) or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

PART 5 AMENDING RCW 36.94.010 TO CLARIFY ITS APPLICABILITY TO LARGE ON-SITE SEWAGE SYSTEMS

Sec. 14. RCW 36.94.010 and 1997 c 447 s 10 are each amended to read as follows:

As used in this chapter:

(1) A "system of sewerage" means and may include any or all of the following:

(a) Sanitary sewage collection, treatment, and/or disposal facilities and services, including without limitation on-site or off-site sanitary sewerage facilities, large on-site sewage systems defined under section 2 of this act, inspection services and maintenance services for private or public on-site systems, or any other means of sewage treatment and disposal approved by the county;

(b) Combined sanitary sewage disposal and storm or surface water drains and facilities;

(c) Storm or surface water drains, channels, and facilities;

(d) Outfalls for storm drainage or sanitary sewage and works, plants, and facilities for storm drainage or sanitary sewage treatment and disposal, and rights and interests in property relating to the system;

(e) Combined water and sewerage systems;

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(f) Point and nonpoint water pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a county;

(g) Public restroom and sanitary facilities;

(h) The facilities and services authorized in RCW 36.94.020; and

(i) Any combination of or part of any or all of such facilities.

(2) A "system of water" means and includes:

(a) A water distribution system, including dams, reservoirs, aqueducts, plants, pumping stations, transmission and lateral distribution lines and other facilities for distribution of water;

(b) A combined water and sewerage system;

(c) Any combination of or any part of any or all of such facilities.

(3) A "sewerage and/or water general plan" means a general plan for a system of sewerage and/or water for the county which shall be an element of the comprehensive plan established by the county pursuant to RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a comprehensive plan.

(a) A sewerage general plan shall include the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, channels, local service areas and a general description of the collection system to serve those areas, a description of on-site sanitary sewerage system inspection services and maintenance services, and other facilities and services as may be required to provide a functional and implementable plan, including preliminary engineering to assure feasibility. The plan may also include a description of the regulations deemed appropriate to carrying out surface drainage plans.

(b) A water general plan shall include the general location and description of water resources to be utilized, wells, treatment facilities, transmission lines, storage reservoirs, pumping stations, and monitoring and control facilities as may be required to provide a functional and implementable plan.

(c) Water and/or sewerage general plans shall include preliminary engineering in adequate detail to assure technical feasibility and, to the extent then known, shall further discuss the methods of distributing the cost and expense of the system and shall indicate the economic feasibility of plan implementation. The plans may also specify local or lateral facilities and services. The sewerage and/or water general plan does not mean the final engineering construction or financing plans for the system.

(4) "Municipal corporation" means and includes any city, town, metropolitan municipal corporation, any public utility district which operates and maintains a sewer or water system, any sewer, water, diking, or drainage district, any diking, drainage, and sewerage improvement district, and any irrigation district.

(5) A "private utility" means and includes all utilities, both public and private, which provide sewerage and/or water service and which are not municipal corporations within the definition of this chapter. The ownership of a private utility may be in a corporation, nonprofit or for profit, in a cooperative association, in a mutual organization, or in individuals.

(6) "Board" means one or more boards of county commissioners and/or the legislative authority of a home rule charter county.

NEW SECTION. Sec. 15. Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 16. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 17. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Correct the title.
and the same are herewith transmitted.

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5894.

Senator Rockefeller spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5894.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5894 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5894, as amended by the House.

Senator Honeyford spoke on final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5894, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 36

Voting nay: Senators Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Roach, Schoesler and Stevens - 12

Excused: Senator Hargrove - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 5894, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1396 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate recede from its position on Substitute House Bill No. 1396 and pass the bill without the Senate amendment(s).

The President declared the question before the Senate to be motion by Senator Murray that the Senate recede from its position on Substitute House Bill No. 1396 and pass the bill without Senate amendment(s).

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The motion by Senator Murray carried and the Senate receded from its position on Substitute House Bill No. 1396.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1396, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 44

Voting nay: Senators Carrell, Holmquist, McCaslin and Stevens - 4

Excused: Senator Hargrove - 1

SUBSTITUTE HOUSE BILL NO. 1396, without the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1694 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate recede from its position in the House amendment(s) to Substitute House Bill No. 1694.

The President declared the question before the Senate to be motion by Senator Murray that the Senate recede from its position in the House amendment(s) to Substitute House Bill No. 1694.

The motion by Senator Murray carried and the Senate receded from its position in the House amendment(s) to Substitute House Bill No. 1694.

MOTION

On motion of Senator Murray, the rules were suspended and Substitute House Bill No. 1694 was returned to second reading for the purposes of amendment.

The President declared the question before the Senate to be the motion by Senator Murray that the rules be suspended and Substitute House Bill No. 1694 be returned to second reading for the purposes of amendment.

The motion by Senator Murray carried by voice vote.

SECOND READING

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SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on Transportation (originally sponsored by Representatives Flannigan, Upthegrove and Kenney)

Requiring the agency council on coordinated transportation to coordinate special needs transportation.

The measure was read the second time.

MOTION

Senator Murray moved that the following striking amendment by Senators Murray and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.06B.010 and 1999 c 385 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In ~~((some))~~ too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

Sec. 2. RCW 47.06B.020 and 1998 c 173 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The council is composed of ~~((nine))~~ ten voting members and ~~((eight))~~ four nonvoting, legislative members.

(2) The ~~((nine))~~ ten voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((six))~~ seven members appointed by the governor as follows:

(a) One representative from the office of the governor;

(b) ~~((Two))~~ Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and
(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; and

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association.

(3) The ~~((eight))~~ four nonvoting members are legislators as follows:

(a) ~~((Four))~~ Two members from the house of representatives, ~~((two))~~ one from each of the two largest caucuses, appointed by the speaker of the house of representatives, ~~((two who are members of))~~ including at least one member from the house transportation policy and budget committee ((and two who are members of)) or the house appropriations committee; and

(b) ~~((Four))~~ Two members from the senate, ~~((two))~~ one from each of the two largest caucuses, appointed by the president of the senate, ~~((two members of))~~ including at least one member from the senate transportation committee ((and two members of)) or the senate ways and means committee.

(4) Gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their

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service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

(5) The secretary of transportation or a designee shall serve as the chair.

(6) The department of transportation shall provide necessary staff support for the council.

(7) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(8) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

(9) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

(10) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

Sec. 3. RCW 47.06B.030 and 1999 c 385 s 5 are each reenacted and amended to read as follows:

(1) To assure implementation of ((the Program for) an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation((, the council, in coordination with stakeholders,)) shall adopt a biennial work plan that must, at a minimum:

((1) Develop guidelines for local planning of coordinated transportation in accordance with this chapter;

(2) Initiate local planning processes by contacting the board of commissioners and county councils in each county and encouraging them to convene local planning forums for the purpose of implementing special needs coordinated transportation programs at the community level;

(3) Work with local community forums to designate a local lead organization that shall cooperate and coordinate with private and nonprofit transportation brokers and providers, local public transportation agencies, local governments, and user groups;

(4) Provide a forum at the state level in which state agencies will discuss and resolve coordination issues and program policy issues that may impact transportation coordination and costs;

(5) Provide guidelines for state agencies to use in creating policies, rules, or procedures to encourage the participation of their constituents in community-based planning and coordination, in accordance with this chapter;

(6) Facilitate state-level discussion and action on problems and barriers identified by the local forums that can only be resolved at either the state or federal level;

(7) Develop and test models for determining the impacts of facility siting and program policy decisions on transportation costs;

(8) Develop methodologies and provide support to local and state agencies in identifying transportation costs;

(9) Develop guidelines for setting performance measures and evaluating performance;

(10) Develop monitoring reporting criteria and processes to assess state and local level of participation with this chapter;

(11) Administer and manage grant funds to develop, test, and facilitate the implementation of coordinated systems;

(12) Develop minimum standards for safety, driver training, and vehicles, and provide models for processes and technology to support coordinated service delivery systems;

(13) Provide a clearinghouse for sharing information about transportation coordination best practices and experiences;

~~—(14) Promote research and development of methods and tools to improve the performance of transportation coordination in the state;~~

~~—(15) Provide technical assistance and support to communities;~~

~~—(16) Facilitate, monitor, provide funding as available, and give technical support to local planning processes;~~

~~—(17) Form, convene, and give staff support to stakeholder work groups as needed to continue work on removing barriers to coordinated transportation;~~

~~—(18) Advocate for the coordination of transportation for people with special transportation needs at the federal, state, and local levels;~~

~~—(19) Recommend to the legislature changes in laws to assist coordination of transportation services;~~

~~—(20) Petition the office of financial management to make whatever changes are deemed necessary to identify transportation costs in all executive agency budgets;~~

~~—(21) Report to the legislature by December 1, 2000, on council activities including, but not limited to, the progress of community planning processes, what demonstration projects have been undertaken, how coordination affected service levels, and whether these efforts produced savings that allowed expansion of services. Reports must be made once every two years thereafter, and other times as the council deems necessary))~~

~~(a) Focus on projects that identify and address barriers in laws, policies, and procedures;~~

~~(b) Focus on results; and~~

~~(c) Identify and advocate for transportation system improvements for persons with special transportation needs.~~

~~(2) The council shall, as necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation.~~

~~(3) To improve the service experienced by persons with special transportation needs, the council shall develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council.~~

~~(4) The council shall represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.~~

Sec. 4. RCW 47.06B.040 and 1999 c 385 s 6 are each amended to read as follows:

~~((The council may request, and may require as a condition of receiving coordination grants, selected county governments to convene local planning forums and invite participation of all entities, including tribal governments, that serve or transport persons with special transportation needs. Counties are encouraged to coordinate and combine their forums and planning processes with other counties, as they find it appropriate. The local community forums must:~~

~~(1) Designate a lead organization to facilitate the community planning process on an ongoing basis;~~

~~(2) Identify functional boundaries for the local coordinated transportation system;~~

~~(3) Clarify roles and responsibilities of the various participants;~~

~~(4) Identify community resources and needs;~~

~~(5) Prepare a plan for developing a coordinated transportation system that meets the intent of this chapter, addresses community needs, and efficiently uses community resources to address unmet needs;~~

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~~(6) Implement the community coordinated transportation plan;~~

~~(7) Develop performance measures consistent with council guidelines;~~

~~(8) Develop a reporting process consistent with council guidelines;~~

~~(9) Raise issues and barriers to the council when resolution is needed at either the state or federal level;~~

~~(10) Develop a process for open discussion and input on local policy and facility siting decisions that may have an impact on the special needs transportation costs and service delivery of other programs and agencies in the community-)~~

The agency council on coordinated transportation shall review and recommend certification of local plans developed by regional transportation planning organizations based on meeting federal requirements. Each regional transportation planning organization must submit to the council an updated plan that includes the elements, consistent with federal planning requirements, identified by the council beginning on July 1, 2007, and every four years thereafter.

Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

Sec. 5. RCW 47.80.023 and 1998 c 171 s 8 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

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(7) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

(8) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

(9) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

The agency council on coordinated transportation shall submit a progress report on council activities to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The information will be reported in a form established by the council.

NEW SECTION. Sec. 7. (1) The joint transportation committee, in consultation with the agency council on coordinated transportation and the joint legislative audit and review committee, as deemed appropriate by the committee, shall conduct a study and review the legal and programmatic changes and best practices necessary for effective coordination of transportation services at the regional level for persons with special transportation needs.

(2) The study shall:

(a) Include a comprehensive, statewide survey of existing transportation resources for persons with special transportation needs;

(b) Identify opportunities for improving coordination by determining a uniform system of:

(i) Measuring and reporting trip costs;

(ii) Provider billing practices;

(iii) Provider agreements and reporting requirements; and

(iv) Sharing eligibility information and trip requirements; and

(c) Make recommendations for:

(i) Improving access to customer services;

(ii) Integrating services of transportation service providers and brokers; and

(iii) Best practices to effectively coordinate transportation services for persons with special transportation needs.

(3) In conducting the study, the committee shall:

(a) Convene one or more meetings to consult with local and regional special needs transportation providers, brokers, users of transit services, representatives of nonprofit organizations that provide related transportation services, including hopelink, and representatives of other agencies and organizations, including the department of social and health services;

(b) Identify federal funding and related program barriers to improved coordination between state and federal programs and to reasonable cost sharing for those programs;

(c) Review and consider other relevant model coordinated special needs transportation systems throughout the nation as a source of best practices for Washington state, including the ACCESS transportation system in Pittsburgh, Pennsylvania;

(d) Evaluate using nontraditional service providers, such as public utility districts;

(e) Evaluate methods to influence facility siting decisions for state agencies serving persons with special transportation needs in order to make facilities accessible; and

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ROLL CALL

(f) Evaluate appropriate standards and strategies for a decentralized broker system, including the state's role in this system.

(4) The committee shall provide a draft final report to the transportation committees of the senate and the house of representatives by December 15, 2008.

Sec. 8. RCW 47.06B.900 and 1999 c 385 s 7 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, (~~2007~~) 2010, as provided in RCW 47.06B.901.

Sec. 9. RCW 47.06B.901 and 1999 c 385 s 8 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~2008~~) 2011:

(1) RCW 47.06B.010 and 2007 c ... s 1 (section 1 of this act), 1999 c 385 s 1, & 1998 c 173 s 1;

(2) RCW 47.06B.012 and 1999 c 385 s 2;

(3) (~~RCW 47.06B.015 and 1999 c 385 s 3;~~

(~~4~~) RCW 47.06B.020 and ((~~1999 c 385 s 4~~)) 2007 c ... s 2 (section 2 of this act) & 1998 c 173 s 2;

((~~5~~)) (4) RCW 47.06B.030 and 2007 c ... s 3 (section 3 of this act), 1999 c 385 s 5, & 1998 c 173 s 3; ((~~and~~

(~~6~~)) (5) RCW 47.06B.040 and 2007 c ... s 4 (section 4 of this act) & 1999 c 385 s 6; and

(6) Section 6 of this act.

NEW SECTION. Sec. 10. 1999 c 372 s 13 is repealed.

NEW SECTION. Sec. 11. RCW 47.06B.015 (Program for Agency Coordinated Transportation) and 1999 c 385 s 3 are each repealed."

Senators Murray and Swecker spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Murray and Swecker to Substitute House Bill No. 1694.

The motion by Senator Murray carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.040, 47.80.023, 47.06B.900, and 47.06B.901; reenacting and amending RCW 47.06B.030; adding a new section to chapter 47.06B RCW; creating a new section; repealing RCW 47.06B.015; and repealing 1999 c 372 s 13."

MOTION

On motion of Senator Murray, the rules were suspended, Substitute House Bill No. 1694 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Murray spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Fairley and Pridemore were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1694 as amended by the Senate.

The Secretary called the roll on the final passage of Substitute House Bill No. 1694 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Fairley and Hargrove - 3

SUBSTITUTE HOUSE BILL NO. 1694 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The Speaker ruled the Senate amendment{s} to SUBSTITUTE HOUSE BILL NO. 1098 to be beyond scope & object of the bill. House refuses to concur in said amendment{s} and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Keiser moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1098.

The President declared the question before the Senate to be motion by Senator Keiser that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1098.

The motion by Senator Keiser carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1098.

MOTION

On motion of Senator Keiser, the rules were suspended and Substitute House Bill No. 1098 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1098, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Hinkle, Schual-Berke, Campbell, Morrell, Green, Darneille, Ormsby, B. Sullivan, Dickerson, Kenney, Moeller and Wallace)

Authorizing suspension of restriction on the availability of vaccines during outbreaks.

The measure was read the second time.

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MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Pflug be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.95M.115 and 2006 c 231 s 2 are each amended to read as follows:

(1) Beginning July 1, 2007, a person who is known to be pregnant or who is under three years of age shall not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(2) Notwithstanding subsection (1) of this section, an influenza vaccine may contain up to 1.0 micrograms of mercury per 0.5 milliliter dose.

(3) The secretary of the department of health may, upon the secretary's or local public health officer's declaration of ~~((a public health emergency))~~ an outbreak of vaccine-preventable disease or of a shortage of vaccine that complies with subsection (1) or (2) of this section, suspend the requirements of this section for the duration of the ~~((emergency))~~ outbreak or shortage. A person who is known to be pregnant or lactating or a parent or legal guardian of a child under eighteen years of age shall be informed if the person or child is to be vaccinated or injected with any mercury-containing product that contains more than the mercury limits per dose in subsections (1) and (2) of this section.

(4) All vaccines and products referenced under this section must meet food and drug administration licensing requirements."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Pflug to Substitute House Bill No. 1098.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "outbreaks;" strike the remainder of the title and insert "and amending RCW 70.95M.115."

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 1098 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Pflug spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1098 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1098 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford,

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Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Excused: Senators Hargrove and Pridemore - 2

SUBSTITUTE HOUSE BILL NO. 1098 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:39 p.m., on motion of Senator Eide, the Senate adjourned until 9:30 a.m. Wednesday, April 18, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 18, 2007

April 17, 2007

The Senate was called to order at 9:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Anna Boyd and Kacy Braunschwig, presented the Colors. High Priest Jim Erlandson of the Community of Christ Church offered the prayer.

MOTION

On motion of Senator Rockefeller, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Morton, Senators Brandland, Delvin and Swecker were excused.

MOTION

On motion of Senator Marr, Senators Berkey, Haugen, Kauffman, Poulsen and Regala were excused.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 17, 2007
SGA 9116 ELMIRA FORNER, reappointed July 1, 2006, for the term ending June 30, 2012, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kilmer, Spanel and Swecker

April 17, 2007
SGA 9266 RICHARD FORD, reappointed July 1, 2007, for the term ending June 30, 2013, as Member of the Transportation Commission. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Berkey, Clements, Delvin, Eide, Holmquist, Jacobsen, Kilmer, Spanel and Swecker

MOTION

On motion of Senator Rockefeller, the rules were suspended and the Gubernatorial Appointments on the days Standing Committee Report were placed on the second reading calendar.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the fourth order of business.

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032. The Speaker has appointed the following members as Conferees: Representatives Cody, Curtis and Hudgins. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate: ENGROSSED HOUSE BILL NO. 1413, HOUSE BILL NO. 1476, SECOND SUBSTITUTE HOUSE BILL NO. 1506, SUBSTITUTE HOUSE BILL NO. 1777, HOUSE BILL NO. 2135, SUBSTITUTE HOUSE BILL NO. 2209, and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 5092,
SENATE BILL NO. 5551,
SUBSTITUTE SENATE BILL NO. 5634,
SUBSTITUTE SENATE BILL NO. 5639,
SECOND SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5653,
SUBSTITUTE SENATE BILL NO. 5674,
ENGROSSED SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5721,
SUBSTITUTE SENATE BILL NO. 5731,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5828,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5859,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5862,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,
SENATE BILL NO. 5926,
SECOND SUBSTITUTE SENATE BILL NO. 5995,
SECOND SUBSTITUTE SENATE BILL NO. 6016,
SENATE BILL NO. 6119,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,

MOTION

On motion of Senator Rockefeller, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Rockefeller, the Senate advanced to the eighth order of business.

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION 8680

By Senators Kastama, Franklin, Eide, Rasmussen, Regala, Carrell, Roach and Kilmer

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Daffodils and All That Jazz" come alive, fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to citizens' enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2007 marks the Seventy-fourth annual Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2007 events are ongoing and will culminate in the April 21, 2007, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes Queen Michele Wood, Sumner High School; and princesses Gabrielle Baldwin, Eatonville High School; Kaitlyn Broberg, Puyallup High School; Erin James, Emerald Ridge High School; Luxi Salmon, Rogers High School; Kalinda Nunnally, Orting High School; Jasmyne Walton, Wilson High School; Nicole Hicks, Bonney Lake High School; Karen Rogers, Graham Kapowsin High School; Vena Samoa, Washington High School; Lauren Edholm, Bethel High School; Sanya Dhermy, Stadium High School; Sharelle Pampo, Spanaway Lake High School; Myriah Johnson, Clover Park High School; Katrina LittleDog, Chief Leschi High School; LaToya Tidwell, Franklin Pierce High School; Stacey Michel, Henry Foss High School; Jillian Morris, Lakes High School; Lauren Fleming, Fife High School; Morgan Garlock, Curtis High School; Alessandra Jadwin, Lincoln High School; and Kirsten Gabbard, Mount Tahoma High School;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past Seventy-four years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2007 Daffodil Festival Officers and to the members of the Festival royalty.

Senators Kastama, Regala and Rasmussen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8680.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the 2007 Daffodil Festival Royal Court who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Daffodil Queen Michele Wood, who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Daffodil Queen Michele Wood to address the Senate.

REMARKS BY QUEEN MICHELE WOOD

Queen Michele Wood: "Good morning, my name is Michele Wood and I'm from Sumner High School. On behalf of these lovely princess's and the Daffodil Festival I would like to thank you all for inviting us to attend today. It is quite an honor to be standing on the floor of the Washington State Senate and I know it is a once in a life time experience. It was great to hear your personal stories about what the Daffodil Festival means to you. It is kind of unfortunate that you guys will be working so hopefully you're able to sneak out early this Saturday or maybe next year and create some memories of your own because it is an amazing tradition and it's something that ties all the Pierce County communities together. Thank you again for having us and hopefully you're able to come and attend one of our parades. Thank you."

REMARKS BY THE PRESIDENT

President Owen: "Thank you very much Queen Michele and the President is quite pleased to see the saxophone on the pin this year as he marched in the Daffodil Parade. Forty-one and forty years playing the saxophone. Thank you all for being here."

MOTION

Senator Kastama moved adoption of the following resolution:

SENATE RESOLUTION 8683

By Senators Kastama, Regala, Murray, Hobbs, Hatfield, Schoesler, Berkey, Parlette, Keiser, Rasmussen, Prentice, Honeyford, Zarelli, Clements, Carrell, Kline and Kilmer

WHEREAS, The Republic of the Philippines had a consulate in Seattle, Washington, to serve the large Filipino-American community in the Pacific Northwest; and

WHEREAS, Washington is a significant trading partner with the Philippines, being the 12th largest trading partner with the Philippines by dollar volume; and

WHEREAS, There are more than 65,000 Filipino-Americans in Washington state with strong family and commercial ties to the Philippines; and

WHEREAS, Reestablishing a consulate here will strengthen economic, cultural, and tourism ties to the Philippines; and

WHEREAS, With the establishment of a Philippine Consulate in the state of Washington we can eliminate the inconveniences of having to travel to San Francisco to obtain visas, trade documents, and other essential consular assistance; and

WHEREAS, We support the proposal of President Gloria Macapagal-Arroyo to establish a consulate in the Western United States; and, that should such a consulate be established, the location would be in Seattle, Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington officially recognize the valuable contribution that a Philippine Consulate could have for the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable George W. Bush, President of the United States, the Honorable Gloria Macapagal-Arroyo, President of the Republic of the Philippines, Condoleezza Rice,

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Secretary of State of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

Senators Kastama, Prentice, Honeyford, Shin, Kline, Franklin and Roach spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8683.

The motion by Senator Kastama carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced leaders of the local Filipino-American community: Mr. Alex Borromeo, President of the Filipino Chamber of Commerce of the Pacific Northwest; Mr. Bert Caoili, President of the Filipino Community of Seattle; Ms. Alma Quintans Kern, National Chair of the National Federation of Filipino American Associations; Dr. Abel P. Borromeo, President of the Cebu Alumni Association; and former State Representative Velma Veloria who were present in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9241, Rajiv Shah, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senator Hobbs was excused.

APPOINTMENT OF RAJIV SHAH

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9241, Rajiv Shah as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9241, Rajiv Shah as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

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Gubernatorial Appointment No. 9241, Rajiv Shah, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9235, Donald Root, as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6, be confirmed.

Senator Rockefeller spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senators Brown, Poulsen and Prentice were excused.

APPOINTMENT OF DONALD ROOT

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9235, Donald Root as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9235, Donald Root as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6 and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Excused: Senators Brown, Poulsen and Prentice - 3

Gubernatorial Appointment No. 9235, Donald Root, having received the constitutional majority was declared confirmed as a member of the Board of Trustees, Seattle, South Seattle and North Seattle Community Colleges District No. 6.

MOTION

On motion of Rockefeller, the rules were suspended, the Senate, with a single vote, considered the confirmations of Gubernatorial Appointment and the vote of the Senate was recorded as a separate vote for each appointment.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers; and Gubernatorial Appointment No. 9195, Jeannette Wood as members of the Board of Trustees, Edmonds Community College District No. 23, be confirmed.

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Senator Rockefeller spoke in favor of the motion.

APPOINTMENT OF RICHARD VAN HOLLEBEKE

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers; and Gubernatorial Appointment No. 9195, Jeannette Wood as members of the Board of Trustees, Edmonds Community College District No. 23.

MOTION

On motion of Senator Regala, Senators Shin and Spanel were excused.

MOTION

On motion of Senator Parlette, Senator Swecker was excused.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9074, Richard Van Hollebeke as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

APPOINTMENT OF QUENTIN POWERS

Senator Rockefeller spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9167, Quentin Powers as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

APPOINTMENT OF JEANNETTE WOOD

Senator Franklin spoke in favor of the motion.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9195, Jeannette Wood as a member of the Board of Trustees, Edmonds Community College District No. 23 and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Tom, Weinstein and Zarelli - 44

Excused: Senators Poulsen, Prentice, Shin, Spanel and Swecker - 5

Gubernatorial Appointment No. 9074, Richard Van Hollebeke; Gubernatorial Appointment No. 9167, Quentin Powers and Gubernatorial Appointment No. 9195, Jeannette Wood having received the constitutional majority was declared confirmed as members of the Board of Trustees, Edmonds Community College District No. 23.

PERSONAL PRIVILEGE

Senator Pridemore: "Mr. President, I thought it was worth it for this body to be aware, and for all the members to be aware, that with the passage of the following gubernatorial appointment this body will have been caught up one-hundred percent with all gubernatorial appointments. We all hate seeing time used on all of these gubernatorial appointments and yet, when we have ones from our own areas, we all nag somebody to get them to the floor. I just thought it was worth it to pause momentarily and recognize the esteemed gentleman from the Twenty-Third District for working these gubernatorial appointments for us and the Governor the past few months. Thank you, Phil."

PERSONAL PRIVILEGE

Senator Eide: "Thank you. Well, I have to stand up and say, couldn't do this job without the fine fellow that sits next to me. He's done an outstanding job on keeping this gubernatorial appointments moving along and I may remind the members that there were several years we didn't even pass one gubernatorial appointment. So, this is quite a feat and thank you, my kind sir."

MOTION

At 10:34 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:40 a.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9116, Elmira Forner, as a member of the Transportation Commission, be confirmed.

Senators Marr and Parlette spoke in favor of the motion.

MOTION

On motion of Senator Hatfield, Senators Hobbs and Kauffman were excused.

MOTION

On motion of Senator Delvin, Senator Benton was excused.

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MOTION

On motion of Senator Regala, Senators Brown, Fraser and Poulsen were excused.

APPOINTMENT OF ELMIRA FORNER

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9116, Elmira Forner, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9116, Elmira Forner, as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senators Kastama and Rasmussen - 2

Excused: Senators Brown and Shin - 2

Gubernatorial Appointment No. 9116, Elmira Forner, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Marr moved that Gubernatorial Appointment No. 9266, Richard Ford, as a member of the Transportation Commission, be confirmed.

Senator Marr spoke in favor of the motion.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

APPOINTMENT OF RICHARD FORD

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9266, Richard Ford, as a member of the Transportation Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9266, Richard Ford as a member of the Transportation Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

Gubernatorial Appointment No. 9266, Richard Ford, having received the constitutional majority was declared confirmed as a member of the Transportation Commission.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 13, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, with the following amendment: 5659-S2.E AMH ENGR H3529.E

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 2. FINDINGS AND DECLARATIONS.** The legislature finds that, although family and medical leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent-child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family and medical leave laws, and those who do may not be in a financial position to take family and medical leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family and medical leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current state and federal family and medical leave laws.

NEW SECTION. **Sec. 3. DEFINITIONS.** The definitions in this section apply throughout this act unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family and medical leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family and medical leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means the same as in RCW 49.78.020.

(4) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(5) "Employment" means the same as in RCW 50.04.100.

(6) "Family and medical leave" means leave for the birth or placement of a child as defined in RCW 49.78.020 and described in RCW 49.78.220(1) (a) or (b).

(7) "Family and medical leave insurance benefits" means the benefits payable under section 3 of this act.

(8) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(9) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of

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the individual's qualifying year in which total wages were highest.

NEW SECTION. Sec. 4. BENEFITS. (1) Beginning October 1, 2009, family and medical leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family and medical leave if the individual has been employed for at least six hundred eighty hours in employment during the individual's qualifying year.

(2) The maximum number of weeks during which family and medical leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family and medical leave.

(3) The amount of family and medical leave insurance benefits shall be determined as follows:

(a) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family and medical leave was regularly working thirty-five hours or more per week.

(b) For an individual who was regularly working thirty-five hours or more per week at the time of beginning family and medical leave and is on family and medical leave for less than thirty-five hours but at least eight hours in a week, the weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family and medical leave taken in the week.

(c) For an individual who was regularly working less than thirty-five hours per week at the time of beginning family and medical leave, there shall be a prorated schedule for a weekly benefit amount and a minimum number of hours of family and medical leave that must be taken in a week for benefits to be payable. The prorated schedule shall be based on the amounts and the calculations specified under (a) and (b) of this subsection.

NEW SECTION. Sec. 5. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT. This act does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this act at any time, and a benefit or other right granted under this act exists subject to the legislature's power to amend or repeal this act. There is no vested private right of any kind against such amendment or repeal.

NEW SECTION. Sec. 6. LEAVE AND EMPLOYMENT PROTECTION. (1) Beginning October 1, 2009, during a period in which an individual receives family and medical leave insurance benefits or earns waiting period credits under this act, the individual is entitled to family and medical leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family and medical leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. Sec. 7. COORDINATION OF LEAVE. (1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

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(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

NEW SECTION. Sec. 8. ADMINISTRATIVE COSTS. Beginning July 1, 2011, the costs of administering this act may not exceed ten percent of the total costs of family and medical leave insurance benefits.

NEW SECTION. Sec. 9. JOINT LEGISLATIVE TASK FORCE. (1)(a) The joint legislative task force on family and medical leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing women.

(vi) The governor shall appoint one member of the task force.

(b) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochairs of the task force from among the legislative members of the task force. The cochairs shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochairs on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family and medical leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies which should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family and medical leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for

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travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

NEW SECTION. Sec. 10. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 11. EFFECTIVE DATE. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kohl-Welles that the Senate refuse to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659.

The motion by Senator Kohl-Welles carried and the Senate refused to concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5659 and the House amendment(s) thereto: Senators Brown, Holmquist and Keiser.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

At 11:56 a.m., on motion of Senator Eide, the Senate was recessed until 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order at 2:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House has passed the following bills:

SECOND SUBSTITUTE SENATE BILL NO. 5164,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312. The Speaker has appointed the following members as Conferees:

Representatives Morrell, Hurst and Warnick
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5248,
SENATE BILL NO. 5552,
ENGROSSED SENATE BILL NO. 5669,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5843,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6001

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5202
SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5320,
SUBSTITUTE SENATE BILL NO. 5435,
SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5647,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,
SUBSTITUTE SENATE BILL NO. 5881,
SUBSTITUTE SENATE BILL NO. 5937,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5958
SUBSTITUTE SENATE BILL NO. 5987,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,
SUBSTITUTE SENATE BILL NO. 6100,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6117,
ENGROSSED SENATE BILL NO. 6128,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Rockefeller moved that Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission, be confirmed.

Senators Rockefeller, Zarelli and Benton spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

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MOTION

On motion of Senator Regala, Senators Brown and Pridemore were excused.

APPOINTMENT OF JANE L. JACOBSEN

The President declared the question before the Senate to be the confirmation of Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission.

The Secretary called the roll on the confirmation of Gubernatorial Appointment No. 9219, Jane L. Jacobsen, as a member of the Columbia River Gorge Commission and the appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Absent: Senators Jacobsen and Kline - 2

Excused: Senators Brown, Pflug and Pridemore - 3

Gubernatorial Appointment No. 9219, Jane L. Jacobsen, having received the constitutional majority was declared confirmed as a member of the Columbia River Gorge Commission.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8689

By Senator Haugen

WHEREAS, The Shifty Sailors are a folk music group who hail from Whidbey Island; and

WHEREAS, For 12 years the Shifty Sailors have been enlightening people with their music; and

WHEREAS, The Shifty Sailors were founded by chance when someone asked Vern Olson to provide music for an event in Coupeville; and

WHEREAS, The members of the Shifty Sailors include active and retired doctors, teachers, engineers, and counselors; and

WHEREAS, The Shifty Sailors entertain and educate their audience as they sing of the maritime history of the Puget Sound, the country, and the world; and

WHEREAS, The group has worked to preserve the heritage of sailing ships, folklore, and songs of the sea through their music; and

WHEREAS, The Shifty Sailors have recorded three exceptional albums full of entertaining music; and

WHEREAS, The Shifty Sailors have done extensive work with children and are currently working on an album with both Shifty Sailors' members and children from elementary schools

around Whidbey Island, with all the proceeds going to children's music education; and

WHEREAS, The Shifty Sailors have performed at locations around the world including England, Ireland, France, and Germany; and

WHEREAS, The group will soon embark on a maritime heritage tour that takes the sounds of the Pacific Northwest to the shores of the Atlantic;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Shifty Sailors for their musical accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Shifty Sailors.

Senator Haugen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8689.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

At 2:16 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:42 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1005,

SUBSTITUTE HOUSE BILL NO. 1029,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,

HOUSE BILL NO. 1065,

SUBSTITUTE HOUSE BILL NO. 1082,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,

HOUSE BILL NO. 1166,

SECOND SUBSTITUTE HOUSE BILL NO. 1201,

ENGROSSED HOUSE BILL NO. 1217,

HOUSE BILL NO. 1224,

SUBSTITUTE HOUSE BILL NO. 1233,

SUBSTITUTE HOUSE BILL NO. 1244,

SUBSTITUTE HOUSE BILL NO. 1259,

SUBSTITUTE HOUSE BILL NO. 1267,

SUBSTITUTE HOUSE BILL NO. 1276,

SUBSTITUTE HOUSE BILL NO. 1287,

HOUSE BILL NO. 1293,

SUBSTITUTE HOUSE BILL NO. 1298,

SUBSTITUTE HOUSE BILL NO. 1304,

SUBSTITUTE HOUSE BILL NO. 1319,

SUBSTITUTE HOUSE BILL NO. 1328,

HOUSE BILL NO. 1371,

SUBSTITUTE HOUSE BILL NO. 1396,

SUBSTITUTE HOUSE BILL NO. 1397,

SECOND SUBSTITUTE HOUSE BILL NO. 1401,

SUBSTITUTE HOUSE BILL NO. 1407,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1422,

HOUSE BILL NO. 1443,

SUBSTITUTE HOUSE BILL NO. 1445,

HOUSE BILL NO. 1457,

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HOUSE BILL NO. 1505,
 HOUSE BILL NO. 1520,
 HOUSE BILL NO. 1543,
 SUBSTITUTE HOUSE BILL NO. 1583,
 HOUSE BILL NO. 1592,
 HOUSE BILL NO. 1599,
 SECOND SUBSTITUTE HOUSE BILL NO. 1636,
 SUBSTITUTE HOUSE BILL NO. 1646,
 ENGROSSED HOUSE BILL NO. 1648,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1671,
 SUBSTITUTE HOUSE BILL NO. 1761,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1779,
 SUBSTITUTE HOUSE BILL NO. 1802,
 HOUSE BILL NO. 1820,
 SUBSTITUTE HOUSE BILL NO. 1832,
 SUBSTITUTE HOUSE BILL NO. 1837,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1891,
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,
 ENGROSSED HOUSE BILL NO. 1898,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1910,
 SECOND SUBSTITUTE HOUSE BILL NO. 1922,
 SUBSTITUTE HOUSE BILL NO. 1929,
 HOUSE BILL NO. 1966,
 SUBSTITUTE HOUSE BILL NO. 2007,
 HOUSE BILL NO. 2034,
 SUBSTITUTE HOUSE BILL NO. 2049,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The Speaker has signed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,
 HOUSE BILL NO. 1073,
 HOUSE BILL NO. 1077,
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,
 SUBSTITUTE HOUSE BILL NO. 1099,
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,
 SUBSTITUTE HOUSE BILL NO. 1256,
 HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1417,
 HOUSE BILL NO. 1418,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1461,
 SUBSTITUTE HOUSE BILL NO. 1472,
 SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1569,
 HOUSE BILL NO. 1644,
 HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
 SECOND SUBSTITUTE HOUSE BILL NO. 1980,
 HOUSE BILL NO. 2079,
 SUBSTITUTE HOUSE BILL NO. 2087,
 ENGROSSED HOUSE BILL NO. 2113,
 HOUSE BILL NO. 2236,
 SUBSTITUTE HOUSE BILL NO. 2261,
 SECOND SUBSTITUTE HOUSE BILL NO. 2262,
 SUBSTITUTE HOUSE BILL NO. 2275,
 HOUSE BILL NO. 2281,

SUBSTITUTE HOUSE BILL NO. 2304,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
 SUBSTITUTE HOUSE BILL NO. 2366,
 SUBSTITUTE HOUSE BILL NO. 2378,
 SUBSTITUTE HOUSE BILL NO. 2394,
 HOUSE JOINT MEMORIAL NO. 4017,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The Speaker has signed:
 SUBSTITUTE SENATE BILL NO. 5002,
 SENATE BILL NO. 5014,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5037,
 SUBSTITUTE SENATE BILL NO. 5050,
 SUBSTITUTE SENATE BILL NO. 5053,
 SENATE BILL NO. 5084,
 SENATE BILL NO. 5088,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5098,
 SUBSTITUTE SENATE BILL NO. 5101,
 SUBSTITUTE SENATE BILL NO. 5108,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,
 SECOND SUBSTITUTE SENATE BILL NO. 5188,
 SUBSTITUTE SENATE BILL NO. 5193,
 SUBSTITUTE SENATE BILL NO. 5236,
 SUBSTITUTE SENATE BILL NO. 5243,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5290,
 SUBSTITUTE SENATE BILL NO. 5315,
 SUBSTITUTE SENATE BILL NO. 5321,
 SENATE BILL NO. 5332,
 ENGROSSED SENATE BILL NO. 5401,
 SENATE BILL NO. 5402,
 SENATE BILL NO. 5429,
 SUBSTITUTE SENATE BILL NO. 5447,
 SECOND SUBSTITUTE SENATE BILL NO. 5467,
 ENGROSSED SENATE BILL NO. 5498,
 SUBSTITUTE SENATE BILL NO. 5503,
 ENGROSSED SENATE BILL NO. 5508,
 SENATE BILL NO. 5512,
 SUBSTITUTE SENATE BILL NO. 5533,
 SUBSTITUTE SENATE BILL NO. 5534,
 SECOND SUBSTITUTE SENATE BILL NO. 5597,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5726,
 SUBSTITUTE SENATE BILL NO. 5826,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5923,
 SENATE CONCURRENT RESOLUTION NO. 8404,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House concurred in Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
 HOUSE BILL NO. 1450,
 HOUSE BILL NO. 1598,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1965,
 ENGROSSED HOUSE BILL NO. 2070,
 and the same are herewith transmitted.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

MOTION

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432 and asks Senate to recede therefrom. and the same is herewith transmitted.

Senator Eide moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Eide that the Senate insist on its position on the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and ask the House to concur thereon.

The motion by Senator Eide carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1368 and asked the House to concur thereon.

RICHARD NAFZIGER, Chief Clerk

MOTION

MESSAGE FROM THE HOUSE

April 17, 2007

Senator McAuliffe moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and ask the House to concur thereon.

The motion by Senator McAuliffe carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1432 and asked the House to concur thereon.

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5412 was returned to second reading for purpose of an amendment: 5412-S AMH JARR H3567.3, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the citizens of the state expect clear and concise goals, objectives, and responsibilities regarding the operation of the statewide transportation system. Furthermore, the state's citizens expect that the state periodically receive clear and streamlined information that measures whether the goals and objectives are being satisfied. Therefore, it is the intent of the legislature that this act serve to clarify existing goals, objectives, and responsibilities related to the operation of an efficient statewide transportation system.

Sec. 2. RCW 47.01.011 and 1977 ex.s. c 151 s 1 are each amended to read as follows:

The legislature hereby recognizes the following imperative needs within the state: To create a statewide transportation development plan which identifies present status and sets goals for the future; to coordinate transportation modes; to promote and protect land use programs required in local, state, and federal law; to coordinate transportation with the economic development of the state; to supply a broad framework in which regional, metropolitan, and local transportation needs can be related; to facilitate the supply of federal and state aid to those areas which will most benefit the state as a whole; to provide for public involvement in the transportation planning and development process; to administer programs within the jurisdiction of this title relating to the safety of the state's transportation systems; and to coordinate and implement national transportation policy with the state transportation planning program.

The legislature finds and declares that placing all elements of transportation in a single department is fully consistent with and shall in no way impair the use of moneys in the motor vehicle fund exclusively for highway purposes.

Through this chapter, a unified department of transportation is created. To the jurisdiction of this department will be transferred the present powers, duties, and functions of the department of highways, the highway commission, the toll bridge authority, the aeronautics commission, and the canal commission, and the transportation related powers, duties, and functions of the planning and community affairs agency. The

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1091 and asks the Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate insist on its position on the Senate amendment(s) to Substitute House Bill No. 1091 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate insist on its position on the Senate amendment(s) to Substitute House Bill No. 1091 and ask the House to concur hereon.

The motion by Senator Kastama carried and the Senate insisted on its position in the Senate amendment(s) to Substitute House Bill No. 1091 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368 and asks Senate to recede therefrom.

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powers, duties, and functions of the department of transportation must be performed in a manner consistent with the policy goals set forth in RCW 47.01.012 (as recodified by this act).

Sec. 3. RCW 47.01.012 and 2002 c 5 s 101 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals (~~shall consist of, but not be limited to, the following~~) established under this section are deemed consistent with the benchmark categories(~~;~~) adopted by the state's blue ribbon commission on transportation on November 30, 2000. (~~In addition to improving safety,~~) Public investments in transportation (~~shall~~) should support achievement of these (~~and other priority~~) policy goals:

(~~No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.~~)

(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals (~~shall~~) are intended to be the basis for (~~establishment of~~) establishing detailed and measurable objectives and related performance (~~benchmarks~~) measures.

(4) It is the intent of the legislature that the (~~transportation commission~~) office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels(~~;~~ and the transportation commission should work with appropriate government entities to accomplish this) progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

Sec. 4. RCW 47.01.071 and 2006 c 334 s 3 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

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(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems (~~to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy~~). The policies must be aligned with the goals established in RCW 47.01.012 (as recodified by this act). To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) (~~Propose a transportation policy for the state;~~ ~~(d)~~) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(~~(e) To~~) (d) Integrate the statewide transportation plan with the needs of the elderly and (~~handicapped~~) persons with disabilities, and (~~to~~) coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan (~~which shall be~~) consistent with the state's growth management goals and based on the transportation policy (~~adopted by the governor and the legislature~~) goals provided under RCW 47.01.012 (as recodified by this act) and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation(~~;~~ prior to each regular session of the legislature during an even-numbered year thereafter. The plan shall be subject to the approval of the legislature in the biennial transportation budget act).

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.01.012 (as recodified by this act) in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter,

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the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.01.012 (as recodified by this act), as measured by the objectives and performance measures established by the office of financial management under RCW 47.01.012 (as recodified by this act);

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

((6)) (7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

((7)) (8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

((8)) (9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

((9)) (10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 5. RCW 47.01.075 and 2006 c 334 s 4 are each amended to read as follows:

(1) The transportation commission shall provide a public forum for the development of transportation policy in Washington state to include coordination with regional transportation planning organizations, transportation stakeholders, counties, cities, and citizens. ~~(It may recommend to the secretary of transportation, the governor, and the legislature means for obtaining appropriate citizen and professional involvement in all transportation policy formulation and other matters related to the powers and duties of the department. It may further hold hearings and explore ways to improve the mobility of the citizenry.)~~ At least every five years, the commission shall convene regional forums to gather citizen input on transportation issues. The commission shall consider the input gathered at the forums as it establishes the statewide transportation plan under RCW 47.01.071(4).

~~(2) (Every two years, in coordination with the development of the state biennial budget, the commission shall prepare the statewide multimodal transportation progress report and propose to the office of financial management transportation priorities for the ensuing biennium. The report must:~~

~~— (a) Consider the citizen input gathered at the forums;~~

~~— (b) Be developed with the assistance of state transportation-related agencies and organizations;~~

~~— (c) Be developed with the input from state, local, and regional jurisdictions, transportation service providers, key transportation stakeholders, and the office of financial management;~~

~~— (d) Be considered by the secretary of transportation and other state transportation-related agencies in preparing proposed agency budgets and executive request legislation;~~

~~— (e) Be submitted by the commission to the governor and the legislature by October 1st of each even-numbered year for consideration by the governor.~~

~~(3)) In fulfilling its responsibilities under this section, the commission may create ad hoc committees or other such committees of limited duration as necessary.~~

~~((4)) (3) In order to promote a better transportation system, the commission ~~(shall)~~ may offer policy guidance and make~~

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recommendations to the governor and the legislature in key issue areas, including but not limited to:

(a) Transportation finance;

(b) Preserving, maintaining, and operating the statewide transportation system;

(c) Transportation infrastructure needs;

(d) Promoting best practices for adoption and use by transportation-related agencies and programs;

(e) Transportation efficiencies that will improve service delivery and/or coordination;

(f) Improved planning and coordination among transportation agencies and providers; and

(g) Use of intelligent transportation systems and other technology-based solutions ~~(and~~

~~— (h) Reporting of performance against goals, targets, and benchmarks).~~

NEW SECTION. Sec. 6. A new section is added to chapter 47.01 RCW to read as follows:

To support achievement of the policy goals described in RCW 47.01.012, the department shall:

(1) Maintain an inventory of the condition of structures and corridors in most urgent need of retrofit or rehabilitation;

(2) Develop long-term financing tools that reliably provide ongoing maintenance and preservation of the transportation infrastructure;

(3) Balance system safety and convenience through all phases of a project to accommodate all users of the transportation system to safely, reliably, and efficiently provide mobility to people and goods;

(4) Develop strategies to gradually reduce the per capita vehicle miles traveled based on consideration of a range of reduction methods;

(5) Consider efficiency tools, including high-occupancy vehicle and high-occupancy toll lanes, corridor-specific and systemwide pricing strategies, active traffic management, commute trip reduction, and other demand management tools;

(6) Promote integrated multimodal planning; and

(7) Consider engineers and architects to design environmentally sustainable, context-sensitive transportation systems.

Sec. 7. RCW 47.05.030 and 2006 c 334 s 45 are each amended to read as follows:

(1) The ~~((transportation commission))~~ office of financial management shall ~~((develop))~~ propose a comprehensive ten-year investment program ~~((specifying program objectives and performance measures))~~ for the preservation and improvement programs defined in this section, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act). The ~~((adopted))~~ proposed ten-year investment program must be forwarded as a recommendation ~~((to))~~ by the ~~((governor and))~~ office of financial management to the legislature, and ~~((is subject to the approval of the legislature in the biennial transportation budget act. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The analysis process must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program))~~ must be based upon the needs identified in the ~~((state-owned highway component of the))~~ statewide ~~((comprehensive))~~ transportation plan established under RCW 47.01.071(4).

((+)) (2) The preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. ~~((The preservation program must require use of the most cost-effective pavement surfaces, considering~~

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- ~~—(a) Life-cycle cost analysis;~~
- ~~—(b) Traffic volume;~~
- ~~—(c) Subgrade soil conditions;~~
- ~~—(d) Environmental and weather conditions;~~
- ~~—(e) Materials available; and~~
- ~~—(f) Construction factors.~~

~~The comprehensive ten-year investment program for preservation must identify projects for two years and an investment plan for the remaining eight years.~~

~~(2)) (3) The improvement program consists of investments needed to address identified deficiencies on the state highway system to ((increase mobility, address congestion, and improve safety, support for the economy, and protection of the environment. The ten-year investment program for improvements must identify projects for two years and major deficiencies proposed to be addressed in the ten-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate)) meet the goals established in RCW 47.01.012 (as recodified by this act).~~

Sec. 8. RCW 47.05.035 and 2006 c 334 s 46 are each amended to read as follows:

(1) The department shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

~~((3) In developing program objectives and performance measures, the department shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the department shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.~~

~~(4) The department shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:~~

~~(a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;~~

~~(b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;~~

~~(c) The continuity of future transportation development with those improvements previously programmed; and~~

~~(d) The availability of dedicated funds for a specific type of work.~~

~~(5) The department shall consider the findings in this section in the development of the ten-year investment program.)~~

Sec. 9. RCW 47.06.020 and 1993 c 446 s 2 are each amended to read as follows:

The specific role of the department in transportation planning ((shall) must be, consistent with the policy goals described under RCW 47.01.012 (as recodified by this act): (1) Ongoing coordination and development of statewide transportation policies that guide all Washington transportation providers; (2) ongoing development of a statewide multimodal

transportation plan that includes both state-owned and state-interest facilities and services; (3) coordinating the state high-capacity transportation planning and regional transportation planning programs; ~~((and))~~ (4) conducting special transportation planning studies that impact state transportation facilities or relate to transportation facilities and services of statewide significance; and (5) assisting the transportation commission in the development of the statewide transportation plan required under RCW 47.01.071(4). Specific requirements for each of these state transportation planning components are described in this chapter.

Sec. 10. RCW 47.06.050 and 2002 c 5 s 413 are each amended to read as follows:

The state-owned facilities component of the statewide multimodal transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways ~~((that meet benchmarks established by the transportation commission))~~. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

(d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

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(e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 11. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

The legislature declares the following transportation facilities and services to be of statewide significance: Highways of statewide significance as designated by the legislature under chapter 47.05 RCW, the interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal transportation plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal transportation plan, or to highways of statewide significance designated by the legislature under chapter 47.05 RCW, are essential state public facilities under RCW 36.70A.200.

The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities.

Sec. 12. RCW 35.95A.120 and 2003 c 147 s 14 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the authority is faced with significant financial problems. However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee,

as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable. Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the authority area voters at a general or special election held on one of the dates provided in RCW ((29.13.010)) 29A.04.321 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

(2) A city transportation authority is dissolved and terminated if all of the following events occur before or after the effective date of this section:

(a) A majority of the qualified electors voting at a regular or special election determine that new public monorail transportation facilities must not be built;

(b) The governing body of the authority adopts a resolution and publishes a notice of the proposed dissolution at least once every week for three consecutive weeks in a newspaper of general circulation published in the authority area. The resolution and notice must:

(i) Describe information that must be included in a notice of claim against the authority including, but not limited to, any claims for refunds of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority;

(ii) Provide a mailing address where a notice of claim may be sent;

(iii) State the deadline, which must be at least ninety days from the date of the third publication, by which the authority must receive a notice of claim; and

(iv) State that a claim will be barred if a notice of claim is not received by the deadline;

(c) The authority resolves all claims timely made under (b) of this subsection; and

(d) The governing body adopts a resolution (i) finding that the conditions of (a) through (c) of this subsection have been met and (ii) dissolving and terminating the authority.

(3) A claim against a city transportation authority is barred if (a) a claimant does not deliver a notice of claim to the authority by the deadline stated in subsection (2)(b)(iii) of this section or (b) a claimant whose claim was rejected by the authority does

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not commence a proceeding to enforce the claim within sixty days from receipt of the rejection notice. For purposes of this subsection, "claim" includes, but is not limited to, any right to payment, whether liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, or the right to an equitable remedy for breach of performance if the breach gives rise to a right to payment, whether or not the right to an equitable remedy is fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured, including, but not limited to, any claim for a refund of special motor vehicle excise tax levied under RCW 35.95A.080 and collected by or on behalf of the authority.

(4) The governing body of the authority may transfer any net assets to one or more other political subdivisions with instructions as to their use or disposition. The governing body shall authorize this transfer in the resolution that dissolves and terminates the authority under subsection (2)(d) of this section.

(5) Upon the dissolution and termination of the authority, the former officers, directors, employees, and agents of the authority shall be immune from personal liability in connection with any claims brought against them arising from or relating to their service to the authority, and any claim brought against any of them is barred.

(6) Upon satisfaction of the conditions set forth in subsection (2)(a) and (b) of this section, the terms of all members of the governing body of the city transportation authority, whether elected or appointed, who are serving as of the date of the adoption of the resolution described in subsection (2)(b) of this section, shall be extended, and incumbent governing body members shall remain in office until dissolution of the authority, notwithstanding any provision of any law to the contrary.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 47.01.370 (Review of performance and outcome measures of transportation-related agencies--Definition) and 2006 c 334 s 44;

(2) RCW 47.05.051 (Ten-year comprehensive investment program--Priority selection criteria--Improvement program criteria) and 2006 c 334 s 47, 2005 c 319 s 11, 2002 c 189 s 3, 2002 c 5 s 406, 1998 c 175 s 12, 1993 c 490 s 5, 1987 c 179 s 5, 1979 ex.s. c 122 s 5, & 1975 1st ex.s. c 143 s 4; and

(3) RCW 47.06.030 (Transportation policy plan) and 1997 c 369 s 8 and 1993 c 446 s 3.

NEW SECTION. Sec. 14. RCW 47.01.012 is recodified as a section in chapter 47.04 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5412.

MOTION

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5412.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5412 by voice vote.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Hargrove - 1

Excused: Senators Brown, Prentice and Pridemore - 3

SUBSTITUTE SENATE BILL NO. 5412, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1041 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kline moved that the Senate recede from its position on the Senate amendment(s) to Substitute House Bill No. 1041.

Senator Kline spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Kline that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1041.

The motion by Senator Kline carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1041.

MOTION

On motion of Senator Kline, the rules were suspended and Substitute House Bill No. 1041 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1041, by House Committee on Judiciary (originally sponsored by Representatives Pedersen, Rodne, Haler, Moeller and Lantz)

Modifying plurality voting for directors.

The measure was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and McCaslin be adopted.

Beginning on page 3, line 19, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 23B.10 RCW to read as follows:

(1) Unless the articles of incorporation (a) specifically prohibit the adoption of a bylaw pursuant to this section, (b) alter the vote specified in RCW 23B.07.280(2), or (c) allow for or do not exclude cumulative voting, a public company may elect in its bylaws to be governed in the election of directors as follows:

(i) Each vote entitled to be cast may be voted for, voted against, or withheld for one or more candidates up to that number of candidates that is equal to the number of directors to be elected but without cumulating the votes, or a shareholder may indicate an abstention for one or more candidates;

(ii) To be elected, a candidate must have received the number, percentage, or level of votes specified in the bylaws; provided that holders of shares entitled to vote in the election and constituting a quorum are present at the meeting. Except in a contested election as provided in (c)(v) of this subsection, a candidate who does not receive the number, percentage, or level of votes specified in the bylaws but who was a director at the time of the election shall continue to serve as a director for a term that shall terminate on the date that is the earlier of (A) the date specified in the bylaw, but not longer than ninety days from the date on which the voting results are determined pursuant to section 6(2) of this act, or (B) the date on which an individual is selected by the board of directors to fill the office held by such director, which selection shall be deemed to constitute the filling of a vacancy by the board to which RCW 23B.08.100 applies;

(iii) A bylaw adopted pursuant to this section may provide that votes cast against and/or withheld as to a candidate are to be taken into account in determining whether the number, percentage, or level of votes required for election has been received. Unless the bylaw specifies otherwise, only votes cast are to be taken into account and a ballot marked "withheld" in respect to a share is deemed to be a vote cast. Unless the bylaws specify otherwise, shares otherwise present at the meeting but for which there is an abstention or as to which no authority or direction to vote in the election is given or specified, are not deemed to be votes cast in the election;

(iv) The board of directors may select any qualified individual to fill the office held by a director who did not receive the specified vote for election referenced in (c)(ii) of this subsection; and

(v) Unless the bylaw specifies otherwise, a bylaw adopted pursuant to this subsection (1) shall not apply to an election of directors by a voting group if (A) at the expiration of the time fixed under a provision requiring advance notification of director candidates, or (B) absent such a provision, at a time fixed by the board of directors which is not more than fourteen days before notice is given of the meeting at which the election is to occur, there are more candidates for election by the voting group than the number of directors to be elected, one or more of whom are properly proposed by shareholders. An individual shall not be considered a candidate for purposes of this

subsection (1)(c)(v) if the board of directors determines before the notice of meeting is given that such individual's candidacy does not create a bona fide election contest.

(2) A bylaw containing an election to be governed by this section may be repealed or amended:

(a) If originally adopted by the shareholders, only by the shareholders, unless the bylaw otherwise provides; or

(b) If adopted by the board of directors, by the board of directors or the shareholders."

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and McCaslin on page 3, line 10 to Substitute House Bill No. 1041.

Senators Kline and McCaslin spoke in favor of adoption of the amendment.

The motion by Senator Kline carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Regala, Senators Hargrove and Pridemore were excused.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1041 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1041 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1041 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Hargrove, Prentice and Pridemore - 4

SUBSTITUTE HOUSE BILL NO. 1041 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1573 and asks Senate to recede therefrom. and the same is herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

The motion by Senator McAuliffe carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1573.

MOTION

On motion of Senator McAuliffe, the rules were suspended and Second Substitute House Bill No. 1573 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1573, by House Committee on Appropriations (originally sponsored by Representatives Quall, Priest, P. Sullivan, Pettigrew, Kenney, Kagi, Wallace, McCoy, Dickerson, Lovick, Santos, Hunt, Hasegawa, Simpson, Pedersen, Morrell, Conway, Lantz, O'Brien and Ormsby)

Authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senators McAuliffe and Tom be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature that increasing academic success and increasing graduation rates be dual goals for the K-12 system. The legislature finds that only seventy-four percent of the class of 2005 graduated on time. Students of color, students living in poverty, students in foster care, students in the juvenile justice system, students who are homeless, students for whom English is not their primary language, and students with disabilities have lower graduation rates than the average. The legislature further finds that students who drop out experience more frequent occurrences of early pregnancy, delinquency, substance abuse, and mental health issues, and have greater need of publicly funded health and social services. The legislature further finds that helping all students be successful in school requires active participation in coordinating services from schools, parents, and other stakeholders and agencies in the local community. The legislature finds that existing resources to vulnerable youth are used more efficiently and effectively when there is significant coordination across local and state entities. The legislature further finds that efficiency and accountability of the K-12 system would be improved by creating a dropout prevention and intervention grant program that implements research-based and emerging best practices and evaluates results.

NEW SECTION. Sec. 2. Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall create a grant program and award grants to local partnerships of schools, families, and communities to begin the phase in of a statewide comprehensive

dropout prevention, intervention, and retrieval system. This program shall be known as the building bridges program.

(1) For purposes of sections 2 through 7 of this act, a "building bridges program" means a local partnership of schools, families, and communities that provides all of the following programs or activities:

(a) A system that identifies individual students at risk of dropping out from middle through high school based on local predictive data, including state assessment data starting in the fourth grade, and provides timely interventions for such students and for dropouts, including a plan for educational success as already required by the student learning plan as defined under RCW 28A.655.061. Students identified shall include foster care youth, youth involved in the juvenile justice system, and students receiving special education services under chapter 28A.155 RCW;

(b) Coaches or mentors for students as necessary;

(c) Staff responsible for coordination of community partners that provide a seamless continuum of academic and nonacademic support in schools and communities;

(d) Retrieval or reentry activities; and

(e) Alternative educational programming, including, but not limited to, career and technical education exploratory and preparatory programs and online learning opportunities.

(2) One of the grants awarded under this section shall be for a two-year demonstration project focusing on providing fifth through twelfth grade students with a program that utilizes technology and is integrated with state standards, basic academics, cross-cultural exposures, and age-appropriate preemployment training. The project shall:

(a) Establish programs in two western Washington and one eastern Washington urban areas;

(b) Identify at-risk students in each of the distinct communities and populations and implement strategies to close the achievement gap;

(c) Collect and report data on participant characteristics and outcomes of the project, including the characteristics and outcomes specified under section 3(1)(e) of this act; and

(d) Submit a report to the legislature by December 1, 2009.

NEW SECTION. Sec. 3. (1) The office of the superintendent of public instruction shall:

(a) Identify criteria for grants and evaluate proposals for funding in consultation with the workforce training and education coordinating board;

(b) Develop and monitor requirements for grant recipients to:

(i) Identify students who both fail the Washington assessment of student learning and drop out of school;

(ii) Identify their own strengths and gaps in services provided to youth;

(iii) Set their own local goals for program outcomes;

(iv) Use research-based and emerging best practices that lead to positive outcomes in implementing the building bridges program; and

(v) Coordinate an outreach campaign to bring public and private organizations together and to provide information about the building bridges program to the local community;

(c) In setting the requirements under (b) of this subsection, encourage creativity and provide for flexibility in implementing the local building bridges program;

(d) Identify and disseminate successful practices;

(e) Develop requirements for grant recipients to collect and report data, including, but not limited to:

(i) The number of and demographics of students served including, but not limited to, information regarding a student's race and ethnicity, a student's household income, a student's housing status, whether a student is a foster youth or youth involved in the juvenile justice system, whether a student is disabled, and the primary language spoken at a student's home;

(ii) Washington assessment of student learning scores;

(iii) Dropout rates;

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- (iv) On-time graduation rates;
- (v) Extended graduation rates;
- (vi) Credentials obtained;
- (vii) Absenteeism rates;
- (viii) Truancy rates; and
- (ix) Credit retrieval;

(f) Contract with a third party to evaluate the infrastructure and implementation of the partnership including the leveraging of outside resources that relate to the goal of the partnership. The third-party contractor shall also evaluate the performance and effectiveness of the partnerships relative to the type of entity, as identified in section 4 of this act, serving as the lead agency for the partnership; and

- (g) Report to the legislature by December 1, 2008.

(2) In performing its duties under this section, the office of the superintendent of public instruction is encouraged to consult with the work group identified in section 7 of this act.

NEW SECTION. Sec. 4. In awarding the grants under section 2 of this act, the office of the superintendent of public instruction shall prioritize schools or districts with dropout rates above the statewide average and shall attempt to award building bridges program grants to different geographic regions of the state. Eligible recipients shall be one of the following entities acting as a lead agency for the local partnership: A school district, a tribal school, an area workforce development council, an educational service district, an accredited institution of higher education, a vocational skills center, a federally recognized tribe, a community organization, or a nonprofit 501(c)(3) corporation. If the recipient is not a school district, at least one school district must be identified within the partnership. The superintendent of public instruction shall ensure that grants are distributed proportionately between school districts and other recipients. This requirement may be waived if the superintendent of public instruction finds that the quality of the programs or applications from these entities does not warrant the awarding of the grants proportionately.

NEW SECTION. Sec. 5. To be eligible for a grant under section 2 of this act, grant applicants shall:

(1) Build or demonstrate a commitment to building a broad-based partnership of schools, families, and community members to provide an effective and efficient building bridges program. The partnership shall consider an effective model for school-community partnerships and include local membership from, but not limited to, school districts, tribal schools, secondary career and technical education programs, skill centers that serve the local community, an educational service district, the area workforce development council, accredited institutions of higher education, tribes or other cultural organizations, the parent teacher association, the juvenile court, prosecutors and defenders, the local health department, health care agencies, public transportation agencies, local division representatives of the department of social and health services, businesses, city or county government agencies, civic organizations, and appropriate youth-serving community-based organizations. Interested parents and students shall be actively included whenever possible;

(2) Demonstrate how the grant will enhance any dropout prevention and intervention programs and services already in place in the district;

(3) Provide a twenty-five percent match that may include in-kind resources from within the partnership;

- (4) Track and report data required by the grant; and

(5) Describe how the dropout prevention, intervention, and retrieval system will be sustained after initial funding, including roles of each of the partners.

NEW SECTION. Sec. 6. (1) Educational service districts, in collaboration with area workforce development councils, shall:

(a) Provide technical assistance to local partnerships established under a grant awarded under section 2 of this act in collecting and using performance data; and

(b) At the request of a local partnership established under a grant awarded under section 2 of this act, provide assistance in the development of a functional sustainability plan, including the identification of potential funding sources for future operation.

(2) Local partnerships established under a grant awarded under section 2 of this act may contract with an educational service district, workforce development council, or a private agency for specialized training in such areas as cultural competency, identifying diverse learning styles, and intervention strategies for students at risk of dropping out of school.

NEW SECTION. Sec. 7. (1) The office of the superintendent of public instruction shall establish a state-level work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The state-level leadership group shall consist of one representative from each of the following agencies and organizations: The workforce training and education coordinating board; career and technical education including skill centers; relevant divisions of the department of social and health services; the juvenile courts; the Washington association of prosecuting attorneys; the Washington state office of public defense; the employment security department; accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; the department of health; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in section 5 of this act, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in section 3(1)(e) of this act; and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3) The work group shall report to the legislature and the governor on an annual basis beginning December 1, 2007, with recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

NEW SECTION. Sec. 8. (1) During the 2007-2009 biennium, school districts that contract with eligible alternative educational service providers to provide education programs, including GED preparation, that generate course credits towards high school graduation, for students who are at risk of dropping out of school, or who have dropped out of school, may continue to use allocations under RCW 28A.150.250 to fund contracts with those providers. For purposes of this section, "eligible alternative educational service providers" includes community and technical colleges and community-based organizations that meet all state requirements for receiving state K-12 formula allocations. Students attending these programs will be considered full-time equivalent students if they are enrolled in programming totaling at least twenty-five hours per week. A student will not be considered enrolled if their consecutive days of absence from school exceed twenty school days and attendance has not resumed.

(2) All school districts with contracts with eligible alternative educational service providers shall provide information to the office of the superintendent of public instruction including, but not limited to: (a) The number of students enrolled in those programs; (b) the amount of weekly

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instructional hours provided; (c) the location of the instruction program provided; and (d) the number and types of staff providing the instruction in the programs. By December 1, 2008, the office of the superintendent of public instruction shall submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the information provided by the school districts pursuant to this subsection.

(3) The state-level work group established under section 7 of this act shall examine issues related to school districts' use of basic education allocations under this section including, but not limited to, findings or other relevant communications by the state auditor. The work group shall develop recommendations and submit a report to the appropriate legislative committees by December 1, 2009.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act are each added to chapter 28A.175 RCW.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senator McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators McAuliffe and Tom to Second Substitute House Bill No. 1573.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "retrieval;" strike the remainder of the title and insert "adding new sections to chapter 28A.175 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1573 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Holmquist spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Berkey was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1573 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1573 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler,

Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

SECOND SUBSTITUTE HOUSE BILL NO. 1573 as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5224 was returned to second reading for purpose of an amendment. Amendment 5224-S AMH ENGR H3231.3 was amended by 5224-S AMH SULB H3514.1; the amendment was engrossed, and 5224-S AMH ENGR H3603.E was adopted. The House passed the bill as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.85.010 and 2005 c 309 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office created in RCW 77.85.030.

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(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150.

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

Sec. 2. RCW 77.85.020 and 2005 c 309 s 3 are each amended to read as follows:

(1) ~~(By December 1, 2006)~~ No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report ((may)) must include the following:

(a) ~~((A description of the amount of in-kind and financial contributions, including volunteer, private, and state, federal, tribal as available, and local government money directly spent on salmon recovery in response to actual, proposed, or expected endangered species act listings;~~

~~—(b))~~ (b) A summary of habitat projects including but not limited to:

(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;

(ii) A summary of salmon restoration efforts undertaken in the past two years;

(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and

(iv) A summary of efforts taken to protect salmon habitat;

~~—((c) A summary of collaborative efforts undertaken with adjoining states or Canada;~~

~~—(d))~~ (b) A summary of harvest and hatchery management activities affecting salmon recovery;

~~—((c) A summary of information regarding impediments to successful salmon recovery efforts;~~

~~—(f))~~ (c) A summary of the number and types of violations of existing laws pertaining to ~~((i) Water quality, and ((ii))~~ salmon. The summary ~~((shall))~~ may include information about the types of sanctions imposed for these violations ~~((;~~

~~—(g) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998; and~~

~~—(h) Recommendations to the legislature that would further the success of salmon recovery. The recommendations may include:~~

~~—(i) The need to expand or improve nonregulatory programs and activities;~~

~~—(ii) The need to expand or improve state and local laws and regulations; and~~

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~~—(iii) Recommendations for state funding assistance to recovery activities and projects).~~

(2) The report may include the following:

(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and

(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.

(3) The report shall summarize the monitoring data coordinated by the ((monitoring)) forum on monitoring salmon recovery and watershed health. The summary ((must)) may include but is not limited to data and analysis related to:

(a) Measures of progress in fish recovery;

(b) Measures of factors limiting recovery as well as trends in such factors; and

(c) The status of implementation of projects and activities.

(4) The department, the department of ecology, the department of natural resources, the state conservation commission, and the forum on monitoring salmon recovery and watershed health shall provide to the governor's salmon recovery office information requested by the office necessary to prepare the state of the salmon report and other reports produced by the office.

Sec. 3. RCW 77.85.030 and 2005 c 309 s 4 are each amended to read as follows:

(1) The governor's salmon recovery office is created within the office of the governor to coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. The primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans. The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery. The governor's salmon recovery office shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans; ((and))

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to the independent science panel or other science-related panels on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

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(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

~~((2))~~ (5) This section expires June 30, ((2007)) 2015.

Sec. 4. RCW 77.85.040 and 2005 c 309 s 5 are each amended to read as follows:

(1) The governor ((shall)) may request the ((national)) Washington academy of sciences, ((the American fisheries society, or a comparable institution to screen candidates to serve as members on the)) when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. ((The institution that conducts the screening of the candidates shall submit a list of the nine most qualified candidates to the governor, the speaker of the house of representatives, and the majority leader of the senate.)) The ((candidates)) panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

((2)) The speaker of the house of representatives and the majority leader in the senate may each remove one name from the nomination list. The governor shall consult with tribal representatives and the governor shall appoint five scientists from the remaining names on the nomination list.

—((3)) The members of the independent science panel shall serve four-year terms. Vacant positions on the panel shall be filled in the same manner as the original appointments. Members shall serve no more than two full terms. The independent science panel members shall elect the chair of the panel among themselves every two years.)) Based upon available funding, the governor's salmon recovery office may contract for services ((with members)) of the independent science panel for compensation under chapter 39.29 RCW.

((4)) (2) The independent science panel shall be governed by ((generally accepted)) guidelines and practices governing the activities of ((independent science boards such as)) the ((national)) Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may, during the time it is constituted, request ((review of regional salmon recovery plans by the science review panel)) that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 or to make policy decisions. The panel shall ((periodically)) submit its findings and recommendations under this subsection to the legislature and the governor.

Sec. 5. RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030, during the time it is constituted, as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's

salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

Sec. 6. RCW 77.85.150 and 2005 c 309 s 9 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, ((shall)) during the time it is constituted, maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) ((Beginning on September 1, 2000,)) If the strategy ((shall be)) is updated ((through)), an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall ((hold public meetings)) work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ((similarly)) ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

Sec. 7. RCW 43.41.270 and 2001 c 227 s 2 are each amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the governor's salmon recovery office, during the time it is constituted, shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome-focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

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(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section. ~~((The office of financial management shall report to the appropriate legislative committees of the legislature on the agencies' implementation of this section, including any necessary changes in current law, and funding requirements by July 31, 2002. Natural resource agencies shall assist the office of financial management in preparing the report, including complying with time frames for submitting information established by the office of financial management.))~~

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the interagency committee for outdoor recreation, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW ~~((79.24.580))~~ 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public ~~((works))~~ works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

NEW SECTION. Sec. 8. A new section is added to chapter 77.85 RCW to read as follows:

(1) The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

(2) The forum on monitoring salmon recovery and watershed health is created. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) Salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound action team, or a successor state agency;
- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and

(j) Each of the regional salmon recovery organizations.

(3) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

(4) The forum on monitoring salmon recovery and watershed health shall recommend a set of measures for use by the governor's salmon recovery office in the state of the salmon report to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

(5) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

(6) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies, coordinating with the governor's salmon recovery office biennial report as required by RCW 77.85.020.

(7) The forum shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

(8) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

(9) This section expires June 30, 2015.

NEW SECTION. Sec. 9. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2007."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Jacobsen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5224.

MOTION

The President declared the question before the Senate to be the motion by Senator Jacobsen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5224.

Senator Jacobsen spoke in favor of the motion.

The motion by Senator Jacobsen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5224 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5224, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5224, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

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Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

SUBSTITUTE SENATE BILL NO. 5224, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627 was returned to second reading for purpose of an amendment: 5627-S2.E AMH HAIG H3553.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The state's definition of basic education and the corresponding funding formulas must be regularly updated in order to keep pace with evolving educational practices and increasing state and federal requirements and to ensure that all schools have the resources they need to help give all students the opportunity to be fully prepared to compete in a global economy. The work of Washington learns steering committee and the K-12 advisory committee provides a valuable starting point from which to evaluate the current educational system and develop a unique, transparent, and stable educational funding system for Washington that supports the goals and the vision of a world-class learner-focused K-12 educational system that were established in the final Washington learns report.

This act is intended to make provision for some significant steps towards a new basic education funding system and establishes a joint task force to address the details and next steps beyond the 2007-2009 biennium that will be necessary to implement a new comprehensive K-12 finance formula or formulas that will provide Washington schools with stable and adequate funding as the expectations for the K-12 system continue to evolve.

NEW SECTION. Sec. 2. (1) The joint task force on basic education finance established under this section, with research support from the Washington state institute for public policy, shall review the definition of basic education and all current basic education funding formulas, develop options for a new funding structure and all necessary formulas, and propose a new definition of basic education that is realigned with the new expectations of the state's education system as established in the November 2006 final report of the Washington learns steering committee and the basic education provisions established in chapter 28A.150 RCW.

(2) The joint task force on basic education finance shall consist of fourteen members:

(a) A chair of the task force with experience with Washington finance issues including knowledge of the K-12 funding formulas, appointed by the governor;

(b) Eight legislators, with two members from each of the two largest caucuses of the senate appointed by the president of the senate and two members from each of the two largest

caucuses of the house of representatives appointed by the speaker of the house of representatives;

(c) A representative of the governor's office or the office of financial management, designated by the governor;

(d) The superintendent of public instruction or the superintendent's designee; and

(e) Three individuals with significant experience with Washington K-12 finance issues, including the use and application of the current basic education funding formulas, appointed by the governor. Each of the two largest caucuses of the house of representatives and the senate may submit names to the governor for consideration.

(3) In conducting research directed by the task force and developing options for consideration by the task force, the Washington state institute for public policy shall consult with stakeholders and experts in the field. The institute may also request assistance from the legislative evaluation and accountability program committee, the office of the superintendent of public instruction, the office of financial management, the house office of program research, and senate committee services.

(4) In developing recommendations, the joint task force shall review and build upon the following:

(a) Reports related to K-12 finance produced at the request of or as a result of the Washington learns study, including reports completed for or by the K-12 advisory committee;

(b) High-quality studies that are available; and

(c) Research and evaluation of the cost-benefits of various K-12 programs and services developed by the institute as directed by the legislature in section 607(15), chapter 372, Laws of 2006.

(5) The Washington state institute for public policy shall provide the following reports to the joint task force:

(a) An initial report by September 15, 2007, proposing an initial plan of action, reporting dates, timelines for fulfilling the requirements of section 3 of this act, and an initial timeline for a phased-in implementation of a new funding system that does not exceed six years;

(b) A second report by December 1, 2007, including implementing legislation as necessary, for at least two but no more than four options for allocating school employee compensation. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The report must also include a projection of the expected effect of the investment made under the new funding structure. The second report shall also include a finalized timeline and plan for addressing the remaining components of a new funding system; and

(c) A final report with at least two but no more than four options for revising the remaining K-12 funding structure, including implementing legislation as necessary, and a timeline for phasing in full adoption of the new funding structure. The final report shall be submitted to the joint task force by September 15, 2008. One of the options must be a redirection and prioritization within existing resources based on research-proven education programs. The final report must also include a projection of the expected effect of the investment made under the new funding structure.

NEW SECTION. Sec. 3. (1) The funding structure alternatives developed by the joint task force under section 2 of this act shall take into consideration the legislative priorities in this section, to the maximum extent possible and as appropriate to each formula.

(2) The funding structure should reflect the most effective instructional strategies and service delivery models and be based on research-proven education programs and activities with demonstrated cost benefits. In reviewing the possible strategies and models to include in the funding structure the task force shall, at a minimum, consider the following issues:

(a) Professional development for all staff;

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(b) Whether the compensation system for instructional staff shall include pay for performance, knowledge, and skills elements; regional cost-of-living elements; elements to recognize assignments that are difficult; recognition for the professional teaching level certificate in the salary allocation model; and a plan to implement the pay structure;

(c) Voluntary all-day kindergarten;

(d) Optimum class size, including different class sizes based on grade level and ways to reduce class size;

(e) Focused instructional support for students and schools;

(f) Extended school day and school year options; and

(g) Health and safety requirements.

(3) The recommendations should provide maximum transparency of the state's educational funding system in order to better help parents, citizens, and school personnel in Washington understand how their school system is funded.

(4) The funding structure should be linked to accountability for student outcomes and performance.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627.

Senator McAuliffe spoke in favor of the motion.

Senator Holmquist spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5627 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5627, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 17; Absent, 0; Excused, 5.

Voting yea: Senators Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 27

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Stevens, Swecker and Zarelli - 17

Excused: Senators Berkey, Brown, Hargrove, Prentice and Pridemore - 5

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5627, as amended by the House, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:24 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Thursday, April 19, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDRED SECOND DAY, APRIL 19, 2007

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ONE-HUNDRED SECOND DAY

April 18, 2007

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 19, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Kohl-Welles.

The Sergeant at Arms Color Guard consisting of Pages Hanna Banks and Rachel Cook, presented the Colors. Pastor Dennis McKown of the Wind Works Fellowship of the Seventh Day Adventist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2007

SB 6156 Prime Sponsor, Prentice: Relating to state government. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6156 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Hatfield, Keiser, Kohl-Welles, Oemig, Rasmussen, Roach, Rockefeller and Schoesler

MINORITY recommendation: Without recommendation. Signed by Senators Brandland, Carrell, Parlette and Zarelli

April 18, 2007

SB 6157 Prime Sponsor, Prentice: Relating to human services. Revised for 1st Substitute: Changing provisions affecting offenders who are leaving confinement. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6157 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

April 18, 2007

SB 6158 Prime Sponsor, Prentice: Relating to human services. Revised for 1st Substitute: Concerning the biennial rebasing of nursing facility medicaid payment rates. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 6158 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

ESHB 1179 Prime Sponsor, Committee on Appropriations: Allowing part-time students at postsecondary institutions to qualify for a state need grant. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Brandland, Carrell, Fairley, Hatfield, Hewitt, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Tom and Zarelli

Passed to Committee on Rules for second reading.

April 18, 2007

EHB 1902 Prime Sponsor, Grant: Concerning the sales and use taxation of repairs to farm machinery and equipment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Senators Brandland, Carrell, Hatfield, Hewitt, Hobbs, Honeyford, Parlette, Rasmussen, Roach, Schoesler and Zarelli

MINORITY recommendation: Do not pass. Signed by Senators Fairley and Tom

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Eide, the rules were suspended and all measures listed on the Standing Committee Report were placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the third order of business.

MESSAGES FROM THE STATE OFFICES

April 13, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington Citizen's Commission on Salaries for Elected Officials Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor
The Washington Citizen's Commission on Salaries for Elected Officials Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

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ONE-HUNDRED SECOND DAY, APRIL 19, 2007
STATE OF WASHINGTON

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Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Seattle Community Colleges Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Dear Mr. Hoemann:

Enclosed is Western Washington University Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Western Washington University Audit Report is on file in the Office of the Secretary of the Senate.

Sincerely,
Brian Sonntag, State Auditor, Secretary
The Seattle Community Colleges Audit Report is on file in the Office of the Secretary of the Senate.

MOTION

There being no objection, the Senate advanced to the fourth order of business.

MESSAGES FROM THE STATE OFFICES

MESSAGE FROM THE HOUSE

April 9, 2007

April 18, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1098,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
and the same are herewith transmitted.

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

RICHARD NAFZIGER, Chief Clerk

Dear Mr. Hoemann:

Enclosed is Washington State Alfalfa Seed Commission.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Washington State Alfalfa Seed Commission is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

April 18, 2007

MESSAGES FROM THE STATE OFFICES

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5063,
SUBSTITUTE SENATE BILL NO. 5074,
SECOND SUBSTITUTE SENATE BILL NO. 5092,
SUBSTITUTE SENATE BILL NO. 5202,
SUBSTITUTE SENATE BILL NO. 5227,
SUBSTITUTE SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5320,
SUBSTITUTE SENATE BILL NO. 5435,
SENATE BILL NO. 5551,
SENATE BILL NO. 5552,
SENATE BILL NO. 5572,
SUBSTITUTE SENATE BILL NO. 5634,
SUBSTITUTE SENATE BILL NO. 5639,
SUBSTITUTE SENATE BILL NO. 5647,
SECOND SUBSTITUTE SENATE BILL NO. 5652,
SUBSTITUTE SENATE BILL NO. 5653
ENGROSSED SENATE BILL NO. 5669,
SUBSTITUTE SENATE BILL NO. 5674,
ENGROSSED SENATE BILL NO. 5675,
SUBSTITUTE SENATE BILL NO. 5702,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5721,
SUBSTITUTE SENATE BILL NO. 5731,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5788,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5828,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5836,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5843,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5859,

April 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

Mr. Thomas Hoemann
Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Municipal Research Council Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor

The Municipal Research Council Audit Report is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE STATE OFFICES

April 9, 2007

STATE OF WASHINGTON

Olympia, Washington 98504-5000

ONE-HUNDRED SECOND DAY, APRIL 19, 2007
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5862,
 SUBSTITUTE SENATE BILL NO. 5881,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5894,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,
 SENATE BILL NO. 5926,
 SUBSTITUTE SENATE BILL NO. 5937,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5958,
 SUBSTITUTE SENATE BILL NO. 5987,
 SECOND SUBSTITUTE SENATE BILL NO. 5995,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6001,
 SECOND SUBSTITUTE SENATE BILL NO. 6016,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6099,
 SUBSTITUTE SENATE BILL NO. 6100,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6117,
 SENATE BILL NO. 6119,
 ENGROSSED SENATE BILL NO. 6128,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8011,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The Speaker has signed:
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.
 1001,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,
 SUBSTITUTE HOUSE BILL NO. 1037,
 HOUSE BILL NO. 1038,
 SUBSTITUTE HOUSE BILL NO. 1079,
 SUBSTITUTE HOUSE BILL NO. 1140,
 ENGROSSED HOUSE BILL NO. 1214,
 HOUSE BILL NO. 1220,
 SUBSTITUTE HOUSE BILL NO. 1255,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,
 ENGROSSED HOUSE BILL NO. 1413,
 HOUSE BILL NO. 1449,
 HOUSE BILL NO. 1476,
 SECOND SUBSTITUTE HOUSE BILL NO. 1506,
 ENGROSSED HOUSE BILL NO. 1525,
 SUBSTITUTE HOUSE BILL NO. 1651,
 SECOND SUBSTITUTE HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1679,
 HOUSE BILL NO. 1722,
 SUBSTITUTE HOUSE BILL NO. 1777,
 SUBSTITUTE HOUSE BILL NO. 1805,
 SECOND SUBSTITUTE HOUSE BILL NO. 1811,
 SECOND SUBSTITUTE HOUSE BILL NO. 1906,
 HOUSE BILL NO. 1949,
 SUBSTITUTE HOUSE BILL NO. 1988,
 HOUSE BILL NO. 2004,
 SECOND SUBSTITUTE HOUSE BILL NO. 2055,
 SUBSTITUTE HOUSE BILL NO. 2115,
 SUBSTITUTE HOUSE BILL NO. 2118,
 SUBSTITUTE HOUSE BILL NO. 2129,
 HOUSE BILL NO. 2135,
 SUBSTITUTE HOUSE BILL NO. 2209,
 HOUSE BILL NO. 2240,
 HOUSE BILL NO. 2357,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

INTRODUCTION OF SPECIAL GUESTS

2007 REGULAR SESSION

The President welcomed and introduced the Shifty Sailors of Whidbey Island who performed at the bar of the Senate in commemoration of the previous days Senate Resolution No. 8689.

REPLY BY THE PRESIDENT

President Owen: "Senator Mary Margaret Haugen, the President can't help but notice but there be no wenches in the group."

PERSONAL PRIVILEGE

Senator Eide: "Well, I would like to thank the good Senator from the Tenth District for bringing down the Shifty Sailors. What a pleasant delight, and I noticed that the good Senator from District Twenty-Two was actually singing along. I don't know if anyone else noticed that but I sure did. I was hoping that you were mentioning your CD because I'd love to purchase one of them. I just wanted to say that this was fun. Thank you Senator Haugen for bringing them down."

REMARKS BY THE PRESIDENT

President Owen: "The President would also like to note that Vernon and Carl Olson, who are in the group, their father who was the Sergeant at Arms in 1949, Mr. George Olson, for the Senate."

PERSONAL PRIVILEGE

Senator Haugen: "Well, I've often told this group I have the beautiful district in the state and some of the finest artist and now you see I have the finest singing group. This is an outstanding group of men who really do give of themselves to not only provide the pleasure that we've all experienced but also to provide experiences for young people. I think it's important to point at times, particularly after session like this, that we have a little time to stop and think about how music does effect our soles. You know, actually the maritime music actually started because the men on the ships were working hard and by singing it helped them. I think that this few moments that we've had here this morning will help us finish the job we have to do and we will return home safely to our shores. Mr. President, I might want to point out we Mike Murphy, our State Treasurer-who I like to think is our sailor in the process-I think he's had his sailing ship for twenty-eight years, something like that. He's going to go sailing off pretty soon. He might want to go with these guys. Mr. President, I think maybe next year we ought to have a state shanty song because this year we did the Washington tall ship as our state tall ship. Maybe we ought to have a shanty song that can be sang on that ship as she sails around the world representing us. Thank you very much, I appreciate this opportunity to share a bit of Whidbey Island with you."

REMARKS BY THE PRESIDENT

President Owen: "Thank you Senator for bringing the group to our attention. Thank you gentlemen, excellent."

MOTION

At 10:26 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:42 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179, by House Committee on Appropriations (originally sponsored by Representatives Hasegawa, Jarrett, Sells, Roberts, Anderson, Green, Sommers, Kenney, Wallace, Buri, Appleton, Hudgins, Kagi, Ormsby, McDonald, Conway, Wood, Santos, Schual-Berke, Simpson, Lantz, Haigh and Morrell)

Allowing part-time students at postsecondary institutions to qualify for a state need grant.

The measure was read the second time.

MOTION

Senator Shin moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"**Sec. 5.** RCW 28B.92.080 and 2004 c 275 s 39 are each amended to read as follows:

For a student to be eligible for a state need grant a student must:

(1) Be a "needy student" or "disadvantaged student" as determined by the board in accordance with RCW 28B.92.030 (3) and (4).

(2) Have been domiciled within the state of Washington for at least one year.

(3) Be enrolled or accepted for enrollment on at least a half-time basis at an institution of higher education in Washington as defined in RCW 28B.92.030(1).

(4) Until June 30, 2011, to the extent funds are specifically appropriated for this purpose, and subject to any terms and conditions specified in the omnibus appropriations act, be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030(1).

(5) Have complied with all the rules and regulations adopted by the board for the administration of this chapter.

Sec. 6. RCW 28B.92.060 and 2005 c 93 s 3 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) Financial need as determined by the amount of the family contribution; and

(b) Other considerations, such as whether the student is a former foster youth.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate

degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

NEW SECTION. Sec. 7. A new section is added to chapter 28B.92 RCW to read as follows:

Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students taking a less-than-half-time course load, and to implement policies and procedures providing students taking a less-than-half-time course load with the same access to institutional aid, including tuition waivers, as provided to students enrolled half time or more.

Sec. 8. RCW 28B.15.820 and 2004 c 275 s 66 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; or (c) to provide financial aid to needy students as provided in subsection (10) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least ~~((3x))~~ three credit hours or the equivalent, who is eligible

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for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a "needy student" as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally-administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally-administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

NEW SECTION. **Sec. 9.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senator Shin spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Substitute House Bill No. 1179.

The motion by Senator Shin carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "grant;" strike the remainder of the title and insert "amending RCW 28B.92.080, 28B.92.060, and 28B.15.820; adding a new section to chapter 28B.92 RCW; and creating a new section."

MOTION

On motion of Senator Shin, the rules were suspended, Engrossed Substitute House Bill No. 1179 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1179 as amended by the Senate.

MOTION

On motion of Senator Regala, Senators Kohl-Welles and Pridemore were excused.

PERSONAL PRIVILEGE

Senator Jacobsen: "Yes, I just want to point out Senator Kohl-Welles is in Washington D.C. because she received a national award and is presented by U.S. Senator by Robert, uh, Ted Kennedy and Reid, otherwise she'd want to be here today."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1179 as amended by the Senate and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Excused: Senator Kohl-Welles - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oemig: "Mr. President, democracy is often easier to enjoy when it is to participate in and protect. We inherited a great democracy and those who shaped it were not perfect. It would be easier to point out their mistakes than to live up to their example. Our American tradition, our inherited tradition is to aim high and we're bound to make mistakes. We've made plenty. History is filled with them, the Gulf of Tonkin, Iran-Contra, but it's with action that we fix our mistakes. When people are honestly mistaken and they learn the truth they either to cease to be mistaken or cease to be honest. If we do not act to correct our mistakes, our children will inherit them. We cannot restore the lives lost in Iraq or the lost limbs or the lives shattered but we can act. Our Commander-in-Chief can be relieved of duty. The truth has surfaced. He abused our proud traditions and brought us torture, while telling us we don't torture. He violated our proud traditions and spied on American citizens, while telling us we don't spy and he made claims about aluminum tubes and yellow cake that the evidence did not support. The truth has surfaced, do we cease to be mistaken or do we cease to be honest. I would never trust this President with the life of my son. How can I trust him with the lives of my neighbors' kids. How many more lives will this President sacrifice from Washington State? Six since he convened in January. For the soldiers that are going to die next month and next year to avert more death and to prevent handing out more Gold Stars to mothers. We must end this war. The Commander-in-Chief must be relieved of duty. The framers of our constitution gave us the tools of impeachment and conviction. We must not be afraid to use these tools."

REMARKS BY THE PRESIDENT

President Owen: "The President will remind the gallery that we're very pleased and privileged to have you with us today to observe this process but, we have very strict rules of decorum and protocol in this chamber. We would ask that you respect those rules and protocol and decorum in this chamber and not respond to the remarks made by the people who are speaking. Thank you very much."

PERSONAL PRIVILEGE

Senator Swecker: "Thank you Mr. President. We find ourselves on the floor of the Senate today hearing speeches about war and peace and perhaps of even impeaching a President. That's something new for me and probably even new for those who have been here for a long, long time. The reason it's new is because that's not what we were elected to do. I'm not saying these issues aren't important. They are, I know that first hand. As many of you probably know, I'm a veteran of the

Vietnam War. While I was there I earned the Purple Heart, the Bronze Star and more than twenty air medals. As a veteran, I can tell you that people decided to volunteer to serve their country, they do this for variety of reasons, patriotism, educational opportunities, family tradition, belief in a cause but once they get into combat that all goes away and they share one thing in common. The desire to see the war end. They don't like the isolation, the loneliness, the crummy food and, especially, getting shot at. But what keeps them engaged and what makes many of them sign up to go back? It's their deep desire for freedom on the part of the people they are there to serve. The desire for freedom for them outweighs all else. There's no better example of this than Valley Forge. Think about the despair, the disease, the death that the Constitutional Army suffered during that winter of destiny for this nation. Yet, it was the desire for freedom that caused them to endure and go forward. I've been in combat and I've seen the eyes of the people that I was there to help. You can't turn away. Their faces stay with you. You see the suffering and you realize you can help them and help the people back home. We all want peace but peace at the price of freedom is failure. That's what I believe and whether it's our policy as a nation is something that we do need to decide but the debate on this issue should not be occurring in the State Legislature. It should, Mr. President and is occurring in Congress. These are issues of foreign policy. This is an area outside the jurisdiction of this body. People in our district did not elect us to solve national problems. They elected us to solve the unique problems and challenges facing Washington State. This year the Senate Republicans have been talking about a symbolic women named 'Betuc.' Budget, Education, Transportation, Health Care and Crime, those are the issues that are important to her and those are the issues that this body should be dealing with. Solving the problems of this state and local issues is a commitment we must keep. We all understand that people fill strongly about these issues but let's focus on the things we were elected to do and leave the matters of national security up to our colleagues in the other Washington. Thank you Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Senator Kline, before you state your personal privilege, the President would like to remind the members of a couple of things. One is that a point of personal privilege is not a place where you may debate issues. It is a place where you may express yourself on issues that are personally and matters unique and pertinent to that Senator. Because the President believes that this is an issue that is very personal to several members of this body, he's exercising some discretion to allowing for these presentations to be made, but please recognize this is not a point for you to debate an issue and you are also limited to the three minute rule that has been in effect for the remainder of the session."

PERSONAL PRIVILEGE

Senator Kline: "Thank you Mr. President. I'd like to respond to both of the recent speakers....."

REPLY BY THE PRESIDENT

President Owen: "Senator Kline, the President would remind you that this is not a point for you to respond to the previous speakers."

PERSONAL PRIVILEGE

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Senator Kline: "I'd like to express my own feelings of the issue currently before us. Some forty years ago, I was a young student, I took part in anti-war demonstrations of a member of a group called Students for Democratic Society. We engaged in a very robust, public debate about a matter that was the most important our country was facing, the war in Vietnam. Still to this day, there's a anti-war poster that I resurrected from my basement, after some forty years, about the march of October 1967 that's on my office wall now. Little old, a little tattered, a little musty but unfortunately still relevant. Like so many naive twenty-year olds I thought that we had learned a lesson and that we would remember the lesson. Not to engage in foreign wars that are not in our national interest. Not to spend so much of our national treasure, the lives of our youth and ultimately our national dignity on something that had no real interest to United States. I thought the lesson would be learned. I had certainly learned it. I've been very dismayed in these last four years at the slow process of forgetting, of an administration that in secrecy and with an intent, I believe to deceive large numbers of people, played upon popular fears of weapons of mass destruction of biological or nuclear weapons that could be used and took the attack on this country as the excuse to launch a war, not the war in Afghanistan, which was a very legitimate response, but a diversion of our troops to a country which they had no reason to be Iraq. I thought we had remembered and yet it's the popular response, not blaming this administration or our brothers and sisters in Congress but ourselves. It is we who vote. It is our national fear that it can be so easily played upon. It is our acquiescence to this administration. There will always be evil. It is our fault for tolerating so much and saying so little."

REMARKS BY THE PRESIDENT

President Owen: "Senator Kline, your time is up."

MOTION

At 12:03 p.m., on motion of Senator Eide, the Senate was declared to be recessed until 1:30 p.m..

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Cody, Morrell, and Hinkle and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Keiser, the Senate granted the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 5930 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5930 and the House amendment(s) there to: Senators Franklin, Keiser and Pflug.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Weinstein moved that the Senate refuse to recede in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Weinstein that the Senate refuse to recede in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359.

The motion by Senator Weinstein carried and the Senate refused to recede in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1359 and the House amendment(s) thereto: Senators Brandland, Fraser and Weinstein.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives Fromhold, Ormsby and McDonald and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1092 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1092 and the House amendment(s) there to: Senators Brandland, Fraser and Regala.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1138,
HOUSE BILL NO. 1450,
HOUSE BILL NO. 1598,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
SUBSTITUTE HOUSE BILL NO. 1965,
ENGROSSED HOUSE BILL NO. 2070,
SUBSTITUTE SENATE BILL NO. 6141,

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1008,
SUBSTITUTE HOUSE BILL NO. 1037,
HOUSE BILL NO. 1038,
SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1140,
ENGROSSED HOUSE BILL NO. 1214,
HOUSE BILL NO. 1220,
SUBSTITUTE HOUSE BILL NO. 1255,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1260,
ENGROSSED HOUSE BILL NO. 1413,
HOUSE BILL NO. 1449,
HOUSE BILL NO. 1476,
SECOND SUBSTITUTE HOUSE BILL NO. 1506,
ENGROSSED HOUSE BILL NO. 1525,
SUBSTITUTE HOUSE BILL NO. 1651,
SECOND SUBSTITUTE HOUSE BILL NO. 1656,
SUBSTITUTE HOUSE BILL NO. 1679,
HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1777,
SUBSTITUTE HOUSE BILL NO. 1805,
SECOND SUBSTITUTE HOUSE BILL NO. 1811,
SECOND SUBSTITUTE HOUSE BILL NO. 1906,
HOUSE BILL NO. 1949,
SUBSTITUTE HOUSE BILL NO. 1988,
HOUSE BILL NO. 2004,
SECOND SUBSTITUTE HOUSE BILL NO. 2055,
SUBSTITUTE HOUSE BILL NO. 2115,

SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2129,
HOUSE BILL NO. 2135,
SUBSTITUTE HOUSE BILL NO. 2209,
HOUSE BILL NO. 2240,
HOUSE BILL NO. 2357,

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2395, by Representatives Fromhold, McDonald and Morrell

Regarding leasing and development rights on state lands.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2395.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2395 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Absent: Senator Jacobsen - 1

Excused: Senator Kohl-Welles - 1

HOUSE BILL NO. 2395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown, Jacobsen, McAuliffe and Tom were excused.

SECOND READING

HOUSE BILL NO. 2396, by Representatives Fromhold and McDonald

Regarding investment of moneys in the permanent common school fund.

The measure was read the second time.

MOTION

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On motion of Senator Prentice, the rules were suspended, House Bill No. 2396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2396.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2396 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 45

Excused: Senators Brown, Kohl-Welles, McAuliffe and Tom - 4

HOUSE BILL NO. 2396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1005,
 SUBSTITUTE HOUSE BILL NO. 1029,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1050,
 HOUSE BILL NO. 1065,
 SUBSTITUTE HOUSE BILL NO. 1082,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131,
 HOUSE BILL NO. 1166,
 SECOND SUBSTITUTE HOUSE BILL NO. 1201,
 ENGROSSED HOUSE BILL NO. 1217
 HOUSE BILL NO. 1224,
 SUBSTITUTE HOUSE BILL NO. 1233,
 SUBSTITUTE HOUSE BILL NO. 1244,
 SUBSTITUTE HOUSE BILL NO. 1259,
 SUBSTITUTE HOUSE BILL NO. 1267,
 SUBSTITUTE HOUSE BILL NO. 1276,
 SUBSTITUTE HOUSE BILL NO. 1287,
 HOUSE BILL NO. 1293,
 SUBSTITUTE HOUSE BILL NO. 1298,
 SUBSTITUTE HOUSE BILL NO. 1304,
 SUBSTITUTE HOUSE BILL NO. 1319,
 SUBSTITUTE HOUSE BILL NO. 1328,
 HOUSE BILL NO. 1371,
 SUBSTITUTE HOUSE BILL NO. 1396,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SECOND SUBSTITUTE HOUSE BILL NO. 1401,
 SUBSTITUTE HOUSE BILL NO. 1407,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1414,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1422,
 HOUSE BILL NO. 1443,
 SUBSTITUTE HOUSE BILL NO. 1445,
 HOUSE BILL NO. 1457,
 HOUSE BILL NO. 1505,
 HOUSE BILL NO. 1520,
 HOUSE BILL NO. 1543,
 SUBSTITUTE HOUSE BILL NO. 1583,
 HOUSE BILL NO. 1592,
 HOUSE BILL NO. 1599,
 SECOND SUBSTITUTE HOUSE BILL NO. 1636,
 SUBSTITUTE HOUSE BILL NO. 1646,

ENGROSSED HOUSE BILL NO. 1648,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1671,
 SUBSTITUTE HOUSE BILL NO. 1761,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1779,
 SUBSTITUTE HOUSE BILL NO. 1802
 HOUSE BILL NO. 1820
 SUBSTITUTE HOUSE BILL NO. 1832,
 SUBSTITUTE HOUSE BILL NO. 1837
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 SUBSTITUTE HOUSE BILL NO. 1891,
 SECOND SUBSTITUTE HOUSE BILL NO. 1896,
 ENGROSSED HOUSE BILL NO. 1898,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1910,
 SECOND SUBSTITUTE HOUSE BILL NO. 1922,
 SUBSTITUTE HOUSE BILL NO. 1929,
 HOUSE BILL NO. 1966,
 SUBSTITUTE HOUSE BILL NO. 2007,
 HOUSE BILL NO. 2034,
 SUBSTITUTE HOUSE BILL NO. 2049,

SIGNED BY THE PRESIDENT

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1052,
 HOUSE BILL NO. 1073,
 HOUSE BILL NO. 1077,
 SECOND SUBSTITUTE HOUSE BILL NO. 1096,
 SUBSTITUTE HOUSE BILL NO. 1099,
 SECOND SUBSTITUTE HOUSE BILL NO. 1106,
 SUBSTITUTE HOUSE BILL NO. 1256,
 HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1366,
 SUBSTITUTE HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1417,
 HOUSE BILL NO. 1418,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1461,
 SUBSTITUTE HOUSE BILL NO. 1472,
 SECOND SUBSTITUTE HOUSE BILL NO. 1488,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1569,
 HOUSE BILL NO. 1644,
 HOUSE BILL NO. 1859,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1916,
 SECOND SUBSTITUTE HOUSE BILL NO. 1980,
 HOUSE BILL NO. 2079,
 SUBSTITUTE HOUSE BILL NO. 2087,
 ENGROSSED HOUSE BILL NO. 2113,
 HOUSE BILL NO. 2236,
 SUBSTITUTE HOUSE BILL NO. 2261,
 SECOND SUBSTITUTE HOUSE BILL NO. 2262,
 SUBSTITUTE HOUSE BILL NO. 2275,
 HOUSE BILL NO. 2281,
 SUBSTITUTE HOUSE BILL NO. 2304,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2352,
 SUBSTITUTE HOUSE BILL NO. 2366,
 SUBSTITUTE HOUSE BILL NO. 2378,
 SUBSTITUTE HOUSE BILL NO. 2394,
 HOUSE JOINT MEMORIAL NO. 4017

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1138,
 HOUSE BILL NO. 1450
 HOUSE BILL NO. 1598,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1833,
 SUBSTITUTE HOUSE BILL NO. 1965,
 ENGROSSED HOUSE BILL NO. 2070,

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives: Clibborn, Flannigan, and Jarrett and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Haugen, the Senate granted the request of the House for a conference on Engrossed Substitute House Bill No. 1094 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1094 and the House amendment(s) there to: Senators Haugen, Marr and Swecker.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute Senate Bill No. 5312

April 18, 2007

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5312, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial account" means a relationship between a scrap metal business and a commercial enterprise that is ongoing and properly documented under section 3 of this act.

(2) "Commercial enterprise" means a corporation, partnership, limited liability company, association, state agency, political subdivision of the state, public corporation, or any other legal or commercial entity.

(3) "Commercial metal property" means: Utility access covers; street light poles and fixtures; road and bridge guardrails; highway or street signs; water meter covers; traffic directional and control signs; traffic light signals; any metal property marked with the name of a commercial enterprise, including but not limited to a telephone, commercial mobile radio services, cable, electric, water, natural gas, or other utility, or railroad; unused or undamaged building construction materials consisting of copper pipe, tubing, or wiring, or aluminum wire, siding, downspouts, or gutters; aluminum or stainless steel fence panels made from one inch tubing, forty-two inches high with four inch gaps; aluminum decking, bleachers, or risers; historical markers; statue plaques; grave markers and funeral vases; or agricultural irrigation wheels, sprinkler heads, and pipes.

(4) "Nonferrous metal property" means metal property for which the value of the metal property is derived from the property's content of copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys. "Nonferrous metal property" does not include precious metals.

(5) "Precious metals" means gold, silver, and platinum.

(6) "Record" means a paper, electronic, or other method of storing information.

(7) "Scrap metal business" means a scrap metal supplier, scrap metal recycling center, and scrap metal processor.

(8) "Scrap metal processor" means a person with a current business license that conducts business from a permanent location, that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of altering the metal in preparation for its use as feedstock in the manufacture of new products, and that maintains a hydraulic bailer, shearing device, or shredding device for recycling.

(9) "Scrap metal recycling center" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property and commercial metal property for the purpose of aggregation and sale to another scrap metal business and that maintains a fixed place of business within the state.

(10) "Scrap metal supplier" means a person with a current business license that is engaged in the business of purchasing or receiving nonferrous metal property for the purpose of aggregation and sale to a scrap metal recycling center or scrap metal processor and that does not maintain a fixed business location in the state.

(11) "Transaction" means a pledge, or the purchase of, or the trade of any item of nonferrous metal property by a scrap metal business from a member of the general public. "Transaction" does not include donations or the purchase or receipt of nonferrous metal property by a scrap metal business from a commercial enterprise, from another scrap metal business, or from a duly authorized employee or agent of the commercial enterprise or scrap metal business.

NEW SECTION. Sec. 2. RECORDS REQUIRED FOR PURCHASING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) At the time of a transaction, every scrap metal business doing business in this state shall produce wherever that business is conducted an accurate and legible record of each transaction involving nonferrous metal property. This record must be written in the English language, documented on a standardized form or in electronic form, and contain the following information:

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(a) The signature of the person with whom the transaction is made;

(b) The time, date, location, and value of the transaction;

(c) The name of the employee representing the scrap metal business in the transaction;

(d) The name, street address, and telephone number of the person with whom the transaction is made;

(e) The license plate number and state of issuance of the license plate on the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(f) A description of the motor vehicle used to deliver the nonferrous metal property subject to the transaction;

(g) The current driver's license number or other government-issued picture identification card number of the seller or a copy of the seller's government-issued picture identification card; and

(h) A description of the predominant types of nonferrous metal property subject to the transaction, including the property's classification code as provided in the institute of scrap recycling industries scrap specifications circular, 2006, and weight, quantity, or volume.

(2) For every transaction that involves nonferrous metal property, every scrap metal business doing business in the state shall require the person with whom a transaction is being made to sign a declaration. The declaration may be included as part of the transactional record required under subsection (1) of this section, or on a receipt for the transaction. The declaration must state substantially the following:

"I, the undersigned, affirm under penalty of law that the property that is subject to this transaction is not to the best of my knowledge stolen property."

The declaration must be signed and dated by the person with whom the transaction is being made. An employee of the scrap metal business must witness the signing and dating of the declaration and sign the declaration accordingly before any transaction may be consummated.

(3) The record and declaration required under this section must be open to the inspection of any commissioned law enforcement officer of the state or any of its political subdivisions at all times during the ordinary hours of business, or at reasonable times if ordinary hours of business are not kept, and must be maintained wherever that business is conducted for one year following the date of the transaction.

NEW SECTION. Sec. 3. REQUIREMENTS FOR PURCHASING OR RECEIVING NONFERROUS METAL PROPERTY FROM THE GENERAL PUBLIC. (1) No scrap metal business may enter into a transaction to purchase or receive nonferrous metal property from any person who cannot produce at least one piece of current government-issued picture identification, including a valid driver's license or identification card issued by any state.

(2) No scrap metal business may purchase or receive commercial metal property unless the seller: (a) Has a commercial account with the scrap metal business; (b) can prove ownership of the property by producing written documentation that the seller is the owner of the property; or (c) can produce written documentation that the seller is an employee or agent authorized to sell the property on behalf of a commercial enterprise.

(3) No scrap metal business may enter into a transaction to purchase or receive metallic wire that was burned in whole or in part to remove insulation unless the seller can produce written proof to the scrap metal business that the wire was lawfully burned.

(4) No transaction involving nonferrous metal property valued at greater than thirty dollars may be made in cash or with any person who does not provide a street address under the requirements of section 2 of this act. For transactions valued at

greater than thirty dollars, the person with whom the transaction is being made may only be paid by a nontransferable check, mailed by the scrap metal business to a street address provided under section 2 of this act, no earlier than ten days after the transaction was made. A transaction occurs on the date provided in the record required under section 2 of this act.

(5) No scrap metal business may purchase or receive beer kegs from anyone except a manufacturer of beer kegs or licensed brewery.

NEW SECTION. Sec. 4. RECORD FOR COMMERCIAL ACCOUNTS. (1) Every scrap metal business must create and maintain a permanent record with a commercial enterprise, including another scrap metal business, in order to establish a commercial account. That record, at a minimum, must include the following information:

(a) The full name of the commercial enterprise or commercial account;

(b) The business address and telephone number of the commercial enterprise or commercial account; and

(c) The full name of the person employed by the commercial enterprise who is authorized to deliver nonferrous metal property and commercial metal property to the scrap metal business.

(2) The record maintained by a scrap metal business for a commercial account must document every purchase or receipt of nonferrous metal property and commercial metal property from the commercial enterprise. The documentation must include, at a minimum, the following information:

(a) The time, date, and value of the property being purchased or received;

(b) A description of the predominant types of property being purchased or received; and

(c) The signature of the person delivering the property to the scrap metal business.

NEW SECTION. Sec. 5. REPORTING TO LAW ENFORCEMENT. (1) Upon request by any commissioned law enforcement officer of the state or any of its political subdivisions, every scrap metal business shall furnish a full, true, and correct transcript of the records from the purchase or receipt of nonferrous metal property and commercial metal property involving a specific individual, vehicle, or item of nonferrous metal property or commercial metal property. This information may be transmitted within a specified time of not less than two business days to the applicable law enforcement agency electronically, by facsimile transmission, or by modem or similar device, or by delivery of computer disk subject to the requirements of, and approval by, the chief of police or the county's chief law enforcement officer.

(2) If the scrap metal business has good cause to believe that any nonferrous metal property or commercial metal property in his or her possession has been previously lost or stolen, the scrap metal business shall promptly report that fact to the applicable commissioned law enforcement officer of the state, the chief of police, or the county's chief law enforcement officer, together with the name of the owner, if known, and the date when and the name of the person from whom it was received.

NEW SECTION. Sec. 6. PRESERVING EVIDENCE OF METAL THEFT. (1) Following notification, either verbally or in writing, from a commissioned law enforcement officer of the state or any of its political subdivisions that an item of nonferrous metal property or commercial metal property has been reported as stolen, a scrap metal business shall hold that property intact and safe from alteration, damage, or commingling, and shall place an identifying tag or other suitable identification upon the property. The scrap metal business shall hold the property for a period of time as directed by the

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applicable law enforcement agency up to a maximum of ten business days.

(2) A commissioned law enforcement officer of the state or any of its political subdivisions shall not place on hold any item of nonferrous metal property or commercial metal property unless that law enforcement agency reasonably suspects that the property is a lost or stolen item. Any hold that is placed on the property must be removed within ten business days after the property on hold is determined not to be stolen or lost and the property must be returned to the owner or released.

NEW SECTION. Sec. 7. UNLAWFUL VIOLATIONS. It is a gross misdemeanor under chapter 9A.20 RCW for:

(1) Any person to deliberately remove, alter, or obliterate any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of nonferrous metal property or commercial metal property in order to deceive a scrap metal business;

(2) Any scrap metal business to enter into a transaction to purchase or receive any nonferrous metal property or commercial metal property where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon the property have been deliberately and conspicuously removed, altered, or obliterated;

(3) Any person to knowingly make, cause, or allow to be made any false entry or misstatement of any material matter in any book, record, or writing required to be kept under this chapter;

(4) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property from any person under the age of eighteen years or any person who is discernibly under the influence of intoxicating liquor or drugs;

(5) Any scrap metal business to enter into a transaction to purchase or receive nonferrous metal property or commercial metal property with anyone whom the scrap metal business has been informed by a law enforcement agency to have been convicted of a crime involving drugs, burglary, robbery, theft, or possession of or receiving stolen property, manufacturing, delivering, or possessing with intent to deliver methamphetamine, or possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, or anhydrous ammonia with intent to manufacture methamphetamine within the past ten years whether the person is acting in his or her own behalf or as the agent of another;

(6) Any person to sign the declaration required under section 2 of this act knowing that the nonferrous metal property subject to the transaction is stolen. The signature of a person on the declaration required under section 2 of this act constitutes evidence of intent to defraud a scrap metal business if that person is found to have known that the nonferrous metal property subject to the transaction was stolen;

(7) Any scrap metal business to possess commercial metal property that was not lawfully purchased or received under the requirements of this chapter; or

(8) Any scrap metal business to engage in a series of transactions valued at less than thirty dollars with the same seller for the purposes of avoiding the requirements of section 3(4) of this act.

NEW SECTION. Sec. 8. CIVIL PENALTIES. (1) Each violation of the requirements of this chapter that are not subject to the criminal penalties under section 7 of this act shall be punishable, upon conviction, by a fine of not more than one thousand dollars.

(2) Within two years of being convicted of a violation of any of the requirements of this chapter that are not subject to the

criminal penalties under section 7 of this act, each subsequent violation shall be punishable, upon conviction, by a fine of not more than two thousand dollars.

NEW SECTION. Sec. 9. EXEMPTIONS. The provisions of this chapter do not apply to transactions conducted by the following:

(1) Motor vehicle dealers licensed under chapter 46.70 RCW;

(2) Vehicle wreckers or hulk haulers licensed under chapter 46.79 or 46.80 RCW;

(3) Persons in the business of operating an automotive repair facility as defined under RCW 46.71.011; and

(4) Persons in the business of buying or selling empty food and beverage containers, including metal food and beverage containers.

Sec. 10. RCW 9.94A.535 and 2005 c 68 s 3 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

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(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

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(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property or nonferrous metal property, as defined in section 1 of this act.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 12. RCW 9.91.110 (Metal buyers--Records of purchases--Penalty) and 1971 ex.s. c 302 s 18 are each repealed.

NEW SECTION. Sec. 13. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Kline, McCaslin and Tom; Representatives Hurst, Morrell and Warnick.

MOTION

Pursuant to Joint Rule 20, on motion of Senator Kline, the provision requiring a twenty-four hour interval before consideration of the conference committee report on Engrossed Substitute Senate Bill No. 5312 was suspended without rejection.

MOTION

Senator Kline moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5312 be adopted.

Senators Kline and McCaslin spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kline that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5312 be adopted.

The motion by Senator Kline carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5312, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5312, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Poulsen - 1

Excused: Senators Brown and Kohl-Welles - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5312, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1088 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1088.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1088.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1088.

MOTION

On motion of Senator Hargrove, the rules were suspended and Second Substitute House Bill No. 1088 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1088, by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Haler, Cody, Appleton, Darneille, Simpson, Takko, Kenney, Williams, Green, McDermott, Roberts, Lantz, McCoy, Ormsby, Schual-Berke, B. Sullivan, Hurst, Pettigrew, O'Brien, Lovick, P. Sullivan, Hasegawa, Hunt, Hudgins, Clibborn, Upthegrove, Morrell, Conway, Sells, Haigh, Quall, Moeller, Goodman, Wallace, Wood and Santos)

Improving delivery of children's mental health services.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

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"Sec. 1. RCW 71.36.005 and 1991 c 326 s 11 are each amended to read as follows:

The legislature intends to ~~((encourage the development of community-based interagency collaborative efforts to plan for and provide mental health services to children in a manner that))~~ substantially improve the delivery of children's mental health services in Washington state through the development and implementation of a children's mental health system that:

- ~~(1) Values early identification, intervention, and prevention;~~
- ~~(2) Coordinates existing categorical children's mental health programs and funding, through efforts that include elimination of duplicative care plans and case management;~~
- ~~(3) Treats each child in the context of his or her family, and provides services and supports needed to maintain a child with his or her family and community;~~
- ~~(4) Integrates families into treatment through choice of treatment, participation in treatment, and provision of peer support;~~
- ~~(5) Focuses on resiliency and recovery;~~
- ~~(6) Relies to a greater extent on evidence-based practices;~~
- ~~(7) Is sensitive to the unique cultural circumstances of children of color(~~;- eliminates duplicative case management;))~~ and children in families whose primary language is not English;~~
- ~~(8) Integrates educational support services that address students' diverse learning styles; and~~
- ~~(9) To the greatest extent possible, blends categorical funding to offer more service and support options to each child.~~

Sec. 2. RCW 71.36.010 and 1991 c 326 s 12 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means a state, tribal, or local governmental entity or a private not-for-profit organization.

(2) "Child" means a person under eighteen years of age, except as expressly provided otherwise in state or federal law.

(3) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(4) "County authority" means the board of county commissioners or county executive.

~~((4))~~ (5) "Department" means the department of social and health services.

~~((5))~~ (6) "Early periodic screening, diagnosis, and treatment" means the component of the federal medicaid program established pursuant to 42 U.S.C. Sec. 1396d(r), as amended.

~~((6))~~ (7) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(8) "Family" means a child's biological parents, adoptive parents, foster parents, guardian, legal custodian authorized pursuant to Title 26 RCW, a relative with whom a child has been placed by the department of social and health services, or a tribe.

(9) "Promising practice" or "emerging best practice" means a practice that presents, based upon preliminary information, potential for becoming a research-based or consensus-based practice.

(10) "Regional support network" means a county authority or group of county authorities or other nonprofit entity that ~~((have))~~ has entered into contracts with the secretary pursuant to chapter 71.24 RCW.

~~((7))~~ (11) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(12) "Secretary" means the secretary of social and health services.

(13) "Wraparound process" means a family driven planning process designed to address the needs of children and youth by the formation of a team that empowers families to make key

decisions regarding the care of the child or youth in partnership with professionals and the family's natural community supports. The team produces a community-based and culturally competent intervention plan which identifies the strengths and needs of the child or youth and family and defines goals that the team collaborates on achieving with respect for the unique cultural values of the family. The "wraparound process" shall emphasize principles of persistence and outcome-based measurements of success.

NEW SECTION. Sec. 3. A new section is added to chapter 71.36 RCW to read as follows:

ELEMENTS OF A CHILDREN'S MENTAL HEALTH SYSTEM. (1) It is the goal of the legislature that, by 2012, the children's mental health system in Washington state include the following elements:

(a) A continuum of services from early identification, intervention, and prevention through crisis intervention and inpatient treatment, including peer support and parent mentoring services;

(b) Equity in access to services for similarly situated children, including children with co-occurring disorders;

(c) Developmentally appropriate, high quality, and culturally competent services available statewide;

(d) Treatment of each child in the context of his or her family and other persons that are a source of support and stability in his or her life;

(e) A sufficient supply of qualified and culturally competent children's mental health providers;

(f) Use of developmentally appropriate evidence-based and research-based practices;

(g) Integrated and flexible services to meet the needs of children who, due to mental illness or emotional or behavioral disturbance, are at risk of out-of-home placement or involved with multiple child-serving systems.

(2) The effectiveness of the children's mental health system shall be determined through the use of outcome-based performance measures. The department and the evidence-based practice institute established in section 7 of this act, in consultation with parents, caregivers, youth, regional support networks, mental health services providers, health plans, primary care providers, tribes, and others, shall develop outcome-based performance measures such as:

(a) Decreased emergency room utilization;

(b) Decreased psychiatric hospitalization;

(c) Lessening of symptoms, as measured by commonly used assessment tools;

(d) Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, when necessary;

(e) Decreased runaways from home or residential placements;

(f) Decreased rates of chemical dependency;

(g) Decreased involvement with the juvenile justice system;

(h) Improved school attendance and performance;

(i) Reductions in school or child care suspensions or expulsions;

(j) Reductions in use of prescribed medication where cognitive behavioral therapies are indicated;

(k) Improved rates of high school graduation and employment; and

(l) Decreased use of mental health services upon reaching adulthood for mental disorders other than those that require ongoing treatment to maintain stability.

Performance measure reporting for children's mental health services should be integrated into existing performance measurement and reporting systems developed and implemented under chapter 71.24 RCW.

NEW SECTION. Sec. 4. REGIONAL SUPPORT NETWORK SERVICES--CHILDREN'S ACCESS TO CARE STANDARDS AND BENEFIT PACKAGE. As part of the system transformation initiative, the department of social and health services shall undertake the following activities related specifically to children's mental health services:

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(1) The development of recommended revisions to the access to care standards for children. The recommended revisions shall reflect the policies and principles set out in RCW 71.36.005, 71.36.010, and section 3 of this act, and recognize that early identification, intervention and prevention services, and brief intervention services may be provided outside of the regional support network system. Revised access to care standards shall assess a child's need for mental health services based upon the child's diagnosis and its negative impact upon his or her persistent impaired functioning in family, school, or the community, and should not solely condition the receipt of services upon a determination that a child is engaged in high risk behavior or is in imminent need of hospitalization or out-of-home placement. Assessment and diagnosis for children under five years of age shall be determined using a nationally accepted assessment tool designed specifically for children of that age. The recommendations shall also address whether amendments to RCW 71.24.025 (26) and (27) and 71.24.035(5) are necessary to implement revised access to care standards;

(2) Development of a revised children's mental health benefit package. The department shall ensure that services included in the children's mental health benefit package reflect the policies and principles included in RCW 71.36.005 and section 3 of this act, to the extent allowable under medicaid, Title XIX of the federal social security act. Strong consideration shall be given to developmentally appropriate evidence-based and research-based practices, family-based interventions, the use of natural and peer supports, and community support services. This effort shall include a review of other states' efforts to fund family-centered children's mental health services through their medicaid programs;

(3) Consistent with the timeline developed for the system transformation initiative, recommendations for revisions to the children's access to care standards and the children's mental health services benefits package shall be presented to the legislature by January 1, 2009.

NEW SECTION. Sec. 5. A new section is added to chapter 74.09 RCW to read as follows:

IMPROVING MEDICATION MANAGEMENT AND CARE COORDINATION. (1)(a) The department, in consultation with the evidence-based practice institute established in section 7 of this act, shall develop and implement policies to improve prescribing practices for treatment of emotional or behavioral disturbances in children, improve the quality of children's mental health therapy through increased use of evidence-based and research-based practices and reduced variation in practice, improve communication and care coordination between primary care and mental health providers, and prioritize care in the family home or care which integrates the family where out-of-home placement is required.

(b) The department shall identify those children with emotional or behavioral disturbances who may be at high risk due to off-label use of prescription medication, use of multiple medications, high medication dosage, or lack of coordination among multiple prescribing providers, and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(c) The department shall review the psychotropic medications of all children under five and establish one or more mechanisms to evaluate the appropriateness of the medication these children are using, including but not limited to obtaining second opinions from experts in child psychiatry.

(d) The department shall track prescriptive practices with respect to psychotropic medications with the goal of reducing the use of medication.

(e) The department shall encourage the use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based, in addition to or in the place of prescription medication where appropriate.

(2) The department shall convene a representative group of regional support networks, community mental health centers,

and managed health care systems contracting with the department under RCW 74.09.522 to:

(a) Establish mechanisms and develop contract language that ensures increased coordination of and access to medicaid mental health benefits available to children and their families, including ensuring access to services that are identified as a result of a developmental screen administered through early periodic screening, diagnosis, and treatment;

(b) Define managed health care system and regional support network contractual performance standards that track access to and utilization of services; and

(c) Set standards for reducing the number of children that are prescribed antipsychotic drugs and receive no outpatient mental health services with their medication.

(3) The department shall submit a report on progress and any findings under this section to the legislature by January 1, 2009.

NEW SECTION. Sec. 6. A new section is added to chapter 71.36 RCW to read as follows:

MEDICAID ELIGIBLE CHILDREN IN TEMPORARY JUVENILE DETENTION. The department shall explore the feasibility of obtaining a medicaid state plan amendment to allow the state to receive medicaid matching funds for health services provided to medicaid enrolled youth who are temporarily placed in a juvenile detention facility. Temporary placement shall be defined as until adjudication or up to sixty continuous days, whichever occurs first.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

CHILDREN'S MENTAL HEALTH PROVIDERS. (1) The department shall provide flexibility in provider contracting to regional support networks for children's mental health services. Beginning with 2007-2009 biennium contracts, regional support network contracts shall authorize regional support networks to allow and encourage licensed community mental health centers to subcontract with individual licensed mental health professionals when necessary to meet the need for an adequate, culturally competent, and qualified children's mental health provider network.

(2) To the extent that funds are specifically appropriated for this purpose or that nonstate funds are available, a children's mental health evidence-based practice institute shall be established at the University of Washington division of public behavioral health and justice policy. The institute shall closely collaborate with entities currently engaged in evaluating and promoting the use of evidence-based, research-based, promising, or consensus-based practices in children's mental health treatment, including but not limited to the University of Washington department of psychiatry and behavioral sciences, children's hospital and regional medical center, the University of Washington school of nursing, the University of Washington school of social work, and the Washington state institute for public policy. To ensure that funds appropriated are used to the greatest extent possible for their intended purpose, the University of Washington's indirect costs of administration shall not exceed ten percent of appropriated funding. The institute shall:

(a) Improve the implementation of evidence-based and research-based practices by providing sustained and effective training and consultation to licensed children's mental health providers and child-serving agencies who are implementing evidence-based or researched-based practices for treatment of children's emotional or behavioral disorders, or who are interested in adapting these practices to better serve ethnically or culturally diverse children. Efforts under this subsection should include a focus on appropriate oversight of implementation of evidence-based practices to ensure fidelity to these practices and thereby achieve positive outcomes;

(b) Continue the successful implementation of the "partnerships for success" model by consulting with communities so they may select, implement, and continually evaluate the success of evidence-based practices that are

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relevant to the needs of children, youth, and families in their community;

(c) Partner with youth, family members, family advocacy, and culturally competent provider organizations to develop a series of information sessions, literature, and on-line resources for families to become informed and engaged in evidence-based and research-based practices;

(d) Participate in the identification of outcome-based performance measures under section 3(2) of this act and partner in a statewide effort to implement statewide outcomes monitoring and quality improvement processes; and

(e) Serve as a statewide resource to the department and other entities on child and adolescent evidence-based, research-based, promising, or consensus-based practices for children's mental health treatment, maintaining a working knowledge through ongoing review of academic and professional literature, and knowledge of other evidence-based practice implementation efforts in Washington and other states.

(3) To the extent that funds are specifically appropriated for this purpose, the department in collaboration with the evidence-based practice institute shall implement a pilot program to support primary care providers in the assessment and provision of appropriate diagnosis and treatment of children with mental and behavioral health disorders and track outcomes of this program. The program shall be designed to promote more accurate diagnoses and treatment through timely case consultation between primary care providers and child psychiatric specialists, and focused educational learning collaboratives with primary care providers.

NEW SECTION. Sec. 8. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when youth who were enrolled in a medical assistance program immediately prior to confinement are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with county juvenile court administrators and regional support networks, shall establish procedures for coordination between department field offices, juvenile rehabilitation administration institutions, and county juvenile courts that result in prompt reinstatement of eligibility and speedy eligibility determinations for youth who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services' applications on behalf of confined youth in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined youth and, to the extent practicable, completion of the review before the youth is released; and

(c) Mechanisms for providing medical assistance services' identity cards to youth eligible for medical assistance services immediately upon their release from confinement.

(3) For purposes of this section, "confined" or "confinement" means detained in a facility operated by or under contract with the department of social and health services, juvenile rehabilitation administration, or detained in a juvenile detention facility operated under chapter 13.04 RCW.

(4) The department shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined youth who is likely to be eligible for a medical assistance program.

NEW SECTION. Sec. 9. Educational service district boards may partner with regional support networks to respond to a request for proposal for operation of a wraparound model site under this act and, if selected, may contract for the provision of services to coordinate care and facilitate the delivery of services and other supports under a wraparound model.

NEW SECTION. Sec. 10. WRAPAROUND MODEL OF INTEGRATED CHILDREN'S MENTAL HEALTH SERVICES

DELIVERY. To the extent funds are specifically appropriated for this purpose, the department of social and health services shall contract for implementation of a wraparound model of integrated children's mental health services delivery in up to four regional support network regions in Washington state in which wraparound programs are not currently operating, and in up to two regional support network regions in which wraparound programs are currently operating. Contracts in regions with existing wraparound programs shall be for the purpose of expanding the number of children served.

(1) Funding provided may be expended for: Costs associated with a request for proposal and contracting process; administrative costs associated with successful bidders' operation of the wraparound model; the evaluation under subsection (5) of this section; and funding for services needed by children enrolled in wraparound model sites that are not otherwise covered under existing state programs. The services provided through the wraparound model sites shall include, but not be limited to, services covered under the medicaid program. The department shall maximize the use of medicaid and other existing state-funded programs as a funding source. However, state funds provided may be used to develop a broader service package to meet needs identified in a child's care plan. Amounts provided shall supplement, and not supplant, state, local, or other funding for services that a child being served through a wraparound site would otherwise be eligible to receive.

(2) The wraparound model sites shall serve children with serious emotional or behavioral disturbances who are at high risk of residential or correctional placement or psychiatric hospitalization, and who have been referred for services from the department, a county juvenile court, a tribal court, a school, or a licensed mental health provider or agency.

(3) Through a request for proposal process, the department shall contract, with regional support networks, alone or in partnership with either educational service districts or entities licensed to provide mental health services to children with serious emotional or behavioral disturbances, to operate the wraparound model sites. The contractor shall provide care coordination and facilitate the delivery of services and other supports to families using a strength-based, highly individualized wraparound process. The request for proposal shall require that:

(a) The regional support network agree to use its medicaid revenues to fund services included in the existing regional support network's benefit package that a medicaid-eligible child participating in the wraparound model site is determined to need;

(b) The contractor provide evidence of commitments from at least the following entities to participate in wraparound care plan development and service provision when appropriate: Community mental health agencies, schools, the department of social and health services children's administration, juvenile courts, the department of social and health services juvenile rehabilitation administration, and managed health care systems contracting with the department under RCW 74.09.522; and

(c) The contractor will operate the wraparound model site in a manner that maintains fidelity to the wraparound process as defined in RCW 71.36.010.

(4) Contracts for operation of the wraparound model sites shall be executed on or before April 1, 2008, with enrollment and service delivery beginning on or before July 1, 2008.

(5) The evidence-based practice institute established in section 7 of this act shall evaluate the wraparound model sites, measuring outcomes for children served. Outcomes measured shall include, but are not limited to: Decreased out-of-home placement, including residential, group, and foster care, and increased stability of such placements, school attendance, school performance, recidivism, emergency room utilization, involvement with the juvenile justice system, decreased use of psychotropic medication, and decreased hospitalization.

(6) The evidence-based practice institute shall provide a report and recommendations to the appropriate committees of the legislature by December 1, 2010.

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NEW SECTION. Sec. 11. A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment.

(2) This section expires July 1, 2010.

NEW SECTION. Sec. 12. (1) The evidence-based practice institute established in section 7 of this act, in consultation with the Washington state institute for public policy, shall review and summarize current law with respect to inpatient and outpatient mental health treatment for minors.

(2) The review shall include current practices to determine the percentage of cases in which parents are engaged by treatment providers and the extent to which they are actively involved in the treatment of their minor children.

(3) The evidence-based practice institute shall provide a report and recommendations to the appropriate legislative committees by December 1, 2008.

(4) This section expires December 1, 2008.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 71.36.020 (Plan for early periodic screening, diagnosis, and treatment services) and 2003 c 281 s 4 & 1991 c 326 s 13; and

(2) RCW 71.36.030 (Children's mental health services delivery system--Local planning efforts) and 1991 c 326 s 14.

NEW SECTION. Sec. 14. Captions used in this act are not part of the law.

NEW SECTION. Sec. 15. If specific funding for the purposes of sections 4, 5, 7, 8, 10, and 11 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2007, each section not referenced is null and void."

Senators Hargrove and Stevens spoke in favor of adoption of the striking amendment.

MOTION

On motion of Senator Brandland, Senator Swecker was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute House Bill No. 1088.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 71.36.005 and 71.36.010; adding new sections to chapter 71.36 RCW; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; creating new sections; repealing RCW 71.36.020 and 71.36.030; and providing expiration dates."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1088 as amended by the

Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Berkey, Fraser, Hobbs, Marr, McCaslin, Poulsen, Shin and Tom were excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1088 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1088 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 39; Nays, 0; Absent, 0; Excused, 10.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Weinstein and Zarelli - 39

Excused: Senators Berkey, Brown, Hobbs, Kohl-Welles, Marr, McAuliffe, Poulsen, Shin, Swecker and Tom - 10

SECOND SUBSTITUTE HOUSE BILL NO. 1088 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1333 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1333.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1333.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1333.

MOTION

On motion of Senator Hargrove, the rules were suspended and Substitute House Bill No. 1333 was returned to second reading for the purposes of amendment.

SECOND READING

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SUBSTITUTE HOUSE BILL NO. 1333, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh)

Concerning child welfare protections.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement

of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

~~((c))~~ (d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination

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petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 2. RCW 13.34.025 and 2002 c 52 s 2 are each amended to read as follows:

(1) The department of social and health services shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department must:

((+)) (a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

((+)) (b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

((+)) (c) Access training for department staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 26.44 RCW to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the

coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. Sec. 4. A new section is added to chapter 43.101 RCW to read as follows:

(1) The commission, in consultation with the department of social and health services, the Washington association of sheriffs and police chiefs, and the Washington association of prosecuting attorneys, shall develop a curriculum related to child abuse and neglect to be included in the basic law enforcement training that must be successfully completed within the first fifteen months of employment of all law enforcement personnel.

(2) The curriculum must be incorporated into the basic law enforcement training program by July 1, 2008.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as it existed on the effective date of this section.

(2) The joint legislative audit and review committee shall submit to appropriate committees of the legislature a report and recommendations by December 1, 2007.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts, in consultation with the attorney general's office and the department of social and health services, shall compile an annual report, providing information about cases that fail to meet statutory guidelines to achieve permanency for dependent children.

(2) The administrative office of the courts shall submit the annual report required by this section to appropriate committees of the legislature by December 1st of each year, beginning on December 1, 2007.

Sec. 7. RCW 74.13.330 and 1990 c 284 s 23 are each amended to read as follows:

Foster parents are responsible for the protection, care, supervision, and nurturing of the child in placement. As an integral part of the foster care team, foster parents shall, if appropriate and they desire to: Participate in the development of the service plan for the child and the child's family; assist in family visitation, including monitoring; ~~(and)~~ model effective parenting behavior for the natural family; and be available to help with the child's transition back to the natural family.

Sec. 8. RCW 71.24.035 and 2006 c 333 s 201 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

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(a) Develop a biennial state mental health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for mentally ill adults and children. The secretary shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the region's residents, including parents who are defendants in dependency cases, in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, ~~((and))~~ low-income persons, and parents who are defendants in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and RCW 71.24.320, 71.24.330, and 71.24.3201, which shall be used in contracting with regional support networks. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of regional support networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.420, and 71.05.440;

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit regional support networks and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.

(14) The secretary shall assume all duties assigned to the nonparticipating regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating regional support networks.

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The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Regional support networks disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the regional support networks.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

NEW SECTION. Sec. 9. This act may be known and cited as Sirta's law."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute House Bill No. 1333.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.138, 13.34.025, 74.13.330, and 71.24.035; adding a new section to chapter 26.44 RCW; adding a new section to chapter 43.101 RCW; adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Substitute House Bill No. 1333 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1333 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of

Substitute House Bill No. 1333 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Hobbs, Kohl-Welles, Marr, McAuliffe, Shin, Swecker and Tom - 9

SUBSTITUTE HOUSE BILL NO. 1333 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1334 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1334.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1334.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1334.

MOTION

On motion of Senator Hargrove, the rules were suspended and Second Substitute House Bill No. 1334 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1334, by House Committee on Appropriations (originally sponsored by Representatives Hinkle and Walsh)

Requiring the petitioner in a child welfare case to provide the court with relevant documentation.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to allow courts to make well-informed placement decisions for children in the care of the state, the courts must

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have accurate information, including documentation supporting assertions or recommendations made by social workers, when appropriate.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

In any proceeding under this chapter, if the department submits a report to the court in which the department is recommending a new placement or a change in placement, the department shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department relating to visitation with a child, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department relating to the psychological status of a person, the department shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department relating to injuries to a child, the department shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department relating to a home study, licensing action, or background check information, the department shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

NEW SECTION. Sec. 3. This act shall be known and cited as the Rafael Gomez act.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2007, in the omnibus appropriations act, this act is null and void."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Second Substitute House Bill No. 1334.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "proceedings;" strike the remainder of the title and insert "adding a new section to chapter 13.34 RCW; and creating new sections."

MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 1334 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1334 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1334 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Hobbs, Kohl-Welles, Marr, McAuliffe, Shin, Swecker and Tom - 9

SECOND SUBSTITUTE HOUSE BILL NO. 1334 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1377 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1377.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1377.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 1377.

MOTION

On motion of Senator Hargrove, the rules were suspended and House Bill No. 1377 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 1377, by Representatives Pettigrew, Hinkle, Walsh, Haler, Kagi, Appleton, Warnick and Roberts

Changing provisions affecting the placement of children.

The measure was read the second time.

MOTION

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Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.15.020 and 2006 c 265 s 401, 2006 c 90 s 1, and 2006 c 54 s 7 are each reenacted and amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or

during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated; ~~(or)~~

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or

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court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 2. RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for ~~((placement))~~ supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or ~~((in a home not required to be licensed pursuant to chapter 74.15 RCW))~~ (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: ~~((+))~~ (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and ~~((+))~~ (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(5) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to House Bill No. 1377.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.130; and reenacting and amending RCW 74.15.020."

MOTION

On motion of Senator Hargrove, the rules were suspended, House Bill No. 1377 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of House Bill No. 1377 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1377 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Hobbs, Kohl-Welles, Marr, McAuliffe, Shin, Swecker and Tom - 9

HOUSE BILL NO. 1377 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute House Bill No. 1624 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Appleton, Roberts and Haigh)

Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights; and

(d) Absent good cause, the child must be at least twelve years old at the time the petition is filed.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by

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reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(10) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(11) The state, the department, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, or its employees concerning the original termination.

(12) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

Sec. 2. RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation,

or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

NEW SECTION. Sec. 3. A new section is added to chapter 43.20A RCW to read as follows:

The state is not liable for civil damages resulting from any act or omission in the delivery of child welfare services or child protective services through the children's administration of the department of social and health services unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists.

Sec. 4. RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((a))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection ~~((1)(a))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((b))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~((In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The~~

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court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.

~~(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)~~

Sec. 5. RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by ((RCW 13.34.060)) this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint

one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4))~~ ((4)) The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.~~

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— (b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.

— (c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

— (6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

— (7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.)

Sec. 6. RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The ((juvenile court probation counselor)) department of social and health services shall submit a recommendation to the court as to the further need for shelter care ((unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of

the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. However, the court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

((2)) (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

((a)) (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

((b)) (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

((c)) (B) The release of such child would present a serious threat of substantial harm to such child; or

((d)) (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the

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parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ~~(The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~(3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~(4))~~ (8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((5))~~ (b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 7. RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided

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that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

~~((5))~~ (6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 8. RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

(1) ~~(Whenever a child is ordered removed from the child's home,)~~ A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency ~~(charged with his or her care shall provide the court with)~~ supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will

take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

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(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 9. RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first ~~(-at a)~~. The purpose of the hearing ~~((in which it))~~ shall be ~~((determined))~~ to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 ~~((3))~~ (1)(a) or 13.34.134. ~~((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))~~

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) ~~((Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

~~(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;~~

~~((iii)) (vii) Whether ((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and)) preference has been given to placement with the child's relatives;~~

~~((iii)) Whether there is a continuing need for placement and whether the placement is appropriate;~~

~~(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~((vi)) (viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;~~

~~(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;~~

~~((vii)) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and~~

~~((iii)) (x) Whether terms of visitation need to be modified;~~

~~(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;~~

~~(xii) Whether any additional court orders need to be made to move the case toward permanency; and~~

~~(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.~~

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2))~~ (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3))~~ (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((4))~~ (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 10. RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~((A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is~~

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dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

~~(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.~~

~~(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(d) For purposes related to permanency planning:~~

~~(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.~~

~~(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.~~

~~(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.~~

~~(3)) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.~~

~~(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.~~

~~((4)) (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ((subsection (3) of)) this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.~~

~~((5)) (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.~~

~~((6)) (3) At the permanency planning hearing, the court shall ((enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency)) conduct the following inquiry:~~

~~(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.~~

~~(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:~~

~~(i) The continuing necessity for, and the safety and appropriateness of, the placement;~~

~~(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;~~

~~(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;~~

~~(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;~~

~~(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and~~

~~(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:~~

~~(A) Being returned safely to his or her home;~~

~~(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;~~

~~(C) Being placed for adoption;~~

~~(D) Being placed with a guardian;~~

~~(E) Being placed in the home of a fit and willing relative of the child; or~~

~~(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.~~

~~(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.~~

~~(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.~~

~~(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of~~

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age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

~~(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

~~(4) In all cases, at the permanency planning hearing, the court shall:~~

~~(a)(i) Order the permanency plan prepared by the agency to be implemented; or~~

~~(ii) Modify the permanency plan, and order implementation of the modified plan; and~~

~~(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or~~

~~(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.~~

~~((7)) (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.~~

~~(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.~~

~~(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.~~

~~(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.~~

~~(10) ((Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.~~

~~—(11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~—(12)) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be~~

scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

~~((13)) (11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.~~

~~((14)) (12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.~~

Sec. 11. RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency; PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

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(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

NEW SECTION. **Sec. 12.** (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents, including two representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; (d) a representative of the Washington federation of state employees; and (e) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

NEW SECTION. **Sec. 13.** Section 12 of this act expires January 1, 2008.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; adding a new section to chapter 43.20A RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Spanel, Stevens, Weinstein and Zarelli - 40

Excused: Senators Berkey, Brown, Hobbs, Kohl-Welles, Marr, McAuliffe, Shin, Swecker and Tom - 9

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "Thank you Mr. President. Ladies and gentlemen of the Senate, each session about this time I take the opportunity to have a moment of reflection about what has taken place during the session, why we are here and the opportunity to be a public servant, to serve those who elected and sent me to represent them, as well as the people of the State of Washington and to have the honor to be able to work with colleagues. Mr. President, ladies and gentlemen of the Senate, it is indeed an honor and a privilege and to serve in public service, is a great thing to do. During this past year as all of my colleagues and everyone know, I reached that August number to join my colleague across the aisle, to be an octogenarian. Now there are two of us, he's not alone and each one of you had a part in that. I would say that we are family in Olympia and I appreciate that and all who contributed to that. And too, if you'll allow me, Mr. President, as a high school student and one who pushes for education and for learning and to look at really what we are all about and what takes place as we move and have a journey through life. There is a great speech. One that for all time, that we learned as students in my school, in the south and, of course, we were great historians. If you'll allow me, Mr. President, I would like to read it because it is one that, as I for a short time this morning had the opportunity just to watch the debate of what was taking place in our national capitol in regards to the vote for Washington D.C. citizens who have been trying for many years to have representation in the Congress and that debate is on. But, this is the Gettysburg Address and it's one of those great speeches of all times much as the one that MLK, Dr. King, did in Washington D.C. I think it is something that is for all times and it says:

"Four score and seven years ago our fathers brought forth, upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met here on a great battlefield of that war. we have come to dedicate a portion of it as a final resting place for those who here gave their lives that this nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate we can not consecrate...we can not hallow this ground. The brave men,

living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to unfinished work which they who fought here have thus far so nobly advanced on. It is rather for us to be here dedicated to the great task remaining before us – that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that this government of the people, by the people, for the people, shall not perish from the earth."

The Gettysburg Address. Each time you go to Arlington and see those crosses and as we look around the chambers and we see the flags here and when you visit those cemeteries on foreign lands and even here at home, you know what has taken place. What is taken place now much as I would say in the Gettysburg Address, we then what has happened will not let our present troops, we will not let our present men and women who are serving gallantly, who then, who we owe much to, that we can we, in these chambers, this afternoon to pass bills, to work on policy that their work will not be in vain. So, again my colleagues, ladies and gentlemen of the Senate, Mr. President, this is indeed a proud moment to be a public servant, to be an octogenarian and to then also continue and I look forward to continue working to perhaps when I'm ninety. Thank you."

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5097, with the following amendment: 5097-S AMH CURT COLV 045, 5097-S AMH COLV 046

On page 4, beginning on line 27, strike all of Section 3
Correct the title

On page 2, line 15, after "plans." strike "Each" and insert "Subject to amounts appropriated for this specific purpose, each"

On page 3, line 7, after "(4))" strike "School" and insert "Subject to amounts appropriated for this specific purpose, school"

On page 3, line 22, after "(4)" strike "School" and insert "Subject to amounts appropriated for this specific purpose, school"

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5097 and ask the House to recede therefrom.

Senators Rockefeller and Zarelli spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5097 and ask the House to recede therefrom.

The motion by Senator Rockefeller carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5097 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

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MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5009, with the following amendment: 5009-S AMH HUNT H3490.2

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.865 and 2006 c 7 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of diesel fuel, biodiesel fuel, or aircraft fuel ~~((as defined in RCW 82.42.010(5)))~~, to a farm fuel user for nonhighway use. This exemption applies to a fuel blend if all of the component fuels of the blend would otherwise be exempt under this subsection if the component fuels were sold as separate products. This exemption is available only if the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. Fuel used for space or water heating for human habitation is not exempt under this section.

(2) The definitions in RCW 82.04.213 and this subsection apply to this section.

(a) "Aircraft fuel" is defined as provided in RCW 82.42.010.

(b) "Biodiesel fuel" is defined as provided in RCW 19.112.010.

(c) "Diesel fuel" is defined as provided in 26 U.S.C. 4083, as amended or renumbered as of January 1, 2006.

~~((b))~~ (d) "Farm fuel user" means: (i) A farmer; or (ii) a person who provides horticultural services for farmers, such as soil preparation services, crop cultivation services, and crop harvesting services.

Sec. 2. RCW 82.12.865 and 2006 c 7 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the nonhighway use of diesel fuel, biodiesel fuel, or aircraft fuel ~~((as defined in RCW 82.42.010(5)))~~, by a farm fuel user. This exemption applies to a fuel blend if all of the component fuels of the blend would otherwise be exempt under this subsection if the component fuels were acquired as separate products. Fuel used for space or water heating for human habitation is not exempt under this section.

(2) The definitions in RCW 82.08.865 apply to this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rasmussen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5009.

MOTION

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5009.

The motion by Senator Rasmussen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5009 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5009, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of

Substitute Senate Bill No. 5009, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Zarelli - 43

Voting nay: Senator Weinstein - 1

Absent: Senator Kline - 1

Excused: Senators Brown, Kohl-Welles, McAuliffe and Tom - 4

SUBSTITUTE SENATE BILL NO. 5009, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5207 was returned to second reading for purpose of an amendment: 5207-S AMH CLIB H3579.2, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Subject to availability of amounts appropriated for this specific purpose, the joint transportation committee shall:

(a) Administer a consultant study of funding mechanisms for deposit in the freight congestion relief account created in section 2 of this act to fund freight congestion relief investments. At a minimum, the study must: (i) Evaluate federal, state, incentive, and other project specific fees; (ii) analyze current taxes and fees paid by the freight industry and the projects the taxes and fees fund; (iii) assess other nonfreight-related fees and taxes that could be used to pay for freight congestion relief investments; (iv) assess how other states and countries pay for freight congestion relief investments; (v) discuss the various approaches and their impacts on Washington competitiveness in freight movement; (vi) assess the imposition of a shipping container-based fee, port-related user fees, or other funding mechanisms on the demand elasticity of the movement of freight goods through Washington's container ports at various rates as well as forecast diversion of marine cargo at various price points; (vii) measure the return on investment in freight rail and highway-based infrastructure supported by the user fee and its impact on forecast growth in shipping container traffic and the movement of freight goods; and (viii) recommend the structure of a future project recommendation body including its membership, process, and selection criteria. The scope of the work for the study may be expanded to include analysis of other issues relevant to freight congestion relief funding; and

(b) Convene a stakeholder group composed of representatives to work on the consultant study that includes: Two representatives of container ports, one representative of trucking, one representative from railroads, one representative from international shipping, one representative from national shipping, two representatives of organized labor, two representatives of the import/export community, one representative from the department of transportation, one representative from the freight mobility strategic investment board, and other representatives as deemed necessary by the joint transportation committee. The stakeholder group shall work with the selected consultant in: (i) Identifying critical freight congestion relief investments; (ii) identifying alternatives

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for a dedicated funding source for freight congestion relief investments or user fees to fund specific freight congestion relief investments; and (iii) developing and reviewing a final consultant study.

(2) The consultant's draft report must be submitted to the transportation committees of the legislature by December 15, 2007, with the final findings and recommendations of the report being due prior to the beginning of the 2008 legislative session.

(3) This section expires January 14, 2008.

NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW to read as follows:

The freight congestion relief account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to provide congestion relief through the improvement of freight rail systems and state highways that function as freight corridors.

Sec. 3. RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund,

the energy freedom account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage

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account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Murray moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5207.

MOTION

The President declared the question before the Senate to be the motion by Senator Murray that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5207.

The motion by Senator Murray carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5207 by voice vote.

Senators Murray and Swecker spoke in favor of final passage.

MOTION

On motion of Senator Delvin, Senator Zarelli was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5207, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5207, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 13; Absent, 1; Excused, 5.

Voting yea: Senators Berkey, Brandland, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Swecker and Weinstein - 30

Voting nay: Senators Benton, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon and Stevens - 13

Absent: Senator Kline - 1

Excused: Senators Brown, Kohl-Welles, McAuliffe, Tom and Zarelli - 5

SUBSTITUTE SENATE BILL NO. 5207, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SECOND SUBSTITUTE SENATE BILL NO. 5470 was returned to second reading for purpose of an amendment: 5470-S2 AMH LANT TANG 065, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"PART I - Intent

Sec. 101. RCW 26.09.002 and 1987 c 460 s 2 are each amended to read as follows:

Parents have the responsibility to make decisions and perform other parental functions necessary for the care and growth of their minor children. In any proceeding between parents under this chapter, the best interests of the child shall be the standard by which the court determines and allocates the parties' parental responsibilities. The state recognizes the fundamental importance of the parent-child relationship to the welfare of the child, and that the relationship between the child and each parent should be fostered unless inconsistent with the child's best interests. Residential time and financial support are equally important components of parenting arrangements. The best interests of the child are served by a parenting arrangement that best maintains a child's emotional growth, health and stability, and physical care. Further, the best interest of the child is ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, mental, or emotional harm.

NEW SECTION. Sec. 102. A new section is added to chapter 26.09 RCW to read as follows:

The legislature reaffirms the intent of the current law as expressed in RCW 26.09.002. However, after review, the legislature finds that there are certain components of the existing law which do not support the original legislative intent. In order to better implement the existing legislative intent the legislature finds that incentives for parties to reduce family conflict and additional alternative dispute resolution options can assist in reducing the number of contested trials. Furthermore, the legislature finds that the identification of domestic violence as defined in RCW 26.50.010 and the treatment needs of the parties to dissolutions are necessary to improve outcomes for children. When judicial officers have the discretion to tailor individualized resolutions, the legislative intent expressed in RCW 26.09.002 can more readily be achieved. Judicial officers should have the discretion and flexibility to assess each case based on the merits of the individual cases before them.

PART II - Family Court Provisions

NEW SECTION. Sec. 201. A new section is added to chapter 26.12 RCW to read as follows:

(1) After July 1, 2009, but no later than November 1, 2009, a county may, and to the extent state funding is provided to meet the minimum requirements of the program a county shall, create a program to provide services to all parties involved in proceedings under chapter 26.09 RCW. Minimum components of this program shall include: (a) An individual to serve as an initial point of contact for parties filing petitions for dissolutions or legal separations under chapter 26.09 RCW; (b) informing parties about courthouse facilitation programs and orientations; (c) informing parties of alternatives to filing a dissolution petition, such as marriage counseling; (d) informing parties of alternatives to litigation including counseling, legal separation and mediation services if appropriate; (e) informing parties of supportive family services available in the community; (f) screening for referral for services in the areas of domestic violence as defined in RCW 26.50.010, child abuse, substance abuse, and mental health; and (g) assistance to the court in superior court cases filed under 26.09 RCW.

(2) This program shall not provide legal advice. No attorney-client relationship or privilege is created, by

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implication or by inference, between persons providing basic information under this section and the participants in the program.

(3) The legislative authority of any county may impose user fees or may impose a surcharge of up to twenty dollars on only those superior court cases filed under this title, or both, to pay for the expenses of this program. Fees collected under this section shall be collected and deposited in the same manner as other county funds are collected and deposited, and shall be maintained in a separate account to be used as provided in this section. The program shall provide services to indigent persons at no expense.

(4) Persons who implement the program shall be appointed in the same manner as investigators, stenographers and clerks as described in RCW 26.12.050.

(5) If the county has a program under this section, any petition under RCW 26.09.020 must allege that the moving party met and conferred with the program prior to the filing of the petition.

(6) If the county has a program under this section, parties shall meet and confer with the program prior to participation in mediation under section 301 of this act.

Sec. 202. RCW 2.56.180 and 2005 c 282 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall create a handbook explaining the sections of Washington law pertaining to the rights and responsibilities of marital partners to each other and to any children during a marriage and a dissolution of marriage. The handbook may also be provided in videotape or other electronic form.

(2) The handbook created under subsection (1) of this section shall be provided by the county auditor when an individual applies for a marriage license under RCW 26.04.140.

(3) The handbook created under subsection (1) of this section shall also be provided to the petitioner when he or she files a petition for dissolution, and to the respondent, unless the respondent did not file a response, notice of appearance, or any other paper in the case or did not appear in court. The administrative office of the courts shall on an annual basis reimburse the counties for each copy of the handbook that is distributed directly to family law parties under this section, provided that the county submits documentation of the number of handbooks distributed on an annual basis.

(4) The information contained in the handbook created under subsection (1) of this section shall be reviewed and updated annually. The handbook must contain the following information:

(a) Information on prenuptial agreements as contracts and as a means of structuring financial arrangements and other aspects of the marital relationship;

(b) Information on shared parental responsibility for children, including establishing a residential schedule for the child in the event of the dissolution of the marriage;

(c) Information on notice requirements and standards for parental relocation;

(d) Information on child support for minor children;

(e) Information on property rights, including equitable distribution of assets and premarital and postmarital property rights;

(f) Information on spousal maintenance;

(g) Information on domestic violence, child abuse, and neglect, including penalties;

(h) Information on the court process for dissolution;

(i) Information on the effects of dissolution on children;

(j) Information on community resources that are available to separating or divorcing persons and their children.

Sec. 203. RCW 26.09.020 and 2001 c 42 s 1 are each amended to read as follows:

(1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage shall allege:

(a) The last known state of residence of each party, and if a party's last known state of residence is Washington, the last known county of residence;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names and ages of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the residential schedule of, decision making for, dispute resolution for, and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) If the county has established a program under section 201 of this act, a statement affirming that the moving party met and conferred with the program prior to filing the petition;

(h) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding.

(3) The petitioner shall complete and file with the petition a certificate under RCW 43.70.150 on the form provided by the department of health and the confidential information form under RCW 26.23.050.

(4) Nothing in this section shall be construed to limit or prohibit the ability of parties to obtain appropriate emergency orders.

Sec. 204. RCW 36.18.016 and 2006 c 192 s 2 are each amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of thirty dollars. The clerk of the superior court shall transmit monthly twenty-four dollars of the thirty-dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based services within the county for victims of domestic violence, except for five percent of the six dollars, which may be retained by the court for administrative purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six, or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

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(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of two dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed twenty dollars per hour or portion of an hour.

(12) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.

(13) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(14) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(15) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(16) For filing a water rights statement under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(17) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(18) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(19) A service fee of three dollars for the first page and one dollar for each additional page must be charged for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(20) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(21) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(22) Investment service charge and earnings under RCW 36.48.090 must be charged.

(23) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(24) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred twenty dollars as established by authority of local ordinance. This charge shall be used solely to offset the cost of the mandatory arbitration program.

(25) For filing a request for trial de novo of an arbitration award, a fee not to exceed two hundred fifty dollars as established by authority of local ordinance must be charged.

(26) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(27) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(28) A surcharge of up to twenty dollars may be charged as authorized by section 201 of this act.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the

state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

PART III - Domestic Violence and Child Abuse

NEW SECTION. **Sec. 301.** A new section is added to chapter 26.09 RCW to read as follows:

Mediation is generally inappropriate in cases involving domestic violence and child abuse. In order to effectively identify cases where issues of domestic violence and child abuse are present and reduce conflict in dissolution matters: (1) Where appropriate parties shall be provided access to trained domestic violence advocates; and (2) in cases where a victim requests mediation the court may make exceptions and permit mediation, so long as the court makes a finding that mediation is appropriate under the circumstances and the victim is permitted to have a supporting person present during the mediation proceedings.

Sec. 302. RCW 2.56.030 and 2005 c 457 s 7 and 2005 c 282 s 7 are each reenacted and amended to read as follows:

The administrator for the courts shall, under the supervision and direction of the chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Submit annually, as of February 1st, to the chief justice, a report of the activities of the administrator's office for the preceding calendar year including activities related to courthouse security;

(10) Administer programs and standards for the training and education of judicial personnel;

(11) Examine the need for new superior court and district court judge positions under an objective workload analysis. The results of the objective workload analysis shall be reviewed by the board for judicial administration which shall make recommendations to the legislature. It is the intent of the legislature that an objective workload analysis become the basis for creating additional district and superior court positions, and recommendations should address that objective;

(12) Provide staff to the judicial retirement account plan under chapter 2.14 RCW;

(13) Attend to such other matters as may be assigned by the supreme court of this state;

(14) Within available funds, develop a curriculum for a general understanding of child development, placement, and

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treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(15) Develop, in consultation with the entities set forth in RCW 2.56.150(3), a comprehensive statewide curriculum for persons who act as guardians ad litem under Title 13 or 26 RCW. The curriculum shall be made available July 1, ~~((1997))~~ 2008, and include specialty sections on child development, child sexual abuse, child physical abuse, child neglect, domestic violence, clinical and forensic investigative and interviewing techniques, family reconciliation and mediation services, and relevant statutory and legal requirements. The curriculum shall be made available to all superior court judges, court personnel, and all persons who act as guardians ad litem;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the supreme court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

(18) Authorize the use of closed circuit television and other electronic equipment in judicial proceedings. The administrator shall promulgate necessary standards and procedures and shall provide technical assistance to courts as required;

(19) Develop a Washington family law handbook in accordance with RCW 2.56.180;

(20) Administer state funds for improving the operation of the courts and provide support for court coordinating councils, under the direction of the board for judicial administration;

(21)(a) Administer and distribute amounts appropriated from the equal justice subaccount under RCW 43.08.250(2) for district court judges' and qualifying elected municipal court judges' salary contributions. The administrator for the courts shall develop a distribution formula for these amounts that does not differentiate between district and elected municipal court judges.

(b) A city qualifies for state contribution of elected municipal court judges' salaries under (a) of this subsection if:

(i) The judge is serving in an elected position;

(ii) The city has established by ordinance that a full-time judge is compensated at a rate equivalent to at least ninety-five percent, but not more than one hundred percent, of a district court judge salary or for a part-time judge on a pro rata basis the same equivalent; and

(iii) The city has certified to the office of the administrator for the courts that the conditions in (b)(i) and (ii) of this subsection have been met.

Sec. 303. RCW 26.09.191 and 2004 c 38 s 12 are each amended to read as follows:

(1) The permanent parenting plan shall not require mutual decision-making or designation of a dispute resolution process other than court action if it is found that a parent has engaged in any of the following conduct: (a) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (b) physical, sexual, or a pattern of emotional abuse of a child; or (c) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual

assault which causes grievous bodily harm or the fear of such harm.

(2)(a) The parent's residential time with the child shall be limited if it is found that the parent has engaged in any of the following conduct: (i) Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions; (ii) physical, sexual, or a pattern of emotional abuse of a child; (iii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault which causes grievous bodily harm or the fear of such harm; or (iv) the parent has been convicted as an adult of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (d) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (a)(iv)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (a)(iv)(A) through (H) of this subsection.

This subsection (2)(a) shall not apply when (c) or (d) of this subsection applies.

(b) The parent's residential time with the child shall be limited if it is found that the parent resides with a person who has engaged in any of the following conduct: (i) Physical, sexual, or a pattern of emotional abuse of a child; (ii) a history of acts of domestic violence as defined in RCW 26.50.010(1) or an assault or sexual assault that causes grievous bodily harm or the fear of such harm; or (iii) the person has been convicted as an adult or as a juvenile has been adjudicated of a sex offense under:

(A) RCW 9A.44.076 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(B) RCW 9A.44.079 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(C) RCW 9A.44.086 if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(D) RCW 9A.44.089;

(E) RCW 9A.44.093;

(F) RCW 9A.44.096;

(G) RCW 9A.64.020 (1) or (2) if, because of the difference in age between the offender and the victim, no rebuttable presumption exists under (e) of this subsection;

(H) Chapter 9.68A RCW;

(I) Any predecessor or antecedent statute for the offenses listed in (b)(iii)(A) through (H) of this subsection;

(J) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (b)(iii)(A) through (H) of this subsection.

This subsection (2)(b) shall not apply when (c) or (e) of this subsection applies.

(c) If a parent has been found to be a sexual predator under chapter 71.09 RCW or under an analogous statute of any other jurisdiction, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter. If a parent resides with an adult or a juvenile who has been found to be a sexual predator under chapter 71.09 RCW or under an

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analogous statute of any other jurisdiction, the court shall restrain the parent from contact with the parent's child except contact that occurs outside that person's presence.

(d) There is a rebuttable presumption that a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection poses a present danger to a child. Unless the parent rebuts this presumption, the court shall restrain the parent from contact with a child that would otherwise be allowed under this chapter:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (d)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (d)(i) through (vii) of this subsection.

(e) There is a rebuttable presumption that a parent who resides with a person who, as an adult, has been convicted, or as a juvenile has been adjudicated, of the sex offenses listed in (e)(i) through (ix) of this subsection places a child at risk of abuse or harm when that parent exercises residential time in the presence of the convicted or adjudicated person. Unless the parent rebuts the presumption, the court shall restrain the parent from contact with the parent's child except for contact that occurs outside of the convicted or adjudicated person's presence:

(i) RCW 9A.64.020 (1) or (2), provided that the person convicted was at least five years older than the other person;

(ii) RCW 9A.44.073;

(iii) RCW 9A.44.076, provided that the person convicted was at least eight years older than the victim;

(iv) RCW 9A.44.079, provided that the person convicted was at least eight years older than the victim;

(v) RCW 9A.44.083;

(vi) RCW 9A.44.086, provided that the person convicted was at least eight years older than the victim;

(vii) RCW 9A.44.100;

(viii) Any predecessor or antecedent statute for the offenses listed in (e)(i) through (vii) of this subsection;

(ix) Any statute from any other jurisdiction that describes an offense analogous to the offenses listed in (e)(i) through (vii) of this subsection.

(f) The presumption established in (d) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, and (B) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the parent requesting residential time, (A) contact between the child and the offending parent is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the offending parent is in the child's best interest, and (C) the offending parent has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child.

(g) The presumption established in (e) of this subsection may be rebutted only after a written finding that:

(i) If the child was not the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent residing with the convicted or adjudicated person is appropriate and that parent is able to protect the child in the presence of the convicted or adjudicated person, and (B) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes such contact is appropriate and poses minimal risk to the child; or

(ii) If the child was the victim of the sex offense committed by the person who is residing with the parent requesting residential time, (A) contact between the child and the parent in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child, (B) if the child is in or has been in therapy for victims of sexual abuse, the child's counselor believes such contact between the child and the parent residing with the convicted or adjudicated person in the presence of the convicted or adjudicated person is in the child's best interest, and (C) the convicted or adjudicated person has successfully engaged in treatment for sex offenders or is engaged in and making progress in such treatment, if any was ordered by a court, and the treatment provider believes contact between the parent and child in the presence of the convicted or adjudicated person is appropriate and poses minimal risk to the child.

(h) If the court finds that the parent has met the burden of rebutting the presumption under (f) of this subsection, the court may allow a parent who has been convicted as an adult of a sex offense listed in (d)(i) through (ix) of this subsection to have residential time with the child supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(i) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who has been adjudicated as a juvenile of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the person adjudicated as a juvenile, supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(j) If the court finds that the parent has met the burden of rebutting the presumption under (g) of this subsection, the court may allow a parent residing with a person who, as an adult, has been convicted of a sex offense listed in (e)(i) through (ix) of this subsection to have residential time with the child in the presence of the convicted person supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the court finds, based on the evidence, that the supervisor is willing and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child.

(k) A court shall not order unsupervised contact between the offending parent and a child of the offending parent who was

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sexually abused by that parent. A court may order unsupervised contact between the offending parent and a child who was not sexually abused by the parent after the presumption under (d) of this subsection has been rebutted and supervised residential time has occurred for at least two years with no further arrests or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW and (i) the sex offense of the offending parent was not committed against a child of the offending parent, and (ii) the court finds that unsupervised contact between the child and the offending parent is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treating child sexual abuse victims who has supervised at least one period of residential time between the parent and the child, and after consideration of evidence of the offending parent's compliance with community supervision requirements, if any. If the offending parent was not ordered by a court to participate in treatment for sex offenders, then the parent shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the offender has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child.

(l) A court may order unsupervised contact between the parent and a child which may occur in the presence of a juvenile adjudicated of a sex offense listed in (e)(i) through (ix) of this subsection who resides with the parent after the presumption under (e) of this subsection has been rebutted and supervised residential time has occurred for at least two years during which time the adjudicated juvenile has had no further arrests, adjudications, or convictions of sex offenses involving children under chapter 9A.44 RCW, RCW 9A.64.020, or chapter 9.68A RCW, and (i) the court finds that unsupervised contact between the child and the parent that may occur in the presence of the adjudicated juvenile is appropriate and poses minimal risk to the child, after consideration of the testimony of a state-certified therapist, mental health counselor, or social worker with expertise in treatment of child sexual abuse victims who has supervised at least one period of residential time between the parent and the child in the presence of the adjudicated juvenile, and after consideration of evidence of the adjudicated juvenile's compliance with community supervision or parole requirements, if any. If the adjudicated juvenile was not ordered by a court to participate in treatment for sex offenders, then the adjudicated juvenile shall obtain a psychosexual evaluation conducted by a certified sex offender treatment provider or a certified affiliate sex offender treatment provider indicating that the adjudicated juvenile has the lowest likelihood of risk to reoffend before the court grants unsupervised contact between the parent and a child which may occur in the presence of the adjudicated juvenile who is residing with the parent.

(m)(i) The limitations imposed by the court under (a) or (b) of this subsection shall be reasonably calculated to protect the child from the physical, sexual, or emotional abuse or harm that could result if the child has contact with the parent requesting residential time. The limitations shall also be reasonably calculated to provide for the safety of the parent who may be at risk of physical, sexual, or emotional abuse or harm that could result if the parent has contact with the parent requesting residential time. The limitations the court may impose include, but are not limited to: Supervised contact between the child and the parent or completion of relevant counseling or treatment. If the court expressly finds based on the evidence that limitations on the residential time with the child will not adequately protect the child from the harm or abuse that could result if the child has contact with the parent requesting residential time, the court shall restrain the parent requesting residential time from all contact with the child.

(ii) The court shall not enter an order under (a) of this subsection allowing a parent to have contact with a child if the parent has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a

dependency action to have sexually abused the child, except upon recommendation by an evaluator or therapist for the child that the child is ready for contact with the parent and will not be harmed by the contact. The court shall not enter an order allowing a parent to have contact with the child in the offender's presence if the parent resides with a person who has been found by clear and convincing evidence in a civil action or by a preponderance of the evidence in a dependency action to have sexually abused a child, unless the court finds that the parent accepts that the person engaged in the harmful conduct and the parent is willing to and capable of protecting the child from harm from the person.

(iii) If the court limits residential time under (a) or (b) of this subsection to require supervised contact between the child and the parent, the court shall not approve of a supervisor for contact between a child and a parent who has engaged in physical, sexual, or a pattern of emotional abuse of the child unless the court finds based upon the evidence that the supervisor accepts that the harmful conduct occurred and is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor upon finding, based on the evidence, that the supervisor has failed to protect the child or is no longer willing to or capable of protecting the child.

(n) If the court expressly finds based on the evidence that contact between the parent and the child will not cause physical, sexual, or emotional abuse or harm to the child and that the probability that the parent's or other person's harmful or abusive conduct will recur is so remote that it would not be in the child's best interests to apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection, or if the court expressly finds that the parent's conduct did not have an impact on the child, then the court need not apply the limitations of (a), (b), and (m)(i) and (iii) of this subsection. The weight given to the existence of a protection order issued under chapter 26.50 RCW as to domestic violence is within the discretion of the court. This subsection shall not apply when (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), and (m)(ii) of this subsection apply.

(3) A parent's involvement or conduct may have an adverse effect on the child's best interests, and the court may preclude or limit any provisions of the parenting plan, if any of the following factors exist:

(a) A parent's neglect or substantial nonperformance of parenting functions;

(b) A long-term emotional or physical impairment which interferes with the parent's performance of parenting functions as defined in RCW 26.09.004;

(c) A long-term impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;

(d) The absence or substantial impairment of emotional ties between the parent and the child;

(e) The abusive use of conflict by the parent which creates the danger of serious damage to the child's psychological development;

(f) A parent has withheld from the other parent access to the child for a protracted period without good cause; or

(g) Such other factors or conduct as the court expressly finds adverse to the best interests of the child.

(4) In cases involving allegations of limiting factors under subsection (2)(a)(ii) and (iii) of this section, both parties shall be screened to determine the appropriateness of a comprehensive assessment regarding the impact of the limiting factor on the child and the parties.

(5) In entering a permanent parenting plan, the court shall not draw any presumptions from the provisions of the temporary parenting plan.

~~((5))~~ (6) In determining whether any of the conduct described in this section has occurred, the court shall apply the civil rules of evidence, proof, and procedure.

~~((6))~~ (7) For the purposes of this section, a parent's child means that parent's natural child, adopted child, or stepchild.

NEW SECTION. Sec. 304. A new section is added to chapter 26.09 RCW to read as follows:

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Before entering a permanent parenting plan, the court shall determine the existence of any information and proceedings relevant to the placement of the child that are available in the judicial information system and databases.

Sec. 305. RCW 26.12.177 and 2005 c 282 s 30 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under section 306 of this act, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem lacks the necessary expertise for the proceeding, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who misrepresents his or her qualifications pursuant to a grievance procedure established by the court.

(3) The rotational registry system shall not apply to court-appointed special advocate programs.

NEW SECTION. Sec. 306. A new section is added to chapter 2.53 RCW to read as follows:

(1)(a) The legislature requests that the supreme court convene and support a task force to establish statewide protocols for dissolution cases.

(b) The task force shall develop: (i) Clear and concise dispute resolution procedures; (ii) in conjunction with the office of crime victims advocacy, a sexual assault training curriculum; (iii) consistent standards for parenting evaluators; and (iv) a domestic violence training curriculum for individuals making evaluations in dissolution cases. The task force shall make recommendations concerning specialized evaluators for dissolution cases, dissolution forms and procedures, and fees.

(c) The task force shall also study issues related to: (i) Venue for filing and modifying petitions; and (ii) the program established under section 201 of this act, including but not limited to: (A) the minimum components of the program; (B) the

extent of the program; (C) the administration of the program; (D) the handling of confidential information obtained; and (E) the selection of appropriate short screen tools to be utilized in the administration of the program.

(2) The governor shall appoint the following members of the task force:

(a) A representative of the office of crime victims advocacy;
 (b) A professor of law specializing in family law;
 (c) A representative from a statewide domestic violence advocacy group;

(d) A representative from a community sexual assault program;

(e) Two noncustodial parents with at least one representing the interests of low-income noncustodial parents; and

(f) Two custodial parents with at least one representing the interests of low-income custodial parents.

(3) The chief justice of the supreme court is requested to appoint the following members of the task force:

(a) Two representatives from the superior court judges association, including a superior court judge and a court commissioner who is familiar with dissolution issues;

(b) A representative from the administrative office of the courts;

(c) A representative from the Washington state bar association's family law executive committee;

(d) A representative from a qualified legal aid provider that receives funding from the office of civil legal aid;

(e) A representative of the Washington state association of county clerks; and

(f) A guardian ad litem.

(4) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(5) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives, with at least one member.

(6) Membership of the task force may also include members of the civil legal aid oversight committee, including but not limited to the legislative members of the committee.

(7) The task force shall carefully consider all input received from interested organizations and individuals during the task force process.

(8) The task force may form an executive committee, create subcommittees, designate alternative representatives, and define other procedures, as needed, for operation of the task force.

(9) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members, except those representing an employee or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) The task force shall present preliminary findings and conclusions to the governor's office, the supreme court, and the appropriate committees of the legislature by September 1, 2008. A final report and recommendations, including recommendations for legislative action, if necessary, and recommendations regarding the program under section 201 of this act, shall be completed by December 1, 2008.

(11) This section expires June 30, 2009.

PART IV - Additional Services

NEW SECTION. Sec. 401. A new section is added to chapter 26.09 RCW to read as follows:

In order to provide judicial officers with better information and to facilitate decision making which allows for the protection of children from physical, mental, or emotional harm and in order to facilitate consistent healthy contact between both parents and their children:

(1) Parties and witnesses who require the assistance of interpreters shall be provided access to qualified interpreters pursuant to chapter 2.42 or 2.43 RCW. To the extent practicable and within available resources, interpreters shall also be made available at dissolution-related proceedings.

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(2) Parties and witnesses who require literacy assistance shall be referred to the multipurpose service centers established in chapter 28B.04 RCW.

(3) In matters involving guardian ad litem, the court shall specify the hourly rate the guardian ad litem may charge for his or her services, and shall specify the maximum amount the guardian ad litem may charge without additional review. Counties may, and to the extent state funding is provided therefor counties shall, provide indigent parties with guardian ad litem services at a reduced or waived fee.

(4) Parties may request to participate by telephone or interactive videoconference. The court may allow telephonic or interactive videoconference participation of one or more parties at any proceeding in its discretion. The court may also allow telephonic or interactive videoconference participation of witnesses.

(5) In cases involving domestic violence or child abuse, if residential time is ordered, the court may:

(a) Order exchange of a child to occur in a protected setting;

(b) Order residential time supervised by a neutral and independent adult and pursuant to an adequate plan for supervision of such residential time. The court shall not approve of a supervisor for contact between the child and the parent unless the supervisor is willing to and capable of protecting the child from harm. The court shall revoke court approval of the supervisor if the court determines, after a hearing, that the supervisor has failed to protect the child or is no longer willing or capable of protecting the child. If the court allows a family or household member to supervise residential time, the court shall establish conditions to be followed during residential time.

(6) In cases in which the court finds that the parties do not have a satisfactory history of cooperation or there is a high level of parental conflict, the court may order the parties to use supervised visitation and safe exchange centers or alternative safe locations to facilitate the exercise of residential time.

PART V - Mediation

Sec. 501. RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2)(a) Each superior court may make available a mediator. The court shall use the most cost-effective mediation services that are readily available unless there is good cause to access alternative providers. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(b) In any proceeding involving issues relating to residential time or other matters governed by a parenting plan, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. Counties may, and to the extent state funding is provided therefor counties shall, provide both predecree and postdecree mediation at reduced or waived fee to the parties within one year of the filing of the dissolution petition.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184(3)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184(3)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

PART VI - Residential Time

Sec. 601. RCW 26.09.184 and 1991 c 367 s 7 are each amended to read as follows:

(1) OBJECTIVES. The objectives of the permanent parenting plan are to:

(a) Provide for the child's physical care;

(b) Maintain the child's emotional stability;

(c) Provide for the child's changing needs as the child grows and matures, in a way that minimizes the need for future modifications to the permanent parenting plan;

(d) Set forth the authority and responsibilities of each parent with respect to the child, consistent with the criteria in RCW 26.09.187 and 26.09.191;

(e) Minimize the child's exposure to harmful parental conflict;

(f) Encourage the parents, where appropriate under RCW 26.09.187 and 26.09.191, to meet their responsibilities to their minor children through agreements in the permanent parenting plan, rather than by relying on judicial intervention; and

(g) To otherwise protect the best interests of the child consistent with RCW 26.09.002.

(2) CONTENTS OF THE PERMANENT PARENTING PLAN. The permanent parenting plan shall contain provisions for resolution of future disputes between the parents, allocation of decision-making authority, and residential provisions for the child.

(3) CONSIDERATION IN ESTABLISHING THE PERMANENT PARENTING PLAN. In establishing a permanent parenting plan, the court may consider the cultural heritage and religious beliefs of a child.

(4) DISPUTE RESOLUTION. A process for resolving disputes, other than court action, shall be provided unless precluded or limited by RCW 26.09.187 or 26.09.191. A dispute resolution process may include counseling, mediation, or arbitration by a specified individual or agency, or court action. In the dispute resolution process:

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(a) Preference shall be given to carrying out the parenting plan;

(b) The parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support, unless an emergency exists;

(c) A written record shall be prepared of any agreement reached in counseling or mediation and of each arbitration award and shall be provided to each party;

(d) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court shall award attorneys' fees and financial sanctions to the prevailing parent;

(e) The parties have the right of review from the dispute resolution process to the superior court; and

(f) The provisions of (a) through (e) of this subsection shall be set forth in the decree.

~~((4))~~ (5) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) The plan shall allocate decision-making authority to one or both parties regarding the children's education, health care, and religious upbringing. The parties may incorporate an agreement related to the care and growth of the child in these specified areas, or in other areas, into their plan, consistent with the criteria in RCW 26.09.187 and 26.09.191. Regardless of the allocation of decision-making in the parenting plan, either parent may make emergency decisions affecting the health or safety of the child.

(b) Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent.

(c) When mutual decision making is designated but cannot be achieved, the parties shall make a good-faith effort to resolve the issue through the dispute resolution process.

~~((5))~~ (6) RESIDENTIAL PROVISIONS FOR THE CHILD. The plan shall include a residential schedule which designates in which parent's home each minor child shall reside on given days of the year, including provision for holidays, birthdays of family members, vacations, and other special occasions, consistent with the criteria in RCW 26.09.187 and 26.09.191.

~~((6))~~ (7) PARENTS' OBLIGATION UNAFFECTED. If a parent fails to comply with a provision of a parenting plan or a child support order, the other parent's obligations under the parenting plan or the child support order are not affected. Failure to comply with a provision in a parenting plan or a child support order may result in a finding of contempt of court, under RCW 26.09.160.

~~((7))~~ (8) PROVISIONS TO BE SET FORTH IN PERMANENT PARENTING PLAN. The permanent parenting plan shall set forth the provisions of subsections ~~((3))~~ (4)(a) through (c), ~~((4))~~ (5)(b) and (c), and ~~((6))~~ (7) of this section.

Sec. 602. RCW 26.09.015 and 2005 c 172 s 17 are each amended to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3)(a) Mediation proceedings under this chapter shall be governed in all respects by chapter 7.07 RCW, except as follows:

(i) Mediation communications in postdecree mediations mandated by a parenting plan are admissible in subsequent proceedings for the limited purpose of proving:

(A) Abuse, neglect, abandonment, exploitation, or unlawful harassment as defined in RCW 9A.46.020(1), of a child;

(B) Abuse or unlawful harassment as defined in RCW 9A.46.020(1), of a family or household member as defined in RCW 26.50.010(2); or

(C) That a parent used or frustrated the dispute resolution process without good reason for purposes of RCW 26.09.184~~((3))~~ (4)(d).

(ii) If a postdecree mediation-arbitration proceeding is required pursuant to a parenting plan and the same person acts as both mediator and arbitrator, mediation communications in the mediation phase of such a proceeding may be admitted during the arbitration phase, and shall be admissible in the judicial review of such a proceeding under RCW 26.09.184~~((3))~~ (4)(e) to the extent necessary for such review to be effective.

(b) None of the exceptions under (a)(i) and (ii) of this subsection shall subject a mediator to compulsory process to testify except by court order for good cause shown, taking into consideration the need for the mediator's testimony and the interest in the mediator maintaining an appearance of impartiality. If a mediation communication is not privileged under (a)(i) of this subsection or that portion of (a)(ii) of this subsection pertaining to judicial review, only the portion of the communication necessary for the application of the exception may be admitted, and such admission of evidence shall not render any other mediation communication discoverable or admissible except as may be provided in chapter 7.07 RCW.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court.

Sec. 603. RCW 26.09.187 and 1989 c 375 s 10 are each amended to read as follows:

(1) DISPUTE RESOLUTION PROCESS. The court shall not order a dispute resolution process, except court action, when it finds that any limiting factor under RCW 26.09.191 applies, or when it finds that either parent is unable to afford the cost of the proposed dispute resolution process. If a dispute resolution process is not precluded or limited, then in designating such a process the court shall consider all relevant factors, including:

(a) Differences between the parents that would substantially inhibit their effective participation in any designated process;

(b) The parents' wishes or agreements and, if the parents have entered into agreements, whether the agreements were made knowingly and voluntarily; and

(c) Differences in the parents' financial circumstances that may affect their ability to participate fully in a given dispute resolution process.

(2) ALLOCATION OF DECISION-MAKING AUTHORITY.

(a) AGREEMENTS BETWEEN THE PARTIES. The court shall approve agreements of the parties allocating decision-making authority, or specifying rules in the areas listed in RCW 26.09.184~~((4))~~ (5)(a), when it finds that:

(i) The agreement is consistent with any limitations on a parent's decision-making authority mandated by RCW 26.09.191; and

(ii) The agreement is knowing and voluntary.

(b) SOLE DECISION-MAKING AUTHORITY. The court shall order sole decision-making to one parent when it finds that:

(i) A limitation on the other parent's decision-making authority is mandated by RCW 26.09.191;

(ii) Both parents are opposed to mutual decision making;

(iii) One parent is opposed to mutual decision making, and such opposition is reasonable based on the criteria in (c) of this subsection;

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(c) **MUTUAL DECISION-MAKING AUTHORITY.** Except as provided in (a) and (b) of this subsection, the court shall consider the following criteria in allocating decision-making authority:

- (i) The existence of a limitation under RCW 26.09.191;
- (ii) The history of participation of each parent in decision making in each of the areas in RCW 26.09.184(~~((4))~~) (5)(a);
- (iii) Whether the parents have a demonstrated ability and desire to cooperate with one another in decision making in each of the areas in RCW 26.09.184(~~((4))~~) (5)(a); and
- (iv) The parents' geographic proximity to one another, to the extent that it affects their ability to make timely mutual decisions.

(3) **RESIDENTIAL PROVISIONS.**

(a) The court shall make residential provisions for each child which encourage each parent to maintain a loving, stable, and nurturing relationship with the child, consistent with the child's developmental level and the family's social and economic circumstances. The child's residential schedule shall be consistent with RCW 26.09.191. Where the limitations of RCW 26.09.191 are not dispositive of the child's residential schedule, the court shall consider the following factors:

- (i) The relative strength, nature, and stability of the child's relationship with each parent(~~(including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child)~~);
- (ii) The agreements of the parties, provided they were entered into knowingly and voluntarily;
- (iii) Each parent's past and potential for future performance of parenting functions as defined in RCW 26.09.004(3), including whether a parent has taken greater responsibility for performing parenting functions relating to the daily needs of the child;
- (iv) The emotional needs and developmental level of the child;
- (v) The child's relationship with siblings and with other significant adults, as well as the child's involvement with his or her physical surroundings, school, or other significant activities;
- (vi) The wishes of the parents and the wishes of a child who is sufficiently mature to express reasoned and independent preferences as to his or her residential schedule; and
- (vii) Each parent's employment schedule, and shall make accommodations consistent with those schedules.

Factor (i) shall be given the greatest weight.

(b) Where the limitations of RCW 26.09.191 are not dispositive, the court may order that a child frequently alternate his or her residence between the households of the parents for brief and substantially equal intervals of time ((only if the court finds the following:

- ~~— (i) No limitation exists under RCW 26.09.191;~~
- ~~— (ii)(A) The parties have agreed to such provisions and the agreement was knowingly and voluntarily entered into; or~~
- ~~— (B) The parties have a satisfactory history of cooperation and shared performance of parenting functions; the parties are available to each other, especially in geographic proximity, to the extent necessary to ensure their ability to share performance of the parenting functions; and~~
- ~~— (iii) The provisions are in the best interests of the child)) if such provision is in the best interests of the child. In determining whether such an arrangement is in the best interests of the child, the court may consider the parties geographic proximity to the extent necessary to ensure the ability to share performance of the parenting functions.~~

(c) For any child, residential provisions may contain any reasonable terms or conditions that facilitate the orderly and meaningful exercise of residential time by a parent, including but not limited to requirements of reasonable notice when residential time will not occur.

Sec. 604. RCW 26.09.197 and 1987 c 460 s 14 are each amended to read as follows:

After considering the affidavit required by RCW 26.09.194(1) and other relevant evidence presented, the court shall make a temporary parenting plan that is in the best interest

of the child. In making this determination, the court shall give particular consideration to:

(1) ~~((Which parent has taken greater responsibility during the last twelve months for performing parenting functions relating to the daily needs of the child)) The relative strength, nature, and stability of the child's relationship with each parent; and~~

(2) Which parenting arrangements will cause the least disruption to the child's emotional stability while the action is pending.

The court shall also consider the factors used to determine residential provisions in the permanent parenting plan.

PART VII - Data Tracking

NEW SECTION. Sec. 701. A new section is added to chapter 26.09 RCW to read as follows:

The parties to dissolution matters shall file with the clerk of the court the residential time summary report. The summary report shall be on the form developed by the administrative office of the courts in consultation with the department of social and health services division of child support. The parties must complete the form and file the form with the court order. The clerk of the court must forward the form to the division of child support on at least a monthly basis.

NEW SECTION. Sec. 702. A new section is added to chapter 26.18 RCW to read as follows:

(1) The administrative office of the courts in consultation with the department of social and health services, division of child support, shall develop a residential time summary report form to provide for the reporting of summary information in every case in which residential time with children is to be established or modified.

(2) The residential time summary report must include at a minimum: A breakdown of residential schedules with a reasonable degree of specificity regarding actual time with each parent, including enforcement practices, representation status of the parties, whether domestic violence, child abuse, chemical dependency, or mental health issues exist, and whether the matter was agreed or contested.

(3) The division of child support shall compile and electronically transmit the information in the residential time summary reports to the administrative office of the courts for purposes of tracking residential time awards by parent, enforcement practices, representation status of the parties, the existence of domestic violence, child abuse, chemical dependency, or mental health issues and whether the matter was agreed or contested.

(4) The administrative office of the courts shall report the compiled information, organized by each county, on at least an annual basis. The information shall be itemized by quarter. These reports shall be made publicly available through the judicial information public access services and shall not contain any personal identifying information of parties in the proceedings.

PART VIII - Miscellaneous

NEW SECTION. Sec. 801. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 802. If specific funding for the purposes of section 306 of this act, referencing section 306 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 306 of this act is null and void.

NEW SECTION. Sec. 803. If specific funding for the purposes of section 701 of this act, referencing section 701 of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, section 701 of this act is null and void.

NEW SECTION. Sec. 804. If specific funding for the purposes of section 702 of this act, referencing section 702 of this act by bill or chapter number and section number, is not

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provided by June 30, 2007, in the omnibus appropriations act, section 702 of this act is null and void.

NEW SECTION. Sec. 805. (1) Sections 201 and 204 of this act take effect July 1, 2009.

(2) Section 202 of this act takes effect January 1, 2008.

(3) Section 501 of this act takes effect January 1, 2009."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5470.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5470.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5470 by voice vote.

Senators Hargrove and Kastama spoke in favor of final passage.

MOTION

On motion of Senator Hatfield, Senator Kline was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5470, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5470, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 44

Excused: Senators Brown, Kline, Kohl-Welles, Tom and Zarelli - 5

SUBSTITUTE SENATE BILL NO. 5470, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SECOND SUBSTITUTE SENATE BILL NO. 5790 was returned to second reading for purpose of an amendment: 5790-S2 AMH QUAL H3582.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that student access to programs offered at skill centers can help prepare them for careers, apprenticeships, and postsecondary education. The legislature further finds that current limits on how school districts and skill centers report full-time equivalent students and the time students are served provide a disincentive for school districts to send their students to skill centers. The legislature further finds that there are barriers to providing access to students in rural and remote areas but that there are opportunities to do so with satellite and branch campus programs, distance and online learning programs, and collaboration with higher education, business, and labor. The legislature further finds that skill centers provide opportunities for dropout prevention and retrieval programs by offering programs that accommodate students' work schedules and provide credit retrieval opportunities. The legislature further finds that implementing the recommendations from the study by the workforce training and education coordinating board will enhance skill center programs and student access to those programs.

NEW SECTION. Sec. 2. A skill center is a regional career and technical education partnership established to provide access to comprehensive industry-defined career and technical programs of study that prepare students for careers, employment, apprenticeships, and postsecondary education. A skill center is operated by a host school district and governed by an administrative council in accordance with a cooperative agreement.

NEW SECTION. Sec. 3. Beginning in the 2007-08 school year and thereafter, students attending skill centers shall be funded for all classes at the skill center and the sending districts, up to one and six-tenths full-time equivalents or as determined in the omnibus appropriations act. The office of the superintendent of public instruction shall develop procedures to ensure that the school district and the skill center report no student for more than one and six-tenths full-time equivalent students combining both their high school enrollment and skill center enrollment. Additionally, the office of the superintendent of public instruction shall develop procedures for determining the appropriate share of the full-time equivalent enrollment count between the resident high school and skill center.

NEW SECTION. Sec. 4. (1) The office of the superintendent of public instruction shall review and revise the guidelines for skill centers to encourage skill center programs. The superintendent, in cooperation with the workforce training and education coordinating board, skill center directors, and the Washington association for career and technical education, shall review and revise the existing skill centers' policy guidelines and create and adopt rules governing skill centers as follows:

(a) The threshold enrollment at a skill center shall be revised so that a skill center program need not have a minimum of seventy percent of its students enrolled on the skill center core campus in order to facilitate serving rural students through expansion of skill center programs by means of satellite programs or branch campuses;

(b) The developmental planning for branch campuses shall be encouraged. Underserved rural areas or high-density areas may partner with an existing skill center to create satellite programs or a branch campus. Once a branch campus reaches sufficient enrollment to become self-sustaining, it may become a separate skill center or remain an extension of the founding skill center; and

(c) Satellite and branch campus programs shall be encouraged to address high-demand fields.

(2) Rules adopted under this section shall allow for innovative models of satellite and branch campus programs, and such programs shall not be limited to those housed in physical buildings.

(3) The superintendent of public instruction shall develop and deliver a ten-year capital plan for legislative review before implementation.

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(4) Subject to available funding, the superintendent shall:

(a) Conduct approved feasibility studies for serving noncooperative rural and high-density area students in their geographic areas; and

(b) Develop a statewide master plan that identifies standards and resources needed to create a technology infrastructure for connecting all skill centers to the K-20 network.

NEW SECTION. Sec. 5. Subject to available funding, skill centers shall provide access to late afternoon and evening sessions and summer school programs, to rural and high-density area students aligned with regionally identified high-demand occupations. When possible, the programs shall be specifically targeted for credit retrieval, dropout prevention and intervention for at-risk students, and retrieval of dropouts. Skill centers that receive funding for these activities must participate in an evaluation that is designed to quantify results and identify best practices, collaborate with local community partners in providing a comprehensive program, and provide matching funds.

NEW SECTION. Sec. 6. (1) The superintendent of public instruction shall establish and support skill centers of excellence in key economic sectors of regional significance. The superintendent shall broker the development of skill centers of excellence and identify their roles in developing curriculum and methodologies for reporting skill center course equivalencies for purposes of high school graduation.

(2) Once the skill centers of excellence are established, the superintendent of public instruction shall develop and seek funding for a running start for career and technical education grant program to develop and implement career and technical programs of study targeted to regionally determined high-demand occupations. Grant recipients should be partnerships of skill centers of excellence, community college centers of excellence, tech-prep programs, industry advisory committees, area workforce development councils, and skill panels in the related industry. Grant recipients should be expected to develop and assist in the replication of model career and technical education programs of study. The career and technical education programs of study developed should be consistent with the expectations in the applicable federal law.

NEW SECTION. Sec. 7. The superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the director of skill centers.

Sec. 8. RCW 84.52.068 and 2005 c 514 s 1104 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be deposited into the student achievement fund as provided in this section.

(2)(a) The amount of the deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(b) For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(e) For the 2010-2011 school year and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(f) The school district annual amounts shall be deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public

instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule. The superintendent of public instruction shall ensure that moneys generated by skill center students is returned to skill centers.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act constitute a new chapter in Title 28A RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5790.

Senator Hobbs spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5790.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5790 by voice vote.

MOTION

On motion of Senator Regala, Senator Prentice was excused.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5790, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5790, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker and Weinstein - 44

Excused: Senators Brown, Kohl-Welles, Prentice, Tom and Zarelli - 5

SECOND SUBSTITUTE SENATE BILL NO. 5790, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1909 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

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MOTION

Senator Jacobsen moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1909.

The President declared the question before the Senate to be motion by Senator Jacobsen that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1909.

The motion by Senator Jacobsen carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1909.

MOTION

On motion of Senator Jacobsen, the rules were suspended and Substitute House Bill No. 1909 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1909, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle)

Protecting from the theft of specialized forest products.

The measure was read the second time.

MOTION

Senator Jacobsen moved that the following striking amendment by Senators Jacobsen and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 76.48.130 and 1995 c 366 s 13 are each amended to read as follows:

(1) A person who violates a provision of this chapter, other than the provisions contained in RCW 76.48.120, as now or hereafter amended, is guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not to exceed one year or by both a fine and imprisonment.

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit or true copy thereof, an authorization, sales invoice, or bill of lading, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that: (a) The specialized forest products were harvested from the defendant's own land; or (b) the specialized forest products were harvested with the permission of the landowner.

NEW SECTION. Sec. 2. (1) The specialized forest products work group is established. The work group must consist of appropriate representation from: The department of natural resources; county sheriffs; county prosecutors; industrial and small forest landowners; tribes; recreational and professional wood carvers; cedar and specialty wood processors; and other appropriate persons invited by the commissioner of public lands.

(2) The specialized forest products work group must review the current specialized forest products statute, chapter 76.48 RCW, as well as applicable theft laws. The specialized forest products work group must evaluate the statute, as well as its application, and make recommendations, if any, to ensure that the specialized forest products requirements: Provide reasonable tools for law enforcement and reasonably protect landowners from theft; are not unduly burdensome to harvesters, those possessing or transporting specialized forest products, or cedar or specialty wood processors or buyers; are clear and may

be readily understood by law enforcement and the public; and are administered and enforced consistently throughout the state.

(3) The specialized forest products work group must be staffed by the department of natural resources.

(4) The specialized forest products work group must provide a report to the appropriate committees of the legislature containing its recommendations, as well as draft legislation implementing its recommendations, by December 1, 2007.

(5) This section expires July 1, 2008.

Sec. 3. RCW 76.48.020 and 2005 c 401 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees which contains the information required by RCW 76.48.080, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur.

(2) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product.

(3) "Cascara bark" means the bark of a Cascara tree.

(4) "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

(5) "Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.

(7) "Christmas trees" means any evergreen trees or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species.

(8) "Cut or picked evergreen foliage," commonly known as brush, means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not mean cones, berries, any foliage that does not remain green year-round, or seeds.

(9) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land.

(10) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

(11) "Huckleberry" means the following species of edible berries, if they are not nursery grown: *Vaccinium membranaceum*, *Vaccinium deliciosum*, *Vaccinium ovatum*, *Vaccinium parvifolium*, *Vaccinium globulare*, *Vaccinium ovalifolium*, *Vaccinium alaskaense*, *Vaccinium caespitosum*, *Vaccinium occidentale*, *Vaccinium uliginosum*, *Vaccinium myrtillus*, and *Vaccinium scoparium*.

(12) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed, contract, or lease has authority to harvest and sell forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

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~~((+2))~~ (13) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

~~((+3))~~ (14) "Permit area" means a designated tract of land that may contain single or multiple harvest sites.

~~((+4))~~ (15) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

~~((+5))~~ (16) "Processed cedar products" means cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length.

~~((+6))~~ (17) "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

~~((+7))~~ (18) "Specialized forest products" means Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, huckleberries, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark.

~~((+8))~~ (19) "Specialized forest products permit" means a printed document in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permitters" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permitter and that is located in the county where the permit is issued.

~~((+9))~~ (20) "Specialty wood" means wood that is:

(a) In logs less than eight feet in length, chunks, slabs, stumps, or burls; and

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;

(ii) Without knots in a portion of the surface area at least twenty-one inches long and seven and a quarter inches wide when measured from the outer surface toward the center; or

(iii) Suitable for the purposes of making musical instruments or ornamental boxes.

~~((20))~~ (21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.

~~((21))~~ (22) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood products or specialty wood salvage for later sale in the same or modified form following removal and delivery from the land where harvested.

~~((22))~~ (23) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.

~~((23))~~ (24) "True copy" means a replica of a validated specialized forest products permit as reproduced by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permittor signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permittor specify an earlier date. A permittor may require the actual signatures of both the permittee and permittor for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permittor, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof.

~~((24))~~ (25) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by artificial means.

Sec. 4. RCW 76.48.030 and 1995 c 366 s 2 are each amended to read as follows:

It is unlawful for any person to:

(1) Harvest specialized forest products as described in RCW 76.48.020, in the quantities specified in RCW 76.48.060, without first obtaining a validated specialized forest products permit;

(2) Engage in activities or phases of harvesting specialized forest products not authorized by the permit; ~~((or))~~

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060, as now or hereafter amended, without first obtaining permission from the landowner or his or her duly authorized agent or representative; or

(4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush.

NEW SECTION. Sec. 5. (1) By December 1, 2007, the department of natural resources must review the uses of and demands on the state's wild huckleberry resource, and estimate whether the current consumptive uses of wild huckleberries are sustainable and compatible among the various consumptive users of the resource. Based upon this review, the department of natural resources must deliver recommendations to the appropriate committees of the legislature as to whether a state-permitting requirement to harvest, possess, or transport wild huckleberries would remedy any problems identified during the review, whether the specialized forest products permit would be the most effective permitting program to utilize, and what permit conditions or requirements should be placed on the harvest, possession, or transportation of wild huckleberries.

(2) This section expires July 1, 2008."

MOTION

Senator Jacobsen moved that the following amendment by Senator Jacobsen to the striking amendment be adopted.

On page 4, line 15, of the amendment before "cedar products" delete "huckleberries."

Senator Jacobsen spoke in favor of adoption of the amendment to the striking amendment.

POINT OF INQUIRY

Senator Honeyford: "Would Senator Jacobsen yield to a question? Thank you. Does this still provide protection for the Native Americans huckleberry pickings so that people aren't going in with rakes and ruining the vines and things like that?"

Senator Jacobsen: "What's going to happen in the striking amendment it's going to make rakes or other items that damage huckleberries illegal to use but there wouldn't be any permit required."

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 4, line 15 to the striking amendment to Substitute House Bill No. 1909.

The motion by Senator Jacobsen carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Jacobsen and Morton as amended to Substitute House Bill No. 1909.

The motion by Senator Jacobsen carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted.

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 76.48.130,

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76.48.020, and 76.48.030; creating new sections; and providing expiration dates."

and the need for all of us to always honestly assess the reasons for going to war and the resulting consequences thereof. Thank you, Mr. President."

MOTION

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 1909 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Roach and Morton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1909 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1909 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 46

Excused: Senators Brown, Kohl-Welles and Zarelli - 3

SUBSTITUTE HOUSE BILL NO. 1909 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Regala: "Thank you Mr. President. Well, today all of our desks are adorned with an American Flag and you might notice that mine's at half staff. Several people have asked me why that is and so I wanted to explain. Mr. President, when I was born our nation and indeed the entire world was at war. Everyone was aware of that war and the sacrifices that would be required. Most had a family member serving in one of the two fronts and almost every family was faced with rationing's, I don't know how many here remember food stamps. I actually, were stamps, I actually have some that I've saved, and having to make the adjustments that their lives would have to be changed through this war. During the Vietnam war far fewer people experienced the sacrifices that are required. Although all had an opinion about that war, most were personally detached from the pain. As a young wife, with a husband on the front lines my baby daughter and I and other members of our family did experience first hand the agony and the uncertainty of having someone at war. Now we are engaged in another war and the debate about it is fierce, Yet, far fewer people are experiencing the personal toll of being at war means and so my flag is at half staff to honor those who will never come home. Those who will come back maimed or injured, either physically or mentally, those whose lives will never be the same. I also have my flag at half staff, Mr. President, in honor of those Iraqis who have died, whose families have been torn apart, whose country is in turmoil and for both of our countries and for the region which face an uncertain future due to the physical cost of war, the devastation of war and the instability that has been created in so many lives. I also rise Mr. President to ask for a moment of silent reflection about the toll that war takes on both our present and our future

MOMENT OF SILENCE

The Senate observed a moment of silent reflection.

MOTION

At 3:38 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Friday, April 20, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDRED THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, April 20, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Brown, Kauffman, Kohl-Welles, McAuliffe and Pflug.

The Sergeant at Arms Color Guard consisting of Pages Kordell Coleman and Brooke Vander Veen, presented the Colors. Reverend Carol Johnson Sorenson of First United Methodist Church offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 6167,
And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1041,
SECOND SUBSTITUTE HOUSE BILL NO. 1573,
SUBSTITUTE HOUSE BILL NO. 1694,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House concurred in Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
SECOND SUBSTITUTE HOUSE BILL NO. 1088,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1333,
SECOND SUBSTITUTE HOUSE BILL NO. 1334,
HOUSE BILL NO. 1377,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

There being no objection, the Senate advanced to the fifth

order of business.

INTRODUCTION AND FIRST READINGSCR 8408 by Senators Eide and Schoesler

Returning bills to their house of origin.

SCR 8409 by Senators Brown and Hewitt

Adjourning SINE DIE.

MOTION

On motion of Senator Eide, the rules were suspended and Senate Concurrent Resolution No. 8408 and Senate Concurrent Resolution No. 8409 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 prohibits limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Brown moved adoption of the following resolution:

**SENATE RESOLUTION
8687**

By Senator Brown

WHEREAS, Judge James "Ben" McInturff, former Washington State Court of Appeals judge for more than 20 years, grew up in Spokane, Washington; and

WHEREAS, Judge McInturff graduated from Gonzaga University, the University of Washington, and Gonzaga University School of Law; and

WHEREAS, The crippling disease of polio was contracted by the persistent and strong-willed Judge McInturff during his patriotic service in the United States Marine Corps; and

WHEREAS, Judge McInturff was appointed Spokane County District Judge in 1953 after several years of private law practice; and

WHEREAS, With other attorneys, Judge McInturff created a program that provides legal assistance to those who cannot afford it; and

WHEREAS, Judge McInturff received the notable titles of 1987 President of the Legal Foundation in Washington and the 1980 "Boss of the Year" award by the Spokane Legal Secretaries Association; and

WHEREAS, According to an article in *The Spokesman-Review*, Judge McInturff, during a hospital visit in 1980, inspired quadriplegic Holly Caudill to "Get up and get on with life," and later had the pleasure of swearing her in as an Assistant United States Attorney; and

WHEREAS, Judge McInturff strongly sponsored and promoted the March of Dimes and the Americans with Disabilities Act; and

WHEREAS, Judge McInturff retired from the Court of Appeals in 1988, where he is remembered for his outstanding public service and judgment; and

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WHEREAS, Judge McInturff passed away on May 11, 2006, leaving behind his loving wife, Betty McInturff;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commemorate Judge "Ben" McInturff's accomplishments and contributions to Washington state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Senate, Betty McInturff, the Washington State Court of Appeals, and *The Spokesman-Review*.

Senators Brown and Marr spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8687.

The motion by Senator Brown carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Judge James "Ben" McInturff's family who were seated in the gallery.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1566, by House Committee on Finance (originally sponsored by Representatives VanDeWege, Ericks, McIntire, Ericksen, Ross, Warnick, Condotta, Kessler and McCune)

Modifying the rural county tax credit.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Pflug was excused.

MOTION

On motion of Senator Regala, Senators Brown, Kauffman, Kohl-Welles and McAuliffe were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1566.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1566 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Keiser, Kilmer, Kline, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore,

Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 44

Excused: Senators Brown, Kauffman, Kohl-Welles, McAuliffe and Pflug - 5

SUBSTITUTE HOUSE BILL NO. 1566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1902, by Representatives Grant, Newhouse, Linville, Orcutt, Blake, Hailey, Walsh, P. Sullivan, Kristiansen, Dunn and Hinkle

Concerning the sales and use taxation of repairs to farm machinery and equipment.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 82.08.855 and 2006 c 172 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale to an eligible farmer of:

(a) Replacement parts for qualifying farm machinery and equipment;

(b) Labor and services rendered in respect to the installing of replacement parts; and

(c) Labor and services rendered in respect to the repairing of qualifying farm machinery and equipment, provided that during the course of repairing no tangible personal property is installed, incorporated, or placed in, or becomes an ingredient or component of, the qualifying farm machinery and equipment other than replacement parts.

(2)(a) Notwithstanding anything to the contrary in this chapter, if ((replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service)) a single transaction involves services that are not exempt under this section and services that would be exempt under this section if provided separately, the exemptions provided in subsection (1)(b) and (c) of this section apply if: (i) The seller makes a separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section; and (ii) the separately itemized charge does not exceed the seller's usual and customary charge for such services.

(b) If the requirements in (a)(i) and (ii) of this subsection (2) are met, the exemption provided in subsection (1)(b) or (c) of this section applies to the separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section.

(3)(a) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. An exemption is available only when the buyer provides the seller with an exemption certificate issued by the department containing such information as the

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department requires. The exemption certificate shall be in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(b) The department shall provide an exemption certificate to an eligible farmer or renew an exemption certificate, upon application by that eligible farmer. The application must be in a form and manner prescribed by the department and shall contain the following information as required by the department:

(i) The name and address of the applicant;

(ii) The uniform business identifier or tax reporting account number of the applicant, if the applicant is required to be registered with the department;

(iii) The type of farming engaged in;

(iv) Either a copy of the applicant's information as provided in (b)(iv)(A) of this subsection or a declaration as provided in (b)(iv)(B) of this subsection, as elected by the applicant:

(A) A copy of the applicant's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the applicant's gross sales or harvested value of agricultural products ~~((by the applicant in the calendar))~~ for the tax year ~~((immediately preceding the year that the application was made to the department))~~ covered by the return. If ~~((application is made before the due date of the applicant's))~~ the applicant has not filed a federal income tax return for the prior ~~((calendar))~~ tax year~~(s)~~ or ~~((any extension of the due date))~~ is not required to file a federal income tax return, the applicant shall provide ~~((a copy of the appropriate federal income tax form that was due for the second calendar year immediately preceding the year that the application is made to the department. If the applicant is not required to file federal income tax returns, the department may require the applicant to provide copies of other documents establishing the amount of the applicant's gross sales of agricultural products for the relevant calendar year))~~ copies of other documents establishing the amount of the applicant's gross sales or harvested value of agricultural products for the tax year immediately preceding the year in which an application for exemption under this section is submitted to the department;

(B) A declaration signed under penalty of perjury as provided in RCW 9A.72.085 that the applicant is an eligible farmer as defined in subsection (4)(b) of this section. Any person who knowingly makes a materially false statement on an application submitted to the department under the provisions of this section shall be guilty of perjury in the second degree under chapter 9A.72 RCW. In addition, the person is liable for payment of any taxes for which an exemption under this section was claimed, with interest at the rate provided for delinquent taxes, retroactively to the date the exemption was claimed, and penalties as provided under chapter 82.32 RCW;

(v) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(vi) The signature of the authorized individual; and

(vii) Other information the department may require to verify the applicant's eligibility for the exemption.

(c)(i) Except as otherwise provided in this section, exemption certificates take effect on the date issued by the department are not transferable and are valid for the remainder of the calendar year in which the certificate is issued and the following four calendar years. The department shall attempt to notify holders of exemption certificates of the impending expiration of the certificate at least sixty days before the certificate expires and shall provide an application for renewal of the certificate.

(ii) When a certificate holder merely changes identity or form of ownership of an entity and there is no change in beneficial ownership, the exemption certificate shall be transferred to the new entity upon written notice to the department by the transferor or transferee.

(d)(i) ~~((Exemption certificates issued to persons who are eligible farmers under subsection (4)(b)(iii) of this section are conditioned on the person making at least ten thousand dollars~~

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~~of gross sales of agricultural products grown, raised, or produced by that person in the first full calendar year that the person engages in business as a farmer))~~ A person who is an eligible farmer as defined in subsection (4)(b)(iii) of this section shall be issued a conditional exemption certificate. The exemption certificate is conditioned upon:

(A) The eligible farmer having gross sales or a harvested value of agricultural products grown, raised, or produced by that person of at least ten thousand dollars in the first full tax year in which the person engages in business as a farmer; or

(B) The eligible farmer, during the first full tax year in which that person engages in business as a farmer, growing, raising, or producing agricultural products having an estimated value at any time during that year of at least ten thousand dollars, if the person will not sell or harvest an agricultural product during the first full tax year in which the person engages in business as a farmer.

(ii) ~~((A person who is issued a conditional exemption certificate must provide the department with a copy of the person's Schedule F of Form 1040, Form 1120, or other applicable form filed with the internal revenue service indicating the gross sales of agricultural products by the person in the first full calendar year that the person engaged in business as a farmer. If a person is not required to file federal income tax returns, the person shall provide copies of other documents establishing the amount of the person's gross sales of agricultural products for the first full calendar year that the person engaged in business as a farmer. The documentation required in this subsection (3)(d)(ii) is due no later than December 31st of the year immediately following the first full calendar year in which the person engaged in business as a farmer.~~

~~((iii))~~ If a person fails to ~~((provide the required documentation to the department by the due date or any extension granted by the department, or if))~~ meet the condition provided in (d)(i)(A) or (B) of this subsection ~~((is not met))~~, the department shall revoke the exemption certificate. The department shall notify the person in writing of the revocation and the person's responsibility, and due date, for ~~((repayment))~~ payment of any taxes for which an exemption under this section was claimed. Any taxes for which an exemption under this section was claimed shall be due and payable within thirty days of the date of the notice revoking the certificate. The department shall assess interest on the taxes for which the exemption was claimed. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are ~~((repaid))~~ paid. Penalties shall not be imposed on any tax required to be ~~((repaid))~~ paid under this subsection (3)(d)(ii) if full payment is received by the due date. Nothing in this subsection (3)(d) prohibits a person from reapplying for an exemption certificate.

(4) The definitions in this subsection apply to this section.

(a) "Agricultural products" has the meaning provided in RCW 82.04.213.

(b) "Eligible farmer" means:

(i) A farmer as defined in RCW 82.04.213 whose gross ~~((proceeds of))~~ sales or harvested value of agricultural products grown, raised, or produced by that person is at least ten thousand dollars ~~((in))~~ for the ~~((calendar))~~ tax year immediately preceding the year in which ~~((a claim of exemption is made under this section))~~ an application for exemption under this section is submitted to the department;

(ii) The transferee of an exemption certificate under subsection (3)(c)(ii) of this section where the transferred certificate expires before the transferee engages in farming operations for a full ~~((calendar))~~ tax year, if the combined gross ~~((proceeds of))~~ sales ~~((by))~~ or harvested value of agricultural products that the transferor and transferee ~~((of agricultural~~

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products that they)) have grown, raised, or produced meet the requirements of (b)(i) of this subsection;

(iii) A farmer as defined in RCW 82.04.213, who does not meet the definition of "eligible farmer" in (b)(i) or (ii) of this subsection, and who did not engage in farming for the entire ((calendar)) tax year immediately preceding the year in which application for exemption under this section is ((made and who did not engage in farming in any other year)) submitted to the department, because the farmer is either new to farming or newly returned to farming; or

(iv) Anyone who otherwise meets the definition of "eligible farmer" in this subsection except that they are not a "person" as defined in RCW 82.04.030.

(c) "Farm vehicle" has the same meaning as in RCW 46.04.181.

(d) "Harvested value" means the number of units of the agricultural product that were grown, raised, or produced, multiplied by the average sales price of the agricultural product. For purposes of this subsection (4)(d), "average sales price" means the average price per unit of agricultural product received by farmers in this state as reported by the United States department of agriculture's national agricultural statistics service for the twelve-month period that coincides with, or that ends closest to, the end of the relevant tax year, regardless of whether the prices are subject to revision. If the price per unit of an agricultural product received by farmers in this state is not available from the national agricultural statistics service, average sales price may be determined by using the average price per unit of agricultural product received by farmers in this state as reported by a recognized authority for the agricultural product.

(e) "Qualifying farm machinery and equipment" means machinery and equipment used primarily by an eligible farmer for growing, raising, or producing agricultural products. "Qualifying farm machinery and equipment" does not include:

(i) ((Farm vehicles and other)) Vehicles as ((those terms are defined in chapter 46.04 RCW, except)) defined in RCW 46.04.670, other than farm tractors as defined in RCW 46.04.180, farm vehicles, and other farm implements. For purposes of this subsection (4)((e)) (i), "farm implement" means machinery or equipment manufactured, designed, or reconstructed for agricultural purposes and used primarily by an eligible farmer to grow, raise, or produce agricultural products, but does not include lawn tractors and all-terrain vehicles;

(ii) Aircraft;

(iii) Hand tools and hand-powered tools; and

(iv) Property with a useful life of less than one year.

((f)) (i) "Replacement parts" means those parts that replace an existing part, or which are essential to maintain the working condition, of a piece of qualifying farm machinery or equipment. ((However, "replacement parts" shall not include paint, fuel, oil, grease, hydraulic fluids, antifreeze, and similar items))

(ii) Paint, fuel, oil, hydraulic fluids, antifreeze, and similar items are not replacement parts except when installed, incorporated, or placed in qualifying farm machinery and equipment during the course of installing replacement parts as defined in (f)(i) of this subsection or making repairs as described in subsection (1)(c) of this section.

(g) "Tax year" means the period for which a person files its federal income tax return, irrespective of whether the period represents a calendar year, fiscal year, or some other consecutive twelve-month period. If a person is not required to file a federal income tax return, "tax year" means a calendar year.

Sec. 7. RCW 82.12.855 and 2006 c 172 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use by an eligible farmer of:

(a) Replacement parts for qualifying farm machinery and equipment;

(b) Labor and services rendered in respect to the installing of replacement parts; and

(c) Labor and services rendered in respect to the repairing of qualifying farm machinery and equipment, provided that during the course of repairing no tangible personal property is installed, incorporated, or placed in, or becomes a component of, the qualifying farm machinery and equipment other than replacement parts.

(2)(a) Notwithstanding anything to the contrary in this chapter, if ((replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a separate charge for the parts, the tax imposed by this chapter does not apply to the separately stated charge to an eligible farmer for replacement parts but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the parts or, if no separately stated retail price is available, the seller's cost for the parts. However, the exemption provided by this section shall not apply if replacement parts are installed by the seller during the course of repairing, cleaning, altering, or improving qualifying farm machinery and equipment and the seller makes a single nonitemized charge for providing the parts and service)) a single transaction involves services that are not exempt under this section and services that would be exempt under this section if provided separately, the exemptions provided in subsection (1)(b) and (c) of this section apply if: (i) The seller makes a separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section; and (ii) the separately itemized charge does not exceed the seller's usual and customary charge for such services.

(b) If the requirements in (a)(i) and (ii) of this subsection (2) are met, the exemption provided in subsection (1)(b) or (c) of this section applies to the separately itemized charge for labor and services described in subsection (1)(b) or (c) of this section.

(3) The definitions and recordkeeping requirements in RCW 82.08.855, other than the exemption certificate requirement, apply to this section.

(4) If a person is an eligible farmer as defined in RCW 82.08.855(4)(b)(iii) who cannot prove income because the person is new to farming or newly returned to farming, the exemption under this section will apply only if one of the conditions in RCW 82.08.855(3)(d)(i)(A) or (B) is met. If the conditions are not met, any taxes for which an exemption under this section was claimed and interest on such taxes must be paid. Amounts due under this subsection shall be in accordance with RCW 82.08.855(3)(d)(ii), except that the due date for payment is January 31st of the year immediately following the first full tax year in which the person engaged in business as a farmer.

(5) Except as provided in subsection (4) of this section, the department shall not assess the tax imposed under this chapter against a person who no longer qualifies as an eligible farmer with respect to the use of any articles or services exempt under subsection (1) of this section, if the person was an eligible farmer when the person first put the articles or services to use in this state."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 1902.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 82.08.855 and 82.12.855; and prescribing penalties."

MOTION

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On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 1902 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1902 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1902 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 12; Absent, 1; Excused, 4.

Voting yea: Senators Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kilmer, Marr, McAuliffe, McCaslin, Morton, Parlette, Poulsen, Prentice, Rasmussen, Roach, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 32

Voting nay: Senators Fairley, Fraser, Keiser, Kline, Murray, Oemig, Pridemore, Regala, Rockefeller, Spanel, Tom and Weinstein - 12

Absent: Senator Benton - 1

Excused: Senators Brown, Kauffman, Kohl-Welles and Pflug - 4

ENGROSSED HOUSE BILL NO. 1902 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2163, by Representatives Cody, Sommers, Kenney and Moeller

Creating the public employees' benefits board medical benefits administration account.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2163 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Kastama was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 2163.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2163 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove,

Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Holmquist - 1

Excused: Senators Brown and Kohl-Welles - 2

HOUSE BILL NO. 2163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Zarelli: "Mr. President, I'm trying to locate the bills on calendar that are on this short list and I can't seem to find them on any of the calendars that we have even the books they refer to. I'm trying to find out where we can read about the bills that are before us on this calendar."

REPLY BY THE PRESIDENT

President Owen: "Let me see what I can find out for you... It is that calendar, the April 13th calendar. Right, Senator Carrell? Is that the one you have there? What's the date on that Senator Carrell? Thank you. No, No, the very last bill is on the April 13th calendar that Senator Carrell has in his hand there...That bill could be found on the April 13th calendar. Not the supplemental calendar..."

SECOND READING

HOUSE BILL NO. 1674, by Representatives Hunter, Conway, Dunn, Ormsby and Wood

Authorizing the governor to enter into a cigarette tax contract with the Spokane Tribe.

The measure was read the second time.

MOTION

Senator Prentice moved that the following committee striking amendment by the Committee on Ways & Means be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.06.460 and 2005 c 208 s 1 are each amended to read as follows:

(1) The governor is authorized to enter into cigarette tax contracts with the Squaxin Island Tribe, the Nisqually Tribe, Tulalip Tribes, the Muckleshoot Indian Tribe, the Quinault Nation, the Jamestown S'Klallam Indian Tribe, the Port Gamble S'Klallam Tribe, the Stillaguamish Tribe, the Sauk-Suiattle Tribe, the Skokomish Indian Tribe, the Yakama Nation, the Suquamish Tribe, the Nooksack Indian Tribe, the Lummi Nation, the Chehalis Confederated Tribes, the Upper Skagit Tribe, the Snoqualmie Tribe, the Swinomish Tribe, the Samish Indian Nation, the Quileute Tribe, the Kalispel Tribe, the Confederated Tribes of the Colville Reservation, the Cowlitz Indian Tribe, the Lower Elwha Klallam Tribe, ~~(and)~~ the Makah Tribe, the Hoh Tribe, and the Spokane Tribe. Each contract adopted under this section shall provide that the tribal cigarette tax rate be one hundred percent of the state cigarette and state and local sales and use taxes within three years of enacting the tribal tax and shall be set no lower than eighty percent of the state cigarette and state and local sales and use taxes during the three-year phase-in period. The three-year

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phase-in period shall be shortened by three months each quarter the number of cartons of nontribal manufactured cigarettes is at least ten percent or more than the quarterly average number of cartons of nontribal manufactured cigarettes from the six-month period preceding the imposition of the tribal tax under the contract. Sales at a retailer operation not in existence as of the date a tribal tax under this section is imposed are subject to the full rate of the tribal tax under the contract. The tribal cigarette tax is in lieu of the state cigarette and state and local sales and use taxes, as provided in RCW 43.06.455(3).

(2) A cigarette tax contract under this section is subject to RCW 43.06.455.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford to the committee striking amendment be adopted.

On page 2, after line 2, insert the following:

"(3) The governor may not directly or indirectly accept a contribution from a party to an agreement that has been negotiated within the prior four years or is currently under negotiation, if the governor is authorized to negotiate with the party under subsection (1) of this section."

Remember the sections consecutively and correct any internal references accordingly.

Senator Honeyford spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Prentice spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 2, after line 2 to the committee striking amendment to House Bill No. 1674.

The motion by Senator Honeyford failed and the amendment to the committee striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to House Bill No. 1674.

The motion by Senator Prentice carried and the committee striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "Tribe;" strike the remainder of the title and insert "amending RCW 43.06.460; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 1674 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1674 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1674 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Schoesler - 1

Absent: Senator McAuliffe - 1

Excused: Senators Brown and Kohl-Welles - 2

HOUSE BILL NO. 1674 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Schoesler: "We just received list number two of order of consideration with a number of bills that I believe the members probably have caucused on. For the members information, could we find out what books those pages are referenced because I believe they probably come from multiple books that the members need to be aware of what there voting on?"

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, we will see what we can do. Senator Schoesler, these are new dispute calendars and concurrence calendars and they're all on these two. Either the blue or the green dispute or concurring calendar."

PARLIAMENTARY INQUIRY

Senator Schoesler: "Thank you Mr. President. What are the dates? Those are the April 20th summaries?"

REPLY BY THE PRESIDENT

President Owen: "Both of them, yes."

REMARKS BY THE PRESIDENT

President Owen: "The President can't help but notice today that its another milestone in the lite of one of the Senators. Today celebrating his birthday is Senator McCaslin. Happy Birthday, Senator McCaslin."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

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The House insists on its position regarding the Senate amendment(s) to HOUSE BILL NO. 1051 and again asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate adhere to its position on House Bill No. 1051 and ask the House to concur.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate adhere to its position on House Bill No. 1051 and ask the House to concur.

The motion by Senator McAuliffe carried and the Senate adhered to its position on House Bill No. 1051 and ask the House to concur.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1303 and ask the House to concur thereon.

The President declared the question before the Senate to be motion by Senator Poulsen that the Senate insist on its position on the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1303 and ask the House to concur thereon.

The motion by Senator Poulsen carried and the Senate insisted on its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1303 and asked the House to concur thereon.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5340 was returned to second reading for purpose of an amendments: 5340-S AMH LANT H3591 and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the supreme court, in its opinion in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 P.3d 844 (2006), failed to recognize that the Law Against Discrimination affords to state residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990, and that the law against discrimination has provided such protections for many years prior to passage of the federal act.

Sec. 2. RCW 49.60.040 and 2006 c 4 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

(2) "Commission" means the Washington state human rights commission;

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit;

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person;

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a (~~disabled~~) person with a disability, to be treated as not welcome, accepted, desired, or solicited;

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational

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institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services;

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur;

(17) "Complainant" means the person who files a complaint in a real estate transaction;

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction;

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred;

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units;

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building;

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons;

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a ~~((disabled person's))~~ sensory, mental, or physical disability of a person with a disability;

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

(i) Is medically cognizable or diagnosable; or

(ii) Exists as a record or history; or

(iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

NEW SECTION. Sec. 3. This act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after the effective date of this act."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Kline moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5340.

Senator Kline spoke in favor of the motion.

POINT OF INQUIRY

Senator Weinstein: "Would Senator Kline yield to a question? Senator Kline, in reading the new effective dates section of this bill, is it your intent to have this definition apply to all causes of action that occurred prior to the date of the McClarty decision, July 6, 2006, or will occur after the effective date of this act."

Senator Kline: "Yes Senator. This effective date was negotiated with various stake holders, including the Governor's office and the Department of Personnel. The intent is to have these provisions apply to causes of action that will arise based on actions that occurred prior to the McClarty decision on July 6, 2006 or based on actions that occur after the effective date of this bill. The provisions of the law will not apply to claims that arise solely based on actions that occurred between these two dates because some employers may have relied on the case to apply different policies and procedures during that time. Thank you."

MOTION

The President declared the question before the Senate to be the motion by Senator Kline that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5340.

Senator Kline spoke in favor of the motion.

The motion by Senator Kline carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5340 by voice vote.

Senators McCaslin, Carrell and Brandland spoke against final passage.

Senator Kline spoke in favor of final passage.

MOTION

Senator Hewitt moved that further consideration of Substitute Senate Bill No. 5340 be deferred and the bill it's place on the third reading calendar.

MOTION

Senator Schoesler demanded a roll call vote.

The President declared that at least one-sixth of the members joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Hewitt to defer further consideration of Substitute Senate Bill No. 5340.

The Secretary called the roll on the motion by Senator Hewitt and the motion failed by the following vote: Yeas, 18; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18.

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe,

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Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30.

Excused: Senator Kohl-Welles - 1.

POINT OF INQUIRY

Senator Carrell: "Would the fair gentleman from the Thirty-Seventh District yield to a question? Senator Kline, there seems to be some disagreement as to the meaning of the wording in Senate Bill No. 5340 on page five where is sub iii, it is perceived to exist or is perceived to exist whether or not it exist in fact. Does this refer to perceived by the employer or the employee?"

Senator Kline: "There's a very simple answer to that. That's the employer. The person who is alledged to be discriminating based on an assumption which may or may not be true. That is perceived to exist whether or not it exist in fact. That's typically an employment situation, the employer not the employee."

Senator Carrell: "So this only refers to the employer's perception of the condition?"

Senator Kline: "Correct."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5340, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and Honeyford - 2

Excused: Senator Kohl-Welles - 1

SUBSTITUTE SENATE BILL NO. 5340, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SECOND SUBSTITUTE SENATE BILL NO. 5955 was returned to second reading for purpose of an amendment: 5955-S2 AMH SULP MCLA 293, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.415 RCW to read as follows:

SCHOOL DISTRICT LEADERSHIP ACADEMY. (1) Research supports the value of quality school and school district

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leadership. Effective leadership is critical to improving student learning and transforming underperforming schools and school districts into world-class learning centers.

(2) A public-private partnership is established to develop, pilot, and implement the Washington state leadership academy to focus on the development and enhancement of personal leadership characteristics and the teaching of effective practices and skills demonstrated by school and district administrators who are successful managers and instructional leaders. It is the goal of the academy to provide state-of-the-art programs and services across the state.

(3) Academy partners include the state superintendent and principal professional associations, private nonprofit foundations, institutions of higher education with approved educator preparation programs, the professional educator standards board, the office of the superintendent of public instruction, educational service districts, the state school business officers' association, and other entities identified by the partners. The partners shall designate an independent organization to act as the fiscal agent for the academy and shall establish a board of directors to oversee and direct the academy's finances, services, and programs. The academy shall be supported by a national research institution with demonstrated expertise in educational leadership.

(4) Initial development of academy course content and activities shall be supported by private funds. Initial tasks of the academy are to:

(a) Finalize a comprehensive design of the academy and the development of the curriculum frameworks for a comprehensive leadership development program that includes coursework, practicum, mentoring, and evaluation components;

(b) Develop curriculum for individual leadership topics;

(c) Pilot the curriculum and all program components; and

(d) Modify the comprehensive design, curriculum coursework, practicum, and mentoring programs based on the research results gained from pilot activities.

(5) The board of directors shall report semiannually to the superintendent of public instruction on the financial contributions provided by foundations and other organizations to support the work of the academy. The board of directors shall report by December 31st each year to the superintendent of public instruction on the programs and services provided, numbers of participants in the various academy activities, evaluation activities regarding program and participant outcomes, and plans for the academy's future development.

(6) The board of directors shall make recommendations for changes in superintendent and principal preparation programs, the administrator licensure system, and continuing education requirements.

NEW SECTION. Sec. 2. PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES. (1) The purpose of the duties in this section for the professional educator standards board is to take the next steps in developing quality teaching knowledge and skill in the state's teaching ranks. The duties build upon the current teacher development foundation that requires demonstrated teaching competency, requires evidence of positive impact on student learning, and focuses on furthering state kindergarten through twelfth grade learning goals through instructional skill alignment.

(2) The professional educator standards board shall:

(a) By December 2007:

(i) Adopt new knowledge and skill standards that prepare all individuals seeking residency teacher certification to integrate mathematics across all content areas; and

(ii) Adopt new certification requirements for individuals seeking residency teacher certification as elementary education or middle level and secondary mathematics teachers to assure adequate content and instructional strategy preparation to teach to the kindergarten through twelfth grades state mathematics and science standards;

(b) By June 2009:

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(i) Set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar;

(ii) Summarize its work in the development of the assessment in (b)(i) of this subsection in the annual reports required by RCW 28A.410.240; and

(iii) Review and revise the standards for higher education teacher preparation programs to incorporate updated practices to enhance teacher success in a knowledge and skill-based performance system that emphasizes strong content, applied learning, and personal, meaningful connections with students; and

(c) By December 2009, review and revise as needed teacher preparation standards and requirements to focus on diversity in cultural knowledge and respect.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.415 RCW to read as follows:

MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE. Sections 3 through 6 of this act represent core components of a comprehensive initiative to improve mathematics, science, and targeted secondary reading education and achievement through educator professional development and support. The initiative focuses on:

(1) A regional delivery system to provide professional development and support to schools and school districts through the educational service districts;

(2) A tiered support system that provides resources, services, assistance, and intervention for schools and districts, depending on their levels of need;

(3) Leveraging existing public and private resources and district-initiated activities; and

(4) Accountability through outcome-oriented performance agreements, contracts, reporting, and data collection.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.415 RCW to read as follows:

MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE. (1) Subject to funds appropriated for this purpose, the mathematics, science, and targeted secondary reading improvement initiative shall provide the capacity and resources for the superintendent of public instruction, educational service districts, school districts, and schools to conduct a broad range of activities, depending on the level of need and priority of the school or district. The focus of the initiative is on building and enhancing the quality of mathematics and science instruction.

(2) Activities supported by the initiative include, but are not limited to:

(a) Targeted professional development in content knowledge, content-specific pedagogy, differentiated instruction, effective teaching strategies, learning modules, and mathematics and science standards and curriculum;

(b) Use and analysis of diagnostic assessments and other data on student achievement to improve instruction;

(c) Curriculum alignment and development or purchase of supplemental materials;

(d) Integration of technology; and

(e) Mentors and instructional coaches.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.415 RCW to read as follows:

MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE. (1) In support of the mathematics, science, and targeted secondary reading improvement initiative, the office of the superintendent of public instruction shall:

(a) In collaboration with the educational service districts, develop a methodology for distributing funds appropriated for activities under the tiered support system in this section among the educational service districts and among the three tiers of support. The methodology shall take into account the

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anticipated demand and need for services by school districts in each tier and the size of those school districts. The methodology shall also reflect a higher priority and greater need for support and resources for schools and districts in tier three;

(b) Develop guidelines for educational service districts in administering grants, developing district improvement agreements, and implementing intensive intervention and support services. The guidelines shall not require all educational service districts to follow the same procedures in all circumstances, but shall ensure general equity for school districts across the state in how the districts may access resources under the initiative and the activities and services that are provided by the educational service districts;

(c) Identify the schools and school districts eligible for tier three intensive intervention and support, based on low student performance in mathematics and science. The superintendent shall consider whether the school has the capacity to feasibly integrate additional resources with any existing state or federal improvement funds. To the maximum extent possible, the identification of and the intensive intervention services provided to tier three schools and districts shall align with the accountability plan developed by the state board of education; and

(d) In collaboration with the educational service districts, develop guidelines and a common reporting format for collecting data and information about the activities and outcomes under the initiative and designate one or more common diagnostic assessments for districts to use in reporting and monitoring student achievement.

(2)(a) If funds are appropriated, resources for the mathematics, science, and targeted secondary reading improvement initiative shall be provided through the office of the superintendent of public instruction and educational service districts to schools and school districts based on a tiered support system. The legislature's intent is that resources from the mathematics, science, and targeted secondary reading improvement initiative are provided over a four-year period.

(b) Tier one: Initiative grants. School districts may apply on a competitive basis to their educational service district for grants to support activities to improve mathematics, science, and secondary reading instruction. A district may contract with the educational service district for services, use the grant for district-initiated activities, or both. Tier one districts must demonstrate how district resources and resources from public-private partnerships shall be used to leverage the grant funds. Tier one grant recipients must identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

(c) Tier two: Improvement agreements. School districts may work with the office of the superintendent of public instruction and educational service districts to plan, develop, and implement a mathematics, science, and targeted secondary reading improvement initiative tailored to the needs of the district. The office of the superintendent of public instruction, the educational service district, and the school district shall develop a joint agreement that identifies the services and support to be provided by the educational service district, the activities to be conducted by the district using improvement agreement funds, and the expected measurable outcomes from the activities. Recipients of funds under a tier two improvement agreement must report results of the activities supported by the agreement in a prescribed format, including student achievement data from designated diagnostic assessments.

(d) Tier three: Intensive intervention and support. School districts and schools with low student performance in mathematics, science, and/or secondary reading as identified by the superintendent of public instruction under subsection (1) of this section are eligible for intensive intervention and support coordinated by the office of the superintendent of public instruction and/or the educational service district. School

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districts or individual schools may receive tier three support. Recipients of funds under tier three support must:

(i) Participate in an audit of the mathematics, science, and secondary reading instructional delivery system, including policies and practices, curriculum alignment, teacher pedagogy and content knowledge, and assessment of overall climate and practice compared to best practices;

(ii) Develop, with assistance from the educational service district, a school or district intervention plan that focuses on areas of highest need and provides intensive professional development in those areas;

(iii) Participate in professional development using the services of a technical assistance team that includes a trained and experienced facilitator and mathematics, science, or reading instructional coaches to provide job-embedded professional development; and

(iv) Identify measurable outcomes from the activities supported by the grant and report results in a prescribed format, including student achievement data from designated diagnostic assessments.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.415 RCW to read as follows:

MATH, SCIENCE, AND TARGETED SECONDARY READING INITIATIVE. (1) Educational service districts shall coordinate with the superintendent of public instruction to develop and maintain the capacity to provide administrative, professional development, technical assistance, and intervention services under the mathematics, science, and targeted secondary reading improvement initiative to support school districts as required under section 5 of this act, including:

(a) Administering, reviewing, and monitoring grants for tier one grant recipients and providing contracted services;

(b) Developing, administering, and monitoring tier two improvement agreements and providing support and services under the terms of the agreements; and

(c) Coordinating and providing the intensive intervention and support for tier three schools and districts, including the instructional audit, intervention plan, and intervention team.

(2) Educational service districts shall also:

(a) Develop public-private partnerships and seek external grants and funds to leverage the state resources provided to support the mathematics and science improvement initiative;

(b) Collect, compile, and disseminate data and information about the activities and outcomes under the initiative, including student achievement data from designated diagnostic assessments; and

(c) Develop appropriate reporting and monitoring procedures to ensure accountability for the use of funds distributed to school districts through the tiered support system and for the achievement of desired outcomes.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.415 RCW to read as follows:

REGIONAL PROFESSIONAL DEVELOPMENT PARTNERSHIPS. The office of the superintendent of public instruction shall:

(1) Create partnerships with the educational service districts or public or private institutions of higher education with approved educator preparation programs to develop and deliver professional development learning opportunities for educators that fulfill the goals and address the activities described in sections 3 through 6 and section 9 of this act. The partnerships shall:

(a) Support school districts by providing professional development leadership, courses, and consultation services to school districts in their implementation of professional development activities, including the activities described in sections 3 through 6 and section 9 of this act; and

(b) Support one another in the delivery of state-level and regional-level professional development activities such as state conferences and regional accountability institutes; and

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(2) Enter into a performance agreement with each educational service district to clearly articulate partner responsibilities and assure fidelity for the delivery of professional development initiatives including job-embedded practices. Components of such performance agreements shall include:

- (a) Participation in the development of various professional development workshops, programs, and activities;
- (b) Characteristics and qualifications of professional development staff supported by the program;
- (c) Methods to ensure consistent delivery of professional development services; and
- (d) Reporting responsibilities related to services provided, program participation, outcomes, and recommendations for service improvement.

Sec. 8. RCW 28A.310.350 and 1977 ex.s. c 283 s 10 are each amended to read as follows:

EDUCATIONAL SERVICE DISTRICTS. The basic core services and cost upon which educational service districts are budgeted shall include, but not be limited to, the following:

- (1) Educational service district administration and facilities such as office space, maintenance and utilities;
- (2) Cooperative administrative services such as assistance in carrying out procedures to abolish sex and race bias in school programs, fiscal services, grants management services, special education services and transportation services;
- (3) Personnel services such as certification/registration services;
- (4) Learning resource services such as audio visual aids;
- (5) Cooperative curriculum services such as health promotion and health education services, in-service training, workshops and assessment; ~~(and)~~
- (6) Professional development services identified by statute or the omnibus appropriations act; and
- (7) Special needs of local education agencies.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.415 RCW to read as follows:

MATHEMATICS AND SCIENCE TEACHER PROFESSIONAL DEVELOPMENT. (1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) The expected outcomes of these programs are:

- (a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;
- (b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;
- (c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;
- (d) Skillful guidance for students participating in alternative assessment activities;
- (e) Increased rigor of course offerings especially in mathematics, science, and reading;
- (f) Increased student opportunities for focused, applied mathematics and science classes;
- (g) Increased student success on state achievement measures; and
- (h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction regarding the use of the funds; how the use of the funds is associated with measurable improvement in the expected

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outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.415 RCW to read as follows:

RECRUITING WASHINGTON TEACHERS. (1) The recruiting Washington teachers program is established to recruit and provide training and support for high school students to enter the teaching profession, especially in teacher shortage areas and among under-represented groups and multilingual, multicultural students. The program shall be administered by the professional educator standards board.

(2) The program shall consist of the following components:

(a) Targeted recruitment of diverse students, including but not limited to students from under-represented groups and multilingual, multicultural students in grades nine through twelve through outreach and communication strategies. The focus of recruitment efforts shall be on encouraging students to consider and explore becoming future teachers in mathematics, science, bilingual education, special education, and English as a second language. Program enrollment is not limited to students from under-represented groups or multilingual, multicultural students;

(b) A curriculum that provides future teachers with opportunities to observe classroom instruction at all grade levels; includes preteaching internships at all grade levels with a focus on shortage areas; and covers such topics as lesson planning, learning styles, student learning data and information, the achievement gap, cultural competency, and education policy;

(c) Academic and community support services for students to help them overcome possible barriers to becoming future teachers, such as supplemental tutoring; advising on college readiness, applications, and financial aid processes; and mentoring; and

(d) Future teacher camps held on college campuses where students can attend workshops and interact with college faculty and current teachers.

(3) As part of its administration of the program, the professional educator standards board shall:

(a) Develop the curriculum and program guidelines in consultation with an advisory group of teachers, representatives of teacher preparation programs, teacher candidates, students, and representatives of diverse communities;

(b) Subject to funds appropriated for this purpose, allocate grant funds through a competitive process to partnerships of high schools, teacher preparation programs, and community-based organizations to design and deliver programs that include the components under subsection (2) of this section; and

(c) Conduct an evaluation of the effectiveness of current strategies and programs for recruiting diverse teachers, especially multilingual, multicultural teachers, in Washington and in other states. The board shall use the findings from the evaluation to revise the recruiting Washington teachers program as necessary and make other recommendations to teacher preparation programs or the legislature.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

- (1) RCW 28A.300.350 (Excellence in mathematics training program) and 1999 c 347 s 2;
- (2) RCW 28A.415.200 (Minority teacher recruitment program--Intent) and 1989 c 146 s 1; and
- (3) RCW 28A.415.205 (Minority teacher recruitment program) and 2005 c 497 s 211, 1991 c 238 s 75, & 1989 c 146 s 2.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law."

Correct the title.
and the same are herewith transmitted.

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RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Tom moved that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5955.

Senator Tom spoke in favor of the motion.

Senator Holmquist spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Tom that the Senate concur in the House amendment(s) to Second Substitute Senate Bill No. 5955.

The motion by Senator Tom carried and the Senate concurred in the House amendment(s) to Second Substitute Senate Bill No. 5955 by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute Senate Bill No. 5955, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5955, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Berkey, Carrell, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Brandland, Clements, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Sheldon, Stevens, Swecker and Zarelli - 11

Absent: Senators Brown, Poulsen and Pridemore - 3

Excused: Senator Kohl-Welles - 1

SECOND SUBSTITUTE SENATE BILL NO. 5955, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senators Brown, Poulsen and Pridemore were excused.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1277 and asks Senate to recede therefrom.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kilmer moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1277.

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The President declared the question before the Senate to be motion by Senator Kilmer that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 1277.

The motion by Senator Kilmer carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 1277.

MOTION

On motion of Senator Kilmer, the rules were suspended and Second Substitute House Bill No. 1277 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Finance (originally sponsored by Representatives Kelley, Simpson, Wood, P. Sullivan, Conway, Kenney, Ericks, Rolfes and Morrell)

Expanding competitive local infrastructure financing tools projects.

The measure was read the second time.

MOTION

Senator Kilmer moved that the following striking amendment by Senator Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.102.020 and 2006 c 181 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((five))~~ seven million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the ~~((creation of a revenue development area. For a local government that meets the requirements of RCW 39.102.040(2),~~ "base year" is the calendar year after it amends its ordinance as provided in RCW 39.102.040(2)) calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was ~~((created))~~ approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was ~~((created))~~ approved by the board, "local excise taxes" means the local revenues

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derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government (~~creates~~) adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ~~(creation)~~ approval of the revenue development area (~~within the boundaries of the area that became the revenue development area~~) by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the ~~(creation)~~ approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas (~~created~~) approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state (~~by July 1, 2006;~~) during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective (~~July 1, 2007~~) in 2008. The amount of base year adjustment determined by the department is final.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, (~~dedicated~~) other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means (~~federal and private monetary contributions, amounts of local excise tax allocation revenues, and amounts of local property tax allocation revenues dedicated by participating taxing districts and participating local governments for local infrastructure financing~~);

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited

against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements (~~or both~~) to property, or both, on the assessment roll (~~s after the revenue development area is created~~), where the new construction (~~or~~) and improvements (~~occur entirely after the revenue development area is created~~) are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) (~~If any new construction added to the assessment rolls consists of entire buildings, "property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of the buildings in the years following their initial placement on the assessment rolls:~~

(c) "Property tax allocation revenue value" does not include any increase in the assessed value of improvements to property or new construction that do not consist of an entire building, occurring after their initial placement on the assessment rolls)) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

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(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased ~~((due to new construction or improvements to property occurring after the revenue development area is created))~~ as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; ~~(and)~~ (f) administrative expenses and feasibility studies reasonably necessary and related to these costs ~~(including related)~~; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general

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indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is ~~((created))~~ adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is ~~((created))~~ adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the previous business, in a different location within a one-year period, when an individual or entity has an ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area ~~((created))~~ adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that ~~((creates))~~ adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to section 14 of this act, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government ~~((creates))~~ adopts a revenue development area and reasonably determines that no

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activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the ((creation)) approval of the revenue development area ((within the boundaries of the area that became the revenue development area)) by the board. "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the ((creation)) approval of the revenue development area by the board and continuing with each measurement year thereafter; and

(b) For revenue development areas ((created)) approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state ((by July 1, 2006;)) during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective ((July 1, 2007)) in 2008. The amount of base year adjustment determined by the department is final.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

Sec. 2. RCW 39.102.040 and 2006 c 181 s 202 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW ((that)) and has not issued bonds to finance any public improvement ((shall be)) may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without ((creating)) adopting a new ((increment)) revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW

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39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve ((qualified)) competitive project((s, up to the annual state contribution limit)) awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline.

(c) Except as provided in RCW 39.102.050(2), a total of no more than five million dollars in competitive project awards shall be approved for local infrastructure financing. ((Except as provided in RCW 39.102.050, approvals shall be based on the following criteria))

(d) The project selection criteria and weighting developed prior to the effective date of this act for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

((a)) (i) The ((project)) project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

((b)) (ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

((c)) (iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

((d)) (iv) The estimated wages and benefits for the project is greater than the average labor market area;

((e)) (v) The estimated state and local net employment change over the life of the project;

((f)) (vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

((g)) (vii) The estimated state and local net property tax change over the life of the project; ((and

((h)) (viii) The estimated state and local sales and use tax increase over the life of the project;

((i)) (ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

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(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) ((A revenue development area is considered created when the sponsoring local government, including any cosponsoring local government, has adopted an ordinance creating the revenue development area and the board has approved the sponsoring local government to use local infrastructure financing. If a sponsoring local government receives approval from the board after the fifteenth day of October to use local infrastructure financing, the revenue development area is considered created in the calendar year following the approval.)) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification ((shall)) must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 3. RCW 39.102.050 and 2006 c 181 s 203 are each amended to read as follows:

(1) In addition to a competitive process, demonstration projects are provided to determine the feasibility of the local infrastructure financing tool. Notwithstanding RCW 39.102.040, the board shall approve each demonstration project ((before approving any other application)). Demonstration project applications must be received by the board no later than July 1, 2008. The Bellingham waterfront redevelopment project award shall not exceed one million dollars per year, the Spokane river district project award shall not exceed one million dollars per year, and the Vancouver riverwest project award shall not exceed five hundred thousand dollars per year. The board shall approve by September 15, 2007, demonstration project applications submitted no later than July 1, 2007. The board shall approve by September 18, 2008, demonstration project applications submitted by July 1, 2008.

(2) If before board approval of the final competitive project award in 2008, a demonstration project has not received approval by the board, the state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive application process. If a demonstration project has received a partial award before the approval of the final competitive project award, the remaining state dollars set aside for the demonstration project in subsection (1) of this section shall be available for the competitive process.

Sec. 4. RCW 39.102.060 and 2006 c 181 s 204 are each amended to read as follows:

The designation of a revenue development area is subject to the following limitations:

(1) The taxable real property within the revenue development area boundaries may not exceed one billion dollars

in assessed value at the time the revenue development area is designated;

(2) The average assessed value per square foot of taxable land within the revenue development area boundaries, as of January 1st of the year the application is submitted to the board under RCW 39.102.040, may not exceed seventy dollars at the time the revenue development area is designated;

(3) ((No more than one revenue development area may be created in a county)) No revenue development area shall have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW or any part of another revenue development area created under this chapter;

(4) A revenue development area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revenue development area;

(5) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(6) The public improvements financed through local infrastructure financing must be located in the revenue development area;

(7) A revenue development area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government, including any cosponsoring local government, at the time the revenue development area is designated;

(8) The boundaries of the revenue development area shall not be changed for the time period that local infrastructure financing is used; and

(9) A revenue development area cannot include any part of an increment area created under chapter 39.89 RCW, except those increment areas created prior to January 1, 2006.

Sec. 5. RCW 39.102.090 and 2006 c 181 s 207 are each amended to read as follows:

(1) To ((create)) adopt a revenue development area, a sponsoring local government, and any cosponsoring local government, must adopt an ordinance establishing the revenue development area that:

(a) Describes the public improvements proposed to be made in the revenue development area;

(b) Describes the boundaries of the revenue development area, subject to the limitations in RCW 39.102.060;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local infrastructure financing;

(d) Estimates the time during which local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources are to be used for local infrastructure financing;

(e) Provides the date when the use of local excise tax allocation revenues and local property tax allocation revenues will commence; and

(f) Finds that the conditions in RCW 39.102.070 are met and the findings in RCW 39.102.080 are complete.

(2) The sponsoring local government, and any cosponsoring local government, must hold a public hearing on the proposed financing of the public improvements in whole or in part with local infrastructure financing ((at least thirty days)) before passage of the ordinance establishing the revenue development area. The public hearing may be held by either the governing body of the sponsoring local government and the governing body of any cosponsoring local government, or by a committee of those governing bodies that includes at least a majority of the whole governing body or bodies. The public hearing is subject to the notice requirements in RCW 39.102.100.

(3) The sponsoring local government, and any cosponsoring local government, shall deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating local government and participating taxing district

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within which the revenue development area is located, the board, and the department.

Sec. 6. RCW 39.102.110 and 2006 c 181 s 301 are each amended to read as follows:

(1) A sponsoring local government or participating local government that has received approval by the board to use local infrastructure financing may use annually its local excise tax allocation revenues to finance public improvements in the revenue development area financed in whole or in part by local infrastructure financing. The use of local excise tax allocation revenues dedicated by participating local governments must cease ~~((when such allocation revenues are no longer necessary or obligated to pay bonds issued to finance the public improvements in the revenue development area))~~ on the date specified in the written agreement required in RCW 39.102.080(1), or if no date is specified then the date when the local tax under RCW 82.14.475 expires. Any participating local government is authorized to dedicate local excise tax allocation revenues to the sponsoring local government as authorized in RCW 39.102.080(1).

(2) A sponsoring local government shall provide the board accurate information describing the geographical boundaries of the revenue development area at the time of application. The information shall be provided in an electronic format or manner as prescribed by the department. The sponsoring local government shall ensure that the boundary information provided to the board and department is kept current.

(3) In the event a city annexes a county area located within a county-sponsored revenue development area, the city shall remit to the county the portion of the local excise tax allocation revenue that the county would have received had the area not been annexed to the county. The city shall remit such revenues until such time as the bonds issued under RCW 39.102.150 are retired.

Sec. 7. RCW 39.102.120 and 2006 c 181 s 302 are each amended to read as follows:

(1) Commencing in the second calendar year following ~~((the passage of the ordinance creating a revenue development area and authorizing the use of local infrastructure financing))~~ board approval of a revenue development area, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revenue development area as follows:

(a) Each participating taxing district and the sponsoring local government shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local infrastructure financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The sponsoring local government shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revenue development area. However, if there is no property tax allocation revenue value, the sponsoring local government shall not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revenue development area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public

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improvement costs associated with the public improvements financed in whole or in part by local infrastructure financing.

(2) The county assessor shall allocate any increase in the assessed value of real property occurring in the revenue development area to the property tax allocation revenue value and property tax allocation revenue base value as appropriate. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in a revenue development area, and the associated distribution to the sponsoring local government of receipts from regular property taxes that are imposed on the property tax allocation revenue value, must cease when property tax allocation revenues are no longer ~~((necessary or))~~ obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues derived from regular property taxes and earnings on these tax allocation revenues, remaining at the time the allocation of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revenue development area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revenue development area of portions of the local regular property taxes levied by or for each taxing district upon the property tax allocation revenue value within that revenue development area is declared to be a public purpose of and benefit to each such taxing district.

(5) The allocation of local property tax allocation revenues pursuant to this section shall not affect or be deemed to affect the rate of taxes levied by or within any taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

(6) This section does not apply to those revenue development areas that include any part of an increment area created under chapter 39.89 RCW.

Sec. 8. RCW 82.14.475 and 2006 c 181 s 401 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

- (i) Before July 1, 2008;
- (ii) Before approval by the board under RCW 39.102.040; and

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(iii) ~~((Except as provided in (b) of this subsection, unless) Before the sponsoring local government has received ((and dedicated to the payment of bonds authorized in RCW 39.102.150, in whole or in part, both)) local excise tax allocation revenues ((and)), local property tax allocation revenues, or both, during the preceding calendar year.~~

~~(b) ((The requirement to receive local property tax allocation revenues under (a) of this subsection is waived if the revenue development area coincides with or is contained entirely within the boundaries of an increment area adopted by a local government under the authority of chapter 39.89 RCW for the purposes of utilizing community revitalization financing.~~

~~—(c)) The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.~~

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

~~(d) ((Except when the requirement to receive local property tax allocation revenues is waived as provided in subsection (3)(b) of this section;)) Neither the local excise tax allocation revenues nor the local property tax allocation revenues ((and be)) may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;~~

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed

under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

~~(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ((five)) seven million five hundred thousand dollars. ((The tax distributions shall be available to the sponsoring local government, and any cosponsoring local government, imposing a tax under this section only as long as the sponsoring local government has outstanding indebtedness under RCW 39.102.150.))~~

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

~~(12) Subject to section 14 of this act, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.~~

~~(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.~~

Sec. 9. RCW 39.102.140 and 2006 c 181 s 403 are each amended to read as follows:

(1) A sponsoring local government shall provide a report to the board and the department by March 1st of each year. The report shall contain the following information:

(a) The amount of local excise tax allocation revenues, ~~((and))~~ local property tax allocation revenues, other revenues from local public sources, and taxes under RCW 82.14.475((; and revenues from local public sources)) received by the sponsoring local government during the preceding calendar year that were dedicated to pay the public improvements financed in whole or in part with local infrastructure financing, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing;

(c) The total number of permanent jobs created in the revenue development area as a result of the public improvements undertaken by the sponsoring local government

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and financed in whole or in part with local infrastructure financing;

(d) The average wages and benefits received by all employees of businesses locating within the revenue development area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local infrastructure financing; and

(e) That the sponsoring local government is in compliance with RCW 39.102.070.

(2) The board shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by sponsoring local governments and financed in whole or in part with local infrastructure financing and it shall also include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

Sec. 10. RCW 39.102.150 and 2006 c 181 s 501 are each amended to read as follows:

(1) A sponsoring local government that has designated a revenue development area and been authorized the use of local infrastructure financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local excise tax allocation revenues, local property tax allocation revenues, and sales and use taxes imposed under the authority of RCW 82.14.475 that it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government and authorizing the use of local infrastructure financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW ~~(39.102.090)~~ 39.102.100.

(2)(a) Except as provided in (b) of this subsection, the general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(b) A sponsoring local government that issues bonds under this section shall not pledge any money received from the state of Washington for the payment of such bonds, other than the local sales and use taxes imposed under the authority of RCW 82.14.475 and collected by the department.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government designating a revenue development area and authorizing the use of local infrastructure financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the revenue development area.

(4) Bonds issued under this section shall be authorized by ordinance of the governing body of the sponsoring local government and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local excise tax allocation revenues and local property tax allocation

revenues derived from property or business activity within the revenue development area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under RCW 82.14.475, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under RCW 82.14.475 are subject to the use restriction in RCW 39.102.130.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 11. RCW 39.102.130 and 2006 c 181 s 402 are each amended to read as follows:

Money collected from the taxes imposed under RCW 82.14.475 ~~(shall)~~ may be used only for the purpose of ~~((principal and interest payments on bonds issued under the authority of RCW 39.102.150))~~ paying debt service on bonds issued under the authority of RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis as provided in section 14 of this act, or both.

NEW SECTION. **Sec. 12.** RCW 39.102.180 (General indebtedness, general obligation bonds--Authority--Security) and 2006 c 181 s 504 are each repealed.

NEW SECTION. **Sec. 13.** A new section is added to chapter 39.102 RCW to read as follows:

The department of revenue and the community economic revitalization board may adopt any rules under chapter 34.05 RCW they consider necessary for the administration of this chapter.

NEW SECTION. **Sec. 14.** A new section is added to chapter 39.102 RCW to read as follows:

Local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, that are dedicated to local infrastructure financing, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, may not be used to pay for public improvement costs on a pay-as-you-go basis after the date that the sponsoring local government that issued the bonds as provided in RCW 39.102.150 is required to begin paying debt service on those bonds.

NEW SECTION. **Sec. 15.** This act applies retroactively as well as prospectively.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** This act expires June 30, 2039."

Senator Kilmer spoke in favor of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Prentice to Second Substitute House Bill No. 1277.

The motion by Senator Kilmer carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 39.102.020,

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39.102.040, 39.102.050, 39.102.060, 39.102.090, 39.102.110, 39.102.120, 82.14.475, 39.102.140, 39.102.150, and 39.102.130; adding new sections to chapter 39.102 RCW; creating a new section; repealing RCW 39.102.180; and providing an expiration date."

MOTION

On motion of Senator Kilmer, the rules were suspended, Second Substitute House Bill No. 1277 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kilmer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1277 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Excused: Senators Brown, Kohl-Welles, Poulsen and Pridemore - 4

SECOND SUBSTITUTE HOUSE BILL NO. 1277 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6157, by Senator Prentice

Relating to human services. Revised for 1st Substitute: Changing provisions affecting offenders who are leaving confinement.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6157 was substituted for Senate Bill No. 6157 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The people of the state of Washington expect to live in safe communities in which the threat of crime is minimized. Attempting to keep communities safe by building more prisons and paying the costs of

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incarceration has proven to be expensive to taxpayers. Incarceration is a necessary consequence for some offenders, however, the vast majority of those offenders will eventually return to their communities. Many of these former offenders will not have had the opportunity to address the deficiencies that may have contributed to their criminal behavior. Persons who do not have basic literacy and job skills, or who are ill-equipped to make the behavioral changes necessary to successfully function in the community, have a high risk of reoffense. Recidivism represents serious costs to victims, both financial and nonmonetary in nature, and also burdens state and local governments with those offenders who recycle through the criminal justice system.

The legislature believes that recidivism can be reduced and a substantial cost savings can be realized by utilizing evidence-based, research-based, and promising programs to address offender deficits, developing and better coordinating the reentry efforts of state and local governments and local communities. Research shows that if quality assurances are adhered to, implementing an optimal portfolio of evidence-based programming options for offenders who are willing to take advantage of such programs can have a notable impact on recidivism.

While the legislature recognizes that recidivism cannot be eliminated and that a significant number of offenders are unwilling or unable to work to develop the tools necessary to successfully reintegrate into society, the interests of the public overall are better served by better preparing offenders while incarcerated, and continuing those efforts for those recently released from prison or jail, for successful, productive, and healthy transitions to their communities. Educational, employment, and treatment opportunities should be designed to address individual deficits and ideally give offenders the ability to function in society. In order to foster reintegration, this act recognizes the importance of a strong partnership between the department of corrections, local governments, law enforcement, social service providers, and interested members of communities across our state.

PART I - COMMUNITY TRANSITION COORDINATION NETWORKS

NEW SECTION. Sec. 101. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A "community transition coordination network" is a system of coordination that facilitates partnerships between supervision and service providers. It is anticipated that an offender who is released to the community will be able to utilize a community transition coordination network to be connected directly to the supervision and/or services needed for successful reentry.

(2) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(3) An "individual reentry plan" means the plan to prepare an offender for release into the community. A reentry plan is developed collaboratively between the supervising authority and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offenders' risks and needs. An individual reentry plan describes actions that should occur to prepare individual offenders for release from jail or prison and specifies the supervision and/or services he or she will experience in the community, taking into account no contact provisions of the judgment and sentence. An individual reentry plan should be updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

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(4) "Local community policing and supervision programs" include probation, work release, jails, and other programs operated by local police, courts, or local correctional agencies.

(5) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(6) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(7) "Supervising authority" means the agency or entity that has the responsibility for supervising an offender.

NEW SECTION. Sec. 102. (1) Each county or group of counties shall conduct an inventory of the services and resources available in the county or group of counties to assist offenders in reentering the community.

(2) In conducting its inventory, the county or group of counties should consult with the following:

(a) The department of corrections, including community corrections officers;

(b) The department of social and health services in applicable program areas;

(c) Representatives from county human services departments and, where applicable, multicounty regional support networks;

(d) Local public health jurisdictions;

(e) City and county law enforcement;

(f) Local probation/supervision programs;

(g) Local community and technical colleges;

(h) The local workforce center operated under the statewide workforce investment system;

(i) Faith-based and nonprofit organizations providing assistance to offenders;

(j) Housing providers;

(k) Crime victims service providers; and

(l) Other community stakeholders interested in reentry efforts.

(3) The inventory must include, but is not limited to:

(a) A list of programs available through the entities listed in subsection (2) of this section and services currently available in the community for offenders including, but not limited to, housing assistance, employment assistance, education, vocational training, parenting education, financial literacy, treatment for substance abuse, mental health, anger management, life skills training, specialized treatment programs such as batterers treatment and sex offender treatment, and any other service or program that will assist the former offender to successfully transition into the community; and

(b) An indication of the availability of community representatives or volunteers to assist the offender with his or her transition.

(4) No later than January 1, 2008, each county or group of counties shall present its inventory to the policy advisory committee convened in section 103(8) of this act.

NEW SECTION. Sec. 103. (1) The department of community, trade, and economic development shall establish a community transition coordination network pilot program for the purpose of awarding grants to counties or groups of counties for implementing coordinated reentry efforts for offenders returning to the community. Grant awards are subject to the availability of amounts appropriated for this specific purpose.

(2) By September 1, 2007, the Washington state institute for public policy shall, in consultation with the department of community, trade, and economic development, develop criteria for the counties in conducting its evaluation as directed by subsection (6)(c) of this section.

(3) Effective February 1, 2008, any county or group of counties may apply for participation in the community transition coordination network pilot program by submitting a proposal for a community transition coordination network.

(4) A proposal for a community transition coordination network initiated under this section must be collaborative in nature and must seek locally appropriate evidence-based or

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research-based solutions and promising practices utilizing the participation of public and private entities or programs to support successful, community-based offender reentry.

(5) In developing a proposal for a community transition coordination network, counties or groups of counties and the department of corrections shall collaborate in addressing:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships to establish neighborhood corrections initiatives as defined in section 302 of this act.

(6) A proposal for a community transition coordination network must include:

(a) Descriptions of collaboration and coordination between local community policing and supervision programs and those agencies and entities identified in the inventory conducted pursuant to section 102 of this act to address the risks and needs of offenders under a participating county or city misdemeanor probation or other supervision program including:

(i) A proposed method of assessing offenders to identify the offenders' risks and needs. Counties and cities are encouraged, where possible, to make use of assessment tools developed by the department of corrections in this regard;

(ii) A proposal for developing and/or maintaining an individual reentry plan for offenders;

(iii) Connecting offenders to services and resources that meet the offender's needs as identified in his or her individual reentry plan including the identification of community representatives or volunteers that may assist the offender with his or her transition; and

(iv) The communication of assessment information, individual reentry plans, and service information between parties involved with offender's reentry;

(b) Mechanisms to provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release and regardless of whether the offender was released from prison or jail. Mechanisms shall, at a minimum, provide for:

(i) Maintenance of the information gathered in section 102 of this act regarding services currently existing within the community that are available to offenders; and

(ii) Coordination of access to existing services with community providers and provision of information to offenders regarding how to access the various type of services and resources that are available in the community; and

(c) An evaluation of the county's or group of counties' readiness to implement a community transition coordination network including the social service needs of offenders in general, capacity of local facilities and resources to meet offenders' needs, and the cost to implement and maintain a community transition coordination network for the duration of the pilot project.

(7) The department of community, trade, and economic development shall review county applications for funding through the community transition coordination network pilot program and, no later than April 1, 2008, shall select up to four counties or groups of counties. In selecting pilot counties or regions, the department shall consider the extent to which the proposal:

(a) Addresses the requirements set out in subsection (6) of this section;

(b) Proposes effective partnerships and coordination between local community policing and supervision programs, social service and treatment providers, and the department of corrections' community justice center, if a center is located in the county or region;

(c) Focuses on measurable outcomes such as increased employment and income, treatment objectives, maintenance of stable housing, and reduced recidivism;

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(d) Contributes to the diversity of pilot programs, considering factors such as geographic location, size of county or region, and reentry services currently available. The department shall ensure that a grant is awarded to at least one rural county or group of counties and at least one county or group of counties where a community justice center operated by the department of corrections is located; and

(e) Is feasible, given the evaluation of the social service needs of offenders, the existing capacity of local facilities and resources to meet offenders' needs, and the cost to implement a community transition coordination network in the county or group of counties.

(8) The department of community, trade, and economic development shall convene a policy advisory committee composed of representatives from the senate, the house of representatives, the governor's office of financial management, the department of corrections, to include one representative who is a community corrections officer, the office of crime victims' advocacy, the Washington state association of counties, association of Washington cities, a nonprofit provider of reentry services, and an ex-offender who has discharged the terms of his or her sentence. The advisory committee shall meet no less than annually to receive status reports on the implementation of community transition coordination networks, review annual reports and the pilot project evaluations submitted pursuant to section 105 of this act, and identify evidence-based, research-based, and promising practices for other counties seeking to establish community transition coordination networks.

(9) Pilot networks established under this section shall extend for a period of four fiscal years, beginning July 1, 2008, and ending June 30, 2012.

(10) This section expires June 30, 2013.

NEW SECTION. Sec. 104. (1) Nothing in section 103 of this act is intended to shift the supervising responsibility or sanctioning authority from one government entity to another or give a community transition coordination network oversight responsibility for those activities or allow imposition of civil liability where none existed previously.

(2) An individual reentry plan may not be used as the basis of liability against local government entities, or its officers or employees.

NEW SECTION. Sec. 105. (1) It is the intent of the legislature to provide funding for this project.

(2) Counties receiving state funds must:

(a) Demonstrate the funds allocated pursuant to this section will be used only for those purposes in establishing and maintaining a community transition coordination network;

(b) Consult with the Washington state institute for public policy at the inception of the pilot project to refine appropriate outcome measures and data tracking systems;

(c) Submit to the advisory committee established in section 103(8) of this act an annual progress report by June 30th of each year of the pilot project to report on identified outcome measures and identify evidence-based, research-based, or promising practices;

(d) Cooperate with the Washington state institute for public policy at the completion of the pilot project to conduct an evaluation of the project.

(3) The Washington state institute for public policy shall provide direction to counties in refining appropriate outcome measures for the pilot projects and establishing data tracking systems. At the completion of the pilot project, the institute shall conduct an evaluation of the projects including the benefit-cost ratio of service delivery through a community transition coordination network, associated reductions in recidivism, and identification of evidence-based, research-based, or promising practices. The institute shall report to the governor and the legislature with the results of its evaluation no later than December 31, 2012.

(4) This section expires June 30, 2013.

NEW SECTION. Sec. 106. (1) The community transition coordination network account is created in the state treasury. The account may receive legislative appropriations, gifts, and grants. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of section 103 of this act.

(2) This section expires June 30, 2013.

NEW SECTION. Sec. 107. Nothing in this act creates an entitlement for a county or group of counties to receive funding under the program created in section 103 of this act, nor an obligation for a county or group of counties to maintain a community transition coordination network established pursuant to section 103 of this act upon expiration of state funding.

Sec. 108. RCW 72.09.300 and 1996 c 232 s 7 are each amended to read as follows:

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections and his or her designees. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council ~~((shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize))~~ may address issues related to:

~~(a) Maximizing local resources including personnel and facilities, ((reduce)) reducing duplication of services, and ((share)) sharing resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness((The plan shall also include a section on jail management. This section may include the following elements:~~

~~(a) A description of current jail conditions, including whether the jail is overcrowded;~~

~~(b) A description of potential alternatives to incarceration;~~

~~(c) A description of current jail resources;~~

~~(d) A description of the jail population as it presently exists and how it is projected to change in the future;~~

~~(e) A description of projected future resource requirements;~~

~~(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;~~

~~(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;~~

~~(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;~~

~~(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services;~~

~~(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.~~

~~(5));~~

~~(b) Jail management;~~

(c) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases; and

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~~(d) Partnerships between the department and local community policing and supervision programs to facilitate supervision of offenders under the respective jurisdictions of each and timely response to an offender's failure to comply with the terms of supervision.~~

~~(4) The county legislative authority may request technical assistance in ((developing or implementing the plan from)) coordinating services with other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.~~

~~((6)) (5) Upon receiving a request for assistance from a county, the department may provide the requested assistance.~~

~~((7)) (6) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. ((The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.~~

~~(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner statewide. The department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.~~

~~(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:~~

~~(a) Monitoring and reporting to the sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:~~

~~(i) The rehabilitative services offered by county and state institutions to juvenile offenders; and~~

~~(ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;~~

~~(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;~~

~~(c) By September 1 of each year, beginning with 1995, submit to the sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.)~~

~~NEW SECTION. Sec. 109. Sections 101 through 107 of this act constitute a new chapter in Title 72 RCW.~~

PART II - INDIVIDUAL REENTRY PLAN

NEW SECTION. Sec. 201. Individual reentry plans are intended to be a tool for the department of corrections to identify the needs of an offender. Individual reentry plans are meant to assist the department in targeting programming and services to offenders with the greatest need and to the extent that those services are funded and available. The state cannot meet every need that may have contributed to every offender's criminal proclivities. Further, an individual reentry plan, and the programming resulting from that plan, are not a guarantee that an offender will not recidivate. Rather, the legislature intends that by identifying offender needs and offering programs that have been proven to reduce the likelihood of reoffense, the state will benefit by an overall reduction in recidivism.

Sec. 202. RCW 72.09.015 and 2004 c 167 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

((2)) (3) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

((3)) (4) "County" means a county or combination of counties.

((4)) (5) "Department" means the department of corrections.

((5)) (6) "Earned early release" means earned release as authorized by RCW 9.94A.728.

((6)) (7) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

(8) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

((7)) (9) "Good conduct" means compliance with department rules and policies.

((8)) (10) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

((9)) (11) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

((10)) (12) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

((11)) (13) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offenders' risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

(14) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

((12)) (15) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide

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under the state or federal Constitution or under state or federal law.

~~((+3))~~ (16) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(17) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(18) "Secretary" means the secretary of corrections or his or her designee.

~~((+4))~~ (19) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((+5))~~ (20) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((+6))~~ (21) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((+7))~~ (22) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

(23) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((+8))~~ (24) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 203. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every offender who is committed to the jurisdiction of the department except:

(a) Offenders who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Offenders who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all offenders using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each offender. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the offender, including any learning disabilities, substance abuse or mental health issues, and social or behavior deficits.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty-five days of being sentenced to the jurisdiction of the department of corrections.

(b) The offender's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the offender's children and family;

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(b) An individualized portfolio for each offender that includes the offender's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any offender, the department shall:

(i) Evaluate the offender's needs and, to the extent possible, connect the offender with existing services and resources that meet those needs; and

(ii) Connect the offender with a community justice center and/or community transition coordination network in the area in which the offender will be residing once released from the correctional system if one exists.

(b) If the department recommends partial confinement in an offender's individual reentry plan, the department shall maximize the period of partial confinement for the offender as allowed pursuant to RCW 9.94A.728 to facilitate the offender's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the offender's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an offender released to community custody or community placement, the department may not approve a residence location that is not in the offender's county of origin unless it is determined by the department that the offender's return to his or her county of origin would be inappropriate considering any court-ordered condition of the offender's sentence, victim safety concerns, negative influences on the offender in the community, or the location of family or other sponsoring persons or organizations that will support the offender.

(b) If the offender is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the offender is placed with a written explanation.

(c) For purposes of this section, the offender's county of origin means the county of the offender's first felony conviction in Washington.

(9) Nothing in this section creates a vested right in programming, education, or other services.

PART III - PARTIAL CONFINEMENT AND SUPERVISION

NEW SECTION. Sec. 301. (1) The legislature intends that Washington's work release centers be transformed into residential reentry centers with the capacity to provide or connect offenders with the full range of reentry services to achieve measurable outcomes. The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of residential reentry centers and work release facilities to identify evidence-based, research-based, and promising practices or programs for the state of Washington and the necessary performance measures that show the greatest quality, effectiveness, and efficiency of the program on key outcomes. The research should include an examination of reentry and work release practices in both urban and rural areas and both inside and outside of the state of Washington. The institute should identify what services or combination of services should be provided to participants of residential reentry centers and the length of time services should be provided to optimize the successful transition of an offender back into society.

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(2) By May 1, 2008, the secretary of the department of corrections, or the secretary's designee, shall convene and chair a work group to review current laws and policy regarding work release.

(3) In addition to the secretary of the department of corrections, the following shall be members of the work group: A representative appointed by the governor, a community corrections officer, a representative of the Washington association of prosecuting attorneys, a representative of the superior court judges association, a member selected by the Washington association of sheriffs and police chiefs, a representative from the Washington state association of counties, a representative from the association of Washington cities, a representative from contract work release facilities in the state, a representative from state-run work release facilities in the state, a representative from a nonprofit organization that works with former offenders who have completed a work release program, a crime victims' advocate, and a representative from the department of community, trade, and economic development. The secretary may designate a person to serve in his or her place. Members of the work group shall serve without compensation.

(4) In conducting its review, the work group must review and make recommendations for changes to corrections law and policies to ensure that:

(a) Work release facilities are transformed into residential reentry centers so that participants are provided with a combination of reentry services that conform to evidence-based, research-based, or promising practices as identified by the institute;

(b) Residential reentry centers lead to meaningful employment for offenders participating in the program;

(c) A plan is identified to ensure that residential reentry centers are distributed throughout the state;

(d) Residential reentry centers are of a size consistent with evidence-based, research-based, or promising practices and appropriate to the community in which they are located;

(e) Communities are given meaningful avenues for ongoing consultation regarding the establishment and operation of residential reentry centers in their area;

(f) Victim and community safety concerns are given priority when determining appropriate placement in residential reentry centers for individual offenders;

(g) Eligibility time to participate in residential reentry centers is sufficient to make it a meaningful experience for offenders; and

(h) Programs have the necessary performance measures needed to effectively monitor the quality, effectiveness, and efficiency of the programs.

(5) To the extent practicable, the institute shall cooperate with the work group.

(6)(a) The institute shall report its results and recommendations to the governor and the legislature no later than November 15, 2007.

(b) The department of corrections shall report the results and recommendations of the work group to the governor and the legislature no later than November 15, 2008.

NEW SECTION. Sec. 302. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall continue to establish community justice centers throughout the state for the purpose of providing comprehensive services and monitoring for offenders who are reentering the community.

(2) For the purposes of this chapter, "community justice center" is defined as a nonresidential facility staffed primarily by the department in which recently released offenders may access services necessary to improve their successful reentry into the community. Such services may include but are not limited to, those listed in the individual reentry plan, mental health, chemical dependency, sex offender treatment, anger

management, parenting education, financial literacy, housing assistance, and employment assistance.

(3) At a minimum, the community justice center shall include:

(a) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(b) An employment opportunity program to assist an offender in finding employment; and

(c) Resources for connecting offenders with services such as treatment, transportation, training, family reunification, and community services.

(4) In addition to any other programs or services offered by a community justice center, the department shall designate a transition coordinator to facilitate connections between the former offender and the community. The department may designate transition coordination services to be provided by a community transition coordination network pursuant to section 103 of this act if one has been established in the community where the community justice center is located and the department has entered into a memorandum of understanding with the county to share resources.

(5) The transition coordinator shall provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release from the correctional facility. The transition coordinator shall, at a minimum, be responsible for the following:

(a) Gathering and maintaining information regarding services currently existing within the community that are available to offenders including, but not limited to:

(i) Programs offered through the department of social and health services, the department of health, the department of licensing, housing authorities, local community and technical colleges, other state or federal entities which provide public benefits, and nonprofit entities;

(ii) Services such as housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and any other service or program that will assist the former offender to successfully transition into the community;

(b) Coordinating access to the existing services with the community providers and provide offenders with information regarding how to access the various type of services and resources that are available in the community.

(6)(a) A minimum of six community justice centers shall be operational by December 1, 2009. The six community justice centers include those in operation on the effective date of this section.

(b) By December 1, 2011, the department shall establish a minimum of three additional community justice centers within the state.

(7) In locating new centers, the department shall:

(a) Give priority to the counties with the largest population of offenders who were under the jurisdiction of the department of corrections and that do not already have a community justice center;

(b) Ensure that at least two centers are operational in eastern Washington; and

(c) Comply with section 303 of this act and all applicable zoning laws and regulations.

(8) Before beginning the siting or opening of the new community justice center, the department shall:

(a) Notify the city, if applicable, and the county within which the community justice center is proposed. Such notice shall occur at least sixty days prior to selecting a specific location to provide the services listed in this section;

(b) Consult with the community providers listed in subsection (5) of this section to determine if they have the capacity to provide services to offenders through the community justice center; and

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(c) Give due consideration to all comments received in response to the notice of the start of site selection and consultation with community providers.

(9) The department shall make efforts to enter into memoranda of understanding or agreements with the local community policing and supervision programs as defined in section 101 of this act in which the community justice center is located to address:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders, including services provided through a community transition coordination network established pursuant to section 103 of this act if a network has been established in the county;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships to establish neighborhood corrections initiatives between the department of corrections and local police to supervise offenders.

(i) A neighborhood corrections initiative includes shared mechanisms to facilitate supervision of offenders which may include activities such as joint emphasis patrols to monitor high-risk offenders, service of bench and secretary warrants and detainers, joint field visits, connecting offenders with services, and, where appropriate, directing offenders into sanction alternatives in lieu of incarceration.

(ii) The agreement must address:

(A) The roles and responsibilities of police officers and corrections staff participating in the partnership; and

(B) The amount of corrections staff and police officer time that will be dedicated to partnership efforts.

NEW SECTION. Sec. 303. A new section is added to chapter 72.09 RCW to read as follows:

(1) No later than July 1, 2007, and every biennium thereafter starting with the biennium beginning July 1, 2009, the department shall prepare a list of counties and rural multicounty geographic areas in which work release facilities, community justice centers and other community-based correctional facilities are anticipated to be sited during the next three fiscal years and transmit the list to the office of financial management and the counties on the list. The list may be updated as needed.

(2) In preparing the list, the department shall make substantial efforts to provide for the equitable distribution of work release, community justice centers, or other community-based correctional facilities among counties. The department shall give great weight to the following factors in determining equitable distribution:

(a) The locations of existing residential facilities owned or operated by, or operated under contract with, the department in each county;

(b) The number and proportion of adult offenders sentenced to the custody or supervision of the department by the courts of the county or rural multicounty geographic area; and

(c) The number of adult registered sex offenders classified as level II or III and adult sex offenders registered per thousand persons residing in the county.

(3) For purposes of this section, "equitable distribution" means siting or locating work release, community justice centers, or other community-based correctional facilities in a manner that reasonably reflects the proportion of offenders sentenced to the custody or supervision of the department by the courts of each county or rural multicounty geographic area designated by the department, and, to the extent practicable, the proportion of offenders residing in particular jurisdictions or communities within such counties or rural multicounty geographic areas. Equitable distribution is a policy goal, not a basis for any legal challenge to the siting, construction, occupancy, or operation of any facility anywhere in the state.

Sec. 304. RCW 9.94A.728 and 2004 c 176 s 6 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall

leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); ~~(and)~~

(C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under section 203 of this act to the extent that such programming or activities are made available by the department; and

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(E) Has not committed a new felony after the effective date of this section while under community supervision, community placement, or community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that

portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the ((sentence)) offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(e) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

Sec. 305. RCW 9.94A.737 and 2005 c 435 s 3 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection ((2)) (3) of this section.

(2) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing for any violation of community custody and is found to have committed the violation, the department shall return the

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offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.

(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

((3)) (4) If an offender has been arrested for a new felony offense while under community supervision, community custody, or community placement, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community supervision, community custody, or community placement.

(5) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as the result of action by the department.

(6) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter

34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

((4)) (7) The hearing procedures required under subsection ((3)) (6) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

((5)) (8) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

((6)) (9) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

((7)) (10) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

NEW SECTION. Sec. 306. (1) A legislative task force on laws related to community custody and community supervision is established.

(2) The task force shall be composed of fifteen members appointed in the following manner:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(c) The governor shall appoint the chair of the task force and the following members:

(i) A superior court judge;

(ii) A representative of a prosecutor's association;

(iii) A defense attorney or representative of an organization of defense attorneys;

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- (iv) A representative of local elected officials;
- (v) A sheriff or representative of an organization of sheriffs;
- (vi) A police chief or representative of an organization of police chiefs;
- (vii) A community corrections officer;
- (viii) A crime victim or advocate;
- (d) The following agencies shall also be represented on the task force:
 - (i) The attorney general, or the attorney general's designee; and
 - (ii) The secretary of the department of corrections, or the secretary's designee.
- (3) The task force shall:
 - (a) Convene at the call of the chair by August 1, 2007;
 - (b) Review and analyze all statutes of the Revised Code of Washington related to community custody and community supervision of offenders;
 - (c) Make specific recommendations, if any, related to sentencing laws that would allow the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's sentence;
 - (d) Make specific recommendations, if any, related to community custody and community supervision laws that would allow the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's term of community custody or supervision;
 - (e) Make specific recommendations, if any, related to the statutory requirements of the violation hearing process that would enable the department of corrections and its community corrections officers to respond to an offender's behavior by imposing appropriate and timely sanctions when necessary;
 - (f) Make specific recommendations related to definitions and language used in the statutes, which would make the statutes easily readable and unambiguous;
 - (g) Receive input from the public and interested stakeholders to assist in making suggested changes; and
 - (h) Report its findings to the governor and legislature in the form of a final report to be submitted by November 1, 2007.
 - (i) The report shall propose specific amendatory language wherever possible, when making recommendations;
 - (ii) Each recommendation in the report shall, whenever possible, site to specific evidence-based programs or promising programs which support the recommended change;
 - (iii) Each recommendation in the report shall, whenever possible, site to a specific study from the Washington institute for public policy, national institute for justice, bureau of justice assistance, or other academic study supporting the suggested change;
 - (iv) The report shall contain a summary of public comment.
 - (4) The task force shall use legislative facilities, and staff support shall be provided by the office of financial management, senate committee services, and house of representatives office of program research.
 - (5) The Washington institute for public policy, the department of corrections, and the sentencing guidelines commission shall cooperate with the task force and provide all information and support reasonably requested by the task force.
 - (6) Nonlegislative members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.
 - (7) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.
 - (8) This section expires December 31, 2007.

NEW SECTION. Sec. 307. The department of corrections shall conduct an updated community corrections workload study and report the results of that study to the governor and the legislature on or before November 1, 2007.

PART IV - EDUCATION

NEW SECTION. Sec. 401. Research and practice show that long-term success in helping offenders prepare for economic self-sufficiency requires strategies that address their education and employment needs. Recent research suggests that a solid academic foundation and employment- and career-focused programs can be cost-effective in reducing the likelihood of reoffense. To this end, the legislature intends that the state strive to provide every inmate with basic academic skills as well as educational and vocational training designed to meet the assessed needs of the offender.

Nonetheless, it is vital that offenders engaged in educational or vocational training contribute to their own success. An offender should financially contribute to his or her education, particularly postsecondary educational pursuits. The legislature intends to provide more flexibility for offenders in obtaining postsecondary education by allowing third parties to make contributions to the offender's education without mandatory deductions and by creating a loan program. In developing the loan program, the department is encouraged to adopt rules and standards similar to those that apply to students in noninstitutional settings for issues such as applying for a loan, maintaining accountability, and accruing interest on the loan obligation.

Sec. 402. RCW 72.09.460 and 2004 c 167 s 5 are each amended to read as follows:

(1) The legislature intends that all inmates be required to participate in department-approved education programs, work programs, or both, unless exempted ~~((under subsection (4) of))~~ as specifically provided in this section. Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(2) The legislature recognizes more inmates may agree to participate in education and work programs than are available. The department must make every effort to achieve maximum public benefit by placing inmates in available and appropriate education and work programs.

~~((2) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.))~~

(3)(a) The department shall, to the extent possible and considering all available funds, prioritize its resources to meet the following goals for inmates in the order listed:

- ~~((a))~~ (i) Achievement of basic academic skills through obtaining a high school diploma or its equivalent ~~((and))~~;
- (ii) Achievement of vocational skills necessary for purposes of work programs and for an inmate to qualify for work upon release;

~~((b) Additional work and education programs based on assessments and placements under subsection (5) of this section; and~~

- ~~(c) Other work and education programs as appropriate.~~
- (4) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work

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programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a medical condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all temporarily disabled inmates to ensure the earliest possible entry or reentry by inmates into available programming.

(5) The department shall establish, by rule, standards for participation in department-approved education and work programs. The standards shall address the following areas:

(a) Assessment. The department shall assess all inmates for their basic academic skill levels using a professionally accepted method of scoring reading, math, and language skills as grade level equivalents. The department shall determine an inmate's education history, work history, and vocational or work skills. The initial assessment shall be conducted, whenever possible, within the first thirty days of an inmate's entry into the correctional system, except that initial assessments are not required for inmates who are sentenced to life without the possibility of release, assigned to an intensive management unit within the first thirty days after entry into the correctional system, are returning to the correctional system within one year of a prior release, or whose physical or mental condition renders them unable to complete the assessment process. The department shall track and record changes in the basic academic skill levels of all inmates reflected in any testing or assessment performed as part of their education programming;

(b) Placement. The department shall follow the policies set forth in subsection (1) of this section in establishing criteria for placing inmates in education and work programs. The department shall, to the extent possible, place all inmates whose composite grade level score for basic academic skills is below the eighth grade level in a combined education and work program. The placement criteria shall include at least the following factors: (i) Additional work and education programs necessary for compliance with an offender's individual reentry plan under section 203 of this act with the exception of postsecondary education degree programs as provided in section 403 of this act; and

(iv) Other appropriate vocational, work, or education programs that are not necessary for compliance with an offender's individual reentry plan under section 203 of this act with the exception of postsecondary education degree programs as provided in section 403 of this act.

(b) If programming is provided pursuant to (a)(i) through (iii) of this subsection, the department shall pay the cost of such programming, including but not limited to books, materials, supplies, and postage costs related to correspondence courses.

(c) If programming is provided pursuant to (a)(iv) of this subsection, inmates shall be required to pay all or a portion of the costs, including books, fees, and tuition, for participation in any vocational, work, or education program as provided in department policies. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any programming provided pursuant to (a)(iv) of this subsection on behalf of an inmate. Such payments shall not be subject to any of the deductions as provided in this chapter.

(d) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services

from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to complete the purposes of this section.

(e) Any funds collected by the department under (c) and (d) of this subsection and subsections (8) and (9) of this section shall be used solely for the creation, maintenance, or expansion of inmate educational and vocational programs.

(4) The department shall provide access to a program of education to all offenders who are under the age of eighteen and who have not met high school graduation or general equivalency diploma requirements in accordance with chapter 28A.193 RCW. The program of education established by the department and education provider under RCW 28A.193.020 for offenders under the age of eighteen must provide each offender a choice of curriculum that will assist the inmate in achieving a high school diploma or general equivalency diploma. The program of education may include but not be limited to basic education, prevocational training, work ethic skills, conflict resolution counseling, substance abuse intervention, and anger management counseling. The curriculum may balance these and other rehabilitation, work, and training components.

(5)(a) In addition to the policies set forth in this section, the department shall consider the following factors in establishing criteria for assessing the inclusion of education and work programs in an inmate's individual reentry plan and in placing inmates in education and work programs:

(i) An inmate's release date and custody level. An inmate shall not be precluded from participating in an education or work program solely on the basis of his or her release date, except that inmates with a release date of more than one hundred twenty months in the future shall not comprise more than ten percent of inmates participating in a new class I correctional industry not in existence on June 10, 2004;

(ii) An inmate's education history and basic academic skills;

(iii) An inmate's work history and vocational or work skills;

(iv) An inmate's economic circumstances, including but not limited to an inmate's family support obligations; and

(v) Where applicable, an inmate's prior performance in department-approved education or work programs;

((c) Performance and goals.) (b) The department shall establish, and periodically review, inmate behavior standards and program goals for all education and work programs. Inmates shall be notified of applicable behavior standards and program goals prior to placement in an education or work program and shall be removed from the education or work program if they consistently fail to meet the standards or goals(;

(d) Financial responsibility. (i) The department shall establish a formula by which inmates, based on their ability to pay, shall pay all or a portion of the costs or tuition of certain programs. Inmates shall, based on the formula, pay a portion of the costs or tuition of participation in:

(A) Second and subsequent vocational programs associated with an inmate's work programs; and

(B) An associate of arts or baccalaureate degree program when placement in a degree program is the result of a placement made under this subsection;

(ii) Inmates shall pay all costs and tuition for participation in:

(A) Any postsecondary academic degree program which is entered independently of a placement decision made under this subsection; and

(B) Second and subsequent vocational programs not associated with an inmate's work program.

Enrollment in any program specified in (d)(ii) of this subsection shall only be allowed by correspondence or if there is an opening in an education or work program at the institution where an inmate is incarcerated and no other inmate who is placed in a program under this subsection will be displaced; and

(c) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release:

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~~(i) Shall not be required to participate in education programming; and~~

~~(ii) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers.~~

~~If an inmate sentenced to life without the possibility of release requires prevocational or vocational training for a work program, he or she may participate in the training subject to this section.~~

~~(6) The department shall coordinate education and work programs among its institutions, to the greatest extent possible, to facilitate continuity of programming among inmates transferred between institutions. Before transferring an inmate enrolled in a program, the department shall consider the effect the transfer will have on the inmate's ability to continue or complete a program. This subsection shall not be used to delay or prohibit a transfer necessary for legitimate safety or security concerns.~~

~~(7) Before construction of a new correctional institution or expansion of an existing correctional institution, the department shall adopt a plan demonstrating how cable, closed-circuit, and satellite television will be used for education and training purposes in the institution. The plan shall specify how the use of television in the education and training programs will improve inmates' preparedness for available work programs and job opportunities for which inmates may qualify upon release.~~

~~(8) The department shall adopt a plan to reduce the per-pupil cost of instruction by, among other methods, increasing the use of volunteer instructors and implementing technological efficiencies. The plan shall be adopted by December 1996 and shall be transmitted to the legislature upon adoption. The department shall, in adoption of the plan, consider distance learning, satellite instruction, video tape usage, computer-aided instruction, and flexible scheduling of offender instruction.~~

~~(9) Following completion of the review required by section 27(3), chapter 19, Laws of 1995 1st sp. sess. the department shall take all necessary steps to assure the vocation and education programs are relevant to work programs and skills necessary to enhance the employability of inmates upon release).~~

(6) Eligible inmates who refuse to participate in available education or work programs available at no charge to the inmates shall lose privileges according to the system established under RCW 72.09.130. Eligible inmates who are required to contribute financially to an education or work program and refuse to contribute shall be placed in another work program. Refusal to contribute shall not result in a loss of privileges.

(7) The department shall establish, by rule, objective medical standards to determine when an inmate is physically or mentally unable to participate in available education or work programs. When the department determines an inmate is permanently unable to participate in any available education or work program due to a health condition, the inmate is exempt from the requirement under subsection (1) of this section. When the department determines an inmate is temporarily unable to participate in an education or work program due to a medical condition, the inmate is exempt from the requirement of subsection (1) of this section for the period of time he or she is temporarily disabled. The department shall periodically review the medical condition of all inmates with temporary disabilities to ensure the earliest possible entry or reentry by inmates into available programming.

(8) The department shall establish policies requiring an offender to pay all or a portion of the costs and tuition for any vocational training or postsecondary education program if the offender previously abandoned coursework related to education or vocational training without excuse as defined in rule by the department. Department policies shall include a formula for determining how much an offender shall be required to pay. The formula shall include steps which correlate to an offender average monthly income or average available balance in a

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personal inmate savings account and which are correlated to a prorated portion or percent of the per credit fee for tuition, books, or other ancillary costs. The formula shall be reviewed every two years. A third party may pay directly to the department all or a portion of costs and tuition for any program on behalf of an inmate under this subsection. Such payments shall not be subject to any of the deductions as provided in this chapter.

(9) Notwithstanding any other provision in this section, an inmate sentenced to life without the possibility of release, sentenced to death under chapter 10.95 RCW, or subject to the provisions of 8 U.S.C. Sec. 1227:

(a) Shall not be required to participate in education programming except as may be necessary for the maintenance of discipline and security;

(b) May receive not more than one postsecondary academic degree in a program offered by the department or its contracted providers;

(c) May participate in prevocational or vocational training that may be necessary to participate in a work program;

(d) Shall be subject to the applicable provisions of this chapter relating to inmate financial responsibility for programming except the postsecondary education degree loan program as provided in section 403(3) of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 72.09 RCW to read as follows:

(1) The department shall, if funds are appropriated for the specific purpose, implement postsecondary education degree programs within state correctional institutions, including the state correctional institution with the largest population of female inmates. The department shall consider for inclusion in any postsecondary education degree program, any postsecondary education degree program from an accredited community college, college, or university that is part of an associate of arts, baccalaureate, masters of arts, or other graduate degree program.

(2) Except as provided in subsection (4) of this section, inmates shall be required to pay the costs for participation in any postsecondary education degree programs established under this subsection, including books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The inmate who is participating in the postsecondary education degree program shall, during confinement, provide the required payment or payments to the department;

(b) A third party shall provide the required payment or payments directly to the department on behalf of an inmate, and such payments shall not be subject to any of the deductions as provided in this chapter; or

(c) The inmate who is participating in the postsecondary education degree program shall provide the required payment or payments to the department using loan funds obtained from the department's postsecondary education degree loan program created pursuant to subsection (3) of this section.

(3) The department shall, if funds are appropriated for the specific purpose, establish by rule a postsecondary education degree loan program for inmates seeking to participate in available associate or two-year postsecondary education degree programs to prepare the inmate for employment. The department shall establish a process for awarding loans to inmates, including an application process and criteria for awarding loans. The department shall collect repayment as provided in RCW 72.09.450(4). A third party may pay directly to the department all or a portion of any loan on behalf of an inmate. Such payments shall not be subject to any of the deductions as provided in this chapter. Inmates under RCW 72.09.460(9) are not eligible to participate in the postsecondary education degree loan program.

(4) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit

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entities, and may receive, utilize, and dispose of same to provide postsecondary education to inmates.

(5) Any funds collected by the department under this section and RCW 72.09.450(4) shall be used solely for the creation, maintenance, or expansion of inmate postsecondary education degree programs.

Sec. 404. RCW 72.09.480 and 2003 c 271 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(5)(a) ~~The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of ((one fee-based)) education or vocational programs ((that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.~~

~~An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions~~

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~~specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release)) or postsecondary education degree programs as provided in RCW 72.09.460 and section 403 of this act.~~

~~(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.~~

(6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation, twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

(8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

Sec. 405. RCW 72.09.450 and 1996 c 277 s 1 are each amended to read as follows:

(1) An inmate shall not be denied access to services or supplies required by state or federal law solely on the basis of his or her inability to pay for them.

(2) The department shall record all lawfully authorized assessments for services or supplies as a debt to the department. The department shall recoup the assessments when the inmate's institutional account exceeds the indigency standard, and may pursue other remedies to recoup the assessments after the period of incarceration.

(3) The department shall record as a debt any costs assessed by a court against an inmate plaintiff where the state is providing defense pursuant to chapter 4.92 RCW. The department shall recoup the debt when the inmate's institutional account exceeds the indigency standard and may pursue other remedies to recoup the debt after the period of incarceration.

(4) The department shall record as a debt any loan recorded against an inmate participating in the postsecondary education degree loan program as provided under section 403 of this act.

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The department shall attempt to recoup the debt not sooner than two years from an inmate's date of release from total or partial confinement. The loan shall accrue interest from the time of collection at a rate set by the department in rule. The department may pursue collection of the debt as provided in subsection (5) of this section.

(5) In order to maximize the cost-efficient collection of unpaid offender debt existing after the period of an offender's incarceration, the department is authorized to use the following nonexclusive options: (a) Use the collection services available through the department of general administration, or (b) notwithstanding any provision of chapter 41.06 RCW, contract with collection agencies for collection of the debts. The costs for general administration or collection agency services shall be paid by the debtor. Any contract with a collection agency shall only be awarded after competitive bidding. Factors the department shall consider in awarding a collection contract include but are not limited to a collection agency's history and reputation in the community; and the agency's access to a local database that may increase the efficiency of its collections. The servicing of an unpaid obligation to the department does not constitute assignment of a debt, and no contract with a collection agency may remove the department's control over unpaid obligations owed to the department.

NEW SECTION. Sec. 406. (1) The department of corrections and the state board for community and technical colleges, in cooperation with the unions representing academic employees in corrections education programs, shall investigate and review methods to optimize educational and vocational programming opportunities to meet the needs of each offender as identified in his or her individual reentry plan while an offender is under the jurisdiction of the department.

(2) In conducting its review, the department and state board shall consider and make recommendations regarding:

(a) Technological advances which could serve to expand educational programs and vocational training including, but not limited to, distance learning, satellite instruction, videotape usage, computer aided instruction, and flexible scheduling and also considering the infrastructure, resources, and security that would be needed to implement the program or training. These advances shall be assessed for their ability to provide the most cost-efficient and effective programming for offenders;

(b) Methods to ensure that educational programs and vocational training are relevant to enhance the employability of offenders upon release; and

(c) Long-term methods for maintaining channels of communication between the department, state board administration, academic employees, and students.

(3) The department and state board shall report to the governor and the legislature no later than July 1, 2008.

NEW SECTION. Sec. 407. (1) The Washington state institute for public policy shall conduct a comprehensive analysis and evaluation of evidence-based, research-based, and promising correctional education programs and the extent to which Washington's programs are in accord with these practices. In gathering data regarding correctional education programs, the institute may consult with academic employees from correctional education programs.

(2) The institute shall report to the governor and the legislature no later than November 15, 2007.

PART V - EMPLOYMENT BARRIERS

NEW SECTION. Sec. 501. On or before October 1, 2007, the department of corrections and the department of licensing shall enter into an agreement establishing expedited procedures to assist offenders in obtaining a driver's license or identification card upon their release from a department of corrections' institution.

NEW SECTION. Sec. 502. (1) The director of the department of licensing, or the director's designee, shall, within

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existing resources, convene and chair a work group to review and recommend changes to occupational licensing laws and policies to encourage the employment of individuals with criminal convictions while ensuring the safety of the public.

(2) In addition to the director of the department of licensing, the following shall be members of the work group: A representative from the employment security department, a representative from the department of corrections, a representative from the Washington state association of prosecuting attorneys, and up to five members appointed by the governor from state agencies that issue occupational licenses. The department shall also invite participation from victim service agencies, the state board for community and technical colleges, association of Washington business, nonprofit organizations providing workforce training to released offenders, and legislative staff who provide support to the human services and human services and corrections committees. Members of the work group shall serve without compensation.

(3) In conducting its review, the work group must:

(a) Review approaches used by other states and jurisdictions for awarding occupational licenses to those with criminal convictions;

(b) Develop a process and standards by which the department of licensing and licensing agencies will determine whether a criminal conviction renders an applicant an unsuitable candidate for a license or whether a conviction warrants revocation or suspension of a license previously granted;

(c) Develop guidelines for potential applicants that reflect the most common or well-known categories of crimes and their relation to specific license types;

(d) Establish mechanisms for making information regarding the process and guidelines easily accessible to potential applicants with criminal histories.

(4) The department of licensing shall present a report of its findings and recommendations to the governor and the appropriate committees of the legislature, including any proposed legislation, by November 15, 2008.

(5) This section expires December 15, 2008.

PART VI - HOUSING

NEW SECTION. Sec. 601. The legislature finds that, in order to improve the safety of our communities, more housing needs to be made available to offenders returning to the community. The legislature intends to increase the housing available to offenders by providing that landlords who rent to offenders shall be immune from civil liability for damages that may result from the criminal conduct of the tenant.

NEW SECTION. Sec. 602. A new section is added to chapter 59.18 RCW to read as follows:

A landlord who rents to an offender is not liable for civil damages arising from the criminal conduct of the tenant. In order for a landlord to be protected from liability as provided under this section, a landlord must:

(1) Disclose to residents of the property that he or she rents or has a policy of renting to offenders; and

(2) Take steps to report or halt criminal activity if the landlord has actual knowledge of criminal activity on the landlord's premises.

NEW SECTION. Sec. 603. A new section is added to chapter 35.82 RCW to read as follows:

The legislature recognizes that stable, habitable, and supportive housing is a critical factor that increases a previously incarcerated individual's access to treatment and services as well as the likelihood of success in the community. Housing authorities are therefore encouraged to formulate rental policies that are not unduly burdensome to previously incarcerated individuals attempting to reenter the community, particularly when the individual's family may already reside in government subsidized housing.

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NEW SECTION. Sec. 604. A new section is added to chapter 43.185C RCW to read as follows:

(1) The department of community, trade, and economic development shall establish a pilot program to provide grants to eligible organizations, as described in RCW 43.185.060, to provide transitional housing assistance to offenders who are reentering the community and are in need of housing.

(2) There shall be a minimum of two pilot programs established in two counties. The pilot programs shall be selected through a request for proposal process and in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(3) The pilot program shall:

(a) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(b) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(c) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections;

(d) Optimize available funding by utilizing cost-effective community-based shared housing arrangements or other noninstitutional living arrangements; and

(e) Provide housing assistance for a period of time not to exceed twelve months for a participating offender.

(4) The department may also use up to twenty percent of the funding appropriated in the operating budget for this section to support the development of additional supportive housing resources for offenders who are reentering the community.

(5) The department shall:

(a) Collaborate with the department of corrections in developing criteria to determine who will qualify for housing assistance; and

(b) Gather data, and report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing to the extent information is available.

(6) The department of corrections shall collaborate with organizations receiving grant funds to:

(a) Help identify appropriate housing solutions in the community for offenders;

(b) Where possible, facilitate an offender's application for housing prior to discharge;

(c) Identify enhancements to training provided to offenders prior to discharge that may assist an offender in effectively transitioning to the community;

(d) Maintain communication between the organization receiving grant funds, the housing provider, and corrections staff supervising the offender; and

(e) Assist the offender in accessing resources and services available through the department of corrections and a community justice center.

(7) The state, department of community, trade, and economic development, department of corrections, local governments, local housing authorities, eligible organizations as described in RCW 43.185.060, and their employees are not liable for civil damages arising from the criminal conduct of an offender solely due to the placement of an offender in housing provided under this section or the provision of housing assistance.

(8) Nothing in this section allows placement of an offender into housing without an analysis of the risk the offender may pose to that particular community or other residents.

Sec. 605. RCW 72.09.111 and 2004 c 167 s 7 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3)(a) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the following times:

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~~(i) The time of his or her release from confinement(;~~
~~unless);~~

~~(ii) Prior to his or her release from confinement in order to secure approved housing; or~~

~~(iii) When the secretary determines that an emergency exists for the inmate(;~~
~~at which time the funds can be);~~

~~(b) If funds are made available pursuant to (a)(ii) or (iii) of this subsection, the funds shall be made available to the inmate in an amount determined by the secretary.~~

(c) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

PART VII - MISCELLANEOUS

NEW SECTION. **Sec. 701.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove and others to the striking amendment be adopted.

On page 54, after line 7, insert the following:

NEW SECTION. **Sec. 703.** (1) The sum of three hundred thousand dollars of the general fund--state appropriation for fiscal year 2008 and three hundred thousand dollars of the general fund--state appropriation for fiscal year 2009 are provided solely to the department of corrections for the purposes of section 305(2) and (4) of this act.

(2) The sum of nine hundred thousand dollars of the general fund--state appropriation for fiscal year 2008 and nine hundred thousand dollars of the general fund--state appropriation for fiscal year 2009 are provided solely to the department of corrections for the purposes of section 304(1)(b)(ii)(D) and (E) of this act.

(3) The sum of one hundred thousand dollars of the general fund--state appropriation for fiscal year 2008 and one hundred thousand dollars of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of corrections for the purposes of section 307 of this act.

Senator Hargrove spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove and others on page 54, after line 7 to the striking amendment to Substitute Senate Bill No. 6157.

The motion by Senator Hargrove carried and the amendment to the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others as amended to Substitute Senate Bill No. 6157.

Senator Hargrove spoke in favor of the striking amendment as amended.

The motion by Senator Hargrove carried and the striking amendment as amended was adopted by voice vote.

MOTION

There being no objections, the following title amendments were adopted.

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "reducing offender recidivism by increasing access and coordination of offender services in communities through inventories of services and community transition coordination network pilot programs; by improving local law and justice councils to focus their efforts on effective use of correctional resources and coordination between state and local law enforcement and corrections agencies; by developing

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and implementing individual reentry plans that describe actions and services to prepare offenders for release from jail or prison and require an offender to participate in available programming directed in their plan in order to qualify for fifty percent earned early release; by excluding the use of an individual reentry plan as the basis in civil actions against local governments; by requiring an offender released to community supervision to be returned to the county of origin unless it is inappropriate due to matters of victim safety, lack of family or other supports for the offender in other locations, or negative influences on the offender in that community; by requiring the department of corrections to prepare a list of counties and rural multicounty areas for anticipated siting of work release, community justice centers and other community-based correctional facilities while making substantial efforts to provide for the equitable distribution of the facilities; by studying and identifying evidence-based practices for work release; by increasing the use of effective practices in residential and nonresidential transition facilities for offenders under the jurisdiction of the department of corrections; by permitting partial confinement in lieu of earned early release up to three months; by requiring, upon a finding at a third violation hearing that the offender committed a violation, the return of an offender to total confinement to serve up to the remaining portion of his or her sentence unless it is determined that returning the offender would interfere with the offender's ability to maintain community supports or participate in treatment and would increase the likelihood of reoffending; by requiring an offender arrested for a new felony while under community custody, community placement, or community supervision to be held in confinement until a hearing before the department or until a formal charge is filed, whichever is earlier; by prohibiting an offender under community custody, community placement, or community supervision who is found guilty of a new felony after the effective date of this act from qualifying for fifty percent earned early release; by creating a task force to study and review the current laws and policy regarding community custody and community supervision; by conducting a community corrections workload study; by improving educational opportunities; by providing liability protection for landlords who rent to former offenders and entities participating in the transitional housing program under certain conditions; by encouraging housing authorities to formulate rental policies not overly burdensome to previously incarcerated individuals; by establishing a transitional housing program for offenders in need of stable housing; by allowing funds to be disbursed from a personal inmate savings account in order to assist an offender to secure appropriate housing; by establishing expedited procedures for released offenders to obtain a driver's license or identification card; and by reviewing and recommending changes to occupational licensing laws; amending RCW 72.09.300, 72.09.015, 9.94A.728, 9.94A.737, 72.09.460, 72.09.480, 72.09.450, and 72.09.111; adding new sections to chapter 72.09 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 35.82 RCW; adding a new section to chapter 43.185C RCW; adding a new chapter to Title 72 RCW; creating new sections; and providing expiration dates."

On page 55, line 33 of the title, after "licensing laws," insert "by adding appropriations for sections 305(2) and (4), section 304(1)(b)(ii)(D) and (E), and section 307 of this act;"

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6157 was advanced to

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third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Carrell, Brown spoke in favor of passage of the bill.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

Senators Stevens and Regala spoke in favor of passage of the bill.

Senator Sheldon spoke on final passage.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6157.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6157 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Clements, Holmquist, Honeyford and Sheldon - 4

Excused: Senators Brandland and Kohl-Welles - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Prentice: "Thank you Mr. President. A couple of days ago the US Supreme Court struck a ban on partial birth abortion. Some people rejoiced and thought it was the right thing to do but I think I would like to relate to you something that I witnessed when I was a student nurse in a catholic hospital in Arizona. I was a student so, obviously, it was over fifty years ago but I've never forgotten it. I was in the delivery room and there was a woman who couldn't have a baby. It was a baby that had hydrocephalus, which is too much fluid on the brain. It was a breech delivery so the body was already out. So, what had to happen was something had to be, they had to make it able so that could come through the birth canal. The doctor had to stick a needle into the baby's brain and withdraw some of the fluid and at the end the head had to be crushed. Now, for years when I have been asked how I stand on this issue, I've always said, 'This is a decision that should be made by a woman together with her physician within her values.' This should not ever be a political decision and that is just what happened. I think we need to watch out for this kind of erosion of everyone's rights."

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

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MOTION

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REMARKS BY LOIS COTTON

Senator Hargrove moved adoption of the following resolution:

SENATE RESOLUTION
8691

By Senator Hargrove

WHEREAS, Lois Cotton began her service to the Washington State Legislature as an aide to Representative Jim Hargrove in January 1985, and continued her service as a legislative assistant for Senator Jim Hargrove in the Washington State Senate beginning in 1993; and

WHEREAS, Her 23-year dedication to Senator Hargrove proves she has infinite patience; and

WHEREAS, She is so dedicated to her job and senator that she left for Mexico for a week during her first session and once spent an entire day in the office with makeup on only one eye; and

WHEREAS, Her unprecedented loyalty and duty to her position, the constituents of the 24th Legislative District and boss have been admired by the many people she has worked with and for; and

WHEREAS, Lois Cotton has been the loving wife of a pastor, Doug, and mother of two daughters, Jaimie and son-in-law Dave, and Jill and son-in-law Ryan, during her legislative career; and

WHEREAS, Her granddaughters, Olivia, Addilyn, Elliana, Halle, and Alia, bring her much joy, and chasing after them helps her keep her trim figure; and

WHEREAS, You can always count on Lois to have a smile on her face, kind words to share, and to be impeccably dressed; and

WHEREAS, Lois Cotton has chosen to pursue other adventures, and will be leaving the Washington State Legislature at the end of April 2007; and

WHEREAS, Lois will sorely be missed by all who worked with and for her; and

WHEREAS, No one will miss her more than Senator Hargrove;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially honor and thank Lois Cotton for her hard work, friendship, and loyalty; and

BE IT FURTHER RESOLVED, That, by request of Senator Hargrove, Lois is not permitted to leave the state Senate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Lois Cotton and her family.

Senators Hargrove, Stevens, Jacobsen, Brown and Spanel spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8691.

The motion by Senator Hargrove carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the family of Lois Cotton who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Mrs. Lori Hargrove who was seated at the rostrum.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Lois Cotton, who was seated at the rostrum.

Lois Cotton: "I just want to express my appreciation to all of you. Thank you very much. When Senator Hargrove and I first talked about me not being here after this session he commented, 'Oh, I'm going to have write a resolution; and I said, 'You will not do something like that. That would be so embarrassing; but I'm going to frame this. It's really special. I'm going to miss everyone. Not crying wasn't even an option for me cause I do it really well. I even brought my makeup to reapply knowing that this would be a difficult day today not knowing this was happening but knowing just, I've had so much of an out pouring of love and support, people stopping by my office and thank you to all of you. I hope to at least walk the halls and stick my head in doors occasionally over the next few years. We are very, very excited about the future and this place has been part of my life for like Senator said, twenty-three years and I will never forget you or the experiences. Thank you very much."

MOTION

At 12:02 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

PERSONAL PRIVILEGE

Senator Fraser: "My point of personal privilege relates to a gentleman I've known for many, many years who is an employee of the Senate and who I have learned, to my sadness, is going to be probably sad for me, happy for him-he's going to retire. This is Dick Milligan who lives in my district. I first met him years ago when he was a photographer with the Olympian newspaper and he has also been a photographer for the Aberdeen Daily World and he has been a freelance photographer and, I didn't realize, he also was a Marine Corps photographer, cameraman and film editor. He was a presidential support photographer, served in Vietnam, trained combat photographer, supervised photo labs and retired as a Master Sergeant. So, we've had an exceptionally capable, experienced photographer taking pictures of all of our action but not only our action but he has recorded through his photographs a lot of the history of the legislative process and, a particular note, the history of the restoration of the Legislative Building following the Nisqually Earthquake. He's been with the Senate full-time for many years and I think we all have appreciated his skill, his patience, his good cheer. He's always helping us out with one more shot. We wish him and his family well in their retirement."

PERSONAL PRIVILEGE

Senator McCaslin: "If I can go back to 1952 after I was working on my Master's and I got a job offer from Kaiser with \$325 a month by the way, I thought I was in hog heaven. Anyway, I worked as a trainee in the employment office and in safety office. Believe it or not, my boss's name was Dick Milligan, and of course, when I got to Olympia I discovered that here's Dick Milligan son and I'm telling you that Dick the photographer is just as nice as Dick the safety supervisor. I was very happy to work for Dick and I'm so proud to know Dick Milligan the photographer. He's done a tremendous job and we're going to miss him. Thank you for all your hard work, Dick."

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PERSONAL PRIVILEGE

Senator Honeyford: "I've had the privilege of riding with Dick, even though we made the wrong turn once and went quite a ways. He accompanied us on a tour and did a lot of photographs and I've always appreciated his good positive attitude and the good pictures he's taken and we're certainly going to miss you Dick. Wish you well on your second or third retirement. Thank you."

PERSONAL PRIVILEGE

Senator Eide: "Well, I have to also stand up and say, 'Dick thank you so much for all of your hard years of great picture taking! This gentlemen, you call him in a moments notice and it seems like even during the lunch hour he's down here taking the pictures. He too went on a tour with me. We had some good fond memories of a duck, if I recall correctly, wasn't it at the mint shop? It's just good to be able to call and say, 'Will you come on down?' and he says, 'Absolutely.' He's never said no and just all the years taking great pictures and my mom, I remember when my mom and sister came down and he's saying, 'Now 'smile, now smile.' My mother would not smile to save her soul that day for some reason but we managed to finally get one out of her. I wanted to say thank you very much for all the years of hard and great picture taking Dick. You will be missed."

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House concurred in Senate amendment(s) to the following bills and passed the bills as amended by the Senate:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
SUBSTITUTE HOUSE BILL NO. 1909,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5009,
SECOND SUBSTITUTE SENATE BILL NO. 5164,
SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5224,
SUBSTITUTE SENATE BILL NO. 5412
SECOND SUBSTITUTE SENATE BILL NO. 5470,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5627,
SECOND SUBSTITUTE SENATE BILL NO. 5790,
SENATE BILL NO. 6167,

MESSAGE FROM THE HOUSE

April 14, 2007

MR. PRESIDENT:

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The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Spanel moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2358.

The President declared the question before the Senate to be motion by Senator Spanel that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2358.

The motion by Senator Spanel carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 2358.

MOTION

On motion of Senator Spanel, the rules were suspended and Engrossed Substitute House Bill No. 2358 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358, by House Committee on Transportation (originally sponsored by Representatives Rolfes, Strow, Appleton, Seaquist, VanDeWege, Lantz, Flannigan, Roberts, Cody, Green, Eickmeyer, Jarrett and Kessler)

Regarding state ferries.

The measure was read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds from the 2006 Washington state ferries financing study that the state has limited information on state ferry users and markets. Accurate user and market information is vital in order to find ways to maximize the ferry systems' current capacity and to make the most efficient use of citizens' tax dollars. Therefore, it is the intent of the legislature that Washington state ferries be given the tools necessary to maximize the utilization of existing capacity and to make the most efficient use of existing assets and tax dollars. Furthermore, it is the intent of the legislature that the department of transportation adopt adaptive management practices in its operating and capital programs so as to keep the costs of the Washington state ferries system as low as possible while continuously improving the quality and timeliness of service.

Sec. 2. RCW 47.06.140 and 1998 c 171 s 7 are each amended to read as follows:

(1) The legislature declares the following transportation facilities and services to be of statewide significance: The interstate highway system, interregional state principal arterials including ferry connections that serve statewide travel, intercity passenger rail services, intercity high-speed ground transportation, major passenger intermodal terminals excluding all airport facilities and services, the freight railroad system, the Columbia/Snake navigable river system, marine port facilities

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and services that are related solely to marine activities affecting international and interstate trade, and high-capacity transportation systems serving regions as defined in RCW 81.104.015. The department, in cooperation with regional transportation planning organizations, counties, cities, transit agencies, public ports, private railroad operators, and private transportation providers, as appropriate, shall plan for improvements to transportation facilities and services of statewide significance in the statewide multimodal plan. Improvements to facilities and services of statewide significance identified in the statewide multimodal plan are essential state public facilities under RCW 36.70A.200.

(2) The department of transportation, in consultation with local governments, shall set level of service standards for state highways and state ferry routes of statewide significance. Although the department shall consult with local governments when setting level of service standards, the department retains authority to make final decisions regarding level of service standards for state highways and state ferry routes of statewide significance. In establishing level of service standards for state highways and state ferry routes of statewide significance, the department shall consider the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local communities using these facilities. When setting the level of service standards under this section for state ferry routes, the department may allow for a standard that is adjustable for seasonality.

NEW SECTION. Sec. 3. A new section is added to chapter 47.60 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs.

(2) "Capital plan" means the state ferry system plan developed by the department as described in RCW 47.06.050(2) and adopted by the commission.

(3) "Capital project" has the same meaning as used in budget instructions developed by the office of financial management.

(4) "Commission" means the transportation commission created in RCW 47.01.051.

(5) "Improvement project" has the same meaning as in the budget instructions developed by the office of financial management. If the budget instructions do not define improvement project, then it has the same meaning as "program project" in the budget instructions. If a project meets both the improvement project and preservation project definitions in this section it must be defined as an improvement project. New vessel acquisitions must be defined as improvement projects.

(6) "Life-cycle cost model" means that portion of a capital asset inventory system which, among other things, is used to estimate future preservation needs.

(7) "Maintenance cost" has the same meaning as used in budget instructions developed by the office of financial management.

(8) "Preservation project" has the same meaning as used in budget instructions developed by the office of financial management.

(9) "Route" means all ferry sailings from one location to another, such as the Seattle to Bainbridge route or the Port Townsend to Keystone route.

(10) "Sailing" means an individual ferry sailing for a specific route, such as the 5:00 p.m. sailing from Seattle to Bremerton.

(11) "Travel shed" means one or more ferry routes with distinct characteristics as determined by the department.

NEW SECTION. Sec. 4. A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall, with the involvement of the department, conduct a survey to gather data on ferry users to help inform level of service, operational, pricing, planning, and

investment decisions. The survey must include, but is not limited to:

- (a) Recreational use;
- (b) Walk-on customer use;
- (c) Vehicle customer use;
- (d) Freight and goods movement demand; and
- (e) Reactions to potential operational strategies and pricing policies described under section 7 of this act and RCW 47.60.290.

(2) The commission shall develop the survey after providing an opportunity for ferry advisory committees to offer input.

(3) The survey must be updated at least every two years and maintained to support the development and implementation of adaptive management of ferry services.

Sec. 5. RCW 47.60.290 and 1983 c 3 s 136 are each amended to read as follows:

((Subject to the provisions of RCW 47.60.326;)) (1) The department ((is hereby authorized and directed to)) shall annually review ((tariffs and charges as)) fares and pricing policies applicable to the operation of the Washington state ferries ((for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries)).

(2) Beginning in 2008, the department shall develop fare and pricing policy proposals that must:

(a) Recognize that each travel shed is unique, and might not have the same farebox recovery rate and the same pricing policies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be developed with input from affected ferry users by public hearing and by review with the affected ferry advisory committees, in addition to the data gathered from the survey conducted in section 4 of this act;

(d) Generate the amount of revenue required by the biennial transportation budget;

(e) Consider the impacts on users, capacity, and local communities; and

(f) Keep fare schedules as simple as possible.

(3) While developing fare and pricing policy proposals, the department must consider the following:

(a) Options for using pricing to level vehicle peak demand; and

(b) Options for using pricing to increase off-peak ridership.

NEW SECTION. Sec. 6. A new section is added to chapter 47.60 RCW to read as follows:

(1) The commission shall adopt fares and pricing policies by rule, under chapter 34.05 RCW, according to the following schedule:

(a) Each year the department shall provide the commission a report of its review of fares and pricing policies, with recommendations for the revision of fares and pricing policies for the ensuing year;

(b) By September 1st of each year, beginning in 2008, the commission shall adopt by rule fares and pricing policies for the ensuing year.

(2) The commission may adopt by rule fares that are effective for more or less than one year for the purposes of transitioning to the fare schedule in subsection (1) of this section.

(3) The commission may increase ferry fares included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(4) The chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

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(5) Fare revenues and other revenues deposited in the Puget Sound ferry operations account created in RCW 47.60.530 may not be used to support the Puget Sound capital construction account created in RCW 47.60.505, unless the support for capital is separately identified in the fare.

(6) The commission may not raise fares until the fare rules contain pricing policies developed under section 5 of this act, or September 1, 2009, whichever is later.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall develop, and the commission shall review, operational strategies to ensure that existing assets are fully utilized and to guide future investment decisions. These operational strategies must, at a minimum:

(a) Recognize that each travel shed is unique and might not have the same operational strategies;

(b) Use data from the current survey conducted under section 4 of this act;

(c) Be consistent with vehicle level of service standards;

(d) Choose the most efficient balance of capital and operating investments by using a life-cycle cost analysis; and

(e) Use methods of collecting fares that maximize efficiency and achieve revenue management control.

(2) After the commission reviews recommendations by the department, the commission and department shall make joint recommendations to the legislature for the improvement of operational strategies.

(3) In developing operational strategies, the following, at a minimum, must be considered:

(a) The feasibility of using reservation systems;

(b) Methods of shifting vehicular traffic to other modes of transportation;

(c) Methods of improving on-dock operations to maximize efficiency and minimize operating and capital costs;

(d) A cost-benefit analysis of remote holding versus over-water holding;

(e) Methods of reorganizing holding areas and minimizing on-dock employee parking to maximize the dock size available for customer vehicles;

(f) Schedule modifications;

(g) Efficiencies in exit queuing and metering;

(h) Interoperability with other transportation services;

(i) Options for leveling vehicle peak demand; and

(j) Options for increasing off-peak ridership.

(4) Operational strategies must be reevaluated periodically and, at a minimum, before developing a new capital plan.

Sec. 8. RCW 47.60.330 and 2003 c 374 s 5 are each amended to read as follows:

(1) Before a substantial change to the service levels provided to ferry users, the department shall consult with affected ferry users by public hearing and by review with the affected ferry advisory committees.

(2) Before ((a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges)) adding or eliminating a ferry route, the department ((of transportation)) shall consult with affected ferry users and receive legislative approval. ((The consultation shall be: (a) By public hearing in affected local communities; (b) by review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c):

~~— Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.~~

~~— (2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empaneled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry~~

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~~system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.~~

~~— (3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1)(a) or (c) of this section.)~~

NEW SECTION. Sec. 9. A new section is added to chapter 47.60 RCW to read as follows:

(1) Appropriations made for the Washington state ferries capital program may not be used for maintenance costs.

(2) Appropriations made for preservation projects shall be spent only on preservation and only when warranted by asset condition, and shall not be spent on master plans, right-of-way acquisition, or other nonpreservation items.

(3) Systemwide and administrative capital program costs shall be allocated to specific capital projects using a cost allocation plan developed by the department. Systemwide and administrative capital program costs shall be identifiable.

NEW SECTION. Sec. 10. A new section is added to chapter 47.60 RCW to read as follows:

(1) The department shall maintain a life-cycle cost model on capital assets such that:

(a) Available industry standards are used for estimating the life of an asset, and department-adopted standard life cycles derived from the experience of similar public and private entities are used when industry standards are not available;

(b) Standard estimated life is adjusted for asset condition when inspections are made;

(c) It does not include utilities or other systems that are not replaced on a standard life cycle; and

(d) It does not include assets not yet built.

(2) All assets in the life-cycle cost model must be inspected and updated in the life-cycle cost model for asset condition at least every three years.

(3) The life-cycle cost model shall be used when estimating future system preservation needs.

NEW SECTION. Sec. 11. A new section is added to chapter 47.60 RCW to read as follows:

(1) Preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

NEW SECTION. Sec. 12. A new section is added to chapter 47.60 RCW to read as follows:

The department shall develop terminal design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in section 7 of this act; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

NEW SECTION. Sec. 13. A new section is added to chapter 47.60 RCW to read as follows:

The capital plan must adhere to the following:

(1) A current ridership demand forecast;

(2) Vehicle level of service standards as described in RCW 47.06.140;

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(3) Operational strategies as described in section 7 of this act; and

(4) Terminal design standards as described in section 12 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 47.60 RCW to read as follows:

(1) Terminal improvement project funding requests must adhere to the capital plan.

(2) Requests for terminal improvement design and construction funding must be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; and

(g) Identifies all contingency amounts.

NEW SECTION. Sec. 15. A new section is added to chapter 47.60 RCW to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under chapter . . . (Engrossed Substitute House Bill No. 1094), Laws of 2007, as it exists on the effective date of this section, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 47.60.150 (Fixing of charges--Deposit of revenues) and 2003 c 374 s 3, 1999 c 94 s 26, & 1990 c 42 s 405; and

(2) RCW 47.60.326 (Schedule of charges for state ferries--Review by department, factors considered--Rule making by commission) and 2005 c 270 s 1, 2003 c 374 s 4, 2001 1st sp.s. c 1 s 1, 1999 c 94 s 27, 1990 c 42 s 406, 1983 c 15 s 25, & 1981 c 344 s 5."

Senator Spanel spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Haugen to Engrossed Substitute House Bill No. 2358.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "ferries;" strike the remainder of the title and insert "amending RCW 47.06.140,

47.60.290, and 47.60.330; adding new sections to chapter 47.60 RCW; creating a new section; repealing RCW 47.60.150 and 47.60.326; and providing an expiration date."

MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute House Bill No. 2358 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Spanel, Haugen and Swecker spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MOTION

On motion of Senator Brandland, Senators Delvin and Hewitt were excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2358 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2358 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 47

Voting nay: Senator Holmquist - 1

Excused: Senator Delvin - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2007

MR. PRESIDENT:

Under suspension of rules ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841 was returned to second reading for purpose of an amendment: 5841-S2.E AMH SANT H3560.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.210 and 1993 c 336 s 101 are each amended to read as follows:

~~((The goal of the Basic Education Act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and~~

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satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for all students to develop the knowledge and skills essential to:

~~(1) Read with comprehension, write with skill, and communicate effectively and responsibly in a variety of ways and settings;~~

~~(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history; geography; arts; and health and fitness;~~

~~(3) Think analytically, logically, and creatively, and to integrate experience and knowledge to form reasoned judgments and solve problems; and~~

~~(4) Understand the importance of work and how performance, effort, and decisions directly affect future career and educational opportunities.)~~

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

ALL-DAY KINDERGARTEN PROGRAMS--FUNDING.

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

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(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

(3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.630 RCW to read as follows:

PRIMARY LEVEL EDUCATION PROJECTS. Subject to funds appropriated for the purposes of this section:

(1) Four demonstration projects are authorized for schools serving kindergarten through third grade students to develop, implement, and document the effects of a comprehensive K-3 foundations program. At least two demonstration projects shall be in schools that are participating in the public-private early learning partnerships in the Highline and Yakima school districts. A third demonstration project shall be in the Spokane school district.

(2) The superintendent of public instruction shall select project participants based on the criteria in this section, the commitment to a school-wide program, and the degree to which applicants articulate an understanding of development and implementation of a comprehensive K-3 foundations program.

(3) Successful school applicants shall:

(a) Demonstrate that there is engaged and committed school and district leadership and support for the project;

(b) Demonstrate that school staff is engaged and committed and believes in high expectations for all students;

(c) Have a history of successfully using data to guide decision making for students and the program;

(d) Plan for the use of staff learning improvement days to support project implementation;

(e) Demonstrate successful linkages with the early learning providers in their communities;

(f) Outline the steps taken to develop this application and the general plan for implementation of a comprehensive K-3 foundations program; and

(g) Commit to individualized learning opportunities in early grades by using district resources, such as funding under RCW 28A.505.210, to reduce class sizes in grades kindergarten through three.

(4) Program resources provided to demonstration projects are:

(a) Support to implement an all-day kindergarten program;

(b) Support for class sizes at a ratio of one teacher to eighteen students, and the additional resources for materials generated by that ratio through associated nonemployee-related costs;

(c) Support for a one-half full-time equivalent instructional coach; and

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(d) Support for professional development time related to program implementation.

(5) Demonstration projects shall provide:

(a) A program that implements an educational philosophy that supports child-centered learning;

(b) Learning opportunities through personal exploration and discovery, hands-on experiences, and by working independently, in small groups and in large groups;

(c) Rich and varied subject matter that includes: Reading, writing, mathematics, science, social studies, a world language other than English, the arts, and health and physical education;

(d) Opportunities to learn and feel accomplishment, diligence, creativity, and confidence;

(e) Social and emotional development opportunities;

(f) Personalized assessment for each student that addresses academic knowledge and skill development, social and emotional skill development, critical thinking and decision-making skills, large and fine motor skill development, and knowledge of personal interests, strengths, and goals;

(g) For students to progress to the upper elementary grades when a solid foundation is in place and reading and mathematics primary skills have been mastered;

(h) Class sizes that do not exceed one certificated instructional staff to eighteen students; and

(i) Cooperation with project evaluators in an evaluation of the demonstration projects, including providing the data necessary to complete the work.

(6) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct an evaluation of the demonstration projects under this section. Student, staff, program, and parent data shall be collected using various instruments including surveys, program and activity descriptions, student performance measures, observations, and other processes.

(7) Within available funding, findings from the evaluation under this section shall include conclusions regarding the degree to which students thrive in the education environment; student progress in academic, social, and emotional areas; the program components that have been most important to student success; the degree to which educational staff feel accomplished in their work and satisfied with student progress; and recommendations for continued implementation and expansion of the program.

(8) Findings shall be reported to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(9) This section expires September 1, 2010.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.630 RCW to read as follows:

ENGLISH AS A SECOND LANGUAGE PROJECTS. (1) The goals of the English as a second language demonstration project are to develop recommendations:

(a) Identifying foundational competencies for developing academic English skills in English language learner students that all teachers should acquire in initial teacher preparation programs;

(b) Identifying components of a professional development program that builds classroom teacher competence for developing academic English skills in English language learner students; and

(c) Identifying job-embedded practices that connect the English language learner teacher and classroom teachers to coordinate instruction to support the work of the student.

(2) The English as a second language demonstration project shall use two field strategies in the development of recommendations.

(a) The first strategy is to conduct a field study of an ongoing project in a number of schools and school districts in which Spanish is the predominate language other than English.

(b) The second strategy is to conduct a project that provides professional development and planning time resources to approximately three large schools in which there are many first languages among the students. The participants of this project shall partner with an institution of higher education or a professional development provider with expertise in supporting student acquisition of academic English. The superintendent of public instruction shall select the participants in the project under this subsection (2)(b).

(3)(a) The office of the superintendent of public instruction shall contract with the Northwest regional educational laboratory to conduct the field study work and collect additional information from the project schools. In conducting its work, the laboratory shall review current literature regarding best practices and consult with state and national experts as appropriate.

(b) The laboratory shall report its findings to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature. An interim report is due November 1, 2008. The final report is due December 1, 2009.

(4) This section expires September 1, 2010.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.215 RCW to read as follows:

COMMUNITY LEARNING CENTER PROGRAM. (1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, advocacy, and programmatic support to after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

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(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

NEW SECTION. Sec. 6. CAREER PATHWAYS PROGRAMS. (1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall provide grants to support development of career pathways programs in high-demand fields. A portion of the appropriated funds shall be administered by an experienced nonprofit health organization and be used to create health care career pathways with geographically dispersed high school partnerships. The remaining funds shall be used to provide grants to geographically dispersed high school partnerships to create career pathways in the trades, mechanics and engineering, or other field identified by the partnership as high demand and appropriate to meet the workforce education needs in its region.

(2) To be eligible for a grant, high schools must form partnerships of parents, students, special populations, academic and career and technical education teachers and administrators, workforce development faculty and administrators, career guidance and academic counselors, representatives of tech-prep consortia, local workforce development councils, representatives of local skill centers and local skills panels, apprenticeship councils, and business and labor organizations in the community.

(3) Grant recipients must develop and implement a model curriculum for their selected career pathway. Grant funds shall be used for start-up costs, primarily for the development of the curriculum and assessments described in this section and for professional development for teachers. If sufficient funds remain, grant funds may be used to upgrade equipment within the program to meet industry standards.

(4) A career pathways program shall:

(a) Integrate core academic standards for reading, writing, and mathematics with high-quality career and technical preparation based on accepted industry standards in the field;

(b) Incorporate secondary and postsecondary education elements;

(c) Be coherent, sequenced, and articulated to community and technical college courses to provide high school students with dual credit for both high school graduation and college, and to prepare students to succeed in postsecondary education programs in the field;

(d) Lead to an industry-recognized credential or certificate at the postsecondary level or an associate or baccalaureate degree; and

(e) Emphasize projects and application of knowledge and skills and provide extensive opportunities for work-based learning and internships.

(5) Students who are struggling with core academic skills, including the Washington assessment of student learning, shall receive supplemental assistance and instruction within the program, including assistance to create a career and technical collection of evidence as an alternative to the Washington assessment of learning.

(6) Participants in a high-demand career pathways program should expect to complete a high school diploma and the appropriate courses in a high-quality career and technical program and graduate ready to pursue postsecondary education.

(7) With assistance from the office of the superintendent of public instruction and the workforce training and education coordinating board, grant recipients shall develop end-of-program assessments for their high-demand career pathways program. The assessments shall be integrated to include academic, work readiness, and technical knowledge and skills. The legislature's intent is to use these assessments as prototypes for possible future additional alternative assessments for career and technical education students to demonstrate they meet the state's learning standards.

(8) Grant recipients must develop a communications strategy for parents and students in other area high schools and middle schools to promote the model career pathways programs as a high-quality learning option for students and prepare plans for replication of the programs.

(9) For the purposes of this section, "career pathways program" has the same meaning as a career and technical program of study under P.L. 109-270, the Carl D. Perkins career and technical education improvement act of 2006.

(10) This section expires July 1, 2009.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

WORLD LANGUAGES. Subject to funds appropriated for this purpose, the superintendent of public instruction shall assign at least one full-time equivalent staff position within the office of the superintendent of public instruction to serve as the world language supervisor. The world language supervisor shall have the following duties and responsibilities:

(1) Develop, conduct, and oversee professional development for teachers on grade level expectations, state and national standards, and best practices in instruction for world languages;

(2) Provide technical assistance to schools in designing elementary and middle school language programs, selecting and designing high quality curriculum, and providing professional development;

(3) Advise in the development of online world language courses;

(4) Create a clearinghouse of information and materials to support high quality world language instruction at the elementary and secondary levels;

(5) Secure and implement grants, including federal grants, to enhance world language programs;

(6) Encourage and foster an articulated curriculum for world languages through elementary, secondary, and postsecondary grades;

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(7) Establish and maintain a state database for world language course offerings in schools and school districts;

(8) Implement memoranda of understanding with ministries of education in other countries, including interviewing, selecting, securing visas for, and providing orientation for visiting teachers;

(9) Serve in an advisory capacity on committees or work groups regarding teacher certification, advanced placement programs, and textbook publishing and selection; and

(10) Serve as an education liaison with the business, trade, and economic development communities.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.155 RCW to read as follows:

SAFETY NET. The office of the superintendent of public instruction shall review and streamline the application process to access special education safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvements to the process.

NEW SECTION. Sec. 9. Captions used in this act are not any part of the law."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hobbs moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841.

Senator Hobbs spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hobbs that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841.

The motion by Senator Hobbs carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5841 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5841, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 34

Voting nay: Senators Benton, Brandland, Carrell, Clements, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Stevens, Swecker and Zarelli - 14

Excused: Senator Delvin - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2220 and asks Senate to recede therefrom.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2220.

The President declared the question before the Senate to be motion by Senator Rockefeller that the Senate recede from its position in the Senate amendment(s) to Second Substitute House Bill No. 2220.

The motion by Senator Rockefeller carried and the Senate receded from its position in the Senate amendment(s) to Second Substitute House Bill No. 2220.

MOTION

On motion of Senator Rockefeller, the rules were suspended and Second Substitute House Bill No. 2220 was returned to second reading for the purposes of amendment.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2220, by House Committee on Appropriations (originally sponsored by Representative Lantz)

Regarding shellfish. Revised for 2nd Substitute: Regarding shellfish aquaculture.

The measure was read the second time.

MOTION

Senator Rockefeller moved that the following striking amendment by Senator Rockefeller and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) The sea grant program at the University of Washington shall, consistent with this section, commission a series of scientific research studies that examines the possible effects, including the cumulative effects, of the current prevalent geoduck aquaculture techniques and practices on the natural environment in and around Puget Sound, including the Strait of Juan de Fuca. The sea grant program shall use funding provided from the geoduck aquaculture research account created in section 2 of this act to review existing literature, directly perform research identified as needed, or to enter into and manage contracts with scientific organizations or institutions to accomplish these results.

(2) Prior to entering into a contract with a scientific organization or institution, the sea grant program must:

(a) Analyze, through peer review, the credibility of the proposed party to the contract, including whether the party has credible experience and knowledge and has access to the

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facilities necessary to fully execute the research required by the contract; and

(b) Require that all proposed parties to a contract fully disclose any past, present, or planned future personal or professional connections with the shellfish industry or public interest groups.

(3) All research commissioned under this section must be subjected to a rigorous peer review process prior to being accepted and reported by the sea grant program.

(4) In prioritizing and directing research under this section, the sea grant program shall meet with the department of ecology at least annually and rely on guidance submitted by the department of ecology. The department of ecology shall convene the shellfish aquaculture regulatory committee created in section 4 of this act as necessary to serve as an oversight committee to formulate the guidance provided to the sea grant program. The objective of the oversight committee, and the resulting guidance provided to the sea grant program, is to ensure that the research required under this section satisfies the planning, permitting, and data management needs of the state, to assist in the prioritization of research given limited funding, and to help identify any research that is beneficial to complete other than what is listed in subsection (5) of this section.

(5) To satisfy the minimum requirements of subsection (1) of this section, the sea grant program shall review all scientific research that is existing or in progress that examines the possible effect of currently prevalent geoduck practices, on the natural environment, and prioritize and conduct new studies as needed, to measure and assess the following:

(a) The environmental effects of structures commonly used in the aquaculture industry to protect juvenile geoducks from predation;

(b) The environmental effects of commercial harvesting of geoducks from intertidal geoduck beds, focusing on current prevalent harvesting techniques, including a review of the recovery rates for benthic communities after harvest;

(c) The extent to which geoducks in standard aquaculture tracts alter the ecological characteristics of overlying waters while the tracts are submerged, including impacts on species diversity, and the abundance of other benthic organisms;

(d) Baseline information regarding naturally existing parasites and diseases in wild and cultured geoducks, including whether and to what extent commercial intertidal geoduck aquaculture practices impact the baseline;

(e) Genetic interactions between cultured and wild geoduck, including measurements of differences between cultured geoducks and wild geoducks in terms of genetics and reproductive status; and

(f) The impact of the use of sterile triploid geoducks and whether triploid animals diminish the genetic interactions between wild and cultured geoducks.

(6) If adequate funding is not made available for the completion of all research required under this section, the sea grant program shall consult with the shellfish aquaculture regulatory committee, via the department of ecology, to prioritize which of the enumerated research projects have the greatest cost/benefit ratio in terms of providing information important for regulatory decisions; however, the study identified in subsection (5)(b) of this section shall receive top priority. The prioritization process may include the addition of any new studies that may be appropriate in addition to, or in place of, studies listed in this section.

(7) When appropriate, all research commissioned under this section must address localized and cumulative effects of geoduck aquaculture.

(8) The sea grant program and the University of Washington are prohibited from retaining greater than fifteen percent of any funding provided to implement this section for administrative overhead or other deductions not directly associated with conducting the research required by this section.

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(9) Individual commissioned contracts under this section may address single or multiple components listed for study under this section.

(10) All research commissioned under this section must be completed and the results reported to the appropriate committees of the legislature by December 1, 2013. In addition, the sea grant program shall provide the appropriate committees of the legislature with annual reports updating the status and progress of the ongoing studies that are completed in advance of the 2013 deadline.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

The geoduck aquaculture research account is created in the custody of the state treasurer. All receipts from any legislative appropriations, the aquaculture industry, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the sea grant program for the geoduck research projects identified by section 1 of this act. Only the president of the University of Washington or the president's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 79.135.100 and 1984 c 221 s 10 are each amended to read as follows:

(1) If state-owned aquatic lands are used for aquaculture production or harvesting, rents and fees shall be established through competitive bidding or negotiation.

(2) After an initial twenty-three acres are leased, the department is prohibited from offering leases that would permit the intertidal commercial aquaculture of geoducks on more than fifteen acres of state-owned aquatic lands a year until December 1, 2014.

(3) Any intertidal leases entered into by the department for geoduck aquaculture must be conditioned in such a way that the department can engage in monitoring of the environmental impacts of the lease's execution, without unreasonably diminishing the economic viability of the lease, and that the lease tracts are eligible to be made part of the studies conducted under section 1 of this act.

(4) The department must notify all abutting landowners and any landowner within three hundred feet of the lands to be leased of the intent of the department to lease any intertidal lands for the purposes of geoduck aquaculture.

NEW SECTION. Sec. 4. (1) The shellfish aquaculture regulatory committee is established to, consistent with this section, serve as an advisory body to the department of ecology on regulatory processes and approvals for all current and new shellfish aquaculture activities, and the activities conducted pursuant to RCW 90.58.060, as the activities relate to shellfish. The shellfish aquaculture regulatory committee is advisory in nature, and no vote or action of the committee may overrule existing statutes, regulations, or local ordinances.

(2) The shellfish aquaculture regulatory committee shall develop recommendations as to:

(a) A regulatory system or permit process for all current and new shellfish aquaculture projects and activities that integrates all applicable existing local, state, and federal regulations and is efficient both for the regulators and the regulated; and

(b) Appropriate guidelines for geoduck aquaculture operations to be included in shoreline master programs under section 5 of this act. When developing the recommendations for guidelines under this subsection, the committee must examine the following:

(i) Methods for quantifying and reducing marine litter; and

(ii) Possible landowner notification policies and requirements for establishing new geoduck aquaculture farms.

(3)(a) The members of the shellfish aquaculture regulatory committee shall be appointed by the director of the department of ecology as follows:

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(i) Two representatives of county government, one from a county located on the Puget Sound, and one from a county located on the Pacific Ocean;

(ii) Two individuals who are professionally engaged in the commercial aquaculture of shellfish, one who owns or operates an aquatic farm in Puget Sound, and one who owns or operates an aquatic farm in state waters other than the Puget Sound;

(iii) Two representatives of organizations representing the environmental community;

(iv) Two individuals who own shoreline property, one of which does not have a commercial geoduck operation on his or her property and one of which who does have a commercial geoduck operation on his or her property; and

(v) One representative each from the following state agencies: The department of ecology, the department of fish and wildlife, the department of agriculture, and the department of natural resources.

(b) In addition to the other participants listed in this subsection, the governor shall invite the full participation of two tribal governments, at least one of which is located within the drainage of the Puget Sound.

(4) The department of ecology shall provide administrative and clerical assistance to the shellfish aquaculture regulatory committee and all agencies listed in subsection (3) of this section shall provide technical assistance.

(5) Nonagency members of the shellfish aquaculture regulatory committee will not be compensated, but are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) Any participation by a Native American tribe on the shellfish aquaculture regulatory committee shall not, under any circumstances, be viewed as an admission by the tribe that any of its activities, or those of its members, are subject to any of the statutes, regulations, ordinances, standards, or permit systems reviewed, considered, or proposed by the committee.

(7) The shellfish aquaculture regulatory committee is authorized to form technical advisory panels as needed and appoint to them members not on the shellfish aquaculture regulatory committee.

(8) The department of ecology shall report the recommendations and findings of the shellfish aquaculture regulatory committee to the appropriate committees of the legislature by December 1, 2007, with a further report, if necessary, by December 1, 2008.

NEW SECTION. Sec. 5. (1) The department of ecology shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under this section. The guidelines adopted under this section must be prepared with the advice of the shellfish aquaculture regulatory committee created in section 4 of this act, which shall serve as the advisory committee for the development of the guidelines.

(2) The guidelines required under this section must be filed for public review and comment no later than six months after the delivery of the final report by the shellfish aquaculture regulatory committee created in section 4 of this act.

(3) The department of ecology shall update the guidelines required under this section, as necessary, after the completion of the geoduck research by the sea grant program at the University of Washington required under section 1 of this act.

Sec. 6. RCW 77.115.040 and 1993 sp.s. c 2 s 58 are each amended to read as follows:

(1) All aquatic farmers, as defined in RCW 15.85.020, shall register with the department. The director shall assign each aquatic farm a unique registration number and develop and maintain in an electronic database a registration list of all aquaculture farms. The department shall establish procedures to annually update the aquatic farmer information contained in the registration list. The department shall coordinate with the department of health using shellfish growing area certification data when updating the registration list.

(2) Registered aquaculture farms shall provide the department ((production statistical data)) with the following information:

(a) The name of the aquatic farmer;

(b) The address of the aquatic farmer;

(c) Contact information such as telephone, fax, web site, and email address, if available;

(d) The number and location of acres under cultivation, including a map displaying the location of the cultivated acres;

(e) The name of the landowner of the property being cultivated or otherwise used in the aquatic farming operation;

(f) The private sector cultured aquatic product being propagated, farmed, or cultivated; and

(g) Statistical production data.

(3) The state veterinarian shall be provided with registration and statistical data by the department."

Senator Rockefeller spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Rockefeller and others to Second Substitute House Bill No. 2220.

The motion by Senator Rockefeller carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "shellfish;" strike the remainder of the title and insert "amending RCW 79.135.100 and 77.115.040; adding new sections to chapter 28B.20 RCW; and creating new sections."

MOTION

On motion of Senator Rockefeller, the rules were suspended, Second Substitute House Bill No. 2220 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rockefeller and Morton spoke in favor of passage of the bill.

MOTION

On motion of Senator Brandland, Senator Hewitt was excused.

MOTION

On motion of Senator Regala, Senator McAuliffe was excused.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2220 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2220 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler,

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Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Voting nay: Senator Holmquist - 1

Excused: Senators Delvin, Hewitt and McAuliffe - 3

SECOND SUBSTITUTE HOUSE BILL NO. 2220 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, Second Substitute House Bill No. 2220 was immediately transmitted to the House of Representatives.

MOTION

At 2:03 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:27 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, with the following amendment: 5372-S.E AMH UPTH H3493.2

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. (1) The legislature finds that:

(a) Puget Sound, including Hood Canal, and the waters that flow to it are a national treasure and a unique resource. Residents enjoy a way of life centered around these waters that depends upon clean and healthy marine and freshwater resources.

(b) Puget Sound is in serious decline, and Hood Canal is in a serious crisis. This decline is indicated by loss of and damage to critical habitat, rapid decline in species populations, increases in aquatic nuisance species, numerous toxics contaminated sites, urbanization and attendant storm water drainage, closure of beaches to shellfish harvest due to disease risks, low-dissolved oxygen levels causing death of marine life, and other phenomena. If left unchecked, these conditions will worsen.

(c) Puget Sound must be restored and protected in a more coherent and effective manner. The current system is highly fragmented. Immediate and concerted action is necessary by all levels of government working with the public, nongovernmental organizations, and the private sector to ensure a thriving natural system that exists in harmony with a vibrant economy.

(d) Leadership, accountability, government transparency, thoughtful and responsible spending of public funds, and public involvement will be integral to the success of efforts to restore and protect Puget Sound.

(2) The legislature therefore creates a new Puget Sound partnership to coordinate and lead the effort to restore and protect Puget Sound, and intends that all governmental entities, including federal and state agencies, tribes, cities, counties, ports, and special purpose districts, support and help implement the partnership's restoration efforts. The legislature further intends that the partnership will:

(a) Define a strategic action agenda prioritizing necessary actions, both basin-wide and within specific areas, and creating an approach that addresses all of the complex connections

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among the land, water, web of species, and human needs. The action agenda will be based on science and include clear, measurable goals for the recovery of Puget Sound by 2020;

(b) Determine accountability for performance, oversee the efficiency and effectiveness of money spent, educate and engage the public, and track and report results to the legislature, the governor, and the public;

(c) Not have regulatory authority, nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(3) It is the goal of the state that the health of Puget Sound be restored by 2020.

Sec. 2. RCW 90.71.010 and 1996 c 138 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~("Action team" means the Puget Sound water quality action team;~~

~~(2) "Chair" means the chair of the action team;~~

~~(3) "Council" means the Puget Sound council created in RCW 90.71.030;~~

~~(4) "Puget Sound management plan" means the 1994 Puget Sound water quality management plan as it exists June 30, 1996, and as subsequently amended by the action team;~~

~~(5) "Support staff" means the staff to the action team;~~

~~(6) "Work plan" means the work plan and budget developed by the action team;)~~ "Action agenda" means the comprehensive schedule of projects, programs, and other activities designed to achieve a healthy Puget Sound ecosystem that is authorized and further described in sections 12 and 13 of this act.

(2) "Action area" means the geographic areas delineated as provided in section 8 of this act.

(3) "Benchmarks" means measurable interim milestones or achievements established to demonstrate progress towards a goal, objective, or outcome.

(4) "Board" means the ecosystem coordination board.

(5) "Council" means the leadership council.

(6) "Environmental indicator" means a physical, biological, or chemical measurement, statistic, or value that provides a proximate gauge, or evidence of, the state or condition of Puget Sound.

(7) "Implementation strategies" means the strategies incorporated on a biennial basis in the action agenda developed under section 13 of this act.

(8) "Nearshore" means the area beginning at the crest of coastal bluffs and extending seaward through the marine photics zone, and to the head of tide in coastal rivers and streams. "Nearshore" also means both shoreline and estuaries.

(9) "Panel" means the Puget Sound science panel.

(10) "Partnership" means the Puget Sound partnership.

(11) "Puget Sound" means Puget Sound and related inland marine waters, including all salt waters of the state of Washington inside the international boundary line between Washington and British Columbia, and lying east of the junction of the Pacific Ocean and the Strait of Juan de Fuca, and the rivers and streams draining to Puget Sound as mapped by water resource inventory areas 1 through 19 in WAC 173-500-040 as it exists on the effective date of this section.

(12) "Puget Sound partner" means an entity that has been recognized by the partnership, as provided in section 16 of this act, as having consistently achieved outstanding progress in implementing the 2020 action agenda.

(13) "Watershed groups" means all groups sponsoring or administering watershed programs, including but not limited to local governments, private sector entities, watershed planning units, watershed councils, shellfish protection areas, regional fishery enhancement groups, marine resource committees including those working with the northwest straits commission, nearshore groups, and watershed lead entities.

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(14) "Watershed programs" means and includes all watershed-level plans, programs, projects, and activities that relate to or may contribute to the protection or restoration of Puget Sound waters. Such programs include jurisdiction-wide programs regardless of whether more than one watershed is addressed.

NEW SECTION. Sec. 3. PUGET SOUND PARTNERSHIP--AGENCY CREATED. An agency of state government, to be known as the Puget Sound partnership, is created to oversee the restoration of the environmental health of Puget Sound by 2020. The agency shall consist of a leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel.

NEW SECTION. Sec. 4. LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES. (1) The partnership shall be led by a leadership council composed of seven members appointed by the governor, with the advice and consent of the senate. The governor shall appoint members who are publicly respected and influential, are interested in the environmental and economic prosperity of Puget Sound, and have demonstrated leadership qualities. The governor shall designate one of the seven members to serve as chair and a vice-chair shall be selected annually by the membership of the council.

(2) The initial members shall be appointed as follows:

(a) Three of the initial members shall be appointed for a term of two years;

(b) Two of the initial members shall be appointed for a term of three years; and

(c) Two of the initial members shall be appointed for a term of four years.

(3) The initial members' successors shall be appointed for terms of four years each, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

(4) Members of the council are eligible for reappointment.

(5) Any member of the council may be removed by the governor for cause.

(6) Members whose terms expire shall continue to serve until reappointed or replaced by a new member.

(7) A majority of the council constitutes a quorum for the transaction of business.

(8) Council decisions and actions require majority vote approval of all council members.

NEW SECTION. Sec. 5. LEADERSHIP COUNCIL--POWERS AND DUTIES. (1) The leadership council shall have the power and duty to:

(a) Provide leadership and have responsibility for the functions of the partnership, including adopting, revising, and guiding the implementation of the action agenda, allocating funds for Puget Sound recovery, providing progress and other reports, setting strategic priorities and benchmarks, adopting and applying accountability measures, and making appointments to the board and panel;

(b) Adopt rules, in accordance with chapter 34.05 RCW;

(c) Create subcommittees and advisory committees as appropriate to assist the council;

(d) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions to effectuate the purposes of this chapter;

(e) Make grants to governmental and nongovernmental entities to effectuate the purposes of this chapter;

(f) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the partnership to effectuate the purposes of this chapter;

(g) Promote extensive public awareness, education, and participation in Puget Sound protection and recovery;

(h) Work collaboratively with the Hood Canal coordinating council established in chapter 90.88 RCW on Hood Canal-specific issues;

(i) Maintain complete and consolidated financial information to ensure that all funds received and expended to implement the action agenda have been accounted for; and

(j) Such other powers and duties as are necessary and appropriate to carry out the provisions of this chapter.

(2) The council may delegate functions to the chair and to the executive director, however the council may not delegate its decisional authority regarding developing or amending the action agenda.

(3) The council shall work closely with existing organizations and all levels of government to ensure that the action agenda and its implementation are scientifically sound, efficient, and achieve necessary results to accomplish recovery of Puget Sound to health by 2020.

(4) The council shall support, engage, and foster collaboration among watershed groups to assist in the recovery of Puget Sound.

(5) When working with federally recognized Indian tribes to develop and implement the action agenda, the council shall conform to the procedures and standards required in a government-to-governmental relationship with tribes under the 1989 Centennial Accord between the state of Washington and the sovereign tribal governments in the state of Washington.

(6) Members of the council shall be compensated in accordance with RCW 43.03.220 and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 6. EXECUTIVE DIRECTOR--POWERS AND DUTIES. (1) The partnership shall be administered by an executive director who serves as a communication link between all levels of government, the private sector, tribes, nongovernmental organizations, the council, the board, and the panel. The executive director shall be accountable to the council and the governor for effective communication, actions, and results.

(2) The executive director shall be appointed by and serve at the pleasure of the governor, in consultation with the council. The governor shall consider the recommendations of the council when appointing the executive director.

(3) The executive director shall have complete charge of and supervisory powers over the partnership, subject to the guidance from the council.

(4) The executive director shall employ a staff, who shall be state employees under Title 41 RCW.

(5) Upon approval of the council, the executive director may take action to create a private nonprofit entity, which may take the form of a nonprofit corporation, to assist the partnership in restoring Puget Sound by:

(a) Raising money and other resources through charitable giving, donations, and other appropriate mechanisms;

(b) Engaging and educating the public regarding Puget Sound's health, including efforts and opportunities to restore Puget Sound ecosystems; and

(c) Performing other similar activities as directed by the partnership.

NEW SECTION. Sec. 7. ECOSYSTEM COORDINATION BOARD. (1) The council shall convene the ecosystem coordination board not later than October 1, 2007.

(2) The board shall consist of the following:

(a) One representative from the geographic area of each of the action areas specified in section 8 of this act, appointed by the council. The council shall solicit nominations from, at a minimum, counties, cities, and watershed groups;

(b) Two members representing general business interests, one of whom shall represent in-state general small business interests, both appointed by the council;

(c) Two members representing environmental interests, appointed by the council;

(d) Three representatives of tribal governments located in Puget Sound, invited by the governor to participate as members of the board;

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(e) One representative each from counties, cities, and port districts, appointed by the council from nominations submitted by statewide associations representing such local governments;

(f) Three representatives of state agencies with environmental management responsibilities in Puget Sound, representing the interests of all state agencies, one of whom shall be the commissioner of public lands or his or her designee; and

(g) Three representatives of federal agencies with environmental management responsibilities in Puget Sound, representing the interests of all federal agencies and invited by the governor to participate as members of the board.

(3) The president of the senate shall appoint two senators, one from each major caucus, as legislative liaisons to the board. The speaker of the house of representatives shall appoint two representatives, one from each major caucus, as legislative liaisons to the board.

(4) The board shall elect one of its members as chair, and one of its members as vice-chair.

(5) The board shall advise and assist the council in carrying out its responsibilities in implementing this chapter, including development and implementation of the action agenda. The board's duties include:

(a) Assisting cities, counties, ports, tribes, watershed groups, and other governmental and private organizations in the compilation of local programs for consideration for inclusion in the action agenda as provided in section 8 of this act;

(b) Upon request of the council, reviewing and making recommendations regarding activities, projects, and programs proposed for inclusion in the action agenda, including assessing existing ecosystem scale management, restoration and protection plan elements, activities, projects, and programs for inclusion in the action agenda;

(c) Seeking public and private funding and the commitment of other resources for plan implementation;

(d) Assisting the council in conducting public education activities regarding threats to Puget Sound and about local implementation strategies to support the action agenda; and

(e) Recruiting the active involvement of and encouraging the collaboration and communication among governmental and nongovernmental entities, the private sector, and citizens working to achieve the recovery of Puget Sound.

(6) Members of the board, except for federal and state employees, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. INTEGRATING WATERSHED PROGRAMS AND ECOSYSTEM SCALE PLANS INTO THE ACTION AGENDA. (1) The partnership shall develop the action agenda in part upon the foundation of existing watershed programs that address or contribute to the health of Puget Sound. To ensure full consideration of these watershed programs in a timely manner to meet the required date for adoption of the action agenda, the partnership shall rely largely upon local watershed groups, tribes, cities, counties, special purpose districts, and the private sector, who are engaged in developing and implementing these programs.

(2) The partnership shall organize this work by working with these groups in the following geographic action areas of Puget Sound, which collectively encompass all of the Puget Sound basin and include the areas draining to the marine waters in these action areas:

- (a) Strait of Juan de Fuca;
- (b) The San Juan Islands;
- (c) Whidbey Island;
- (d) North central Puget Sound;
- (e) South central Puget Sound;
- (f) South Puget Sound; and
- (g) Hood Canal.

(3) The council shall define the geographic delineations of these action areas based upon the common issues and interests of the entities in these action areas, and upon the characteristics

of the Sound's physical structure, and the water flows into and within the Sound.

(4) The executive director, working with the board representatives from each action area, shall invite appropriate tribes, local governments, and watershed groups to convene for the purpose of compiling the existing watershed programs relating or contributing to the health of Puget Sound. The participating groups should work to identify the applicable local plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda. This may include a prioritization among plan elements, projects, and programs.

(5) The partnership may provide assistance to watershed groups in those action areas that are developing and implementing programs included within the action agenda, and to improve coordination among the groups to improve and accelerate the implementation of the action agenda.

(6) The executive director, working with the board, shall also compile and assess ecosystem scale management, restoration, and protection plans for the Puget Sound basin.

(a) At a minimum, the compilation shall include the Puget Sound nearshore estuary project, clean-up plans for contaminated aquatic lands and shorelands, aquatic land management plans, state resource management plans, habitat conservation plans, and recovery plans for salmon, orca, and other species in Puget Sound that are listed under the federal endangered species act.

(b) The board should work to identify and assess applicable ecosystem scale plan elements, projects, and programs, together with estimated budget, timelines, and proposed funding sources, that are suitable for adoption into the action agenda.

(c) When the board identifies conflicts or disputes among ecosystem scale projects or programs, the board may convene the agency managers in an attempt to reconcile the conflicts with the objective of advancing the protection and recovery of Puget Sound.

(d) If it determines that doing so will increase the likelihood of restoring Puget Sound by 2020, the partnership may explore the utility of federal assurances under the endangered species act, 16 U.S.C. Sec. 1531 et seq., and shall confer with the federal services administering that act.

(7) The executive director shall integrate and present the proposed elements from watershed programs and ecosystem-level plans to the council for consideration for inclusion in the action agenda not later than July 1, 2008.

NEW SECTION. Sec. 9. SCIENCE PANEL--CREATED.

(1) The council shall appoint a nine-member Puget Sound science panel to provide independent, nonrepresentational scientific advice to the council and expertise in identifying environmental indicators and benchmarks for incorporation into the action agenda.

(2) In establishing the panel, the council shall request the Washington academy of sciences, created in chapter 70.220 RCW, to nominate fifteen scientists with recognized expertise in fields of science essential to the recovery of Puget Sound. Nominees should reflect the full range of scientific and engineering disciplines involved in Puget Sound recovery. At a minimum, the Washington academy of sciences shall consider making nominations from scientists associated with federal, state, and local agencies, tribes, the business and environmental communities, members of the K-12, college, and university communities, and members of the board. The solicitation should be to all sectors, and candidates may be from all public and private sectors. Persons nominated by the Washington academy of sciences must disclose any potential conflicts of interest, and any financial relationship with any leadership council member, and disclose sources of current financial support and contracts relating to Puget Sound recovery.

(3) The panel shall select a chair and a vice-chair. Panel members shall serve four-year terms, except that the council shall determine initial terms of two, three, and four years to

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provide for staggered terms. The council shall determine reappointments and select replacements or additional members of the panel. No panel member may serve longer than twelve years.

(4) The executive director shall designate a lead staff scientist to coordinate panel actions, and administrative staff to support panel activities. The legislature intends to provide ongoing funding for staffing of the panel to ensure that it has sufficient capacity to provide independent scientific advice.

(5) The executive director of the partnership and the science panel shall explore a shared state and federal responsibility for the staffing and administration of the panel. In the event that a federally sponsored Puget Sound recovery office is created, the council may propose that such office provide for staffing and administration of the panel.

(6) The panel shall assist the council in developing and revising the action agenda, making recommendations to the action agenda, and making recommendations to the council for updates or revisions.

(7) Members of the panel shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060, and based upon the availability of funds, the council may contract with members of the panel for compensation for their services under chapter 39.29 RCW. If appointees to the panel are employed by the federal, state, tribal, or local governments, the council may enter into interagency personnel agreements.

NEW SECTION. Sec. 10. SCIENCE PANEL--FUNCTIONS AND DUTIES. (1) The panel shall:

(a) Assist the council, board, and executive director in carrying out the obligations of the partnership, including preparing and updating the action agenda;

(b) As provided in section 11 of this act, assist the partnership in developing an ecosystem level strategic science program that:

(i) Addresses monitoring, modeling, data management, and research; and

(ii) Identifies science gaps and recommends research priorities;

(c) Develop and provide oversight of a competitive peer-reviewed process for soliciting, strategically prioritizing, and funding research and modeling projects;

(d) Provide input to the executive director in developing biennial implementation strategies; and

(e) Offer an ecosystem-wide perspective on the science work being conducted in Puget Sound and by the partnership.

(2) The panel should collaborate with other scientific groups and consult other scientists in conducting its work. To the maximum extent possible, the panel should seek to integrate the state-sponsored Puget Sound science program with the Puget Sound science activities of federal agencies, including working toward an integrated research agenda and Puget Sound science work plan.

(3) By July 31, 2008, the panel shall identify environmental indicators measuring the health of Puget Sound, and recommend environmental benchmarks that need to be achieved to meet the goals of the action agenda. The council shall confer with the panel on incorporating the indicators and benchmarks into the action agenda.

NEW SECTION. Sec. 11. SCIENCE PANEL--PROGRAMS, UPDATES, AND WORK PLANS. (1) The strategic science program shall be developed by the panel with assistance and staff support provided by the executive director. The science program may include:

(a) Continuation of the Puget Sound assessment and monitoring program, as provided in RCW 90.71.060, as well as other monitoring or modeling programs deemed appropriate by the executive director;

(b) Development of a monitoring program, in addition to the provisions of RCW 90.71.060, including baselines, protocols, guidelines, and quantifiable performance measures, to be recommended as an element of the action agenda;

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(c) Recommendations regarding data collection and management to facilitate easy access and use of data by all participating agencies and the public; and

(d) A list of critical research needs.

(2) The strategic science program may not become an official document until a majority of the members of the council votes for its adoption.

(3) A Puget Sound science update shall be developed by the panel with assistance and staff support provided by the executive director. The panel shall submit the initial update to the executive director by April 2010, and subsequent updates as necessary to reflect new scientific understandings. The update shall:

(a) Describe the current scientific understanding of various physical attributes of Puget Sound;

(b) Serve as the scientific basis for the selection of environmental indicators measuring the health of Puget Sound; and

(c) Serve as the scientific basis for the status and trends of those environmental indicators.

(4) The executive director shall provide the Puget Sound science update to the Washington academy of sciences, the governor, and appropriate legislative committees, and include:

(a) A summary of information in existing updates; and

(b) Changes adopted in subsequent updates and in the state of the Sound reports produced pursuant to section 19 of this act.

(5) A biennial science work plan shall be developed by the panel, with assistance and staff support provided by the executive director, and approved by the council. The biennial science work plan shall include, at a minimum:

(a) Identification of recommendations from scientific and technical reports relating to Puget Sound;

(b) A description of the Puget Sound science-related activities being conducted by various entities in the region, including studies, models, monitoring, research, and other appropriate activities;

(c) A description of whether the ongoing work addresses the recommendations and, if not, identification of necessary actions to fill gaps;

(d) Identification of specific biennial science work actions to be done over the course of the work plan, and how these actions address science needs in Puget Sound; and

(e) Recommendations for improvements to the ongoing science work in Puget Sound.

NEW SECTION. Sec. 12. ACTION AGENDA--GOALS AND OBJECTIVES. (1) The action agenda shall consist of the goals and objectives in this section, implementation strategies to meet measurable outcomes, benchmarks, and identification of responsible entities. By 2020, the action agenda shall strive to achieve the following goals:

(a) A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;

(b) A quality of human life that is sustained by a functioning Puget Sound ecosystem;

(c) Healthy and sustaining populations of native species in Puget Sound, including a robust food web;

(d) A healthy Puget Sound where freshwater, estuary, near shore, marine, and upland habitats are protected, restored, and sustained;

(e) An ecosystem that is supported by ground water levels as well as river and stream flow levels sufficient to sustain people, fish, and wildlife, and the natural functions of the environment;

(f) Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, shellfish harvest and consumption, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish of the region.

(2) The action agenda shall be developed and implemented to achieve the following objectives:

(a) Protect existing habitat and prevent further losses;

(b) Restore habitat functions and values;

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(c) Significantly reduce toxics entering Puget Sound fresh and marine waters;

(d) Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;

(e) Improve water quality and habitat by managing storm water runoff;

(f) Provide water for people, fish and wildlife, and the environment;

(g) Protect ecosystem biodiversity and recover imperiled species; and

(h) Build and sustain the capacity for action.

NEW SECTION. Sec. 13. ACTION AGENDA--DEVELOPMENT AND ELEMENTS. (1) The council shall develop a science-based action agenda that leads to the recovery of Puget Sound by 2020 and achievement of the goals and objectives established in section 12 of this act. The action agenda shall:

(a) Address all geographic areas of Puget Sound including upland areas and tributary rivers and streams that affect Puget Sound;

(b) Describe the problems affecting Puget Sound's health using supporting scientific data, and provide a summary of the historical environmental health conditions of Puget Sound so as to determine past levels of pollution and restorative actions that have established the current health conditions of Puget Sound;

(c) Meet the goals and objectives described in section 12 of this act, including measurable outcomes for each goal and objective specifically describing what will be achieved, how it will be quantified, and how progress towards outcomes will be measured. The action agenda shall include near-term and long-term benchmarks designed to ensure continuous progress needed to reach the goals, objectives, and designated outcomes by 2020. The council shall consult with the panel in developing these elements of the plan;

(d) Identify and prioritize the strategies and actions necessary to restore and protect Puget Sound and to achieve the goals and objectives described in section 12 of this act;

(e) Identify the agency, entity, or person responsible for completing the necessary strategies and actions, and potential sources of funding;

(f) Include prioritized actions identified through the assembled proposals from each of the seven action areas and the identification and assessment of ecosystem scale programs as provided in section 8 of this act;

(g) Include specific actions to address aquatic rehabilitation zone one, as defined in RCW 90.88.010;

(h) Incorporate any additional goals adopted by the council; and

(i) Incorporate appropriate actions to carry out the biennial science work plan created in section 11 of this act.

(2) In developing the action agenda and any subsequent revisions, the council shall, when appropriate, incorporate the following:

(a) Water quality, water quantity, sediment quality, watershed, marine resource, and habitat restoration plans created by governmental agencies, watershed groups, and marine and shoreline groups. The council shall consult with the board in incorporating these plans;

(b) Recovery plans for salmon, orca, and other species in Puget Sound listed under the federal endangered species act;

(c) Existing plans and agreements signed by the governor, the commissioner of public lands, other state officials, or by federal agencies;

(d) Appropriate portions of the Puget Sound water quality management plan existing on the effective date of this section.

(3) Until the action agenda is adopted, the existing Puget Sound management plan and the 2007-09 Puget Sound biennial plan shall remain in effect. The existing Puget Sound management plan shall also continue to serve as the comprehensive conservation and management plan for the purposes of the national estuary program described in section

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320 of the federal clean water act, until replaced by the action agenda and approved by the United States environmental protection agency as the new comprehensive conservation and management plan.

(4) The council shall adopt the action agenda by September 1, 2008. The council shall revise the action agenda as needed, and revise the implementation strategies every two years using an adaptive management process informed by tracking actions and monitoring results in Puget Sound. In revising the action agenda and the implementation strategies, the council shall consult the panel and the board and provide opportunity for public review and comment. Biennial updates shall:

(a) Contain a detailed description of prioritized actions necessary in the biennium to achieve the goals, objectives, outcomes, and benchmarks of progress identified in the action agenda;

(b) Identify the agency, entity, or person responsible for completing the necessary action; and

(c) Establish biennial benchmarks for near-term actions.

(5) The action agenda shall be organized and maintained in a single document to facilitate public accessibility to the plan.

NEW SECTION. Sec. 14. DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.(1) State agencies responsible for implementing elements of the action agenda shall:

(a) Provide to the partnership by June 1st of each even-numbered year their estimates of the actions and the budget resources needed for the forthcoming biennium to implement their portion of the action agenda; and

(b) Work with the partnership in the development of biennial budget requests to achieve consistency with the action agenda to be submitted to the governor for consideration in the governor's biennial budget request. The agencies shall seek the concurrence of the partnership in the proposed funding levels and sources included in this proposed budget.

(2) If a state agency submits an amount different from that developed in subsection (1)(a) of this section as part of its biennial budget request, the partnership and state agency shall jointly identify the differences and the reasons for these differences and present this information to the office of financial management by October 1st of each even-numbered year.

NEW SECTION. Sec. 15. FUNDING FROM PARTNERSHIP--ACCOUNTABILITY. (1) Any funding made available directly to the partnership from the Puget Sound recovery account created in section 23 of this act and used by the partnership for loans, grants, or funding transfers to other entities shall be prioritized according to the action agenda developed pursuant to section 13 of this act.

(2) The partnership shall condition, with interagency agreements, any grants or funding transfers to other entities from the Puget Sound recovery account to ensure accountability in the expenditure of the funds and to ensure that the funds are used by the recipient entity in the manner determined by the partnership to be the most consistent with the priorities of the action agenda. Any conditions placed on federal funding under this section shall incorporate and be consistent with requirements under signed agreements between the entity and the federal government.

(3) If the partnership finds that the provided funding was not used as instructed in the interagency agreement, the partnership may suspend or further condition future funding to the recipient entity.

(4) The partnership shall require any entity that receives funds for implementing the action agenda to publicly disclose and account for expenditure of those funds.

NEW SECTION. Sec. 16. IMPLEMENTATION--FISCAL ACCOUNTABILITY. (1) The legislature intends that fiscal incentives and disincentives be used as accountability measures designed to achieve consistency with the action agenda by:

(a) Ensuring that projects and activities in conflict with the action agenda are not funded;

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(b) Aligning environmental investments with strategic priorities of the action agenda; and

(c) Using state grant and loan programs to encourage consistency with the action agenda.

(2) The council shall adopt measures to ensure that funds appropriated for implementation of the action agenda and identified by proviso or specifically referenced in the omnibus appropriations act pursuant to RCW 43.88.030(1)(g) are expended in a manner that will achieve the intended results. In developing such performance measures, the council shall establish criteria for the expenditure of the funds consistent with the responsibilities and timelines under the action agenda, and require reporting and tracking of funds expended. The council may adopt other measures, such as requiring interagency agreements regarding the expenditure of provided or specifically referenced Puget Sound funds.

(3) The partnership shall work with other state agencies providing grant and loan funds or other financial assistance for projects and activities that impact the health of the Puget Sound ecosystem under chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and 90.50A RCW to, within the authorities of the programs, develop consistent funding criteria that prohibits funding projects and activities that are in conflict with the action agenda.

(4) The partnership shall develop a process and criteria by which entities that consistently achieve outstanding progress in implementing the action agenda are designated as Puget Sound partners. State agencies shall work with the partnership to revise their grant, loan, or other financial assistance allocation criteria to create a preference for entities designated as Puget Sound partners for funds allocated to the Puget Sound basin, pursuant to RCW 43.155.070, 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520, and 90.50A.040. This process shall be developed on a timeline that takes into consideration state grant and loan funding cycles.

(5) Any entity that receives state funds to implement actions required in the action agenda shall report biennially to the council on progress in completing the action and whether expected results have been achieved within the time frames specified in the action agenda.

NEW SECTION. Sec. 17. ACCOUNTABILITY FOR IMPLEMENTATION. (1) The council is accountable for achieving the action agenda. The legislature intends that all governmental entities within Puget Sound will exercise their existing authorities to implement the applicable provisions of the action agenda.

(2) The partnership shall involve the public and implementing entities to develop standards and processes by which the partnership will determine whether implementing entities are taking actions consistent with the action agenda and achieving the outcomes identified in the action agenda. Among these measures, the council may hold management conferences with implementing entities to review and assess performance in undertaking implementation strategies with a particular focus on compliance with and enforcement of existing laws. Where the council identifies an inconsistency with the action agenda, the council shall offer support and assistance to the entity with the objective of remedying the inconsistency. The results of the conferences shall be included in the state of the Sound report required under section 19 of this act.

(3) In the event the council determines that an entity is in substantial noncompliance with the action agenda, it shall provide notice of this finding and supporting information to the entity. The council or executive director shall thereafter meet and confer with the entity to discuss the finding and, if appropriate, develop a corrective action plan. If no agreement is reached, the council shall hold a public meeting to present its findings and the proposed corrective action plan. If the entity is a state agency, the meeting shall include representatives of the governor's office and office of financial management. If the entity is a local government, the meeting shall be held in the

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jurisdiction and electoral representatives from the jurisdictions shall be invited to attend. If, after this process, the council finds that substantial noncompliance continues, the council shall issue written findings and document its conclusions. The council may recommend to the governor that the entity be ineligible for state financial assistance until the substantial noncompliance is remedied. Instances of noncompliance shall be included in the state of the Sound report required under section 19 of this act.

(4) The council shall provide a forum for addressing and resolving problems, conflicts, or a substantial lack of progress in a specific area that it has identified in the implementation of the action agenda, or that citizens or implementing entities bring to the council. The council may use conflict resolution mechanisms such as but not limited to, technical and financial assistance, facilitated discussions, and mediation to resolve the conflict. Where the parties and the council are unable to resolve the conflict, and the conflict significantly impairs the implementation of the action agenda, the council shall provide its analysis of the conflict and recommendations resolution to the governor, the legislature, and to those entities with jurisdictional authority to resolve the conflict.

(5) When the council or an implementing entity identifies a statute, rule, ordinance or policy that conflicts with or is an impediment to the implementation of the action agenda, or identifies a deficiency in existing statutory authority to accomplish an element of the action agenda, the council shall review the matter with the implementing entities involved. The council shall evaluate the merits of the conflict, impediment, or deficiency, and make recommendations to the legislature, governor, agency, local government or other appropriate entity for addressing and resolving the conflict.

(6) The council may make recommendations to the governor and appropriate committees of the senate and house of representatives for local or state administrative or legislative actions to address barriers it has identified to successfully implementing the action agenda.

NEW SECTION. Sec. 18. LIMITATIONS ON AUTHORITY. (1) The partnership shall not have regulatory authority nor authority to transfer the responsibility for, or implementation of, any state regulatory program, unless otherwise specifically authorized by the legislature.

(2) The action agenda may not create a legally enforceable duty to review or approve permits, or to adopt plans or regulations. The action agenda may not authorize the adoption of rules under chapter 34.05 RCW creating a legally enforceable duty applicable to the review or approval of permits or to the adoption of plans or regulations. No action of the partnership may alter the forest practices rules adopted pursuant to chapter 76.09 RCW, or any associated habitat conservation plan. Any changes in forest practices identified by the processes established in this chapter as necessary to fully recover the health of Puget Sound by 2020 may only be realized through the processes established in RCW 76.09.370 and other designated processes established in Title 76 RCW. Nothing in this subsection or subsection (1) of this section limits the accountability provisions of this chapter.

(3) Nothing in this chapter limits or alters the existing legal authority of local governments, nor does it create a legally enforceable duty upon local governments. When a local government proposes to take an action inconsistent with the action agenda, it shall inform the council and identify the reasons for taking the action. If a local government chooses to take an action inconsistent with the action agenda or chooses not to take action required by the action agenda, it will be subject to the accountability measures in this chapter which can be used at the discretion of the council.

NEW SECTION. Sec. 19. REPORTS. (1) By September 1st of each even-numbered year beginning in 2008, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the

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action agenda in the succeeding biennium. The recommendations shall:

- (a) Identify the funding needed by action agenda element;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and
- (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

- (i) The water quality account, chapter 70.146 RCW;
- (ii) The water pollution control revolving fund, chapter 90.50A RCW;
- (iii) The public works assistance account, chapter 43.155 RCW;
- (iv) The aquatic lands enhancement account, RCW 79.105.150;
- (v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;
- (vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;
- (vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;
- (viii) The community economic revitalization board, chapter 43.160 RCW;
- (ix) Other state financial assistance to water quality-related projects and activities; and

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(x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.

(c) The council's review shall include but not be limited to:

(i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;

(ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;

(iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;

(iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;

(v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

NEW SECTION. Sec. 20. BASIN-WIDE RESTORATION PROGRESS. By December 1, 2010, and subject to available funding, the Washington academy of sciences shall conduct an assessment of basin-wide restoration progress. The assessment shall include, but not be limited to, a determination of the extent to which implementation of the action agenda is making progress toward the action agenda goals, and a determination of whether the environmental indicators and benchmarks included in the action agenda accurately measure and reflect progress toward the action agenda goals.

NEW SECTION. Sec. 21. PERFORMANCE AUDIT. (1) The joint legislative audit and review committee shall conduct two performance audits of the partnership, with the first audit to be completed by December 1, 2011, and the second to be completed by December 1, 2016.

(2) The audit shall include but not be limited to:

(a) A determination of the extent to which funds expended by the partnership or provided in biennial budget acts expressly for implementing the action agenda have contributed toward meeting the scientific benchmarks and the recovery goals of the action agenda;

(b) A determination of the efficiency and effectiveness of the partnership's oversight of action agenda implementation, based upon the achievement of the objectives as measured by the established environmental indicators and benchmarks; and

(c) Any recommendations for improvements in the partnership's performance and structure, and to provide accountability for action agenda results by action entities.

(3) The partnership may use the audits as the basis for developing changes to the action agenda, and may submit any recommendations requiring legislative policy or budgetary action to the governor and to the appropriate committees of the senate and house of representatives.

Sec. 22. RCW 90.71.060 and 1996 c 138 s 7 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the ~~((action team shall ensure))~~ panel, with the approval of the council, shall guide the implementation and coordination of ~~((the))~~ a Puget Sound ~~((ambient))~~ assessment and monitoring program ~~((established in the Puget Sound management plan. The program shall include, at a minimum:~~

~~(1) A research program, including but not limited to methods to provide current research information to managers and scientists, and to establish priorities based on the needs of the action team;~~

~~(2) A monitoring program, including baselines, protocols, guidelines, and quantifiable performance measures. In consultation with state agencies, local and tribal governments,~~

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~~and other public and private interests, the action team shall develop and track quantifiable performance measures that can be used by the governor and the legislature to assess the effectiveness over time of programs and actions initiated under the plan to improve and protect Puget Sound water quality and biological resources. The performance measures shall be developed by June 30, 1997. The performance measures shall include, but not be limited to a methodology to track the progress of: Fish and wildlife habitat; sites with sediment contamination; wetlands; shellfish beds; and other key indicators of Puget Sound health. State agencies shall assist the action team in the development and tracking of these performance measures. The performance measures may be limited to a selected geographic area).~~

NEW SECTION. Sec. 23. PUGET SOUND RECOVERY ACCOUNT. The Puget Sound recovery account is created in the state treasury. To the account shall be deposited such funds as the legislature directs or appropriates to the account. Federal grants, gifts, or other financial assistance received by the Puget Sound partnership and other state agencies from nonstate sources for the specific purpose of recovering Puget Sound may be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the protection and recovery of Puget Sound.

Sec. 24. RCW 43.155.070 and 2001 c 131 s 5 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

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(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by section 25 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

~~((e))~~ (e) The cost of the project compared to the size of the local government and amount of loan money available;

~~((f))~~ (f) The number of communities served by or funding the project;

~~((g))~~ (g) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

~~((h))~~ (h) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

~~((i))~~ (i) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

~~((j))~~ (j) Other criteria that the board considers advisable.

(5) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(7) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(8) Subsection (7) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

(9) Loans made for the purpose of capital facilities plans shall be exempted from subsection (7) of this section.

(10) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

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(11) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 43.155 RCW to read as follows:

In developing a priority process for public works projects under RCW 43.155.070, the board shall give preferences only to Puget Sound partners, as defined in RCW 90.71.010, over other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 26. RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by section 27 of this act, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act;

(g) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

~~((f))~~ (h) The recommendations of the Puget Sound ((action team)) partnership created in section 3 of this act and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted

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a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

NEW SECTION. Sec. 27. A new section is added to chapter 70.146 RCW to read as follows:

When making grants or loans for water pollution control facilities under RCW 70.146.070, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 28. RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications(~~(-and the commission shall utilize))~~);

(b) In its grant prioritization and selection process, consider:

(i) The statement of environmental ((benefit[s]) in its grant prioritization and selection process-) benefits;

(ii) Whether, except as conditioned by section 29 of this act, the applicant is a Puget Sound partner, as defined in RCW 90.71.010; and

(iii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act; and

(c) Not provide funding, after January 1, 2010, for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2)(a) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program. (b) The commission shall work with the districts to develop uniform performance measures across participating districts(-) and to the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The commission shall consult with affected interest groups in implementing this section.

NEW SECTION. Sec. 29. A new section is added to chapter 89.08 RCW to read as follows:

When administering water quality and habitat protection grants under this chapter, the commission shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 30. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c)

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penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment. ~~((For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel.))~~

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action

agenda developed by the Puget Sound partnership under section 13 of this act, shall, except as conditioned by section 31 of this act, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. ~~((During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the 2005-2007 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.~~

~~—(b))~~ (c) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

NEW SECTION. Sec. 31. A new section is added to chapter 70.105D RCW to read as follows:

When administering funds under this chapter, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 32. RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121 are each reenacted and amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW

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79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects.

(2) In providing grants for aquatic lands enhancement projects, the ~~((department))~~ interagency committee for outdoor recreation shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications(~~(-and the department shall))~~);

(b) Utilize the statement of environmental benefits, consideration, except as provided in section 33 of this act, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, and whether a project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act, in its prioritization and selection process(~~(-The department shall also))~~); and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

~~((3) During the fiscal biennium ending June 30, 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.))~~ (5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

NEW SECTION. Sec. 33. A new section is added to chapter 79.105 RCW to read as follows:

When administering funds under this chapter, the interagency committee for outdoor recreation shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 34. RCW 79A.15.040 and 2005 c 303 s 3 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the committee to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2)(a) In distributing these funds, the committee retains discretion to meet the most pressing needs for critical habitat,

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natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the committee retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only state agencies may apply for acquisition and development funds for natural areas projects under subsection (1) (b) of this section.

(4) State and local agencies may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

(6)(a) Except as otherwise conditioned by section 35 of this act, the committee shall consider the following in determining distribution priority:

(i) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010; and

(ii) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(7) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

NEW SECTION. Sec. 35. A new section is added to chapter 79A.15 RCW to read as follows:

When administering funds under this chapter, the committee shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 36. RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and 2005 c 257 s 3 are each reenacted and amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060;

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(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat; ~~((and))~~

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in section 37 of this act, sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation; ~~((and))~~

(iv) Involve members of the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050, subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat

protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.

NEW SECTION. Sec. 37. A new section is added to chapter 77.85 RCW to read as follows:

When administering funds under this chapter, the board shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

Sec. 38. RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read as follows:

The department ~~((of ecology))~~ shall use the moneys in the water pollution control revolving fund to provide financial assistance as provided in the water quality act of 1987 and as provided in RCW 90.50A.040:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; and

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act.

(3) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

(4) ((Beginning with the biennium ending June 30, 1997,)) The department shall present a biennial progress report on the use of moneys from the account to the ~~((chairs of the senate committee on ways and means and the house of representatives~~

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~~committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year) appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.~~

(5) The department may not use the moneys in the water pollution control revolving fund for grants.

Sec. 39. RCW 90.50A.040 and 1988 c 284 s 5 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department ~~((of ecology))~~. In administering the fund, the department shall:

(1) ~~Consistent with RCW 90.50A.030 and section 40 of this act, allocate funds for loans in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act;~~

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act; ~~((and))~~

(7) Comply with provisions of the water quality act of 1987; ~~and~~

(8) ~~After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under section 13 of this act.~~

NEW SECTION. Sec. 40. A new section is added to chapter 90.50A RCW to read as follows:

(1) In administering the fund, the department shall give priority consideration to:

(a) A public body that is a Puget Sound partner, as defined in RCW 90.71.010; and

(b) A project that is referenced in the action agenda developed by the Puget Sound partnership under section 13 of this act.

(2) When implementing this section, the department shall give preference only to Puget Sound partners, as defined in RCW 90.71.010, in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed under section 13 of this act, or for any other reason, shall not be given less preferential treatment than Puget Sound partners.

NEW SECTION. Sec. 41. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget Sound action team is hereby abolished and its powers, duties, and functions are hereby transferred to the Puget Sound partnership as consistent with this chapter. All references to the chair or the Puget Sound action team in the Revised Code of Washington shall be construed to mean the executive director or the Puget Sound partnership.

(2)(a) All employees of the Puget Sound action team are transferred to the jurisdiction of the Puget Sound partnership.

(b) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Puget Sound

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action team shall be delivered to the custody of the Puget Sound partnership. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the Puget Sound action team shall be made available to the Puget Sound partnership. All funds, credits, or other assets held by the Puget Sound action team shall be assigned to the Puget Sound partnership.

(c) Any appropriations made to the Puget Sound action team shall, on the effective date of this section, be transferred and credited to the Puget Sound partnership.

(d) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the Puget Sound action team shall be continued and acted upon by the Puget Sound partnership. All existing contracts and obligations shall remain in full force and shall be performed by the Puget Sound partnership.

(4) The transfer of the powers, duties, functions, and personnel of the Puget Sound action team shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

NEW SECTION. Sec. 42. CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

Sec. 43. RCW 90.71.100 and 2001 c 273 s 3 are each amended to read as follows:

(1)(a) ~~The ((action team)) department of health shall ((establish a)) manage the established shellfish - on-site sewage grant program in Puget Sound and for Pacific and Grays Harbor counties. The ((action team)) department of health shall provide funds to local health jurisdictions to be used as grants or loans to individuals for improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.~~

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local health jurisdiction to maintain the improved on-site sewage system according to specifications required by the local health jurisdiction.

(c) ~~The ((action team)) department of health shall work closely with local health jurisdictions and ((shall endeavor)) it shall be the goal of the department of health to attain geographic equity between Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds available under this program.~~

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of health shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC 246-272-01001; ~~((or))~~

(b) Included within a shellfish protection district under chapter 90.72 RCW; or

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(c) Identified as a marine recovery area under chapter 70.118A RCW.

(3) In Grays Harbor and Pacific counties, the ~~((action team))~~ department of health shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The ~~((action team))~~ department of health and each participating local health jurisdiction shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) The ~~((action team))~~ department of health may recover the costs to administer this program not to exceed ten percent of the shellfish - on-site sewage grant program.

(6) ((For the 2001-2003 biennium, the action team may use up to fifty percent of the shellfish - on-site sewage grant program funds for grants to local health jurisdictions to establish areas of special concern under WAC 246-272-01001, or for operation and maintenance programs therein, where commercial and recreational uses are present)) For the 2007-2009 biennium, from the funds received under this section, Pacific county may transfer up to two hundred thousand dollars to the department of fish and wildlife for research identified by the department of fish and wildlife and the appropriate oyster reserve advisory committee under RCW 77.60.160.

Sec. 44. RCW 77.60.160 and 2001 c 273 s 2 are each amended to read as follows:

(1) The oyster reserve land account is created in the state treasury. All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in this section.

(2) Funds in the account shall be used for the purposes provided for in this subsection:

(a) Up to forty percent for the management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands and for the expenses associated with new research and development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection, "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp;

(b) Up to ten percent may be deposited into the state general fund; and

(c) Except as provided in subsection (3) of this section, all remaining funds in the account shall be used for the shellfish - on-site sewage grant program established in RCW 90.71.100.

(3)(a) No later than January 1st of each year, from revenues received from the Willapa bay oyster reserve, the department shall transfer one hundred thousand dollars to the on-site sewage grant program established in RCW 90.71.100 (as recodified by this act).

(b) All remaining revenues received from the Willapa bay oyster reserve shall be used to fund research activities as specified in subsection 2(a) of this section.

NEW SECTION. Sec. 45. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the Puget Sound partnership to the executive director, to one confidential secretary, and to all professional staff.

Sec. 46. RCW 43.17.010 and 2006 c 265 s 111 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the

department of general administration, (9) the department of community, trade, and economic development, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, ~~((and))~~ (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 47. RCW 43.17.020 and 2006 c 265 s 112 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, ~~((and))~~ (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 48. RCW 42.17.2401 and 2006 c 265 s 113 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the director of the interagency committee for outdoor recreation, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College,

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and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, board of trustees of each community college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, interagency committee for outdoor recreation, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, ~~((personnel appeals board,))~~ board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines hearing board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 49. RCW 77.85.090 and 2005 c 309 s 7 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the salmon recovery office as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

Sec. 50. RCW 90.88.005 and 2005 c 478 s 1 are each amended to read as follows:

(1) The legislature finds that Hood Canal is a precious aquatic resource of our state. The legislature finds that Hood Canal is a rich source of recreation, fishing, aquaculture, and aesthetic enjoyment for the citizens of this state. The legislature also finds that Hood Canal has great cultural significance for the tribes in the Hood Canal area. The legislature therefore recognizes Hood Canal's substantial environmental, cultural, economic, recreational, and aesthetic importance in this state.

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(2) The legislature finds that Hood Canal is a marine water of the state at significant risk. The legislature finds that Hood Canal has a "dead zone" related to low-dissolved oxygen concentrations, a condition that has recurred for many years. The legislature also finds that this problem and various contributors to the problem were documented in the May 2004 *Preliminary Assessment and Corrective Action Plan* published by the state agency known as the Puget Sound action team and the Hood Canal coordinating council.

(3) The legislature further finds that significant research, monitoring, and study efforts are currently occurring regarding Hood Canal's low-dissolved oxygen concentrations. The legislature also finds numerous public, private, and community organizations are working to provide public education and identify potential solutions. The legislature recognizes that, while some information and research is now available and some potential solutions have been identified, more research and analysis is needed to fully develop a program to address Hood Canal's low-dissolved oxygen concentrations.

(4) The legislature finds a need exists for the state to take action to address Hood Canal's low-dissolved oxygen concentrations. The legislature also finds establishing an aquatic rehabilitation zone for Hood Canal will serve as a statutory framework for future regulations and programs directed at recovery of this important aquatic resource.

(5) The legislature therefore intends to establish an aquatic rehabilitation zone for Hood Canal as the framework to address Hood Canal's low-dissolved oxygen concentrations. The legislature also intends to incorporate provisions in the new statutory chapter creating the designation as solutions are identified regarding this problem.

Sec. 51. RCW 90.88.020 and 2005 c 479 s 2 are each amended to read as follows:

(1) The development of a program for rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone one.

(2) The Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, is designated as the state lead agency for the rehabilitation program authorized in this section.

(3) The Hood Canal coordinating council is designated as the local management board for the rehabilitation program authorized in this section.

(4) The Puget Sound ~~((action team))~~ partnership and the Hood Canal coordinating council must each approve and must manage projects under the rehabilitation program authorized in this section.

Sec. 52. RCW 90.88.030 and 2005 c 479 s 3 are each amended to read as follows:

(1) The Hood Canal coordinating council shall serve as the local management board for aquatic rehabilitation zone one. The local management board shall coordinate local government efforts with respect to the program authorized according to RCW 90.88.020. In the Hood Canal area, the Hood Canal coordinating council also shall:

(a) Serve as the lead entity and the regional recovery organization for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

(b) Assist in coordinating activities under chapter 90.82 RCW.

(2) When developing and implementing the program authorized in RCW 90.88.020 and when establishing funding criteria according to subsection (7) of this section, the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, and the local management board shall solicit participation by federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The local management board may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The

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local management board also may appoint technical advisory committees as needed.

(3) The local management board and the Puget Sound ~~((action team))~~ partnership shall participate in the development of the program authorized under RCW 90.88.020.

(4) The local management board and its participating local and tribal governments shall assess concepts for a regional governance structure and shall submit a report regarding the findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

(5) Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual efforts and activities for rehabilitation of Hood Canal. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(6) The local management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(7) The local management board and the Puget Sound ~~((action team))~~ partnership each may receive and disburse funding for projects, studies, and activities related to Hood Canal's low-dissolved oxygen concentrations. The Puget Sound ~~((action team))~~ partnership and the local management board shall jointly coordinate a process to prioritize projects, studies, and activities for which the Puget Sound ~~((action team))~~ partnership receives state funding specifically allocated for Hood Canal corrective actions to implement this section. The local management board and the Puget Sound ~~((action team))~~ partnership shall establish criteria for funding these projects, studies, and activities based upon their likely value in addressing and resolving Hood Canal's low-dissolved oxygen concentrations. Final approval for projects under this section requires the consent of both the Puget Sound ~~((action team))~~ partnership and the local management board. Projects under this section must be comanaged by the Puget Sound ~~((action team))~~ partnership and the local management board. Nothing in this section prohibits any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in the rehabilitation of Hood Canal.

(8) The local management board may hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to local governments about potential regulations and the development of programs and incentives upon request, pay all necessary expenses, and choose a fiduciary agent.

(9) The local management board shall report its progress on a quarterly basis to the legislative bodies of the participating counties and tribes and the participating state agencies. The local management board also shall submit an annual report describing its efforts and successes in implementing the program established according to RCW 90.88.020 to the appropriate committees of the legislature.

Sec. 53. RCW 90.88.901 and 2005 c 479 s 5 are each amended to read as follows:

Nothing in chapter 479, Laws of 2005 provides any regulatory authority to the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, or the Hood Canal coordinating council.

Sec. 54. RCW 90.88.902 and 2005 c 479 s 6 are each amended to read as follows:

The activities of the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, and the Hood Canal coordinating council required by chapter 479, Laws of 2005 are subject to the availability of amounts appropriated for this specific purpose.

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Sec. 55. RCW 90.48.260 and 2003 c 325 s 7 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound ~~((water quality authority))~~ partnership, created in section 3 of this act. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

Sec. 56. RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to read as follows:

The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound ~~((action team))~~ partnership shall

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conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

Sec. 57. RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to read as follows:

The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound ~~((action team))~~ partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound ~~((action team's))~~ partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.040, should support these efforts.

Sec. 58. RCW 79.105.500 and 2005 c 155 s 158 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites are approved through a cooperative planning process by the departments of natural resources and ecology, the United States army corps of engineers, and the United States environmental protection agency in cooperation with the Puget Sound ~~((action team))~~ partnership. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to assure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

Sec. 59. RCW 77.60.130 and 2000 c 149 s 1 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of

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the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound ~~((water quality action team))~~ partnership, state patrol, state noxious weed control board, and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the state noxious weed control board that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

Sec. 60. RCW 70.146.070 and 1999 c 164 s 603 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(f) The recommendations of the Puget Sound ~~((action team))~~ partnership, created in section 3 of this act, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or

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loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

Sec. 61. RCW 70.118.090 and 1994 c 281 s 6 are each amended to read as follows:

The department may not use funds appropriated to implement an element of the action agenda developed by the Puget Sound ((water quality authority plan)) partnership under section 13 of this act to conduct any activity required under chapter 281, Laws of 1994.

Sec. 62. RCW 43.21J.030 and 1998 c 245 s 60 are each amended to read as follows:

(1) There is created the environmental enhancement and job creation task force within the office of the governor. The purpose of the task force is to provide a coordinated and comprehensive approach to implementation of chapter 516, Laws of 1993. The task force shall consist of the commissioner of public lands, the director of the department of fish and wildlife, the director of the department of ecology, the director of the parks and recreation commission, the timber team coordinator, the executive director of the work force training and education coordinating board, and the executive director of the Puget Sound ((water quality authority)) partnership, or their designees. The task force may seek the advice of the following agencies and organizations: The department of community, trade, and economic development, the conservation commission, the employment security department, the interagency committee for outdoor recreation, appropriate federal agencies, appropriate special districts, the Washington state association of counties, the association of Washington cities, labor organizations, business organizations, timber-dependent communities, environmental organizations, and Indian tribes. The governor shall appoint the task force chair. Members of the task force shall serve without additional pay. Participation in the work of the committee by agency members shall be considered in performance of their employment. The governor shall designate staff and administrative support to the task force and shall solicit the participation of agency personnel to assist the task force.

(2) The task force shall have the following responsibilities:

(a) Soliciting and evaluating, in accordance with the criteria set forth in RCW 43.21J.040, requests for funds from the environmental and forest restoration account and making distributions from the account. The task force shall award funds for projects and training programs it approves and may allocate the funds to state agencies for disbursement and contract administration;

(b) Coordinating a process to assist state agencies and local governments to implement effective environmental and forest restoration projects funded under this chapter;

(c) Considering unemployment profile data provided by the employment security department.

(3) Beginning July 1, 1994, the task force shall have the following responsibilities:

(a) To solicit and evaluate proposals from state and local agencies, private nonprofit organizations, and tribes for environmental and forest restoration projects;

(b) To rank the proposals based on criteria developed by the task force in accordance with RCW 43.21J.040; and

(c) To determine funding allocations for projects to be funded from the account created in RCW 43.21J.020 and for projects or programs as designated in the omnibus operating and capital appropriations acts.

Sec. 63. RCW 43.21J.040 and 1993 c 516 s 4 are each amended to read as follows:

(1) Subject to the limitations of RCW 43.21J.020, the task force shall award funds from the environmental and forest restoration account on a competitive basis. The task force shall evaluate and rate environmental enhancement and restoration project proposals using the following criteria:

(a) The ability of the project to produce measurable improvements in water and habitat quality;

(b) The cost-effectiveness of the project based on: (i) Projected costs and benefits of the project; (ii) past costs and environmental benefits of similar projects; and (iii) the ability of the project to achieve cost efficiencies through its design to meet multiple policy objectives;

(c) The inclusion of the project as a high priority in a federal, state, tribal, or local government plan relating to environmental or forest restoration, including but not limited to a local watershed action plan, storm water management plan, capital facility plan, growth management plan, or a flood control plan; or the ranking of the project by conservation districts as a high priority for water quality and habitat improvements;

(d) The number of jobs to be created by the project for dislocated forest products workers, high-risk youth, and residents of impact areas;

(e) Participation in the project by environmental businesses to provide training, cosponsor projects, and employ or jointly employ project participants;

(f) The ease with which the project can be administered from the community the project serves;

(g) The extent to which the project will either augment existing efforts by organizations and governmental entities involved in environmental and forest restoration in the community or receive matching funds, resources, or in-kind contributions; and

(h) The capacity of the project to produce jobs and job-related training that will pay market rate wages and impart marketable skills to workers hired under this chapter.

(2) The following types of projects and programs shall be given top priority in the first fiscal year after July 1, 1993:

(a) Projects that are highly ranked in and implement adopted or approved watershed action plans, such as those developed pursuant to rules adopted by the agency then known as the Puget Sound water quality authority ((rules adopted)) for local planning and management of nonpoint source pollution;

(b) Conservation district projects that provide water quality and habitat improvements;

(c) Indian tribe projects that provide water quality and habitat improvements; or

(d) Projects that implement actions approved by a shellfish protection district under chapter 100, Laws of 1992.

(3) Funds shall not be awarded for the following activities:

(a) Administrative rule making;

(b) Planning; or

(c) Public education.

Sec. 64. RCW 28B.30.632 and 1990 c 289 s 2 are each amended to read as follows:

(1) The sea grant and cooperative extension shall jointly administer a program to provide field agents to work with local governments, property owners, and the general public to increase the propagation of shellfish, and to address Puget

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Sound water quality problems within Kitsap, Mason, and Jefferson counties that may limit shellfish propagation potential. The sea grant and cooperative extension shall each make available the services of no less than two agents within these counties for the purposes of this section.

(2) The responsibilities of the field agents shall include but not be limited to the following:

(a) Provide technical assistance to property owners, marine industry owners and operators, and others, regarding methods and practices to address nonpoint and point sources of pollution of Puget Sound;

(b) Provide technical assistance to address water quality problems limiting opportunities for enhancing the recreational harvest of shellfish;

(c) Provide technical assistance in the management and increased production of shellfish to facility operators or to those interested in establishing an operation;

(d) Assist local governments to develop and implement education and public involvement activities related to Puget Sound water quality;

(e) Assist in coordinating local water quality programs with region-wide and statewide programs;

(f) Provide information and assistance to local watershed committees.

(3) The sea grant and cooperative extension shall mutually coordinate their field agent activities to avoid duplicative efforts and to ensure that the full range of responsibilities under RCW 28B.30.632 through 28B.30.636 are carried out. They shall consult with the Puget Sound ~~((water quality authority))~~ partnership, created in section 3 of this act, and ensure consistency with ~~((the authority's))~~ any of the Puget Sound partnership's water quality management plans.

(4) Recognizing the special expertise of both agencies, the sea grant and cooperative extension shall cooperate to divide their activities as follows:

(a) Sea grant shall have primary responsibility to address water quality issues related to activities within Puget Sound, and to provide assistance regarding the management and improvement of shellfish production; and

(b) Cooperative extension shall have primary responsibility to address upland and freshwater activities affecting Puget Sound water quality and associated watersheds.

NEW SECTION. Sec. 65. RCW 90.71.902 and 90.71.903 are each decodified.

NEW SECTION. Sec. 66. RCW 90.71.100 is recodified as a new section in chapter 70.118 RCW.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

(1) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

(2) RCW 90.71.015 (Environmental excellence program agreements--Effect on chapter) and 1997 c 381 s 30;

(3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 & 1996 c 138 s 3;

(4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996 c 138 s 4;

(5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

(6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s 6;

(7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

(8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

(9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15; and

(10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

NEW SECTION. Sec. 68. Sections 1, 3 through 21, 23, 41, and 42 of this act are each added to chapter 90.71 RCW.

NEW SECTION. Sec. 69. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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NEW SECTION. Sec. 70. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Poulsen moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5372.

Senator Poulsen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Poulsen that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5372.

The motion by Senator Poulsen carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5372 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5372, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 43

Voting nay: Senators Holmquist, Honeyford, Schoesler and Stevens - 4

Absent: Senators Brown and Pridemore - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5372, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF RECONSIDERATION

On motion of Senator McAuliffe, having voted on the prevailing side, the motion by which the Senate adhered to its position on House Bill No. 1051 was immediately reconsidered.

The President declared the question before the Senate to be the motion that the Senate adhere to its position on House Bill No. 1051.

The motion by Senator McAuliffe failed and the Senate did not adhere to its position on House Bill No. 1051 by voice vote.

The President declared the question before the Senate to be the motion to move to reconsider to motion by which the Senate adheres to its position to House Bill No. 1051 passed the Senate.

The motion to adhere to House Bill No. 1051 failed by voice vote.

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MOTION

Senator McAuliffe moved that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1051.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate recede from its position in the Senate amendment(s) to House Bill No. 1051.

The motion by Senator McAuliffe carried and the Senate receded from its position in the Senate amendment(s) to House Bill No. 1051.

MOTION

On motion of Senator McAuliffe, the rules were suspended and House Bill No. 1051 was returned to second reading for the purposes of amendment.

MOTION

On motion of Senator Eide, further consideration of House Bill No. 1051 was deferred and the bill held its place on the second reading calendar.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5288 was returned to second reading for purpose of an amendment: 5288-S AMH SANT COLV 049, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.285 and 2002 c 207 s 2 are each amended to read as follows:

(1) By August 1, 2003, each school district shall adopt or amend if necessary a policy, within the scope of its authority, that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

(a) Physically harms a student or damages the student's property; or

(b) Has the effect of substantially interfering with a student's education; or

(c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or

(d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in any district policy. Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and

(c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

(5) The Washington state school directors association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5288.

Senators Kohl-Welles and Clements spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5288.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5288 by voice vote.

Senator Holmquist spoke in favor of final passage.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5288, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5288, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 40

Voting nay: Senators Carrell, Hewitt, Honeyford, McCaslin, Morton, Schoesler, Stevens and Zarelli - 8

Absent: Senator Brown - 1

SUBSTITUTE SENATE BILL NO. 5288, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Regala, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 5317 was returned to second reading for purpose of an amendment: 5317-S.E AMH KAGI H3583.1, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.005 and 2006 c 265 s 101 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that the early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly

impact the child's intellectual, social, and emotional development.

(3) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;

(d) To provide tools to promote the hiring of suitable providers of child care by:

(i) Providing parents with access to information regarding child care providers;

(ii) Providing parents with child care licensing action histories regarding child care providers; and

(iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;

(e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

~~((f))~~ (f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

~~((f))~~ (g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

(4) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

Sec. 2. RCW 43.215.010 and 2006 c 265 s 102 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

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(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

~~((4))~~ (4) "Department" means the department of early learning.

~~((4))~~ (5) "Director" means the director of the department.

~~((5))~~ (6) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((7))~~ (7) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((6))~~ (8) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (9) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

Sec. 3. RCW 43.215.200 and 2006 c 265 s 301 are each amended to read as follows:

It shall be the director's duty with regard to licensing:

(1) In consultation and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of child care facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages and other characteristics of the children served, variations in the purposes and services offered or size or structure of the agencies to be licensed, or because of any other factor relevant thereto;

(2) In consultation and with the advice and assistance of parents or guardians, and persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed under this chapter(~~;~~
~~The minimum requirements shall be limited to:~~

~~—(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;~~

~~—(b) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children. In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter. In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children shall be fingerprinted. The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history records check. The fingerprint criminal history records checks will be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record. The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children. Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose;~~

~~—(c) The number of qualified persons required to render the type of care for which an agency seeks a license;~~

~~—(d) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;~~

~~—(e) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;~~

~~—(f) The financial ability of an agency to comply with minimum requirements established under this chapter; and~~

~~—(g) The maintenance of records pertaining to the care of children);~~

(3) In consultation with law enforcement personnel, the director shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure, and other persons having unsupervised access to children in care;

(4) To issue, revoke, or deny licenses to agencies pursuant to this chapter. Licenses shall specify the category of care that an agency is authorized to render and the ages and number of children to be served;

~~((4))~~ (5) To prescribe the procedures and the form and contents of reports necessary for the administration of this chapter and to require regular reports from each licensee;

~~((5))~~ (6) To inspect agencies periodically to determine whether or not there is compliance with this chapter and the requirements adopted under this chapter;

~~((6))~~ (7) To review requirements adopted under this chapter at least every two years and to adopt appropriate changes after consultation with affected groups for child day care requirements; and

~~((7))~~ (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care and early learning of children.

NEW SECTION. Sec. 4. MINIMUM REQUIREMENTS FOR LICENSING. Applications for licensure shall require, at a minimum, the following information:

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(1) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(2) The character, suitability, and competence of an agency and other persons associated with an agency directly responsible for the care of children;

(3) The number of qualified persons required to render the type of care for which an agency seeks a license;

(4) The health, safety, cleanliness, and general adequacy of the premises to provide for the comfort, care, and well-being of children;

(5) The provision of necessary care and early learning, including food, supervision, and discipline; physical, mental, and social well-being; and educational and recreational opportunities for those served;

(6) The financial ability of an agency to comply with minimum requirements established under this chapter; and

(7) The maintenance of records pertaining to the care of children.

NEW SECTION. Sec. 5. CHARACTER, SUITABILITY, AND COMPETENCE. (1) In determining whether an individual is of appropriate character, suitability, and competence to provide child care and early learning services to children, the department may consider the history of past involvement of child protective services or law enforcement agencies with the individual for the purpose of establishing a pattern of conduct, behavior, or inaction with regard to the health, safety, or welfare of a child. No report of child abuse or neglect that has been destroyed or expunged under RCW 26.44.031 may be used for such purposes. No unfounded or inconclusive allegation of child abuse or neglect as defined in RCW 26.44.020 may be disclosed to a provider licensed under this chapter.

(2) In order to determine the suitability of applicants for an agency license, licensees, their employees, and other persons who have unsupervised access to children in care, and who have not resided in the state of Washington during the three-year period before being authorized to care for children, shall be fingerprinted.

(a) The fingerprints shall be forwarded to the Washington state patrol and federal bureau of investigation for a criminal history record check.

(b) The fingerprint criminal history record checks shall be at the expense of the licensee. The licensee may not pass this cost on to the employee or prospective employee, unless the employee is determined to be unsuitable due to his or her criminal history record.

(c) The director shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children.

(d) Criminal justice agencies shall provide the director such information as they may have and that the director may require for such purpose.

Sec. 6. RCW 43.215.525 and 2006 c 209 s 11 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall prominently post the following items, clearly visible to parents and staff:

(a) The license issued under this chapter;

(b) The department's toll-free telephone number established by RCW ~~((74.15.310))~~ 43.215.520;

(c) The notice of any pending enforcement action. The notice must be posted immediately upon receipt. The notice must be posted for at least two weeks or until the violation causing the enforcement action is corrected, whichever is longer;

(d) A notice that inspection reports and any notices of enforcement actions for the previous three years are available from the licensee and the department; and

(e) Any other information required by the department.

(2) The department shall disclose ~~((upon request))~~ the receipt, general nature, and resolution or current status of all complaints on record with the department after July 24, 2005, against a child day-care center or family day-care provider that result in an enforcement action. Information may be posted:

(a) On a web site; or

(b) In a physical location that is easily accessed by parents and potential employers.

(3) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

Sec. 7. RCW 43.215.530 and 2006 c 209 s 12 are each amended to read as follows:

(1) Every child day-care center and family day-care provider shall have readily available for review by the department, parents, and the public a copy of each inspection report and notice of enforcement action received by the center or provider from the department for the past three years. This subsection only applies to reports and notices received on or after July 24, 2005.

(2) The department shall make available to the public during business hours all inspection reports and notices of enforcement actions involving child day-care centers and family day-care providers ~~((consistent with chapter 42.56 RCW))~~. The department shall include in the inspection report a statement of the corrective measures taken by the center or provider.

(3) The department may make available on a publicly accessible web site all inspection reports and notices of licensing actions, including the corrective measures required or taken, involving child day-care centers and family day-care providers.

(4) This section shall not be construed to require the disclosure of any information that is exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 8. PARENTAL NOTIFICATION. The department and an agency must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct or abuse by an agency employee, notify the parents or guardian of a child alleged to be the victim, target, or recipient of the misconduct or abuse. The department and an agency shall provide parents annually with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding the employee.

NEW SECTION. Sec. 9. REPORTING ACTIONS--POSTING ON WEB SITE. For the purposes of reporting actions taken against agency licensees, upon the development of an early learning information system, the following actions shall be posted to the department's web site accessible by the public: Suspension, surrender, revocation, denial, stayed suspension, or reinstatement of a license.

Sec. 10. RCW 43.215.535 and 2005 c 473 s 7 are each amended to read as follows:

(1) Every licensed child day-care center shall, at the time of licensure or renewal and at any inspection, provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

(a) Every licensed child day-care center shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care center, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(b) Liability limits under this subsection shall be the same as set forth in RCW 48.88.050.

(c) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to maintain in full force and effect the insurance required by this subsection.

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(d) This subsection applies to child day-care centers holding licenses, initial licenses, and probationary licenses under this chapter.

(e) A child day-care center holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(2)(a) Every licensed family day-care provider shall, at the time of licensure or renewal either:

(i) Provide to the department proof that the licensee has day-care insurance as defined in RCW 48.88.020, or other applicable insurance; or

(ii) Provide written notice of their insurance status on a standard form developed by the department to parents with a child enrolled in family day care and keep a copy of the notice to each parent on file. Family day-care providers may choose to opt out of the requirement to have day care or other applicable insurance but must provide written notice of their insurance status to parents with a child enrolled and shall not be subject to the requirements of (b)(~~c~~) or (c)(~~or (d)~~) of this subsection.

(b) Any licensed family day-care provider that provides to the department proof that the licensee has insurance as provided under (a)(i) of this subsection shall comply with the following requirements:

(i) Notify the department when coverage has been terminated;

(ii) Post at the day-care home, in a manner likely to be observed by patrons, notice that coverage has lapsed or been terminated;

(iii) Provide written notice to parents that coverage has lapsed or terminated within thirty days of lapse or termination.

(c) Liability limits under (a)(i) of this subsection shall be the same as set forth in RCW 48.88.050.

(d) The department may take action as provided in RCW ~~((74.15.130))~~ 43.215.300 if the licensee fails to ~~((notify the department when coverage has been terminated as required under (b)))~~ comply with the requirements of this subsection.

(e) A family day-care provider holding a license under this chapter on July 24, 2005, is not required to be in compliance with this subsection until the time of renewal of the license or until January 1, 2006, whichever is sooner.

(3) Noncompliance or compliance with the provisions of this section shall not constitute evidence of liability or nonliability in any injury litigation.

NEW SECTION. Sec. 11. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 4, 5, 8, and 9 of this act are each added to chapter 43.215 RCW." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kohl-Welles moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317.

Senator Kohl-Welles and Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317.

The motion by Senator Kohl-Welles carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5317 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5317, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

ENGROSSED SUBSTITUTE SENATE BILL NO. 5317, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1091 and again asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1091.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1091.

The motion by Senator Kastama carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1091.

MOTION

On motion of Senator Kastama, the rules were suspended and Substitute House Bill No. 1091 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1091, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives VanDeWege, Chase, Upthegrove, Miloscia, B. Sullivan, O'Brien, P. Sullivan, Morrell, Sells, Kenney, Rolfes, Kelley, Moeller, Wallace and Eddy)

Promoting innovation partnership zones.

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The measure was read the second time.

MOTION

Senator Kastama moved that the following striking amendment by Senators Kastama and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(2) On October 1st of each year, the director shall designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as recommended by the Washington state economic development commission. Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director shall require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents.

(3) Innovation partnership zones are eligible for funds and other resources as provided by the legislature or at the discretion of the governor.

(4) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following funds relating to:

(a) The local infrastructure financing tools program;

(b) The sales and use tax for public facilities in rural counties; and

(c) Job skills.

(5) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(6) The department shall convene annual information sharing events for innovation partnership zone administrators and other interested parties.

(7) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The Washington state economic development commission shall review annually the individual innovation partnership zone's performance measures and make recommendations to the department regarding additional zone designation criteria.

NEW SECTION, Sec. 2. A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around

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innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones.

The report shall include recommendations for modifications of this act and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors."

Senators Kastama and Zarelli spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Zarelli to Substitute House Bill No. 1091.

The motion by Senator Kastama carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "zones;" strike the remainder of the title and insert "and adding new sections to chapter 43.330 RCW."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1091 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1091 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1091 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Absent: Senator Rockefeller - 1

SUBSTITUTE HOUSE BILL NO. 1091 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1266 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Prentice moved that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1266.

The President declared the question before the Senate to be motion by Senator Prentice that the Senate recede from its position in the Senate amendment(s) to Substitute House Bill No. 1266.

The motion by Senator Prentice carried and the Senate receded from its position in the Senate amendment(s) to Substitute House Bill No. 1266.

MOTION

On motion of Senator Prentice, the rules were suspended and Substitute House Bill No. 1266 was returned to second reading for the purposes of amendment.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller)

Determining death benefits for public employees. Revised for 1st Substitute: Addressing death benefits for public employees.

The measure was read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senator Clements and others be adopted:

On page 5, after line 14, insert the following:

"Sec. 8. RCW 41.40.700 and 2003 c 155 s 7 are each amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or eligible child or children shall elect to receive (~~either~~) one of the following:

(a) A retirement allowance computed as provided for in RCW 41.40.630, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.40.660 and, except under subsection (4) of this section, if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.40.630; if a surviving spouse who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse and member were equal at the time of the member's death; (~~or~~)

(b) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(c) For a member who leaves the employ of an employer to enter the uniformed services of the United States and who dies after January 1, 2007, while honorably serving in the uniformed services of the United States in Operation Enduring Freedom or Persian Gulf, Operation Iraqi Freedom, an amount equal to two hundred percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an

obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To a person or persons, estate, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) A member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction under RCW 41.40.630. The member's retirement allowance is computed under RCW 41.40.620."

Remember the sections consecutively and correct any internal references accordingly.

Senator Prentice spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Clements and others to Substitute House Bill No. 1266.

The motion by Senator Prentice carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "41.40.0932," insert "41.40.700,"

MOTION

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 1266 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Clements spoke in favor of passage of the bill.

MOTION

On motion of Senator Regala, Senators Brown, McAuliffe and Tom were excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1266 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1266 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Brown, McAuliffe and Tom - 3

SUBSTITUTE HOUSE BILL NO. 1266 as amended by the Senate, having received the constitutional majority, was

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declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

The President declared the question before the Senate to be motion by Senator Hargrove that the Senate recede from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Substitute House Bill No. 1624.

MOTION

On motion of Senator Hargrove, the rules were suspended and Engrossed Substitute House Bill No. 1624 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Early Learning & Children's Services (originally sponsored by Representatives Kagi, Walsh, Appleton, Roberts and Haigh)

Reinstating parental rights for adolescents who are in state care and have not been adopted and providing immunity for department of social and health services representatives.

The measure was read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senator Hargrove and others be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination, or if the final order was appealed, within three years of exhaustion of any right to appeal the order terminating parental rights; and

(d) Absent good cause, the child must be at least twelve years old at the time the petition is filed.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, it appears that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department, the child's attorney, and the child. The court shall also order the department to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months. During this period, the child shall be placed in the custody of the parent. The department shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(10) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(11) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation

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of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(12) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

Sec. 2. RCW 13.34.200 and 2003 c 227 s 7 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child, except as provided in section 1 of this act: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

Sec. 3. RCW 13.34.060 and 2002 c 52 s 4 are each amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays, and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility.

~~((a))~~ (2) Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with any person described in RCW 74.15.020(2)(a) or 13.34.130(1)(b). The person must be willing and available to care for the child and be able to meet any special needs of the child and the court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court. If a child is not initially placed with a relative or other suitable person requested by the parent pursuant to this section, the supervising agency shall make an effort within available resources to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other suitable person requested by the parent pursuant to this section. Nothing within this subsection ~~((1)(a))~~ (2) establishes an entitlement to services or a right to a particular placement.

~~((b))~~ (3) Whenever a child is taken into custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. ~~(In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays~~

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~~and holidays, after such child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing within seventy-two hours after the child is taken into custody, excluding Saturdays, Sundays, and holidays. If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary.~~

~~—(2) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parents, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title as soon as possible and in no event shall notice be provided more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.)~~

Sec. 4. RCW 13.34.062 and 2004 c 147 s 2 are each amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by (RCW 13.34.060) this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department

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intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

~~((2))~~ (3) If child protective services is not required to give notice under ~~((RCW 13.34.060(2) and subsection (1) of))~~ this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

~~((3))~~ (4) Reasonable efforts to advise and to give notice, as required in ~~((RCW 13.34.060(2) and subsections (1) and (2) of))~~ this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

~~((4))~~ The court shall hear evidence regarding notice given to, and efforts to notify, the parent, guardian, or legal custodian and shall examine the need for shelter care. The court shall hear evidence regarding the efforts made to place the child with a relative. The court shall make an express finding as to whether the notice required under RCW 13.34.060(2) and subsections (1) and (2) of this section was given to the parent, guardian, or legal custodian. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care. Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

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~~(5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.~~

~~(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days prior to the fact-finding hearing.~~

~~(c) The court may order a conference or meeting as an alternative to the case conference required under RCW 13.34.067 so long as the conference or meeting ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.~~

~~(6) A shelter care order issued pursuant to RCW 13.34.065 may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.~~

~~(7) Any parent, guardian, or legal custodian who for good cause is unable to attend the initial shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.)~~

Sec. 5. RCW 13.34.065 and 2001 c 332 s 3 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The ((juvenile court probation counselor)) department of social and health services shall submit a recommendation to the court as to the further need for shelter care ((unless the petition has been filed by the department, in which case the recommendation shall be submitted by the department)) in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian,

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or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether restraining orders, or orders expelling an allegedly abusive parent from the home, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. However, the court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

~~((2))~~ (5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

~~((a))~~ (i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

~~((b))~~ (ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

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~~((iii))~~ (B) The release of such child would present a serious threat of substantial harm to such child; or

~~((iii))~~ (C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, and the child was initially placed with a relative pursuant to RCW 13.34.060(1), the court shall order continued placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. ~~((The court shall enter a finding as to whether RCW 13.34.060(2) and subsections (1) and (2) of this section have been complied with. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090.~~

~~((3))~~ If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be

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placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

~~(b)(i)~~ An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

~~(ii)~~ The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

~~((4))~~ ~~(8)(a)~~ If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

~~((5))~~ ~~(b)~~ If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 6. RCW 13.34.130 and 2003 c 227 s 3 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court

shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

~~(5)~~ If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

~~((5))~~ ~~(6)~~ If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 7. RCW 13.34.136 and 2004 c 146 s 1 are each amended to read as follows:

~~(1) ((Whenever a child is ordered removed from the child's home,))~~ A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

~~(2) The agency ((charged with his or her care shall provide the court with))~~ supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the supervising agency's proposed permanency plan must be provided to the supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

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(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The agency shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed.

However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

~~((2))~~ (3) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

~~((3))~~ (5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 8. RCW 13.34.138 and 2005 c 512 s 3 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first ~~(, at a)~~. The purpose of the hearing ((in which it)) shall be ((determined)) to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 ~~((3))~~ (1)(a) or 13.34.134. ~~((The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.))~~

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal.

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If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

~~(i) (Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered))~~ Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. ~~If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;~~

~~(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;~~

~~(v) Whether there is a continuing need for placement;~~

~~(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;~~

~~((ii)) (vii) Whether ((the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and)) preference has been given to placement with the child's relatives;~~

~~((iii) Whether there is a continuing need for placement and whether the placement is appropriate;~~

~~(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;~~

~~(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;~~

~~(vi)) (viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;~~

~~(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;~~

~~((vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and~~

~~(viii)) (x) Whether terms of visitation need to be modified;~~

~~(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;~~

~~(xii) Whether any additional court orders need to be made to move the case toward permanency; and~~

~~(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.~~

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

~~((2)) (3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:~~

~~(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and~~

~~(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.~~

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

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(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

~~((3)) (4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.~~

~~((4)) (5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).~~

Sec. 9. RCW 13.34.145 and 2003 c 227 s 6 are each amended to read as follows:

(1) ~~(A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.~~

~~(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.~~

~~(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.~~

~~(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.~~

~~(d) For purposes related to permanency planning:~~

~~(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.~~

~~(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.~~

~~(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.~~

~~(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or~~

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her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

~~(3))~~ The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

~~(a)~~ A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

~~((4))~~ (b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in ~~((subsection (3) of))~~ this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

~~((5))~~ (c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

~~(2)~~ No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

~~((6))~~ (3) At the permanency planning hearing, the court shall ~~(enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency)~~ conduct the following inquiry:

~~(a)~~ If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

~~(b)~~ In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

~~(i)~~ The continuing necessity for, and the safety and appropriateness of, the placement;

~~(ii)~~ The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

~~(iii)~~ The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

~~(iv)~~ The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

~~(v)~~ The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

~~(vi)~~ If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including

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any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

~~(A)~~ Being returned safely to his or her home;

~~(B)~~ Having a petition for the involuntary termination of parental rights filed on behalf of the child;

~~(C)~~ Being placed for adoption;

~~(D)~~ Being placed with a guardian;

~~(E)~~ Being placed in the home of a fit and willing relative of the child; or

~~(F)~~ Being placed in some other alternative permanent placement, including independent living or long-term foster care.

~~(c)(i)~~ If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

~~(ii)~~ The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

~~(iii)~~ The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

~~(d)~~ If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. ~~((If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal.))~~

~~(4)~~ In all cases, at the permanency planning hearing, the court shall:

~~(a)(i)~~ Order the permanency plan prepared by the agency to be implemented; or

~~(ii)~~ Modify the permanency plan, and order implementation of the modified plan; and

~~(b)(i)~~ Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

~~(ii)~~ Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

~~((7))~~ (5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

~~(6)~~ Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

~~(7)~~ If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

~~(8)~~ The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and

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(b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

~~(10) ((Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.~~

~~—((11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.~~

~~—((12)) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.~~

~~—((13))~~ (11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

~~—((14))~~ (12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 10. RCW 74.13.031 and 2006 c 266 s 1 and 2006 c 221 s 3 are each reenacted and amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis

of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency: PROVIDED, That an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through

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twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

NEW SECTION. Sec. 11. (1) The secretary of the department of social and health services shall work in conjunction with the University of Washington to study the need for and the feasibility of creating tiered classifications for foster parent licensing, including a professional foster parent classification. The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington jointly shall facilitate a work group composed of: (a) The president of the senate shall appoint two members from each of the two largest caucuses of the senate; and the speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives; (b) four foster parents, including two representatives from the foster parent association of Washington state; (c) the director of the institute for children and families at the University of Washington; (d) a representative of the Washington federation of state employees; and (e) four or more child welfare professionals with subject matter expertise from the public, private, or academic communities.

(2) To promote the exchange of ideas and collaboration, the secretary and the director also shall convene at least two focused stakeholder meetings seeking input from a broad range of foster parents, social workers, and community members. To facilitate the exchange of ideas, the department of social and health services shall provide to the work group the contact information for licensed foster parents for the sole purpose of communicating with foster parents regarding issues relevant to foster parents. The work group shall keep the contact information confidential and shall develop guidelines for the use and maintenance of this contact information among work group members.

(3) The secretary of the department of social and health services and the dean of the school of social work, or his or her designee, at the University of Washington shall report the

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recommendations of the work group to the appropriate committees of the legislature by January 1, 2008.

NEW SECTION. Sec. 12. Section 11 of this act expires January 1, 2008.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Hargrove spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hargrove and others to Engrossed Substitute House Bill No. 1624.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "welfare;" strike the remainder of the title and insert "amending RCW 13.34.200, 13.34.060, 13.34.062, 13.34.065, 13.34.130, 13.34.136, 13.34.138, and 13.34.145; reenacting and amending RCW 74.13.031; adding a new section to chapter 13.34 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute House Bill No. 1624 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1624 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Brown, McAuliffe and Tom - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

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The House refuses to concur in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1705 and asks Senate to recede therefrom. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Marr moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1705.

The President declared the question before the Senate to be motion by Senator Marr that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1705.

The motion by Senator Marr carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1705.

MOTION

On motion of Senator Marr, the rules were suspended and Engrossed Second Substitute House Bill No. 1705 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705, by House Committee on Finance (originally sponsored by Representatives Barlow, Ormsby, Kenney and Wood)

Creating health sciences and services authorities.

The measure was read the second time.

MOTION

Senator Marr moved that the following striking amendment by Senators Marr and Brown be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means a health sciences and services authority created pursuant to this chapter.

(2) "Board" means the governing board of trustees of an authority.

(3) "Director" means the higher education coordinating board.

(4) "Health sciences and services" means biosciences that advance new therapies and procedures to combat disease and promote public health.

(5) "Local government" means a city, town, or county.

(6) "Sponsoring local government" means a city, town, or county that creates a health sciences and services authority.

NEW SECTION. Sec. 2. PURPOSE. The health sciences and services program is created to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health.

NEW SECTION. Sec. 3. CREATION. A local government must establish by ordinance or resolution an authority. At a minimum, the ordinance must:

(1) Specify the powers to be exercised by the authority;

(2) Reserve the local government's right to dissolve the authority after its contractual responsibilities have expired;

(3) Establish an administrative board, including: (a) The number of board members; (b) the times and terms of

appointment for each board position; (c) the amount of compensation, if any, to be paid to board members; (d) the procedures for removing board members and filing vacancies; and (e) the qualifications for the appointment of individuals to the board;

(4) Establish the authority's boundaries, which must be contiguous tracts of land;

(5) Ensure that private and public funds provided to the authority will be segregated;

(6) Establish guidelines under which the authority may invest its funds;

(7) Provide the requirements for auditing the records of the authority; and

(8) Require the local government's legal counsel to also provide legal services to the authority.

NEW SECTION. Sec. 4. APPLICATIONS. (1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director shall determine the division to review applications submitted by local governments under this chapter. The application for designation shall be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application shall:

(a) Contain sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrate that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) Be submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrate that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provide a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrate that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director shall determine the division to develop criteria to evaluate the application. The criteria shall include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There shall be no more than one authority statewide.

(4) An authority may only be created in a county with a population of less than one million persons.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due by December 31, 2007, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this act within one hundred twenty days of the effective date of this section.

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(9) The higher education coordinating board must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature shall be due on a biennial basis beginning December 1, 2009. In addition, the higher education coordinating board shall develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

NEW SECTION. Sec. 5. BOARD. (1) An authority shall be overseen by a board with not more than fourteen members. The authority board shall select the chair. Board members must have some experience with the mission of the authority. The board members shall be appointed as follows:

(a) The governor shall appoint three members;

(b) The county legislative authority in which the authority resides shall appoint three members;

(c) The mayor of the city in which the authority is created, or the mayor of the largest city within the authority if created by a county, shall appoint three members; and

(d) Up to five additional members may be appointed by the board.

(2) A simple majority of the board members shall constitute a quorum.

(3) The board shall annually elect a secretary and any other officers it deems necessary.

(4) The local government shall designate an individual with financial experience to serve as treasurer. The individual may be a city or county treasurer, city or county auditor, or a private party. If the treasurer is a private party, the local government shall require a bond in an amount and under such terms and conditions as the local government deems necessary to protect the authority. The treasurer shall have the power to create and maintain funds, issue warrants, and invest funds in its possession.

(5) The board may adopt bylaws or rules for their own governance.

(6) Meetings of the board shall be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the chair or when a majority of the board so requests. Meetings of the board may be held at any location and board members may participate in a meeting of the board by means of a conference telephone or similar communication equipment under RCW 23B.08.200.

NEW SECTION. Sec. 6. POWERS AND DUTIES. (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote bioscience-based economic development, and to advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under section 11 of this act and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

(f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

(g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

NEW SECTION. Sec. 7. GENERAL INDEBTEDNESS--GENERAL OBLIGATION BONDS. (1) A local government that creates a health sciences and services authority may incur general indebtedness, and issue general obligation bonds, to finance the grants and other programs and retire the indebtedness in whole or in part from the funds distributed pursuant to section 11 of this act and subject to the following requirements:

(a) The ordinance adopted by the local government creating the authority and authorizing the use of the excise tax in section 11 of this act indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices.

(2) The general indebtedness incurred under this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the grants and other programs or associated debt service on the general indebtedness.

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NEW SECTION. Sec. 8. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 7 of this act shall not constitute an obligation of the state of Washington, either general or special.

NEW SECTION. Sec. 9. LIABILITY. (1) Members of the board, as well as other persons acting on behalf of the authority, while acting within the scope of their employment or agency, shall not be subject to personal liability resulting from their official duties conferred on them under this chapter.

(2) The state, the local government that created the authority, and the authority shall not be liable for any loss, damage, harm, or other consequences resulting directly or indirectly from grants provided by the authority or from programs, services, research, or other activities funded with such grants.

NEW SECTION. Sec. 10. DISSOLUTION. The board may petition the sponsoring local government to be dissolved upon a showing that it has no reason to exist and that any assets it retains must be returned to the state treasurer.

NEW SECTION. Sec. 11. A new section is added to chapter 82.14 RCW to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under section 3 of this act may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax shall not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with section 6 of this act or to finance and retire the indebtedness incurred pursuant to section 7 of this act, in whole or in part.

(4) This section expires January 1, 2023.

Sec. 12. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 302 s 12, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating

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or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Financial or proprietary information supplied to the liquor control board including the amount of beer or wine sold by a domestic winery, brewery, microbrewery, or certificate of approval holder under RCW 66.24.206(1) or 66.24.270(2)(a) and including the amount of beer or wine purchased by a retail licensee in connection with a retail licensee's obligation under RCW 66.24.210 or 66.24.290, for receipt of shipments of beer or wine.

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

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(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

Sec. 13. RCW 42.56.270 and 2006 c 369 s 2, 2006 c 341 s 6, 2006 c 338 s 5, 2006 c 209 s 7, 2006 c 183 s 37, and 2006 c 171 s 8 are each reenacted and amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 15.110, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that

leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8) and 43.330.080(4); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085; ~~(and)~~

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit(-);

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190; and

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a

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health sciences and services authority in applications for, or delivery of, grants under sections 1 through 6 of this act, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information.

objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2007

NEW SECTION. Sec. 14. CAPTIONS. Captions used in this act are not any part of the law.

MR. PRESIDENT:

NEW SECTION. Sec. 15. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 2388 and asks Senate to recede therefrom. and the same is herewith transmitted.

NEW SECTION. Sec. 16. CODIFICATION. Sections 1 through 10 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 17. EXPIRATION DATE. Section 12 of this act expires June 30, 2008.

NEW SECTION. Sec. 18. EFFECTIVE DATE. Section 13 of this act takes effect June 30, 2008."

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Marr spoke in favor of the striking amendment.

Senator Hatfield moved that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2388.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Marr and Brown to Engrossed Second Substitute House Bill No. 1705.

The motion by Senator Marr carried and the striking amendment was adopted by voice vote.

The President declared the question before the Senate to be motion by Senator Hatfield that the Senate recede from its position in the Senate amendment(s) to Engrossed House Bill No. 2388.

The motion by Senator Hatfield carried and the Senate receded from its position in the Senate amendment(s) to Engrossed House Bill No. 2388.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "reenacting and amending RCW 42.56.270 and 42.56.270; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 35 RCW; creating a new section; providing an effective date; and providing expiration dates."

MOTION

On motion of Senator Hatfield, the rules were suspended and Engrossed House Bill No. 2388 was returned to second reading for the purposes of amendment.

MOTION

On motion of Senator Marr, the rules were suspended, Engrossed Second Substitute House Bill No. 1705 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Marr spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1705 as amended by the Senate.

SECOND READING

ENGROSSED HOUSE BILL NO. 2388, by Representatives Alexander, P. Sullivan and Hunter

Financing regional centers with seating capacities less than ten thousand that are acquired, constructed, financed, or owned by a public facilities district.

The measure was read the second time.

MOTION

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1705 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Brown, McAuliffe and Tom - 3

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705 as amended by the Senate, having received the constitutional majority, was declared passed. There being no

Senator Hatfield moved that the following striking amendment by Senator Hatfield and others be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2002 c 363 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter

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into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authority based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of

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commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 82.14.390 and 2006 c 298 s 1 are each amended to read as follows:

(1) Except as provided in subsection (6) of this section, the governing body of a public facilities district (a) created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004~~((-or))~~; (b) created before July 1, 2006, under chapter 35.57 RCW in a county or counties in which there are no other public facilities districts on June 7, 2006, and in which the total population in the public facilities district is greater than ninety thousand that commences construction of a new regional center before February 1, 2007; (c) created under the authority of RCW 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter 35.57 or 36.100 RCW, in a county or counties in which there are no other public facilities districts on the effective date of this act, and in which the total population in the public facilities district is greater than seventy thousand, that commences construction of a new regional center before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) No tax may be collected under this section before August 1, 2000. The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter approved taxes authorized under chapter 35.57 RCW or

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nonvoter approved taxes authorized under chapter 36.100 RCW shall not constitute a public or private source. For the purpose of this section, public or private sources includes, but is not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public and private partnership agreement negotiated by the public facilities district.

(5) The combined total tax levied under this section shall not be greater than 0.033 percent. If both a public facilities district created under chapter 35.57 RCW and a public facilities district created under chapter 36.100 RCW impose a tax under this section, the tax imposed by a public facilities district created under chapter 35.57 RCW shall be credited against the tax imposed by a public facilities district created under chapter 36.100 RCW.

(6) A public facilities district created under chapter 36.100 RCW is not eligible to impose the tax under this section if the legislative authority of the county where the public facilities district is located has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494.

NEW SECTION. Sec. 3. A new section is added to chapter 82.14 RCW to read as follows:

(1) In a county with a population under three hundred thousand, the governing body of a public facilities district, which is created before August 1, 2001, under chapter 35.57 RCW or before January 1, 2000, under chapter 36.100 RCW, in which the total population in the public facilities district is greater than ninety thousand and less than one hundred thousand that commences improvement or rehabilitation of an existing regional center, to be used for community events, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances and having two thousand or fewer permanent seats, before January 1, 2009, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax for a public facilities district created prior to August 1, 2001, under chapter 35.57 RCW, may not exceed 0.025 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax. The rate of tax, for a public facilities district created prior to January 1, 2000, under chapter 36.100 RCW, may not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the county at no cost to the public facilities district.

(3) The tax imposed in this section shall expire when the bonds issued for the construction of the regional center and related parking facilities are retired, but not more than twenty-five years after the tax is first collected.

(4) Moneys collected under this section shall only be used for the purposes set forth in RCW 35.57.020 and must be matched with an amount from other public or private sources equal to thirty-three percent of the amount collected under this section, provided that amounts generated from nonvoter-approved taxes authorized under chapter 35.57 RCW may not constitute a public or private source. For the purpose of this section, public or private sources include, but are not limited to cash or in-kind contributions used in all phases of the development or improvement of the regional center, land that is donated and used for the siting of the regional center, cash or in-kind contributions from public or private foundations, or amounts attributed to private sector partners as part of a public

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and private partnership agreement negotiated by the public facilities district."

Senators Hatfield and Eide spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Hatfield and others to Engrossed House Bill No. 2388.

The motion by Senator Hatfield carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 3 of the title, after "district;" strike the remainder of the title and insert "amending RCW 35.57.010 and 82.14.390; and adding a new section to chapter 82.14 RCW."

MOTION

On motion of Senator Hatfield, the rules were suspended, Engrossed House Bill No. 2388 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hatfield and Swecker spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2388 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2388 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Carrell, Clements, Delvin, Eide, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Roach, Rockefeller, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 42

Voting nay: Senators Fairley, Pflug, Regala and Schoesler - 4

Excused: Senators Brown, McAuliffe and Tom - 3
ENGROSSED HOUSE BILL NO. 2388 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:26 p.m., on motion of Senator Eide, the Senate was recessed until 7:00 p.m.

EVENING SESSION

The Senate was called to order at 7:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 19, 2007

ONE-HUNDRED THIRD DAY, APRIL 20, 2007

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5085, with the following amendment: 5085-S AMH APP H3573.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each renumbered and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

((~~*)~~) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the emergency reserve fund, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the

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health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high-occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

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~~((b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.))~~

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 2. This act takes effect July 1, 2009."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5085.

Senator Haugen spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5085.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5085 by voice vote.

MOTION

On motion of Senator Delvin, Senator Brandland was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5085, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5085, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 5; Excused, 2.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McCaslin, Morton, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom and Weinstein - 42

Absent: Senators Hewitt, Jacobsen, Pflug, Poulsen and

Zarelli - 5

Excused: Senators Brandland and McAuliffe - 2

SUBSTITUTE SENATE BILL NO. 5085, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

Under suspension of rules SUBSTITUTE SENATE BILL NO. 5830 was returned to second reading for purpose of an amendment: 5830-S AMH KAGI H3590.2, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.121 RCW to read as follows:

The legislature finds that:

(1) The years from birth to three are critical in building the social, emotional, and cognitive developmental foundations of a young child. Research into the brain development of young children reveals that children are born learning.

(2) The farther behind children are in their social, emotional, physical, and cognitive development, the more difficult it will be for them to catch up.

(3) A significant number of children age birth to five years are born with two or more of the following risk factors and have a greater chance of failure in school and beyond: Poverty; single or no parent; no parent employed full time or full year; all parents with disability; and mother without a high school degree.

(4) Parents and children involved in home visitation programs exhibit better birth outcomes, enhanced parent and child interactions, more efficient use of health care services, enhanced child development including improved school readiness, and early detection of developmental delays, as well as reduced welfare dependence, higher rates of school completion and job retention, reduction in frequency and severity of maltreatment, and higher rates of school graduation.

The legislature intends to promote the use of voluntary home visitation services to families as an early intervention strategy to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of a high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

NEW SECTION. Sec. 2. A new section is added to chapter 43.121 RCW to read as follows:

The definitions in this section apply throughout sections 1 through 4 of this act unless the context clearly requires otherwise.

(1) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(2) "Home visitation" means providing services in the permanent or temporary residence, or in other familiar surroundings, of the family receiving such services.

(3) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

NEW SECTION. Sec. 3. A new section is added to chapter 43.121 RCW to read as follows:

(1) Within available funds, the children's trust of Washington shall fund evidence-based and research-based home visitation programs for improving parenting skills and outcomes

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for children. Home visitation programs must be voluntary and must address the needs of families to alleviate the effect on child development of factors such as poverty, single parenthood, parental unemployment or underemployment, parental disability, or parental lack of high school diploma, which research shows are risk factors for child abuse and neglect and poor educational outcomes.

(2) The children's trust of Washington shall develop a plan with the department of social and health services, the department of health, the department of early learning, and the family policy council to coordinate or consolidate home visitation services for children and families and report to the appropriate committees of the legislature by December 1, 2007, with their recommendations for implementation of the plan.

NEW SECTION. Sec. 4. A new section is added to chapter 43.121 RCW to read as follows:

To recognize the focus on home visitation services, the Washington council for the prevention of child abuse and neglect is hereby renamed the children's trust of Washington. All references to the Washington council for the prevention of child abuse and neglect in the Revised Code of Washington shall be construed to mean the children's trust of Washington.

NEW SECTION. Sec. 5. RCW 43.70.530 (Home visitor program) and 1998 c 245 s 75 & 1993 c 179 s 2 are each repealed."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5830.
Senator Hargrove spoke in favor of the motion.

MOTION

On motion of Senator Marr, Senators Jacobsen and Poulsen were excused.

MOTION

On motion of Senator Delvin, Senator Hewitt was excused.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5830.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5830 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5830, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5830, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette,

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Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

Absent: Senator Pflug - 1

Excused: Senators Hewitt, Jacobsen and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 5830, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Pflug and Zarelli were excused.

MESSAGE FROM THE HOUSE

April 18, 2007

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, and has passed the bill as recommended by the Conference Committee.
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute Senate Bill No. 6032

April 17, 2007

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 6032, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to clarify the law on medical marijuana so that the lawful use of this substance is not impaired and medical practitioners are able to exercise their best professional judgment in the delivery of medical treatment, qualifying patients may fully participate in the medical use of marijuana, and designated providers may assist patients in the manner provided by this act without fear of state criminal prosecution. This act is also intended to provide clarification to law enforcement and to all participants in the judicial system.

Sec. 2. RCW 69.51A.005 and 1999 c 2 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their physician's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders; epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal,

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individual decision, based upon their physician's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their physicians, ~~((would))~~ may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as ~~((primary caregivers))~~ designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

Physicians also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the physician's professional judgment, medical marijuana may prove beneficial.

Sec. 3. RCW 69.51A.010 and 1999 c 2 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

~~(a) Is eighteen years of age or older;~~

~~(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;~~

~~(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and~~

~~(d) Is the designated provider to only one patient at any one time.~~

~~(2) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.~~

~~((2) "Primary caregiver" means a person who:~~

~~(a) Is eighteen years of age or older;~~

~~(b) Is responsible for the housing, health, or care of the patient;~~

~~(c) Has been designated in writing by a patient to perform the duties of primary caregiver under this chapter.))~~

(3) "Qualifying patient" means a person who:

(a) Is a patient of a physician licensed under chapter 18.71 or 18.57 RCW;

(b) Has been diagnosed by that physician as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that physician about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that physician that they may benefit from the medical use of marijuana.

(4) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance ~~((board~~ ~~[commission]))~~ commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

(5) "Valid documentation" means:

(a) A statement signed by a qualifying patient's physician, or a copy of the qualifying patient's pertinent medical records, which states that, in the physician's professional opinion, the ~~((potential benefits of the medical use of marijuana would likely outweigh the health risks for a particular qualifying))~~ patient may benefit from the medical use of marijuana; ~~((and))~~

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035; and

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original.

Sec. 4. RCW 69.51A.030 and 1999 c 2 s 4 are each amended to read as follows:

A physician licensed under chapter 18.71 or 18.57 RCW shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual physician's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the physician's assessment of the qualifying patient's medical history and current medical condition, that the ~~((potential benefits of the))~~ medical use of marijuana ~~((would likely outweigh the health risks for the))~~ may benefit a particular qualifying patient.

Sec. 5. RCW 69.51A.040 and 1999 c 2 s 5 are each amended to read as follows:

(1) If a law enforcement officer determines that marijuana is being possessed lawfully under the medical marijuana law, the officer may document the amount of marijuana, take a representative sample that is large enough to test, but not seize the marijuana. A law enforcement officer or agency shall not be held civilly liable for failure to seize marijuana in this circumstance.

(2) If charged with a violation of state law relating to marijuana, any qualifying patient who is engaged in the medical use of marijuana, or any designated ~~((primary caregiver))~~ provider who assists a qualifying patient in the medical use of marijuana, will be deemed to have established an affirmative defense to such charges by proof of his or her compliance with the requirements provided in this chapter. Any person meeting the requirements appropriate to his or her status under this chapter shall be considered to have engaged in activities permitted by this chapter and shall not be penalized in any manner, or denied any right or privilege, for such actions.

~~((2) The))~~ (3) A qualifying patient, if eighteen years of age or older, or a designated provider shall:

(a) Meet all criteria for status as a qualifying patient or designated provider;

(b) Possess no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply; and

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(c) Present his or her valid documentation to any law enforcement official who questions the patient or provider regarding his or her medical use of marijuana.

~~((3) The)~~ (4) A qualifying patient, if under eighteen years of age at the time he or she is alleged to have committed the offense, shall ~~((comply))~~ demonstrate compliance with subsection ~~((2))~~ (3)(a) and (c) of this section. However, any possession under subsection ~~((2))~~ (3)(b) of this section, as well as any production, acquisition, and decision as to dosage and frequency of use, shall be the responsibility of the parent or legal guardian of the qualifying patient.

~~((4) The designated primary caregiver shall:~~

~~(a) Meet all criteria for status as a primary caregiver to a qualifying patient;~~

~~(b) Possess, in combination with and as an agent for the qualifying patient, no more marijuana than is necessary for the patient's personal, medical use, not exceeding the amount necessary for a sixty-day supply;~~

~~(c) Present a copy of the qualifying patient's valid documentation required by this chapter, as well as evidence of designation to act as primary caregiver by the patient, to any law enforcement official requesting such information;~~

~~(d) Be prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as primary caregiver; and~~

~~(e) Be the primary caregiver to only one patient at any one time.)~~

Sec. 6. RCW 69.51A.060 and 1999 c 2 s 8 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any physician to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, ~~((or))~~ in any youth center, in any correctional facility, or smoking medical marijuana in any public place as that term is defined in RCW 70.160.020.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010~~((5))~~ (6)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

Sec. 7. RCW 69.51A.070 and 1999 c 2 s 9 are each amended to read as follows:

The Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery, or other appropriate agency as designated by the governor, shall accept for consideration petitions submitted ~~((by physicians or patients))~~ to add terminal or debilitating conditions to those included in this chapter. In considering such petitions, the Washington state medical quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Washington state medical

quality assurance ~~((board [commission]))~~ commission in consultation with the board of osteopathic medicine and surgery shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review.

NEW SECTION. Sec. 8. A new section is added to chapter 69.51A RCW to read as follows:

(1) By July 1, 2008, the department of health shall adopt rules defining the quantity of marijuana that could reasonably be presumed to be a sixty-day supply for qualifying patients; this presumption may be overcome with evidence of a qualifying patient's necessary medical use.

(2) As used in this chapter, "sixty-day supply" means that amount of marijuana that qualifying patients would reasonably be expected to need over a period of sixty days for their personal medical use. During the rule-making process, the department shall make a good faith effort to include all stakeholders identified in the rule-making analysis as being impacted by the rule.

(3) The department of health shall gather information from medical and scientific literature, consulting with experts and the public, and reviewing the best practices of other states regarding access to an adequate, safe, consistent, and secure source, including alternative distribution systems, of medical marijuana for qualifying patients. The department shall report its findings to the legislature by July 1, 2008."

Correct the title.

and the bill do pass as recommended by the conference committee.

Signed by Senators Carrell, Keiser and Kohl-Welles; Representatives Cody, Curtis and Hudgins.

MOTION

Senator Kohl-Welles moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6032 be adopted.

Senator Kohl-Welles spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kohl-Welles that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 6032 be adopted.

The motion by Senator Kohl-Welles carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6032, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6032, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 37

Voting nay: Senators Clements, Hargrove, Holmquist, Honeyford, Morton, Schoesler, Stevens, Swecker and Zarelli - 9
Excused: Senators Hewitt, Pflug and Poulsen - 3

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ENGROSSED SUBSTITUTE SENATE BILL NO. 6032, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House refuses to grant Senate's request for a conference on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, insists on its position and again asks Senate to recede thereon and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Fraser moved that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359.

The President declared the question before the Senate to be motion by Senator Fraser that the Senate recede from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359.

The motion by Senator Fraser carried and the Senate receded from its position in the Senate amendment(s) to Engrossed Second Substitute House Bill No. 1359.

MOTION

On motion of Senator Fraser, the rules were suspended and Engrossed Second Substitute House Bill No. 1359 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359, by House Committee on Appropriations (originally sponsored by Representatives Miloscia, Chase, Hasegawa, Pettigrew, Springer, Ormsby, Roberts, Darneille, Goodman and Santos)

Creating an affordable housing for all program.

The measure was read the second time.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser and Weinstein be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.22.178 and 2005 c 484 s 18 are each amended to read as follows:

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection ~~((2))~~ (3) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty

percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the ~~((Washington housing trust account))~~ affordable housing for all account created in section 2 of this act. ~~((The office of community development of the department of community, trade, and economic development will develop guidelines for the use of these funds to support))~~ The department of community, trade, and economic development must use these funds to provide housing and shelter for extremely low-income households, including but not limited to grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income ~~((persons))~~ households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses. (2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing ~~((projects or units within housing projects that are affordable to))~~ activities as described in this subsection that serve very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income ~~((housing projects or units within such housing projects))~~ households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. ~~((The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Uses of))~~ A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these ~~((local))~~ county funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farm worker housing units, and single room occupancy units;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing ~~((projects or))~~ units ~~((within housing projects))~~ that are affordable to very low-income ~~((persons))~~ households with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

~~((2))~~ (3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

~~((3))~~ The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i)).

NEW SECTION. Sec. 2. A new section is added to chapter 43.185C RCW to read as follows:

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The affordable housing for all account is created in the state treasury, subject to appropriation. The state's portion of the surcharges established in RCW 36.22.178 shall be deposited in the account. Expenditures from the account may only be used for affordable housing programs.

Sec. 3. RCW 43.185C.010 and 2006 c 349 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Director" means the director of the department of community, trade, and economic development.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, ~~((mentally ill))~~ people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "~~(Homeless housing)~~ Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, section 5 of this act, and all other sources directed to the homeless housing and assistance program.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the homeless housing account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of community, trade, and economic development; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a data base of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

Sec. 4. RCW 36.22.179 and 2005 c 484 s 9 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (2) of this section, an additional surcharge of ten dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. The funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of this chapter ~~((484, Laws of 2005))~~, six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the ~~((homeless housing))~~ home security fund account. The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. The remaining eighty-seven and one-half percent is to be ~~((distributed by the department to local governments through the homeless housing grant program))~~ used by the department to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

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NEW SECTION. Sec. 5. A new section is added to chapter 43.185C RCW to read as follows:

(1) In addition to the surcharges authorized in RCW 36.22.178 and 36.22.179, and except as provided in subsection (2) of this section, the county auditor shall charge an additional surcharge of eight dollars for each home document recorded, which is in addition to any other charge allowed by law. The funds collected under this section are to be distributed and used as follows:

(a) The auditor shall remit ninety percent to the county to be deposited into a fund six percent of which may be used by the county for administrative costs related to its homeless housing plan, and the remainder for programs that directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county that elects, as authorized in RCW 43.185C.080, to operate its own homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county must be transmitted at least quarterly to the city treasurer for use by the city for program costs that directly contribute to the goals of the city's homeless housing plan.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account. The department may use the funds for administering the program established in RCW 43.185C.020, including the costs of creating and updating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. Remaining funds may also be used to:

(i) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance; and

(ii) Fund the homeless housing grant program.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

Sec. 6. RCW 43.185C.060 and 2005 c 484 s 10 are each amended to read as follows:

The ~~((homeless housing))~~ home security fund account is created in the ~~((custody of the))~~ state ~~((treasurer))~~ treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and section 5 of this act must be deposited in the account. Expenditures from the account may be used only for ~~((the))~~ homeless housing programs as described in this chapter. ~~((Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.))~~

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Fraser and Weinstein to Engrossed Second Substitute House Bill No. 1359.

The motion by Senator Fraser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "all;" strike the remainder of the title and insert "amending RCW 36.22.178, 43.185C.010, 36.22.179, and 43.185C.060; and adding new sections to chapter 43.185C RCW."

MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Second Substitute House Bill No. 1359 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

Senator Honeyford spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1359 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1359 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel and Weinstein - 28

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hatfield, Hewitt, Holmquist, Honeyford, Kilmer, Marr, McCaslin, Morton, Parlette, Roach, Schoesler, Sheldon, Stevens, Swecker, Tom and Zarelli - 21

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6156, by Senator Prentice

Relating to State Government.

MOTION

On motion of Senator Kastama, Substitute Senate Bill No. 6156 was substituted for Senate Bill No. 6156 and the substitute bill was placed on the second reading calendar and read the second time.

PARLIAMENTARY INQUIRY

Senator Schoesler: "Thank you Mr. President. I believe that the committee amendment offered is beyond the scope and object of the underlying bill."

REPLY BY THE PRESIDENT

President Owen: "Senator the only thing that we're working on is the substitute to the senate bill. Are you raising the point on the substitute. There are no amendments."

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: "I will delay my inquiry."

Senator Eide: "Part of it that I'm questioning this because this is a title only. How does that work when there hasn't been....?"

REPLY BY THE PRESIDENT

President Owen: "The President really can't rule until he has an opportunity to look at both, at what we're talking about. I'm sorry."

PARLIAMENTARY INQUIRY

Senator Schoesler: "Is the amendment on the bar?"

REPLY BY THE PRESIDENT

President Owen: "There is no amendment."

PARLIAMENTARY INQUIRY

Senator Schoesler: "There were committee amendments, am I correct?"

REPLY BY THE PRESIDENT

President Owen: "There are no committee amendments. The only amendment is the substitute."

POINT OF ORDER

Senator Schoesler: "Ok Mr. President. I would offer it to the substitute then. Thank you Mr. President. The substance of the bill consists of the following single sentence. 'This act shall be known as the state government act of 2007.' This is sum the total of the bill. There's absolutely no policy change or expressed in the bill and no substantive law is modified. By contrast, the committee amendment creates community preservation and development authorities. It directs that the authorities be governed by a board of directors, details the duties of the authority it creates a new account in the state treasury. The one sentence in the underlying bill makes no mention of community preservation and development authorities nor any other policy or program. Mr. President, Rule 66 provides that no amendment to any bill shall be allowed which shall change the scope and object of the bill. I find no exemptions for title only bills. For these reasons, I believe the amendment offered is outside the scope and object of the underlying bill and I respectfully request a ruling on this matter."

Senator Brown spoke against the point of order.

MOTION

On motion of Senator Eide, further consideration of Substitute Senate Bill No. 6156 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 6158, by Senator Prentice

Relating to human services. Revised for 1st Substitute: Concerning the biennial rebasing of nursing facility medicaid payment rates.

MOTION

On motion of Senator Keiser, Substitute Senate Bill No. 6158 was substituted for Senate Bill No. 6158 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Keiser moved that the following striking amendment by Senators Keiser and Parlette be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.46.410 and 2001 1st sp.s. c 8 s 3 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in the medicaid per-resident day payment rate established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval, or exemption from the requirements for certificate of need for the replacement of existing nursing home beds, pursuant to chapter 70.38 RCW if such approval or exemption was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after January 1, 1985;

(f) Salaries or other compensation of owners, officers, directors, stockholders, partners, principals, participants, and others associated with the contractor or its home office, including all board of directors' fees for any purpose, except reasonable compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the payment system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

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- (m) Vending machine expenses;
- (n) Expenses for barber or beautician services not included in routine care;
- (o) Funeral and burial expenses;
- (p) Costs of gift shop operations and inventory;
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;
- (r) Fund-raising expenses, except those directly related to the patient activity program;
- (s) Penalties and fines;
- (t) Expenses related to telephones, radios, and similar appliances in patients' private accommodations;
- (u) Televisions acquired prior to July 1, 2001;
- (v) Federal, state, and other income taxes;
- (w) Costs of special care services except where authorized by the department;
- (x) Expenses of an employee benefit not in fact made available to all employees on an equal or fair basis, for example, key-man insurance and other insurance or retirement plans;
- (y) Expenses of profit-sharing plans;
- (z) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;
- (aa) Personal expenses and allowances of owners or relatives;
- (bb) All expenses of maintaining professional licenses or membership in professional organizations;
- (cc) Costs related to agreements not to compete;
- (dd) Amortization of goodwill, lease acquisition, or any other intangible asset, whether related to resident care or not, and whether recognized under generally accepted accounting principles or not;
- (ee) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;
- (ff) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;
- (gg) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;
- (hh) Lease acquisition costs, goodwill, the cost of bed rights, or any other intangible assets;
- (ii) All rental or lease costs other than those provided in RCW 74.46.300 on and after January 1, 1985;
- (jj) Postsurvey charges incurred by the facility as a result of subsequent inspections under RCW 18.51.050 which occur beyond the first postsurvey visit during the certification survey calendar year;
- (kk) Compensation paid for any purchased nursing care services, including registered nurse, licensed practical nurse, and nurse assistant services, obtained through service contract arrangement in excess of the amount of compensation paid for such hours of nursing care service had they been paid at the average hourly wage, including related taxes and benefits, for in-house nursing care staff of like classification at the same nursing facility, as reported in the most recent cost report period;
- (ll) For all partial or whole rate periods after July 17, 1984, costs of land and depreciable assets that cannot be reimbursed under the Deficit Reduction Act of 1984 and implementing state statutory and regulatory provisions;
- (mm) Costs reported by the contractor for a prior period to the extent such costs, due to statutory exemption, will not be incurred by the contractor in the period to be covered by the rate;

- (nn) Costs of outside activities, for example, costs allocated to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space;
 - (oo) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing facility is allowed whether inside or outside these areas if the travel is necessary, ordinary, and related to resident care;
 - (pp) Moving expenses of employees in the absence of demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the province of British Columbia;
 - (qq) Depreciation in excess of four thousand dollars per year for each passenger car or other vehicle primarily used by the administrator, facility staff, or central office staff;
 - (rr) Costs for temporary health care personnel from a nursing pool not registered with the secretary of the department of health;
 - (ss) Payroll taxes associated with compensation in excess of allowable compensation of owners, relatives, and administrative personnel;
 - (tt) Costs and fees associated with filing a petition for bankruptcy;
 - (uu) All advertising or promotional costs, except reasonable costs of help wanted advertising;
 - (vv) Outside consultation expenses required to meet department-required minimum data set completion proficiency;
 - (ww) Interest charges assessed by any department or agency of this state for failure to make a timely refund of overpayments and interest expenses incurred for loans obtained to make the refunds;
 - (xx) All home office or central office costs, whether on or off the nursing facility premises, and whether allocated or not to specific services, in excess of the median of those adjusted costs for all facilities reporting such costs for the most recent report period; ~~((and))~~
 - (yy) Tax expenses that a nursing facility has never incurred; and
 - (zz) Effective July 1, 2007, and for all future rate settings, any costs associated with the quality maintenance fee repealed by chapter 241, Laws of 2006.
- Sec. 2.** RCW 74.46.431 and 2006 c 258 s 2 are each amended to read as follows:
- (1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.
 - (2) Component rate allocations in therapy care, support services, variable return, operations, property, and financing allowance for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use. For all facilities, effective July 1, 2006, the component rate allocation in direct care shall be based upon actual facility occupancy.
 - (3) Information and data sources used in determining medicaid payment rate allocations, including formulas,

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procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2006, direct care component rate allocations. Adjusted cost report data from 2003 will be used for July 1, 2006, ~~((and later))~~ through June 30, 2007, direct care component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, direct care component rate allocations. Effective July 1, 2009, the direct care component rate allocation shall be rebased biennially, and thereafter for each odd-numbered year beginning July 1st, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(d) Direct care component rate allocations based on 2003 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.506(5)(i).

(e) Direct care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, ~~((and later))~~ through June 30, 2007, therapy care component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, therapy care component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the therapy care component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

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(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, ~~((and later))~~ through June 30, 2007, support services component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, support services component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the support services component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2006, operations component rate allocations. Adjusted cost report data from 2003 will be used for July 1, 2006, ~~((and later))~~ through June 30, 2007, operations component rate allocations. Adjusted cost report data from 2005 will be used for July 1, 2007, through June 30, 2009, operations component rate allocations. Effective July 1, 2009, and thereafter for each odd-numbered year beginning July 1st, the operations component rate allocation shall be cost rebased biennially, using the adjusted cost report data for the calendar year two years immediately preceding the rate rebase period, so that adjusted cost report data for calendar year 2007 is used for July 1, 2009, through June 30, 2011, and so forth.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose operations component rate is set equal to their adjusted June 30, 2006, rate, as provided in RCW 74.46.521(4).

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds during a remodel, facilities having

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less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates. The direct care component rate allocation shall be adjusted, without using the minimum occupancy assumption, for facilities that convert banked beds to active service, under chapter 70.38 RCW, beginning on July 1, 2006.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 3. RCW 74.46.506 and 2006 c 258 s 6 are each amended to read as follows:

(1) The direct care component rate allocation corresponds to the provision of nursing care for one resident of a nursing facility for one day, including direct care supplies. Therapy services and supplies, which correspond to the therapy care component rate, shall be excluded. The direct care component rate includes elements of case mix determined consistent with the principles of this section and other applicable provisions of this chapter.

(2) Beginning October 1, 1998, the department shall determine and update quarterly for each nursing facility serving medicaid residents a facility-specific per-resident day direct care component rate allocation, to be effective on the first day of each calendar quarter. In determining direct care component rates the department shall utilize, as specified in this section, minimum data set resident assessment data for each resident of the facility, as transmitted to, and if necessary corrected by, the department in the resident assessment instrument format approved by federal authorities for use in this state.

(3) The department may question the accuracy of assessment data for any resident and utilize corrected or substitute information, however derived, in determining direct care component rates. The department is authorized to impose civil fines and to take adverse rate actions against a contractor, as specified by the department in rule, in order to obtain compliance with resident assessment and data transmission requirements and to ensure accuracy.

(4) Cost report data used in setting direct care component rate allocations shall be ~~((1996, 1999, and 2003))~~ for rate periods as specified in RCW 74.46.431(4)(a).

(5) Beginning October 1, 1998, the department shall rebase each nursing facility's direct care component rate allocation as described in RCW 74.46.431, adjust its direct care component rate allocation for economic trends and conditions as described

in RCW 74.46.431, and update its medicaid average case mix index, consistent with the following:

(a) Reduce total direct care costs reported by each nursing facility for the applicable cost report period specified in RCW 74.46.431(4)(a) to reflect any department adjustments, and to eliminate reported resident therapy costs and adjustments, in order to derive the facility's total allowable direct care cost;

(b) Divide each facility's total allowable direct care cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of eighty-five percent; that is, the greater of actual or imputed occupancy at eighty-five percent of licensed beds, to derive the facility's allowable direct care cost per resident day. However, effective July 1, 2006, each facility's allowable direct care costs shall be divided by its adjusted resident days without application of a minimum occupancy assumption;

(c) Adjust the facility's per resident day direct care cost by the applicable factor specified in RCW 74.46.431(4) ~~((b), (c), and (d))~~ to derive its adjusted allowable direct care cost per resident day;

(d) Divide each facility's adjusted allowable direct care cost per resident day by the facility average case mix index for the applicable quarters specified by RCW 74.46.501(7)(b) to derive the facility's allowable direct care cost per case mix unit;

(e) Effective for July 1, 2001, rate setting, divide nursing facilities into at least two and, if applicable, three peer groups: Those located in nonurban counties; those located in high labor-cost counties, if any; and those located in other urban counties;

(f) Array separately the allowable direct care cost per case mix unit for all facilities in nonurban counties; for all facilities in high labor-cost counties, if applicable; and for all facilities in other urban counties, and determine the median allowable direct care cost per case mix unit for each peer group;

(g) Except as provided in (i) of this subsection, from October 1, 1998, through June 30, 2000, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than eighty-five percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to eighty-five percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is greater than one hundred fifteen percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred fifteen percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between eighty-five and one hundred fifteen percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(h) Except as provided in (i) of this subsection, from July 1, 2000, through June 30, 2006, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is less than ninety percent of the facility's peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to ninety percent of the facility's peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

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(ii) Any facility whose allowable cost per case mix unit is greater than one hundred ten percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred ten percent of the peer group median, and shall have a direct care component rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(iii) Any facility whose allowable cost per case mix unit is between ninety and one hundred ten percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(i)(i) Between October 1, 1998, and June 30, 2000, the department shall compare each facility's direct care component rate allocation calculated under (g) of this subsection with the facility's nursing services component rate in effect on September 30, 1998, less therapy costs, plus any exceptional care offsets as reported on the cost report, adjusted for economic trends and conditions as provided in RCW 74.46.431. A facility shall receive the higher of the two rates.

(ii) Between July 1, 2000, and June 30, 2002, the department shall compare each facility's direct care component rate allocation calculated under (h) of this subsection with the facility's direct care component rate in effect on June 30, 2000. A facility shall receive the higher of the two rates. Between July 1, 2001, and June 30, 2002, if during any quarter a facility whose rate paid under (h) of this subsection is greater than either the direct care rate in effect on June 30, 2000, or than that facility's allowable direct care cost per case mix unit calculated in (d) of this subsection multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c), the facility shall be paid in that and each subsequent quarter pursuant to (h) of this subsection and shall not be entitled to the greater of the two rates.

(iii) Between July 1, 2002, and June 30, 2006, all direct care component rate allocations shall be as determined under (h) of this subsection.

(iv) Effective July 1, 2006, for all providers, except vital local providers as defined in this chapter, all direct care component rate allocations shall be as determined under (j) of this subsection.

(v) Effective July 1, 2006, through June 30, 2007, for vital local providers, as defined in this chapter, direct care component rate allocations shall be determined as follows:

(A) The department shall calculate:

(I) The sum of each facility's July 1, 2006, direct care component rate allocation calculated under (j) of this subsection and July 1, 2006, operations component rate calculated under RCW 74.46.521; and

(II) The sum of each facility's June 30, 2006, direct care and operations component rates.

(B) If the sum calculated under (i)(v)(A)(I) of this subsection is less than the sum calculated under (i)(v)(A)(II) of this subsection, the facility shall have a direct care component rate allocation equal to the facility's June 30, 2006, direct care component rate allocation.

(C) If the sum calculated under (i)(v)(A)(I) of this subsection is greater than or equal to the sum calculated under (i)(v)(A)(II) of this subsection, the facility's direct care component rate shall be calculated under (j) of this subsection;

(j) Except as provided in (i) of this subsection, from July 1, 2006, forward, and for all future rate setting, determine each facility's quarterly direct care component rate as follows:

(i) Any facility whose allowable cost per case mix unit is greater than one hundred twelve percent of the peer group median established under (f) of this subsection shall be assigned a cost per case mix unit equal to one hundred twelve percent of the peer group median, and shall have a direct care component

rate allocation equal to the facility's assigned cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c);

(ii) Any facility whose allowable cost per case mix unit is less than or equal to one hundred twelve percent of the peer group median established under (f) of this subsection shall have a direct care component rate allocation equal to the facility's allowable cost per case mix unit multiplied by that facility's medicaid average case mix index from the applicable quarter specified in RCW 74.46.501(7)(c).

(6) The direct care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) Costs related to payments resulting from increases in direct care component rates, granted under authority of RCW 74.46.508(1) for a facility's exceptional care residents, shall be offset against the facility's examined, allowable direct care costs, for each report year or partial period such increases are paid. Such reductions in allowable direct care costs shall be for rate setting, settlement, and other purposes deemed appropriate by the department.

Sec. 4. RCW 74.46.511 and 2001 1st sp. c. 8 s 11 are each amended to read as follows:

(1) The therapy care component rate allocation corresponds to the provision of medicaid one-on-one therapy provided by a qualified therapist as defined in this chapter, including therapy supplies and therapy consultation, for one day for one medicaid resident of a nursing facility. The therapy care component rate allocation for October 1, 1998, through June 30, 2001, shall be based on adjusted therapy costs and days from calendar year 1996. The therapy component rate allocation for July 1, 2001, through June 30, ~~((2004))~~ 2007, shall be based on adjusted therapy costs and days from calendar year 1999. Effective July 1, 2007, the therapy care component rate allocation shall be based on adjusted therapy costs and days as described in RCW 74.46.431(5). The therapy care component rate shall be adjusted for economic trends and conditions as specified in RCW 74.46.431(5)~~((b))~~, and shall be determined in accordance with this section.

(2) In rebasing, as provided in RCW 74.46.431(5)(a), the department shall take from the cost reports of facilities the following reported information:

(a) Direct one-on-one therapy charges for all residents by payer including charges for supplies;

(b) The total units or modules of therapy care for all residents by type of therapy provided, for example, speech or physical. A unit or module of therapy care is considered to be fifteen minutes of one-on-one therapy provided by a qualified therapist or support personnel; and

(c) Therapy consulting expenses for all residents.

(3) The department shall determine for all residents the total cost per unit of therapy for each type of therapy by dividing the total adjusted one-on-one therapy expense for each type by the total units provided for that therapy type.

(4) The department shall divide medicaid nursing facilities in this state into two peer groups:

(a) Those facilities located within urban counties; and

(b) Those located within nonurban counties.

The department shall array the facilities in each peer group from highest to lowest based on their total cost per unit of therapy for each therapy type. The department shall determine the median total cost per unit of therapy for each therapy type and add ten percent of median total cost per unit of therapy. The cost per unit of therapy for each therapy type at a nursing facility shall be the lesser of its cost per unit of therapy for each therapy type or the median total cost per unit plus ten percent for each therapy type for its peer group.

(5) The department shall calculate each nursing facility's therapy care component rate allocation as follows:

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(a) To determine the allowable total therapy cost for each therapy type, the allowable cost per unit of therapy for each type of therapy shall be multiplied by the total therapy units for each type of therapy;

(b) The medicaid allowable one-on-one therapy expense shall be calculated taking the allowable total therapy cost for each therapy type times the medicaid percent of total therapy charges for each therapy type;

(c) The medicaid allowable one-on-one therapy expense for each therapy type shall be divided by total adjusted medicaid days to arrive at the medicaid one-on-one therapy cost per patient day for each therapy type;

(d) The medicaid one-on-one therapy cost per patient day for each therapy type shall be multiplied by total adjusted patient days for all residents to calculate the total allowable one-on-one therapy expense. The lesser of the total allowable therapy consultant expense for the therapy type or a reasonable percentage of allowable therapy consultant expense for each therapy type, as established in rule by the department, shall be added to the total allowable one-on-one therapy expense to determine the total allowable therapy cost for each therapy type;

(e) The allowable therapy cost for each therapy type shall be added together, the sum of which shall be the total allowable therapy expense for the nursing facility;

(f) The total allowable therapy expense will be divided by the greater of adjusted total patient days from the cost report on which the therapy expenses were reported, or patient days at eighty-five percent occupancy of licensed beds. The outcome shall be the nursing facility's therapy care component rate allocation.

(6) The therapy care component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

(7) The therapy care component rate shall be suspended for medicaid residents in qualified nursing facilities designated by the department who are receiving therapy paid by the department outside the facility daily rate under RCW 74.46.508(2).

Sec. 5. RCW 74.46.521 and 2006 c 258 s 7 are each amended to read as follows:

(1) The operations component rate allocation corresponds to the general operation of a nursing facility for one resident for one day, including but not limited to management, administration, utilities, office supplies, accounting and bookkeeping, minor building maintenance, minor equipment repairs and replacements, and other supplies and services, exclusive of direct care, therapy care, support services, property, financing allowance, and variable return.

(2) Except as provided in subsection (4) of this section, beginning October 1, 1998, the department shall determine each medicaid nursing facility's operations component rate allocation using cost report data specified by RCW 74.46.431(7)(a). Effective July 1, 2002, operations component rates for all facilities except essential community providers shall be based upon a minimum occupancy of ninety percent of licensed beds, and no operations component rate shall be revised in response to beds banked on or after May 25, 2001, under chapter 70.38 RCW.

(3) Except as provided in subsection (4) of this section, to determine each facility's operations component rate the department shall:

(a) Array facilities' adjusted general operations costs per adjusted resident day, as determined by dividing each facility's total allowable operations cost by its adjusted resident days for the same report period, increased if necessary to a minimum occupancy of ninety percent; that is, the greater of actual or imputed occupancy at ninety percent of licensed beds, for each facility from facilities' cost reports from the applicable report year, for facilities located within urban counties and for those located within nonurban counties and determine the median adjusted cost for each peer group;

(b) Set each facility's operations component rate at the lower of:

(i) The facility's per resident day adjusted operations costs from the applicable cost report period adjusted if necessary to a minimum occupancy of eighty-five percent of licensed beds before July 1, 2002, and ninety percent effective July 1, 2002; or

(ii) The adjusted median per resident day general operations cost for that facility's peer group, urban counties or nonurban counties; and

(c) Adjust each facility's operations component rate for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(4)(a) Effective July 1, 2006, through June 30, 2007, for any facility whose direct care component rate allocation is set equal to its June 30, 2006, direct care component rate allocation, as provided in RCW 74.46.506(5)((+)), the facility's operations component rate allocation shall also be set equal to the facility's June 30, 2006, operations component rate allocation.

(b) The operations component rate allocation for facilities whose operations component rate is set equal to their June 30, 2006, operations component rate, shall be adjusted for economic trends and conditions as provided in RCW 74.46.431(7)(b).

(5) The operations component rate allocations calculated in accordance with this section shall be adjusted to the extent necessary to comply with RCW 74.46.421.

NEW SECTION. Sec. 6. A new section is added to chapter 74.46 RCW to read as follows:

(1) For the purposes of comparison, the department shall determine the following during the rate-setting periods for fiscal years 2008 and 2009:

(a) Each facility's June 30, 2007, combined rate for the direct care, support services, therapy, and operations components, less the quality maintenance fee; and

(b) Each facility's estimated rebased rates for the July 1, 2007, and July 1, 2008, rate-setting periods, for the direct care, support services, therapy, and operations rate components, less the quality maintenance fee, adjusted for economic trends and conditions under the 2007-2009 biennial appropriations act.

(2) For the 2007-2009 fiscal biennium, the department shall include a "hold harmless" provision after rebasing to 2005 costs for the July 1, 2007, through June 30, 2008, rate-setting period and the July 1, 2008, through June 30, 2009, rate-setting period. This "hold harmless" provision shall apply to facilities that meet both of the following conditions:

(a) Facilities whose estimated rebased rates calculated under subsection (1)(b) of this section are less than their June 30, 2007, rates calculated under subsection (1)(a) of this section; and

(b) Facilities whose combined adjusted costs per adjusted resident day in the direct care, support services, therapy, and operations cost centers were greater than the combined per resident day reimbursement rates for these cost centers in either calendar years 2004 or 2005.

For those facilities that meet the conditions in this subsection, the "hold harmless" provision shall ensure that for the July 1, 2007, through June 30, 2008, rate-setting period and for the July 1, 2008, through June 30, 2009, rate-setting period, the department shall set each facility's component rates in direct care, support services, therapy, and operations to the facility's June 30, 2007, rate, less the quality maintenance fee, adjusted for economic trends and conditions specified in the 2007-2009 biennial appropriations act.

Sec. 7. RCW 74.46.020 and 2006 c 258 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accrual method of accounting" means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

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(2) "Appraisal" means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(3) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(4) "Assets" means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(5) "Audit" or "department audit" means an examination of the records of a nursing facility participating in the medicaid payment system, including but not limited to: The contractor's financial and statistical records, cost reports and all supporting documentation and schedules, receivables, and resident trust funds, to be performed as deemed necessary by the department and according to department rule.

(6) "Bad debts" means amounts considered to be uncollectible from accounts and notes receivable.

(7) "Beneficial owner" means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in (c)(i), (ii), or (iii) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power;

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to

direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(8) "Capitalization" means the recording of an expenditure as an asset.

(9) "Case mix" means a measure of the intensity of care and services needed by the residents of a nursing facility or a group of residents in the facility.

(10) "Case mix index" means a number representing the average case mix of a nursing facility.

(11) "Case mix weight" means a numeric score that identifies the relative resources used by a particular group of a nursing facility's residents.

(12) "Certificate of capital authorization" means a certification from the department for an allocation from the biennial capital financing authorization for all new or replacement building construction, or for major renovation projects, receiving a certificate of need or a certificate of need exemption under chapter 70.38 RCW after July 1, 2001.

(13) "Contractor" means a person or entity licensed under chapter 18.51 RCW to operate a medicare and medicaid certified nursing facility, responsible for operational decisions, and contracting with the department to provide services to medicaid recipients residing in the facility.

(14) "Default case" means no initial assessment has been completed for a resident and transmitted to the department by the cut-off date, or an assessment is otherwise past due for the resident, under state and federal requirements.

(15) "Department" means the department of social and health services (DSHS) and its employees.

(16) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(17) "Direct care" means nursing care and related care provided to nursing facility residents. Therapy care shall not be considered part of direct care.

(18) "Direct care supplies" means medical, pharmaceutical, and other supplies required for the direct care of a nursing facility's residents.

(19) "Entity" means an individual, partnership, corporation, limited liability company, or any other association of individuals capable of entering enforceable contracts.

(20) "Equity" means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(21) "Essential community provider" means a facility which is the only nursing facility within a commuting distance radius of at least forty minutes duration, traveling by automobile.

(22) "Facility" or "nursing facility" means a nursing home licensed in accordance with chapter 18.51 RCW, excepting nursing homes certified as institutions for mental diseases, or that portion of a multiservice facility licensed as a nursing home, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

(23) "Fair market value" means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

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(24) "Financial statements" means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

(25) "Generally accepted accounting principles" means accounting principles approved by the financial accounting standards board (FASB).

(26) "Goodwill" means the excess of the price paid for a nursing facility business over the fair market value of all net identifiable tangible and intangible assets acquired, as measured in accordance with generally accepted accounting principles.

(27) "Grouper" means a computer software product that groups individual nursing facility residents into case mix classification groups based on specific resident assessment data and computer logic.

(28) "High labor-cost county" means an urban county in which the median allowable facility cost per case mix unit is more than ten percent higher than the median allowable facility cost per case mix unit among all other urban counties, excluding that county.

(29) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(30) "Home and central office costs" means costs that are incurred in the support and operation of a home and central office. Home and central office costs include centralized services that are performed in support of a nursing facility. The department may exclude from this definition costs that are nonduplicative, documented, ordinary, necessary, and related to the provision of care services to authorized patients.

(31) "Imprest fund" means a fund which is regularly replenished in exactly the amount expended from it.

(32) "Joint facility costs" means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

(33) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

(34) "Medical care program" or "medicaid program" means medical assistance, including nursing care, provided under RCW 74.09.500 or authorized state medical care services.

(35) "Medical care recipient," "medicaid recipient," or "recipient" means an individual determined eligible by the department for the services provided under chapter 74.09 RCW.

(36) "Minimum data set" means the overall data component of the resident assessment instrument, indicating the strengths, needs, and preferences of an individual nursing facility resident.

(37) "Net book value" means the historical cost of an asset less accumulated depreciation.

(38) "Net invested funds" means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles.

(39) "Nonurban county" means a county which is not located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(40) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(41) "Owner" means a sole proprietor, general or limited partners, members of a limited liability company, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

(42) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

(43) "Patient day" or "resident day" means a calendar day of care provided to a nursing facility resident, regardless of payment source, which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist. A "medicaid day" or "recipient day" means a calendar day of care provided to a medicaid recipient determined eligible by the department for services provided under chapter 74.09 RCW, subject to the same conditions regarding admission and discharge applicable to a patient day or resident day of care.

(44) "Professionally designated real estate appraiser" means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

(45) "Qualified therapist" means:

(a) A mental health professional as defined by chapter 71.05 RCW;

(b) A mental retardation professional who is a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(c) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(d) A physical therapist as defined by chapter 18.74 RCW;

(e) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training; and

(f) A respiratory care practitioner certified under chapter 18.89 RCW.

(46) "Rate" or "rate allocation" means the medicaid per-patient-day payment amount for medicaid patients calculated in accordance with the allocation methodology set forth in part E of this chapter.

(47) "Real property," whether leased or owned by the contractor, means the building, allowable land, land improvements, and building improvements associated with a nursing facility.

(48) "Rebased rate" or "cost-rebased rate" means a facility-specific component rate assigned to a nursing facility for a particular rate period established on desk-reviewed, adjusted costs reported for that facility covering at least six months of a prior calendar year designated as a year to be used for cost-rebasing payment rate allocations under the provisions of this chapter.

(49) "Records" means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

(50) "Related organization" means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

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(a) "Common ownership" exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) "Control" exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

(51) "Related care" means only those services that are directly related to providing direct care to nursing facility residents. These services include, but are not limited to, nursing direction and supervision, medical direction, medical records, pharmacy services, activities, and social services.

(52) "Resident assessment instrument," including federally approved modifications for use in this state, means a federally mandated, comprehensive nursing facility resident care planning and assessment tool, consisting of the minimum data set and resident assessment protocols.

(53) "Resident assessment protocols" means those components of the resident assessment instrument that use the minimum data set to trigger or flag a resident's potential problems and risk areas.

(54) "Resource utilization groups" means a case mix classification system that identifies relative resources needed to care for an individual nursing facility resident.

(55) "Restricted fund" means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

(56) "Secretary" means the secretary of the department of social and health services.

(57) "Support services" means food, food preparation, dietary, housekeeping, and laundry services provided to nursing facility residents.

(58) "Therapy care" means those services required by a nursing facility resident's comprehensive assessment and plan of care, that are provided by qualified therapists, or support personnel under their supervision, including related costs as designated by the department.

(59) "Title XIX" or "medicaid" means the 1965 amendments to the social security act, P.L. 89-07, as amended and the medicaid program administered by the department.

(60) "Urban county" means a county which is located in a metropolitan statistical area as determined and defined by the United States office of management and budget or other appropriate agency or office of the federal government.

(61) "Vital local provider" means a facility (~~reporting a home office~~) that meets the following qualifications:

(a) ~~(The)~~ It reports a home office with an address ((is)) located in Washington state; and

(b) The sum of medicaid days for all Washington facilities reporting ((the)) that home office as their home office was greater than two hundred fifteen thousand in 2003; and

(c) The facility was recognized as a "vital local provider" by the department as of April 1, 2007.

The definition of "vital local provider" shall expire, and have no force or effect, after June 30, 2007. After that date, no facility's payments under this chapter shall in any way be affected by its prior determination or recognition as a vital local provider.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2007."

Senator Keiser spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Parlette to Substitute Senate Bill No. 6158.

The motion by Senator Keiser carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "rates;" strike the remainder of the title and insert "amending RCW 74.46.410, 74.46.431, 74.46.506, 74.46.511, 74.46.521, and 74.46.020; adding a new section to chapter 74.46 RCW; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 6158 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6158.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6158 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 48

Voting nay: Senator Pridemore - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5097 to page 2, line 15; insisted on its amendment to page 4, line 27, and passed the bill as amended by the House.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5097.

Senator Rockefeller spoke in favor of the motion.

MOTION

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The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5097.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5097 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5097, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 49

SUBSTITUTE SENATE BILL NO. 5097, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House has passed the following bills:
SENATE BILL NO. 5434,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
SECOND SUBSTITUTE HOUSE BILL NO. 1277,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,
HOUSE BILL NO. 1674,
ENGROSSED HOUSE BILL NO. 1902
SECOND SUBSTITUTE HOUSE BILL NO. 2220,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House refuses to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1128 and asks the Senate for a conference thereon. Speaker has appointed the following members as Conferees:

Representatives: Sommers, Dunshee, and Alexander and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Prentice, the Senate granted the request of the House for a conference on Substitute House Bill No. 1128 and the Senate amendment(s) thereto.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1128 and the House amendment(s) there to: Senators Prentice, Pridemore and Zarelli.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, with the following amendment: 5557-S2.E AMH FIN H3585.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.370 and 2004 c 130 s 2 are each amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed ~~((0.08))~~ 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

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(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, ((no later than October 1st)) within one hundred fifty days after the close of each fiscal year~~(s)~~: (i) A list of new projects ((from)) begun during the ((prior)) fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) For the purposes of this section, (i) "public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington; and (ii) "economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(4) No tax may be collected under this section before July 1, 1998. No tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

NEW SECTION. Sec. 2. This act takes effect August 1, 2007." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5557.

Senator Hargrove spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5557.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5557 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5557, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5557, as amended by the House, and the bill passed the Senate by the following

vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 47

Absent: Senators Kline and Tom - 2

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5557, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 19, 2007

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044 and again asks Senate to concur therein. and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044.

Senator Rockefeller spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 6044 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 6044, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist and Stevens - 2

Absent: Senator Kline - 1

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ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6044, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Pursuant to Joint Rule 20, on motion of Senator Haugen, the provision requiring a twenty-four hour interval before consideration of the conference committee report on Engrossed Substitute House bill No. 1094 was suspended without objection.

REPORT OF THE CONFERENCE REPORT
Engrossed Substitute House Bill No. 1094
April 20, 2007

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1094, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"2007-09 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2009.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation
\$505,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT

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Motor Vehicle Account--State Appropriation \$3,054,000
Puget Sound Ferry Operations Account--State
Appropriation \$100,000
TOTAL APPROPRIATION \$3,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,545,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$75,000 of the motor vehicle account state appropriation is provided solely to address transportation budget and reporting requirements.

NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State
Appropriation \$422,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation \$985,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation \$1,358,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,007,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF ARCHEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation \$223,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$1,595,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$800,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system (TEIS).

(2) \$795,000 of the motor vehicle account--state appropriation is provided solely for development of a new transportation capital budgeting system and transition of a copy of the transportation executive information system (TEIS) to LEAP. At a minimum, the new budgeting system development effort must provide comprehensive schematic diagrams of the current and proposed transportation capital budget process, information flows, and data exchanges; common, agreed-upon data definitions and business rules; detailed transportation capital budget data and system requirements; and a strategy for implementation, including associated costs and a timeframe.

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

As part of its 2007-09 biennium workplan, the committee shall:

(1) Review the Washington state ferries' assignment of preservation costs as required by Engrossed Substitute House Bill No. 2358, for fiscal year 2008, to determine whether costs are capital costs and whether they meet the statutory

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requirements for preservation activities, and report its findings to the legislature not later than January 2009.

(2) Review the Washington state ferries' implementation of the life cycle cost model, as required by Engrossed Substitute House Bill No. 2358, and report to the legislature not later than June 30, 2009, on whether the model:

(a) Complies with available industry standards or department-adopted standard life cycles derived from the experience of similar public and private entities when industry standards are not available;

(b) Is maintained and updated when asset inspections are made;

(c) Excludes utilities and other systems that are not replaced on a standard life cycle;

(d) Provides that all assets in the life-cycle cost model are inspected and updated for asset condition at least every three years; and

(e) Excludes assets not yet built.

(3) The committee shall solicit input regarding the study workplan from the joint transportation committee.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	\$2,609,000
Highway Safety Account--Federal Appropriation . .	\$15,880,000
School Zone Safety Account--State Appropriation . .	\$3,300,000
TOTAL APPROPRIATION	\$21,789,000

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation . .	\$907,000
Motor Vehicle Account--State Appropriation	\$2,075,000
County Arterial Preservation Account--State	
Appropriation	\$1,399,000
TOTAL APPROPRIATION	\$4,381,000

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation . .	\$1,793,000
Transportation Improvement Account--State	
Appropriation	\$1,795,000
TOTAL APPROPRIATION	\$3,588,000

NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation	\$1,156,000
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NEW SECTION. Sec. 205. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	\$2,103,000
Multimodal Transportation Account--State Appropriation	
.....	\$550,000
TOTAL APPROPRIATION	\$2,653,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the motor vehicle account--state appropriation is for establishing a workgroup to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries) and review other matters relating to Washington state ferries. The cochairs of the committee shall establish the workgroup comprising committee members or their designees, an appointee by the governor, and other stakeholders as appointed by the cochairs, to assist in the committee's work. The workgroup shall report the progress of its tasks to the transportation committees of the legislature by December 15, 2007. The workgroup is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute House Bill No. 2358, the committee workgroup shall participate in and provide a review of the following:

(i) The Washington transportation commission's development and interpretation of a survey of ferry customers;

(ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;

(iii) The department's development of pricing policy proposals. In developing these policies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;

(iv) The department's development of operational strategies;

(v) The department's development of terminal design standards; and

(vi) The department's development of a long-range capital plan;

(b) Reviewing the following Washington state ferry programs:

(i) Ridership demand forecast;

(ii) Updated life cycle cost model, as directed by Engrossed Substitute House Bill No. 2358;

(iii) Administrative operating costs, nonlabor and nonfuel operating costs, Eagle Harbor maintenance facility program and maintenance costs, administrative and systemwide capital costs, and vessel preservation costs; and

(iv) The Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute House Bill No. 2358;

(c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's development of a plan for codevelopment and public private partnership opportunities at public ferry terminals; and

(d) Evaluate the capital cost allocation plan methodology developed by the department to implement Engrossed Substitute House Bill No. 2358.

(2) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are for the implementation of Substitute Senate Bill No. 5207.

(3) \$300,000 of the multimodal transportation account--state appropriation is for implementing Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$2,276,000
Multimodal Transportation Account--State Appropriation	
.....	\$112,000
TOTAL APPROPRIATION	\$2,388,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a survey of ferry customers as described in Engrossed Substitute

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House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee workgroup established in section 205(1) of this act.

of the senate and house of representatives by September 30th of each year.

(2) \$100,000 of the motor vehicle account--state appropriation is provided solely for a study to identify and evaluate long-term financing alternatives for the Washington state ferry system. The study shall incorporate the findings of the initial survey described in subsection (1) of this section, and shall consider the potential for state, regional, or local financing options. The commission shall submit a draft final report of its findings and recommendations to the transportation committees of the legislature no later than December 2008.

(4) \$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) The commission shall conduct a planning grade tolling study that is based on the recommended policies in the commission's comprehensive tolling study submitted September 20, 2006.

(5) During the fiscal year 2008, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads, and shall work with the counties to transition the traffic accident investigations on county roads to the counties by July 1, 2008.

NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

(6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Motor Vehicle Account--State Appropriation \$695,000

(7) \$3,300,000 of the state patrol highway account--state appropriation is provided solely for the salaries and benefits associated with accretion in the number of troopers employed above 1,158 authorized commissioned troopers.

The appropriation in this section is subject to the following conditions and limitations:

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

(1) The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

State Patrol Highway Account--State Appropriation \$1,300,000

(2) The freight mobility strategic investment board and the department of transportation shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by chapter 47.06A RCW for the board and as required by this act for the department. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in section 309(7)(a) of this act to the greatest extent possible.

NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$103,157,000

State Patrol Highway Account--Private/Local

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

Appropriation \$2,008,000

State Patrol Highway Account--State

Appropriation \$225,445,000

State Patrol Highway Account--Federal

Appropriation \$10,602,000

State Patrol Highway Account--Private/Local

Appropriation \$410,000

Appropriation \$410,000

TOTAL APPROPRIATION . . . \$105,165,000

TOTAL APPROPRIATION . . . \$236,457,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(2) \$12,641,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology related requests for funding only if the patrol has coordinated with the department of information services as required by section 602 of this act.

NEW SECTION. Sec. 211. FOR THE WASHINGTON STATE PATROL--CRIMINAL HISTORY AND BACKGROUND CHECKS.

In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform criminal history and background checks for state and local agencies and nonprofit and other private entities and disseminate the records resulting from these activities. The Washington state patrol is required to charge a fee for these activities, for which it is the policy of the state of Washington that the fees cover the direct and indirect costs of performing the criminal history and background checks and

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disseminating the information. For each type of criminal history and background check and dissemination of these records, the Washington state patrol shall, as nearly as practicable, set fees at levels sufficient to cover the direct and indirect costs. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation	\$32,000
Motorcycle Safety Education Account--State	
Appropriation	\$3,905,000
Wildlife Account--State Appropriation	\$843,000
Highway Safety Account--State Appropriation	\$141,953,000
Highway Safety Account--Federal Appropriation	\$233,000
Motor Vehicle Account--State Appropriation	\$79,230,000
Motor Vehicle Account--Private/Local Appropriation	
Appropriation	\$1,372,000
Motor Vehicle Account--Federal Appropriation	\$117,000
Department of Licensing Services Account--State	
Appropriation	\$3,540,000
Washington State Patrol Highway Account--State	
Appropriation	\$1,145,000
TOTAL APPROPRIATION	\$232,370,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,941,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) \$716,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$8,872,000 of the highway safety account--state appropriation is provided solely for costs associated with the systems development and issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border. If Engrossed Substitute House Bill No. 1289 (relating to the issuance of enhanced drivers' licenses and identicards) is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department may expend funds only after acceptance of the enhanced Washington state driver's license for border crossing purposes by the Canadian and United States governments. The department may expend funds only after prior written approval of the director of financial management. Of the amount provided in this subsection, up to \$1,000,000 is for a statewide educational campaign, which must include coordination with existing public and private entities, to inform the Washington public of the benefits of the new enhanced drivers' licenses and identicards.

(4) \$91,000 of the motor vehicle account--state appropriation and \$152,000 of the highway safety account--state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

(5) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$1,145,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(8) Within the amounts appropriated in this section, the department shall, working with the legislature, develop a proposal to streamline title and registration statutes to specifically address apparent conflicts, fee distribution, and other recommendations by the department that are revenue neutral and which do not change legislative policy. The department shall report the results of this review to the transportation committees of the legislature by December 1, 2007.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Account--State	
Appropriation	\$2,596,000
Motor Vehicle Account--State Appropriation	\$5,600,000
Tacoma Narrows Toll Bridge Account--State	
Appropriation	\$28,218,000
TOTAL APPROPRIATION	\$36,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the motor vehicle account--state is provided solely to provide a reserve for the Tacoma Narrows Bridge project. This appropriation shall be held in unallotted status until the office of financial management deems that revenues applicable to the Tacoma Narrows Bridge project are not sufficient to cover the project's expenditures.

(2) The department shall solicit private donations to fund activities related to the opening ceremonies of the Tacoma Narrows bridge project.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State	
Appropriation	\$4,556,000
Motor Vehicle Account--State Appropriation	\$67,613,000
Motor Vehicle Account--Federal Appropriation	\$1,096,000
Puget Sound Ferry Operations Account--State	
Appropriation	\$9,192,000
Multimodal Transportation Account--State	
Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$4,000,000
TOTAL APPROPRIATION	\$86,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

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(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$2,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, and develop an implementation plan for transition to the state government network.

(4) \$1,000,000 of the motor vehicle account--state appropriation, \$4,556,000 of the transportation partnership account--state appropriation, and \$4,000,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(5) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(6) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the critical application assessment implementation project. The department shall submit a progress report on the critical application assessment implementation project to the house of representatives and senate transportation committees on or before December 1, 2007, and December 1, 2008, with a final report on or before June 30, 2009.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation . . . \$34,569,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$6,889,000

Aeronautics Account--Federal Appropriation \$2,150,000

Multimodal Transportation Account--State Appropriation \$631,000

TOTAL APPROPRIATION \$9,670,000

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation is provided solely for the aviation planning council as provided for in RCW 47.68.410.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Transportation Partnership Account--State

Appropriation \$2,422,000

Motor Vehicle Account--State Appropriation \$50,446,000

Motor Vehicle Account--Federal Appropriation \$500,000

Multimodal Transportation Account--State

Appropriation \$250,000

Transportation 2003 Account (Nickel Account)--State

Appropriation \$2,422,000

TOTAL APPROPRIATION \$56,040,000

The appropriation in this section is subject to the following conditions and limitations: \$2,422,000 of the transportation partnership account appropriation and \$2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The department shall coordinate its work with other budget and performance efforts, including Roadmap, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation \$1,151,000

Multimodal Transportation Account--State Appropriation \$300,000

TOTAL APPROPRIATION \$1,451,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$300,000 of the multimodal account--state appropriation is provided solely for the department to hire a consultant to develop a plan for codevelopment and public-private partnership opportunities at public ferry terminals.

(2) The department shall conduct an analysis and, if determined to be feasible, initiate requests for proposals involving the distribution of alternative fuels along state department of transportation rights-of-way.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation . . . \$321,888,000

Motor Vehicle Account--Federal Appropriation . . . \$2,000,000

Motor Vehicle Account--Private/Local Appropriation \$5,797,000

TOTAL APPROPRIATION . . . \$329,685,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be

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requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$1,500,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed April 20, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$52,040,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION	\$54,217,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$28,215,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Puget Sound Ferry Operations Account--State Appropriation	\$1,321,000
Multimodal Transportation Account--State Appropriation	\$1,223,000
TOTAL APPROPRIATION	\$30,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall work with staffs from the legislative evaluation and accountability program committee, the transportation committees of the legislature, and the office of financial management on developing a new capital budgeting system to meet identified information needs.

(2) \$250,000 of the multimodal account--state appropriation is provided solely for implementing a wounded combat veteran's

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internship program, administered by the department. The department shall seek federal funding to support the continuation of this program.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$30,698,000
Motor Vehicle Account--Federal Appropriation . .	\$19,163,000
Multimodal Transportation Account--State	
Appropriation	\$1,029,000
Multimodal Transportation Account--Federal	
Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$100,000
TOTAL APPROPRIATION	\$53,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds, including those expended since 2003, are provided as a loan to the RTID and shall be repaid to the state within one year following formation of the RTID. \$2,391,000 of the amount provided under this subsection shall lapse, effective January 1, 2008, if voters fail to approve formation of the RTID at the 2007 general election, as determined by the certification of the election results.

(2) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) \$320,000 of the motor vehicle account--state appropriation and \$128,000 of the motor vehicle account--federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030. The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards.

(5) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(6) The department shall add a position within the freight systems division to provide expertise regarding the trucking aspects of the state's freight system.

(7) The department shall evaluate the feasibility of developing a freight corridor bypass from Everett to Gold Bar on US 2, including a connection to SR 522. US 2 is an important freight corridor, and is an alternative route for I-90. Congestion, safety issues, and flooding concerns have all contributed to the need for major improvements to the corridor. The evaluation shall consider the use of toll lanes for the project. The department must report to the transportation committees of the legislature by December 1, 2007, on its analysis and recommendations regarding the benefit of a freight corridor and the potential use of freight toll lanes to improve safety and congestion in the corridor.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$66,342,000
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account--State	
Appropriation	\$259,000
TOTAL APPROPRIATION	\$67,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,665,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES \$1,520,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR \$1,150,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES \$4,157,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL \$4,033,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

\$36,665,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,838,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT

\$647,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS

ENTERPRISES \$1,070,000

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT . .

\$930,000

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT

OF INFORMATION SERVICES \$1,138,000

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE \$8,859,000

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY

GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT

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LITIGATION \$158,000
NEW SECTION, Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State	
Appropriation	\$40,000,000
Multimodal Transportation Account--State	
Appropriation	\$85,202,000
Multimodal Transportation Account--Federal	
Appropriation	\$2,582,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$291,000
TOTAL APPROPRIATION ...	\$128,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2005 as reported in the "Summary of Public Transportation - 2005" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2005 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$40,000,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the

project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) \$17,168,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$136,000 of the multimodal transportation account--private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county

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connection service for Island, Skagit, and Whatcom transit agencies.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State	
Appropriation	\$412,189,000
Multimodal Transportation Account--State	
Appropriation	\$1,830,000
TOTAL APPROPRIATION . . .	\$414,019,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,191,000 of the Puget Sound ferry operations--state appropriation is provided solely for auto ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) \$1,830,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) \$932,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(6) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) \$694,000 of the Puget Sound ferries operating account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee workgroup established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the survey has been implemented;

(iii) Development of pricing policy proposals. In developing these policies, the policies, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry

system. The pricing policy proposals must be developed in conjunction with or after the survey has been implemented;

(iv) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the survey or after the survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be finalized after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be finalized after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint transportation committee no later than August 1, 2007.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation	
.....	\$37,034,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.

(2)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(c) When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.

(3) No Amtrak Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation	\$8,630,000
Motor Vehicle Account--Federal Appropriation . . .	\$2,567,000
TOTAL APPROPRIATION . . .	\$11,197,000

TRANSPORTATION AGENCIES--CAPITAL

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NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation \$2,934,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,200,000 is provided solely for the following minor works projects: \$195,000 for HVAC renovation at the Chehalis, Kelso, Okanogan, and Ellensburg detachments; \$50,000 for roof replacements at the Toppenish, SeaTac NB, SeaTac SB, and Plymouth weigh stations; \$35,000 for replacement of the Shelton academy roof drain and downspout; \$100,000 for parking lot repairs at Okanogan, Goldendale, Ritzville, and Moses Lake detachment offices and the Wenatchee 6 headquarters; \$290,000 for replacement of the weigh station scales at Brady and Arctic; \$152,000 for carpet replacement at the Ritzville, Moses Lake, Morton, Kelso, Chehalis, Walla Walla, Kennewick, South King, and Hoquiam detachment offices; \$185,000 for HVAC replacement at Tacoma and Marysville detachment offices; \$330,000 for repair and upgrade of the Bellevue tower; \$473,000 for replacement of twenty-one communication site underground fuel tanks; \$240,000 for replacement of communication site buildings at Lind, Scoggans Mountain, and Lewiston Ridge; and \$150,000 for unforeseen emergency repairs.

(2) \$687,000 is provided solely for design and construction of regional waste water treatment systems for the Shelton academy of the Washington state patrol.

(3) \$47,000 is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources (DNR), and the department of fish and wildlife, and the rotary operations of the DNR.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation \$64,000,000

Motor Vehicle Account--State Appropriation \$2,368,000

County Arterial Preservation Account--State

Appropriation \$32,861,000

TOTAL APPROPRIATION \$99,229,000

The appropriations in this section are subject to the following conditions and limitations: \$2,069,000 of the motor vehicle account--state appropriation may be used for county ferries. The board shall review the requests for county ferry funding in consideration with other projects funded from the board. If the board determines these projects are a priority over the projects in the rural arterial and county arterial preservation grant programs, then they may provide funding for these requests.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State

Appropriation \$4,500,000

Urban Arterial Trust Account--State Appropriation

. \$129,600,000

Transportation Improvement Account--State

Appropriation \$90,643,000

TOTAL APPROPRIATION . . . \$224,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation \$6,202,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.

(2) \$750,000 of the motor vehicle account--state appropriation is for regional minor projects.

(3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.

(4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.

(5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.

(6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.

(7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State

Appropriation \$1,226,516,000

Motor Vehicle Account--State Appropriation \$82,045,000

Motor Vehicle Account--Federal Appropriation . . \$404,090,000

Motor Vehicle Account--Private/Local

Appropriation \$49,157,000

Special Category C Account--State Appropriation . \$29,968,000

Tacoma Narrows Toll Bridge Account--State

Appropriation \$142,484,000

Transportation 2003 Account (Nickel Account)--State

Appropriation \$1,100,746,000

Freight Congestion Relief Account--State

Appropriation \$40,000,000

TOTAL APPROPRIATION . \$3,075,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Improvement Program (I) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) Within the amounts provided in this section, \$1,991,000 of the transportation partnership account--state appropriation, \$1,656,000 of the motor vehicle account--federal appropriation,

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and \$8,343,000 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document in subsection (1) of this section: I-90/Two Way Transit-Transit and HOV Improvements - Stage 1. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to \$131,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The funding described in this section includes \$8,095,541 of the transportation 2003 account (nickel account)--state appropriation and \$237,241 of the motor vehicle account--private/local appropriation, which are for the SR 519 project. The total project is expected to cost no more than \$74,400,000 including \$11,950,000 in contributions from project partners.

(6) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of visual and aesthetic options with local communities. The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

(7) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(8) If the "Green Highway" provisions of Engrossed Second Substitute House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

(9) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

(10) The department should consider using mitigation banking on appropriate projects whenever possible, without

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increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation. However, the department shall not use agricultural lands of long-term commercial significance, as that term is used under chapter 36.70A RCW, for mitigation banking.

(11) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(12) \$250,000 of the motor vehicle account--state appropriation is provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

(13) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(14) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

(15) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(16) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

(17) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King

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Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

(18) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(19) The transportation 2003 account (nickel account)--state appropriation includes up to \$874,610,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(20) The transportation partnership account--state appropriation includes up to \$900,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(21) The special category C account--state appropriation includes up to \$22,080,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(22) \$4,500,000 of the motor vehicle account--federal appropriation is provided solely for cost increases on the SR 304/Bremerton tunnel project.

(23) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for initial design and right of way work on a new southbound SR 509 to eastbound SR 518 freeway-to-freeway elevated ramp.

(24) \$500,000 of the motor vehicle account--federal appropriation to the SR 543/I-5 to Canadian border project is provided solely for retaining wall facia improvements.

(25) \$1,400,000 of the motor vehicle account--federal appropriation is provided solely for the Westview school noise wall.

(26) \$1,600,000 of the motor vehicle account--federal appropriation is provided solely for two noise walls on SR 161 in King county.

(27) \$900,000 of the motor vehicle account--state appropriation and \$100,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A street and tank farm road.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State	
Appropriation	\$220,164,000
Motor Vehicle Account--State Appropriation	\$71,392,000
Motor Vehicle Account--Federal Appropriation . .	\$425,161,000
Motor Vehicle Account--Private/Local Appropriation	
.	\$15,285,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$5,122,000
Puyallup Tribal Settlement Account--State	
Appropriation	\$11,000,000
TOTAL APPROPRIATION	\$748,124,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Highway Preservation Program (P) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$295,000 of the motor vehicle account--federal appropriation and \$5,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current

Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) \$5,513,000 of the transportation partnership account--state appropriation is provided solely for the purposes of settling all identified and potential claims from the Lower Elwha Klallam Tribe related to the construction of a graving dock facility on the graving dock property. In the matter of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the Lower Elwha Klallam Tribe and the state of Washington entered into a settlement agreement that settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitations set forth in subsections (a) and (b) of this subsection.

(a) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the benefit of the Lower Elwha Klallam Tribe to be disbursed by the department in accordance with terms and conditions of the settlement agreement.

(b) \$3,513,000 of the transportation partnership account--state appropriation is provided solely for the department's remediation work on the graving dock property in accordance with the terms and conditions of the settlement agreement.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) \$2,604,501 of the motor vehicle account--federal appropriation and \$3,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

(8) \$9,665 of the motor vehicle account--state appropriation, \$12,652,812 of the motor vehicle account--federal appropriation, and \$138,174,581 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation	\$9,212,000
Motor Vehicle Account--Federal Appropriation . .	\$15,951,000
Motor Vehicle Account--Private/Local Appropriation .	\$74,000
TOTAL APPROPRIATION	\$25,237,000

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The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes \$8,833,000 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State	
Appropriation	\$139,139,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$66,145,000
Multimodal Transportation Account--State	
Appropriation	\$4,100,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$76,525,000
TOTAL APPROPRIATION . . .	\$285,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,432,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(2) \$16,567,000 of the Puget Sound capital construction account--state appropriation and \$4,100,000 of the multimodal transportation account--state appropriation are provided solely for the terminal projects listed:

(a) Anacortes ferry terminal - utilities work; right-of-way purchase for a holding area during construction; and completion of design and permitting on the terminal building, pick-up and drop-off sites, and pedestrian and bicycle facilities;

(b) Bainbridge Island ferry terminal - environmental planning;

(c) Bremerton ferry terminal - overhead loading control system and moving the terminal agent's office;

(d) Clinton ferry terminal - septic system replacement;

(e) Edmonds ferry terminal - right-of-way acquisition costs and federal match requirements;

(f) Friday Harbor ferry terminal - parking resurfacing;

(g) Keystone and Port Townsend ferry terminals - route environmental planning;

(h) Kingston ferry terminal - transfer span retrofit and overhead vehicle holding control system modifications;

(i) Mukilteo ferry terminal - right-of-way acquisition, archeological studies, and environmental planning;

(j) Port Townsend ferry terminal - wingwall replacement;

(k) Seattle ferry terminal - environmental planning, coordination with local jurisdictions, and coordination with highway projects; and

(l) Vashon Island and Seattle ferry terminals - modify the passenger-only facilities.

(3) \$15,500,000 of the Puget Sound ferries operating account--state appropriation is provided solely for dolphin replacement projects at the Orcas Island and Vashon Island ferry terminals. The department shall submit a predesign study to the legislature and must receive legislative approval before beginning design or construction of these projects.

(4) \$76,525,000 of the transportation 2003 account (nickel account)--state appropriation and \$50,985,000 of the Puget Sound capital construction account--state appropriation are provided solely for the procurement of four 144-vehicle auto-passenger ferry vessels.

(5) \$18,716,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

(6) The department shall research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future

preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

(7) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

(8) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	
.....	\$500,000
Freight Congestion Relief Account--State	
Appropriation	\$25,000,000
Transportation Infrastructure Account--State	
Appropriation	\$2,500,000
Multimodal Transportation Account--State	
Appropriation	\$154,637,000
Multimodal Transportation Account--Federal	
Appropriation	\$30,450,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$7,894,000
TOTAL APPROPRIATION . . .	\$220,981,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided in subsection (8) of this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2007-1, Rail Capital Program (Y) as developed April 20, 2007. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b) Within the amounts provided in this section, \$2,500,000 of the transportation infrastructure account--state appropriation is for low-interest loans for rail capital projects through the freight rail investment bank program. The department shall issue a call for projects based upon the legislative priorities specified in subsection (7)(a) of this section. Application must be received by the department by November 1, 2007. By December 1, 2007, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(c) Within the amounts provided in this section, \$3,335,000 of the multimodal transportation account--state appropriation is for statewide - emergent freight rail assistance projects. However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities specified in subsection (7)(a) of this section, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); Rail - Port of Longview rail loop construction (\$291,000); and Rail - Port of Chehalis (\$774,000). If the relative cost of any of the six projects identified in this

subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.

(d) Within the amounts provided in this section, \$25,000,000 of the freight congestion relief account--state appropriation is for modifications to the Stampede Pass rail tunnel to facilitate the movement of double stacked rail cars. The department shall quantify and report to the legislature by December 1, 2007, the volume of freight traffic that would likely be shipped by rail rather than trucks if the Stampede Pass rail tunnel were modified to accommodate double stacked rail cars.

(e) Within the amounts provided in this section, \$200,000 of the multimodal transportation account--state appropriation is for rescoping the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

(f) Within the amounts provided in this section, \$3,600,000 of the multimodal transportation account--state appropriation is for work items on the Palouse River and Coulee City Railroad lines.

(2) The multimodal transportation account--state appropriation includes up to \$137,620,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account.

(6) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(7)(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006. The benefit/impact evaluation methodology shall be developed using the following priorities, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;

(iii) Preservation of transportation corridors that would otherwise be lost;

(iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;

(v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and

(vi) Mitigation of impacts of increased rail traffic on communities.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) The department shall use the benefit/impact analysis and priorities in (a) of this subsection when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 47.06A RCW for the board. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in (a) of this subsection to the greatest extent possible.

(8) \$5,000,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the costs of acquisition of the PCC railroad associated with the memorandum of understanding (MOU), which was executed between Washington state and Watco. Total costs associated with the MOU shall not exceed \$10,937,000.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal	
Appropriation	\$1,602,000
Freight Mobility Investment Account--State	
Appropriation	\$12,500,000
Freight Congestion Relief Account--State	
Appropriation	\$46,720,000
Transportation Partnership Account--State	
Appropriation	\$2,906,000
Motor Vehicle Account--State Appropriation	\$9,854,000
Motor Vehicle Account--Federal Appropriation	\$60,150,000
Freight Mobility Multimodal Account--State	
Appropriation	\$12,100,000
Multimodal Transportation Account--Federal	
Appropriation	\$3,500,000
Multimodal Transportation Account--State	
Appropriation	\$33,158,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,706,000
Passenger Ferry Account--State Appropriation	\$8,500,000
TOTAL APPROPRIATION	\$193,903,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a

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quarterly basis via the transportation executive information system (TEIS).

(2) \$8,500,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) \$7,000,000 of the multimodal transportation account--state appropriation, \$7,000,000 of the motor vehicle account--federal appropriation, and \$4,000,000 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed April 20, 2007. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) The entire freight congestion relief account--state appropriation is contingent upon the enactment during the 2007-2009 fiscal biennium of a bill, resulting from the study established in Substitute Senate Bill No. 5207, that makes available funding to support project expenditures funded from the freight congestion relief account created in Substitute Senate Bill No. 5207. If such a funding bill is not enacted by June 30, 2009, the entire freight congestion relief account--state appropriation shall lapse.

(10) \$3,500,000 of the multimodal transportation account--federal appropriation is provided solely for the Museum of Flight pedestrian bridge safety project.

(11) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the icicle rail station in Leavenworth.

(12) \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the Union Gap city road project.

(13) \$350,000 of the motor vehicle account--state appropriation is provided solely for the Saltwater state park bridge project.

(14) \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the coal creek parkway project.

(15) \$250,000 of the multimodal transportation account--state appropriation is provided solely for a streetcar feasibility study in downtown Spokane.

(16) \$500,000 of the motor vehicle account--state appropriation is provided solely for the marine view drive bridge project in Des Moines.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$570,030,000
Ferry Bond Retirement Account Appropriation . . .	\$38,059,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$27,749,000
Nondebt-Limit Reimbursable Account Appropriation	\$19,359,000
Transportation Partnership Account--State Appropriation	\$6,694,000
Motor Vehicle Account--State Appropriation	\$986,000
Transportation Improvement Account--State Appropriation	\$68,000
Multimodal Transportation Account--State Appropriation	\$1,032,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$6,560,000
Urban Arterial Trust Account--State Appropriation . .	\$473,000
Special Category C Account Appropriation	\$160,000
TOTAL APPROPRIATION . . .	\$671,170,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	\$2,254,000
Motor Vehicle Account--State Appropriation	\$329,000
Transportation Improvement Account--State Appropriation	\$5,000
Multimodal Transportation Account--State Appropriation	\$130,000
Transportation 2003 Account (Nickel Account)--State	

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Appropriation	\$2,187,000
Urban Arterial Trust Account--State Appropriation . . .	\$38,000
Special Category C Account--State Appropriation . . .	\$53,000
TOTAL APPROPRIATION	\$4,996,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows Toll Bridge Account

Account

\$131,016,000

The department of transportation is authorized to sell up to \$131,016,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound Capital Construction Account

Account

\$131,500,000

The department of transportation is authorized to sell up to \$131,500,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties

Account

\$526,320,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers

Account

\$937,181,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers

Account

\$346,657,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State

Account

\$3,005,000

(2) License Plate Technology Account--State Appropriation: For the Multimodal Transportation Account--State

Account

\$4,500,000

(3) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--State Account

Account

\$3,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State

Account

\$20,000,000

(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State

Account

\$39,000,000

(6) Advanced Right-of-Way Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State

Account

\$30,000,000

(7) Waste Tire Removal Account--State Appropriation: For transfer to the Motor Vehicle Account--State . . .

Account

\$5,600,000

(8) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State

Account

\$25,000,000

(9) Multimodal Transportation Account--State Appropriation: For transfer to the General Fund--State

Account

\$3,500,000

(10) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation

Infrastructure Account--State

\$7,000,000

(11) Highway Safety Account--State Appropriation:
For transfer to the Multimodal Transportation Account--State

Account

\$9,500,000

The transfers identified in this section are subject to the following conditions and limitations:
(a) The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

(b) The amount transferred in subsection (10) of this section is contingent on the enactment of Engrossed Substitute Senate Bill No. 5799. If Engrossed Substitute Senate Bill No. 5799 is not enacted by June 30, 2007, the amount transferred shall lapse.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

NEW SECTION. Sec. 502. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER

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COALITION--INSURANCE BENEFITS. The appropriations for state agencies, are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$165.31. Starting January 1, 2009, the subsidy shall be \$184.26 per month.

NEW SECTION. Sec. 503. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION.

Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June, 2007, and is covered by a 2007-2009 collective bargaining agreement pursuant to chapter 41.80 RCW, as well as continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

NEW SECTION. Sec. 504. COMPENSATION--PENSION CONTRIBUTIONS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are provided to fund employer contributions to state pension funds at the rates adopted by the pension funding council.

NEW SECTION. Sec. 505. COMPENSATION--REVISE PENSION GAIN SHARING. The appropriations for (schools) state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to pension gain sharing as provided in House Bill No. 2391.

NEW SECTION. Sec. 506. NONREPRESENTED EMPLOYEE COMPENSATION. The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Across the Board Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the

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Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2007, and for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(b) Appropriations are provided for a 2.0% salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapter 41.80 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0% salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25% below market rates and affected classes.

(3) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under the personnel system reform act of 2002.

(4) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan.

(5) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(6) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6% salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6% salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. Sec. 507. COLLECTIVE BARGAINING AGREEMENTS. Provisions of the collective bargaining agreements contained in sections 508 through 519 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in sections 508 through 519 may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

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NEW SECTION. Sec. 508. COLLECTIVE BARGAINING AGREEMENT--IBU. Appropriations in this act contain funding for the collective bargaining agreement reached between the governor and the inlandboatmen's union of the pacific under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1.5% to 4% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 509. COLLECTIVE BARGAINING AGREEMENT--MEBA-LICENSED. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 1% to 6% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 510. COLLECTIVE BARGAINING AGREEMENT--MEBA-UNLICENSED. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the marine engineers' beneficial association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008.

NEW SECTION. Sec. 511. COLLECTIVE BARGAINING AGREEMENT--MM&P. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and increases ranging from 2.5% to 7.5% to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 512. COLLECTIVE BARGAINING AGREEMENT--MM&P-WATCH SUPERVISORS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international organization of master, mates & pilots, watch supervisors, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 3% increase to address this specific classification which is below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 513. COLLECTIVE BARGAINING AGREEMENT--METAL TRADES COUNCIL. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Puget Sound metal trades council under chapter 47.64 RCW.

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For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a \$0.95/hour salary adjustment to all classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 514. COLLECTIVE BARGAINING AGREEMENT--FASPAA. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the ferry agents, supervisors, & project administrators association under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 10% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 515. COLLECTIVE BARGAINING AGREEMENT--OPEIU. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the office & professional employees international union, local 8, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a one salary range (5%) increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 516. COLLECTIVE BARGAINING AGREEMENT--SEIU. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employees international union, local 6, under chapter 47.64 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, a 2% salary increase effective July 1, 2008, and a 5% increase to address specific classifications which are below market rates as established by the marine employees commission 2006 salary survey.

NEW SECTION. Sec. 517. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

NEW SECTION. Sec. 518. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0% salary increase effective July 1, 2007, and a 4.0% salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

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NEW SECTION. Sec. 519. COLLECTIVE BARGAINING AGREEMENT--IFPTE. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6% salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2% salary increase effective July 1, 2007, and a 2% salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25% below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 602. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state

operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2007-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year balanced plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2007-09 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

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(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way Viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia River Crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

NEW SECTION. Sec. 605. Based on the anticipated outcomes of the tolling study, to be conducted under section 206 of this act, the legislature intends that tolls be charged to offset or partially offset the costs for the following projects, and that a managed lane concept be applied in their design and implementation: State Route 520 Bridge replacement and HOV project, and widening of Interstate 405.

MISCELLANEOUS 2007-09 BIENNIUM

Sec. 701. RCW 46.68.170 and 1996 c 237 s 2 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

Sec. 702. RCW 47.29.170 and 2006 c 370 s 604 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

(1) Provisions that specify unsolicited proposals must meet predetermined criteria;

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(2) Provisions governing procedures for the cessation of negotiations and consideration;

(3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;

(4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and

(5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:

(a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;

(b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and

(c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before ~~(June 30, 2007)~~ July 1, 2009.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2003 c 370 s 4 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 fiscal biennium, the legislature may transfer from the license plate technology account to the multimodal transportation account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.390 and 2006 c 311 s 27 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal

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highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

Sec. 706. RCW 88.16.090 and 2005 c 26 s 2 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii) Is a resident of the state of Washington at the time of licensure as a pilot;

(iv)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may establish such other federal license requirements for applicants and pilots as it deems appropriate; and

(v) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and ranked in a manner specified by the board based on their experience, other qualifications as may be set by the board, performance on a written examination or examinations established by the board, and performance in such other evaluation exercises as may be required by the board, for entry into a board-specified training program.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may appoint a special independent committee or may contract with a firm knowledgeable and experienced in the development of professional tests and evaluations for development and grading of the examinations and other evaluation methods. Active licensed state pilots may be consulted for the general development of any examinations and evaluation exercises but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination or evaluation development committee it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee ((of three thousand dollars)) in an amount set by the board by rule. The fees established under this subsection may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 through the fiscal year ending June 30, 2009. The fees must be deposited in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(7) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or applicant is fully able to carry out the duties of a pilot under this chapter. The board may in its discretion check with the appropriate authority for any convictions of offenses involving drugs or the personal consumption of alcohol in the prior twelve months.

(8) The board may require vessel simulator training for a pilot applicant and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(9) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 707. RCW 47.12.244 and 1991 c 291 s 2 are each amended to read as follows:

There is created the "advance right of way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid

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reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code.

(4) During the 2007-09 fiscal biennium, the legislature may transfer from the advance right of way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right of way revolving fund.

Sec. 708. RCW 70.95.521 and 2005 c 354 s 3 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007-2009 fiscal biennium, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

NEW SECTION. Sec. 709. The department of transportation, in conjunction with the office of financial management, must implement the governmental accounting standards board's (GASB) statement number 34 including a complete inventory and valuation of the state's highway system. The financial reporting value of the state's highway system must be adjusted for any new additions to the system. The biennial reporting of the condition of the system must be related to the funding levels of maintaining the system. The department must maintain a current inventory of the state's highway system and estimate the actual cost to maintain and preserve the assets. In addition to the GASB statement 34, the department of transportation with the office of financial management's assistance must establish an asset replacement value for the entire state's highway system. During 2007, the cochairs of the joint transportation committee shall select legislators to work with the office of financial management and the department of transportation. The purpose of this effort is to enhance decision making that will result in strategic long-term investment decisions in transportation capital project management and asset preservation. The office of financial management will coordinate and manage the inventory and the valuation. The office of financial management must submit a final report to the legislative transportation committees on or before December 1, 2008.

Sec. 710. RCW 47.06A.030 and 1999 c 216 s 2 are each amended to read as follows:

(1) The freight mobility strategic investment board is created. The board shall convene by July 1, 1998.

(2) The board is composed of twelve members. The following members are appointed by the governor for terms of four years, except that five members initially are appointed for terms of two years: (a) Two members, one of whom is from a city located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the association of Washington cities or its successor; (b) two members, one of whom is from a county having a strategic freight corridor within its boundaries, appointed from a list of at least four persons nominated by the Washington state association of counties or its successor; (c) two members, one of whom is from a port district located within or along a strategic freight corridor, appointed from a list of at least four persons nominated by the Washington public ports association or its successor; (d) one member representing the office of financial management; (e) one member appointed as a representative of the trucking industry; (f) one member appointed as a representative of the railroads; (g) the secretary of the department of transportation; (h) one member representing the steamship industry; and (i) one member of the general public.

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For the 2007-09 biennium, the board shall also include a representative of organized labor. In appointing the general public member, the governor shall endeavor to appoint a member with special expertise in relevant fields such as public finance, freight transportation, or public works construction. The governor shall appoint the general public member as chair of the board. In making appointments to the board, the governor shall ensure that each geographic region of the state is represented.

(3) Members of the board shall be reimbursed for reasonable and customary travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations and departments under subsection (2) of this section must be filled from a list of at least four persons nominated by the relevant association or associations.

(5) The appointments made in subsection (2) of this section are not subject to confirmation.

Sec. 711. RCW 46.16.725 and 2005 c 319 s 119 and 2005 c 210 s 7 are each reenacted and amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special license plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until ~~((June 1, 2007))~~ July 1, 2009. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

NEW SECTION. Sec. 712. It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

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(a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;

(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

NEW SECTION. Sec. 713. FOR THE DEPARTMENT OF TRANSPORTATION

Transportation Infrastructure Account--State

Appropriation \$7,000,000

The appropriation in this section is subject to the following conditions and limitations: The Palouse River and Coulee City (PCC) rail line system is made up of the CW, P&L and PV Hooper rail lines. The amount provided in this section is provided solely for grants to any intergovernmental entity or local rail district to which operating rights for the PCC rail line system are assigned, provided that the funds are used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2009.

Sec. 714. RCW 46.68.060 and 1969 c 99 s 11 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the 2005-2007 and 2007-2009 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

**2005-07 BIENNIUM
TRANSPORTATION AGENCIES--OPERATING**

Sec. 801. 2006 c 53 s 2 (uncodified) is amended to read as follows: **FOR THE BOARD OF PILOTAGE COMMISSIONERS**

Pilotage Account--State Appropriation ~~(\$1,017,000)~~
\$1,317,000

~~((The appropriation in this section is subject to the following conditions and limitations: \$500,000 of the appropriation is provided solely for stipends to trainees in the training program as set forth in rules adopted by the board.))~~

NEW SECTION. Sec. 802. A new section is added to 2005 c 313 (uncodified) to read as follows: **FOR THE DEPARTMENT OF LICENSING.** The appropriations to the department of licensing in chapter 370, Laws of 2006 shall be expended for the programs and in the amounts specified herein. However, after May 1, 2007, unless specifically prohibited, the department may transfer motor vehicle account--state appropriations for the 2005-2007 fiscal biennium, highway safety account--state appropriations for the 2005-2007 fiscal biennium, and department of licensing services account--state appropriations for the 2005-2007 fiscal biennium between programs after approval by the director of financial management. However, the department shall not transfer state

moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

NEW SECTION. Sec. 803. A new section is added to 2005 c 313 (uncodified) to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION.** (1) The appropriations to the department of transportation in this act shall be expended for the programs and in the amounts specified in this act. However, in order to meet extraordinary ferry operating labor expenses, after May 1, 2007, unless specifically prohibited by this act, the department may transfer state appropriations among operating programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose.

(2) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate transportation committees of the legislature in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

Sec. 804. 2006 c 370 s 205 (uncodified) is amended to read as follows: **FOR THE JOINT TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$1,679,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$200,000 of the total appropriation is provided solely for the joint transportation committee to conduct a finance study of the Washington state ferry system. The purpose of the study is to facilitate policy discussions and decisions by members of the legislature regarding the Washington state ferry system. The legislature recognizes there is a need within the Washington state ferry system for predictable cash flows, transparency, assessment of organizational structure, verification that the Washington state ferry system is operating at maximum efficiency, and better labor relations. The committee shall report the study to the house of representatives and senate transportation committees by January 1, 2007.

(b) The study must include, at a minimum, a review and evaluation of the ferry system's financial plan, including current assumptions and past studies, in the following areas:

- (i) Operating program, including ridership, revenue, and cost forecasts and the accuracy of those forecasts; and
- (ii) Capital program, including project scoping, prioritization and cost estimating, project changes including legislative input regarding significant project changes, and performance measures.

(c) In addition to committee members, or their designees, the governor shall appoint a representative for this study. The committee may retain consulting services to assist the committee in conducting the study, including the evaluation of financial, operating, and capital plans. The committee may also appoint other persons to assist with the study.

(2) The joint transportation committee shall conduct a study regarding the feasibility of a statewide uniform motor vehicle excise tax (MVET) depreciation schedule. In addition to committee members, the participants in the study must include at a minimum the following individuals: (a) A representative of a regional transit authority (Sound Transit); (b) a representative of a regional transportation planning organization; (c) the secretary of transportation, or his or her designee; (d) a representative of the attorney general's office; (e) a

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representative of the department of licensing; and (f) a representative of the financial community. The purpose of the study is to develop an MVET depreciation schedule that more accurately reflects vehicle value but does not hinder outstanding contractual obligations.

(3) Funds provided in this section are sufficient for the committee to administer a study of the most reliable and cost-effective means of providing passenger-only ferry service.

(a) The study shall be guided by a 18 member task force consisting of the chairs and ranking members of the house of representatives and senate transportation committees, a designee of the director of the office of financial management, a member of the transportation commission, a designee of the secretary of transportation, a representative of organized labor, and ten stakeholders to be appointed by the governor as follows: Six representatives of ferry user communities, two representatives of public transportation agencies, and two representatives of commercial ferry operators.

(b) The study shall examine issues including but not limited to the long-term viability of different service providers, cost to ferry passengers, the state subsidies required by each provider, and the availability of federal funding for the different service providers.

(c) By November 30, 2005, the task force shall make its recommendations to the house of representatives and senate transportation committees.

~~(4) (\$450,000 of the motor vehicle account--state appropriation is provided solely to administer a consultant study of the long-term viability of the state's transportation financing methods and sources.~~

~~(a) At a minimum, the study must examine the following: (i) The short and long-term viability of the motor fuel tax (both state and federal) as a major source of funding for transportation projects and programs; (ii) the desirability and effectiveness of state-distributed transportation funds for the benefit of local units of government; (iii) the potential for alternative and/or emerging sources of transportation revenues, with particular emphasis on user-based fees and charges; and (iv) trends and implications of debt financing for transportation projects. The scope of work for the study may be expanded to include analysis of other financing issues relevant to the long-term viability of the state's transportation system.~~

~~(b) The findings and recommendations must be submitted to the fiscal committees of the legislature by November 1, 2006.~~

~~(5)) \$75,000 of the motor vehicle account--state appropriation is provided solely for the joint transportation committee to contract for a review of existing research on programs and policies which decrease accidents by teenage drivers, including but not limited to publicly operated driver education and intermediate drivers licensing programs. The institute shall also evaluate the costs and benefits of programs and policies showing the greatest positive impact on teenage driving safety.~~

~~((6)) (5) The committee shall conduct an evaluation of the department of transportation surface transportation program enhancement grant program. The evaluation will include (a) information about the categories of projects submitted for consideration; (b) a review of the allocation of funds awarded across the categories of STP enhancement eligible activities; (c) a review of the criteria used to score projects; and (d) a finding by the committee whether certain categories of projects are disproportionately funded or unfunded.~~

Sec. 805. 2006 c 370 s 208 (uncodified) is amended to read as follows: **FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--State Appropriation	..... (\$201,063,000)
	<u>\$198,984,000</u>
State Patrol Highway Account--Federal Appropriation	..... \$10,544,000
State Patrol Highway Account--Private/Local Appropriation	

.....	\$169,000
TOTAL APPROPRIATION	(\$211,776,000)
	<u>\$209,697,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2005, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31st of each year.

(4) The state patrol highway account--state appropriation for DUI reimbursements shall only be spent for pursuit vehicle video cameras, datamaster DUI testing equipment, tire deflator equipment, and taser guns. The Washington state patrol prior to the issuance of any taser guns will train the troopers on using the equipment. The agency will provide a report to the transportation committees of the senate and house of representatives by December 31st of each year on the occurrences where the taser guns were utilized along with any issues that have been identified.

(5) \$29,000 of the state patrol highway account--state appropriation is provided solely for the implementation of House Bill No. 1469. If House Bill No. 1469 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$5,580,000 of the total appropriation is provided solely for a 3.8% salary increase for commissioned officers effective July 1, 2005, in addition to any other salary increases provided for in this act.

(7) The Washington state patrol is authorized to use certificates of participation to fund the King Air aircraft replacement over a term of not more than ten years and an amount not to exceed \$1,900,000.

(8)(a) \$834,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the

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agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$62,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(9) The Washington state patrol, in consultation with the department of licensing, local law enforcement agencies, and other appropriate organizations, shall study the options for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators. This study shall also evaluate prospective sources of funding and the amount of funding necessary for the program. The Washington state patrol shall report to the transportation committees of the legislature by December 1, 2006, on the options, strategies, and recommendations for implementing an inspection program for tow truck operators that are not licensed as registered tow truck operators.

(10) \$2,040,000 of the state patrol highway account--state appropriation is provided solely for eighteen additional commissioned officers in the vessel and terminal security division.

(11) The office of financial management shall conduct a review of the state patrol highway account and report its findings to the legislature by January 1, 2007.

Sec. 806. 2006 c 370 s 209 (uncodified) is amended to read as follows: **FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU**

State Patrol Highway Account--State Appropriation	((\$1,358,000))
	<u>\$1,025,000</u>

Sec. 807. 2006 c 370 s 210 (uncodified) is amended to read as follows: **FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU**

State Patrol Highway Account--State Appropriation	((\$91,359,000))
	<u>\$93,280,000</u>

State Patrol Highway Account--Private/Local Appropriation	\$2,008,000
TOTAL APPROPRIATION	((\$93,367,000))
	<u>\$95,288,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 1188. If Second Substitute House Bill No. 1188 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(2) The Washington state patrol is instructed to work with the risk management division in the office of financial management in compiling the state patrol data for establishing

the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the transportation committees of the senate and house of representatives by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(3) \$8,678,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$5,254,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the patrol.

(6)(a) \$28,000 of the state patrol highway account--state appropriation is provided solely for the collective bargaining agreement reached between the governor and the Washington state patrol troopers association under chapter 438, Laws of 2005. For commissioned troopers and sergeants covered under this section, funding is provided for a 2.6% salary increase effective July 1, 2006. This increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Provisions of the collective bargaining agreement contained in this subsection are described in general terms. Only major economic terms are included in this description. This description does not contain the complete contents of the agreement. Due to the timing challenges in negotiating the initial collective bargaining agreement under chapter 438, Laws of 2005, this agreement was not concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

(b) \$2,000 of the state patrol highway account--state appropriation is provided solely for salary increases for commissioned captains and lieutenants covered under this section, if a new collective bargaining agreement is reached between the governor and the Washington state patrol lieutenants association by July 1, 2006. The amount provided in this subsection is contingent on an agreement being reached by July 1, 2006, and shall be held in reserve status until the agreement is reached. If an agreement is not reached by July 1, 2006, the amount provided in this subsection shall lapse. If an agreement is reached by July 1, 2006, the increase supersedes the fiscal year 2007 increase granted under section 501, chapter 313, Laws of 2005. Due to the timing challenges in negotiating a collective bargaining agreement funded under this subsection, the agreement will not have been concluded by the October 1st statutory deadline. However, the legislature does not intend to fund bargaining agreements concluded after the October 1st deadline, or other salary increases not included in the governor's budget proposal, in future biennia.

Sec. 808. 2006 c 370 s 215 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B**

Tacoma Narrows Toll Bridge Account--State Appropriation	((\$8,294,000))
	<u>\$5,288,000</u>

Sec. 809. 2006 c 370 s 218 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation	((\$7,137,000))
	<u>\$6,925,000</u>
Aeronautics Account--Federal Appropriation	\$2,150,000
Multimodal Transportation Account--State Appropriation	\$100,000
Multimodal Transportation Account--Federal Appropriation	

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.....	\$900,000
TOTAL APPROPRIATION .	(\$10,287,000)
	<u>\$10,075,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$433,000 of the aeronautics account--state appropriation is provided solely for airport pavement projects. The department's aviation division shall complete a priority airport pavement project list by January 1, 2006, to be considered by the legislature in the 2006 supplemental budget. If Substitute Senate Bill No. 5414 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(b) If Substitute Senate Bill No. 5414 is enacted by July 1, 2005, then the remaining unexpended fund balance in the aircraft search and rescue, safety, and education account shall be deposited into the state aeronautics account.

(2) The entire multimodal transportation account--state and federal appropriations are provided solely for implementing Engrossed Substitute Senate Bill No. 5121. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

Sec. 810. 2006 c 370 s 221 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation	(\$299,720,000)
	<u>\$300,920,000</u>
Motor Vehicle Account--Federal Appropriation	(\$1,426,000)
	<u>\$3,926,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$4,315,000
TOTAL APPROPRIATION	(\$305,461,000)
	<u>\$309,161,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2003-05 biennium. In delivering the program, the department should concentrate on the following areas:

- (a) Meeting or exceeding the target for structural bridge repair on a statewide basis;
- (b) Eliminating the number of activities delivered in the "f" level of service at the region level;
- (c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and
- (d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(5) The department shall develop and implement a plan to improve work zone safety on a statewide basis. As part of the strategy included in the plan, the department shall fund equipment purchases using a portion of the money from the

annual OTEF equipment purchasing and replacement process. The department shall also identify and evaluate statewide equipment needs (such as work zone safety equipment) and prioritize any such needs on a statewide basis. Substitute purchasing at the statewide level, when appropriate, shall be utilized to meet those identified needs. The department must report to the transportation committees of the legislature by December 1, 2005, on the plan, and by December 1, 2006, on the status of implementing the plan.

Sec. 811. 2006 c 370 s 224 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation	(\$24,052,000)
	<u>\$23,053,000</u>
Motor Vehicle Account--Federal Appropriation	\$16,756,000
Multimodal Transportation Account--State Appropriation	\$2,279,000
Multimodal Transportation Account--Federal	
Appropriation	\$2,829,000
Multimodal Transportation Account--Private/Local	
Appropriation	\$100,000
Transportation Partnership Account--State	
Appropriation	\$2,300,000
TOTAL APPROPRIATION	(\$48,316,000)
	<u>\$47,317,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to qualify for state planning funds available to regional transportation planning organizations under this section, a regional transportation planning organization containing any county with a population in excess of one million shall provide voting membership on its executive board to any incorporated principal city of a metropolitan statistical area within the region, as designated by the United States census bureau, and to any incorporated city within the region with a population in excess of eighty thousand as of July 1, 2005. Additionally, a regional transportation planning organization described under this subsection shall conduct a review of its executive board membership criteria to ensure that the criteria appropriately reflects a true and comprehensive representation of the organization's jurisdictions of significance within the region.

(2) \$175,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports by January 2006. The amount provided in this subsection shall lapse if federal funds become available for this purpose.

(3) \$150,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1565. If Engrossed Second Substitute House Bill No. 1565 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) The department of transportation shall evaluate the number of spaces available for long-haul truck parking relative to current and projected future needs. The department of transportation shall also explore options for augmenting the number of spaces available, including, but not limited to, expanding state-owned rest areas or modifying regulations governing the use of these facilities, utilizing weigh stations and park and ride lots, and encouraging the expansion of the private sector's role. Finally, the department shall explore the utility of coordinating with neighboring states on long-haul truck parking and evaluate methodologies for alleviating any air quality issues relative to the issue. The department must report to the transportation committees of the legislature by December 1, 2005, on the options, strategies, and recommendations for long-haul truck parking.

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(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for evaluating high-speed passenger transportation facilities and services, including rail or magnetic levitation transportation systems, to connect airports as a means to more efficiently utilize airport capacity, as well as connect major population and activity centers. This evaluation shall be coordinated with the airport capacity and facilities market analysis conducted pursuant to Engrossed Substitute Senate Bill No. 5121 and results of the evaluation shall be submitted by July 1, 2007. If Engrossed Substitute Senate Bill No. 5121 is not enacted by June 30, 2005, or if federal funds are not received by March 1, 2006, for the purpose of implementing Engrossed Substitute Senate Bill No. 5121, the amount provided in this subsection shall lapse.

(6) \$440,000 of the motor vehicle account--state appropriation is provided solely for completing funding for a route development plan of U.S. route 2.

(7) The department shall conduct a study of the resources allocated to each of the seven department regions and the corresponding workloads. Given the magnitude of the investments in the Puget Sound region, particular emphasis shall be given to reviewing the resources allocated and corresponding workloads with respect to the urban corridors region and the northwest region. Based on the results of this study, the department shall submit recommendations by December 1, 2006, to the legislature and the office of financial management regarding reallocating resources and revising regional boundaries within the department, as appropriate, in order to better coincide allocated resources with designated regional boundaries.

(8) \$750,000 of the multimodal transportation account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2871. If Engrossed Substitute House Bill No. 2871 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse. The regional transportation commission's duties to develop, complete, and submit a governance proposal to the 2007 legislature are highly time sensitive. As a result, the legislature finds that competitive bidding is not cost-effective or appropriate for personal service contracts entered into by the commission, and that the director of the office of financial management should, by the director's authority under RCW 39.29.011(5), exempt any such personal service contract from the competitive bidding requirements of chapter 39.29 RCW.

(9) \$2,300,000 of the transportation partnership account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) and department of transportation project oversight. The department shall provide support from its urban corridors region to assist in preparing project costs, expenditure plans, and modeling. The department shall not deduct a management reserve, nor charge management or overhead fees. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(10) \$100,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely to conduct an analysis of expanding the transportation concurrency requirements prescribed under the growth management act, chapter 36.70A RCW, to include development impacts on level of service standards applicable to state-owned transportation facilities, including state highways and state ferry routes. The objective of the analysis is to determine how to ensure that jurisdictional divisions do not defeat growth management act concurrency goals. The department shall convene a committee to oversee the analysis, with the committee comprised of, at a minimum, four members of the transportation committees of the legislature, four members of the appropriate land use committees of the legislature, and one member each from the association of Washington cities and

the Washington state association of counties, or a designee thereof. The completed study, including recommendations, must be submitted to the appropriate standing committees of the legislature, and to the office of financial management, by December 1, 2006.

(11) The department of transportation, the Washington state economic revenue forecast council, and the office of financial management shall review and adopt a method of forecasting motor vehicle and special fuel prices, revenue, and the amount of consumption that has an increased rate of accuracy as compared to the existing method. The three agencies shall submit a report to the transportation committees of the legislature by December 1, 2006, outlining the methods researched and the criteria utilized to select and adopt the new fuel forecasting method.

(12) \$150,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

Sec. 812. 2006 c 370 s 225 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Motor Vehicle Account--State Appropriation . . .	(\$46,874,000)
	<u>\$47,374,000</u>
Motor Vehicle Account--Federal Appropriation . . .	\$400,000
TOTAL APPROPRIATION . . .	(\$47,274,000)
	<u>\$47,774,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$31,749,000)~~) \$32,209,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT

DIVISION OF RISK MANAGEMENT FEES . . . \$1,667,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE

AUDITOR . . . \$1,026,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL

ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED

MAIL SERVICES . . . \$4,049,000

(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF

PERSONNEL . . . \$4,548,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION . . . (~~(\$31,749,000)~~)

\$32,249,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL

ADMINISTRATION CAPITAL PROJECTS SURCHARGE . . . \$1,717,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT . . . \$545,000

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES . . . \$1,124,000

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(i) FOR PAYMENT OF THE DEPARTMENT OF PERSONNEL
 HRMS PAYROLL SYSTEM \$817,000
 (j) FOR PAYMENT OF THE OFFICE OF FINANCIAL MANAGEMENT ROADMAP CHARGES \$12,000
 (k) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT CAPITAL BUDGET SYSTEM CHARGES \$15,000
 (l) FOR PAYMENT OF DEPARTMENT OF INFORMATION SERVICES RATE INCREASES \$5,000

Sec. 813. 2006 c 370 s 226 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Multimodal Transportation Account--State
 Appropriation ~~(\$87,233,000)~~
\$70,005,000
 Multimodal Transportation Account--Federal
 Appropriation \$2,603,000
 Multimodal Transportation Account--Private/Local
 Appropriation \$155,000
TOTAL APPROPRIATION ~~(\$89,991,000)~~
\$72,763,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2003 as reported in the "Summary of Public Transportation - 2003" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The first \$450,000 provided to King county shall be used as follows:

(i) \$320,000 shall be used to provide electric buses, instead of diesel buses, for service on Capital Hill in Seattle, Washington through June 30, 2007;

(ii) \$130,000 shall be used to provide training for blind individuals traveling through Rainier Valley and the greater Seattle area. The training is to include destination training and retraining due to the expected closure of the downtown bus tunnel and training on how to use the Sound Transit light rail system.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2003 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural

mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,900,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for the city of Seattle for the Seattle streetcar project on South Lake Union.

(5) \$1,200,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 2124. If Engrossed Substitute House Bill No. 2124 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6)(a) ~~(\$20,000,000)~~ \$2,832,000 of the multimodal transportation account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, Regional Mobility Grant Program Projects as developed March 8, 2006. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(b) Pursuant to the grant program established in RCW 47.66.030, the department shall issue a call for projects and/or service proposals. Applications must be received by the department by November 1, 2005, and November 1, 2006. The department must submit a prioritized list for funding to the transportation committees of the legislature that reflects the department's recommendation, as well as, a list of all project or service proposals received.

(7) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for new tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(8) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely to King county as a state match to obtain federal funding for a car sharing program for persons meeting certain income or employment criteria.

(9) \$750,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of the local government and regional transportation planning requirements in Engrossed Substitute Senate Bill No. 6566 (commute trip reduction). The department may use contract or temporary employees to implement the bill and shall allocate the remaining funds to regional transportation planning organizations, counties, and cities on an as needed basis. If Engrossed Substitute Senate Bill No. 6566 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) ~~(\$200,000)~~ \$140,000 of the multimodal account appropriation is provided solely for up to three low-income car

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ownership programs. The department shall seek to leverage available federal funds from the job access and reverse commute program to augment the funding provided in this subsection. Additionally, the department shall report back to the appropriate committees of the legislature with a review of the obstacles presented by state laws on surplus property disposal to community organizations reconditioning cars and selling those cars at below market rates to low-income families.

Sec. 814. 2006 c 370 s 227 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**
Puget Sound Ferry Operations Account--State

Appropriation	(\$372,254,000)
	\$389,249,000
Multimodal Transportation Account--State	
Appropriation	\$3,660,000
TOTAL APPROPRIATION	(\$375,914,000)
	\$392,909,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$75,280,000)~~ \$81,664,000 of the total appropriation is provided solely for auto ferry vessel operating fuel in the 2005-2007 biennium.

(2) The maximum amount of expenditures for compensation paid to ferry employees during the 2005-2007 biennium shall not exceed ~~(\$226,455,000)~~ \$236,085,000. This amount reflects the sole source of state funding available to support the implementation of any collective bargaining agreements or arbitration awards with respect to state ferry employee compensation, including salaries, wages, and employee benefits, during the 2005-2007 biennium, which amount includes \$6,223,000 in full satisfaction of the arbitration awards for the 2001-2003 biennium and \$1,339,000 for labor productivity gains agreements and \$8,870,000 in full satisfaction of the arbitration awards and the negotiated collective bargaining agreements for the 2003-2005 and 2005-2007 biennia. The department's use of this expenditure authority constitutes a good faith attempt to implement such agreements and awards, including those applicable to prior biennia. It is the intent of the legislature that the expenditure authority provided in this subsection fully satisfy any agreements or awards required to be implemented during the 2005-2007 biennium, and that the provisions of Substitute House Bill No. 3178 (marine employees collective bargaining) will govern the implementation of agreements or awards effective beginning with the 2007-2009 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's state administrative and accounting manual, chapter 75.70, named under objects of expenditure "A" and "B".

(3) \$1,116,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(4) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semi-annual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(5) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(6) \$3,660,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only

ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle until such time as a county ferry district's assumption of the route, as authorized by Substitute Senate Bill No. 6787. Beginning September 1, 2005, ferry system management shall implement its agreement with the Inlandboatmen's Union of the Pacific and the International Organization of Masters, Mates and Pilots providing for part-time passenger-only work schedules.

(7) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3178 (marine employees collective bargaining). If Substitute House Bill No. 3178 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$613,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters.

Sec. 815. 2006 c 370 s 228 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

Multimodal Transportation Account--State	
Appropriation	(\$36,876,000)
	\$35,376,000

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.

(2) ~~(\$2,750,000)~~ \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for a new round trip rail service between Seattle and Portland beginning July 1, 2006.

(3) No AMTRAK Cascade runs may be eliminated.

(4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.

(5) \$500,000 of the multimodal transportation account--state appropriation is provided solely for a study of the realignment of highway and rail in the Longview industrial area (SR 432) corridor, specifically regarding whether the construction of a limited access bypass highway to reduce congestion resulting from anticipated growth in future rail and truck traffic, is a feasible alternative. In conducting the study, the department shall consult port districts, local government planning staff, and rail road companies, and other appropriate stakeholders.

(6) \$60,000 of the multimodal transportation account--state appropriation is provided solely for a study of the need for transloading capabilities in the West Plains area that could be served by the Geiger Spur, including evaluation of prospective transloader sites, potential operators and users, and the type, size, and special needs of shippers/customers. The study must also evaluate the costs associated with building and operating a transloader site and the impact to local roadways and surrounding land uses. In conducting the study, the department shall consult with Spokane County.

Sec. 816. 2006 c 370 s 229 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**

Motor Vehicle Account--State Appropriation ..	(\$8,500,000)
	\$8,836,000

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Motor Vehicle Account--Federal Appropriation ... \$2,597,000
Multimodal Transportation Account--State
Appropriation ... ((~~\$411,000~~))

TOTAL APPROPRIATION . ((~~\$11,508,000~~))
\$200,000
\$11,633,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$211,000 of the motor vehicle account--state appropriation and ((~~\$411,000~~)) \$200,000 of the multimodal transportation account--state appropriation are provided solely for the state's contribution to county and city studies of flood hazards in association with interstate highways. First priority shall be given to threats along the I-5 corridor.

(2) ((~~\$525,000~~)) \$861,000 of the motor vehicle account--state appropriation is provided solely to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for contract services with the association of Washington cities and the Washington state association of counties for improving transportation permitting and mitigation processes.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 901. 2006 c 370 s 301 (uncodified) is amended to read as follows: **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

Rural Arterial Trust Account--State Appropriation
..... ((~~\$64,933,000~~))
\$38,046,000
Motor Vehicle Account--State Appropriation \$355,000
County Arterial Preservation Account--State
Appropriation ((~~\$32,697,000~~))
\$31,882,000

TOTAL APPROPRIATION . ((~~\$97,985,000~~))
\$70,283,000

The appropriations in this section are subject to the following conditions and limitations: \$355,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

Sec. 902. 2006 c 370 s 302 (uncodified) is amended to read as follows: **FOR THE TRANSPORTATION IMPROVEMENT BOARD**

Urban Arterial Trust Account--State Appropriation
..... ((~~\$101,425,000~~))
\$93,425,000
Small City Preservation and Sidewalk
Account--State Appropriation ((~~\$2,000,000~~))
\$1,696,000

Transportation Improvement Account--State
Appropriation ((~~\$94,401,000~~))
\$82,258,000

TOTAL APPROPRIATION ((~~\$197,826,000~~))
\$177,379,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to ((~~\$14,143,000~~)) \$7,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) ((~~\$2,000,000~~)) \$1,696,000 of the small city preservation and sidewalk account--state appropriation is provided to fund the provisions of chapter 83, Laws of 2005 (Substitute Senate Bill No. 5775).

Sec. 903. 2006 c 370 s 303 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL**

Motor Vehicle Account--State Appropriation .. ((~~\$2,328,000~~))
\$1,911,000

The appropriation in this section is subject to the following conditions and limitations:

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(1) \$584,000 of the motor vehicle account--state appropriation is provided solely for statewide administration.

(2) ((~~\$632,000~~)) \$561,000 of the motor vehicle account--state appropriation is provided solely for regional minor projects.

(3) ((~~\$305,000~~)) \$40,000 of the motor vehicle account--state appropriation is provided solely for designing the replacement of the existing outdated maintenance facility in Ephrata.

(4) ((~~\$239,000~~)) \$158,000 of the motor vehicle account--state appropriation is provided solely for the designing of the northwest regional maintenance complex in Seattle.

(5) \$568,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region headquarters project.

((~~(a) The department of transportation is authorized to use certificates of participation for the financing of the Olympic region project in the amount of \$34,874,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW.~~

~~(b) The Washington state department of transportation may utilize the design-build process in accordance with chapter 39.10 RCW for the Olympic region project. If the design-build process is used, it may be developed in partnership with the department of general administration.))~~

Sec. 904. 2006 c 370 s 306 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL**

Motor Vehicle Account--State Appropriation . ((~~\$17,555,000~~))
\$11,162,000
Motor Vehicle Account--Federal Appropriation ((~~\$15,068,000~~))
\$10,308,000
Motor Vehicle Account--Local Appropriation . . . ((~~\$108,000~~))
\$50,000

TOTAL APPROPRIATION . ((~~\$32,731,000~~))
\$21,520,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ((~~\$11,255,000~~)) \$11,162,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 905. 2006 c 370 s 304 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Transportation 2003 Account--State
Appropriation ((~~\$1,190,511,000~~))
\$1,079,697,000
Motor Vehicle Account--State Appropriation . . ((~~\$85,165,000~~))
\$84,385,000
Motor Vehicle Account--Federal Appropriation((~~\$395,043,000~~))
\$352,856,000

Motor Vehicle Account--Private/Local Appropriation
..... ((~~\$58,522,000~~))
\$47,655,000

Special Category C Account--State Appropriation
..... ((~~\$3,479,000~~))
\$3,152,000

Tacoma Narrows Toll Bridge Account Appropriation
..... \$274,038,000
Transportation Partnership Account--State
Appropriation ((~~\$384,186,000~~))
\$289,436,000

Multimodal Transportation Account--State
Appropriation ((~~\$1,002,000~~))
\$750,000

TOTAL APPROPRIATION ((~~\$2,391,946,000~~))
\$2,131,969,000

The appropriations in this section are subject to the following conditions and limitations:

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(1)(a) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~((fund,))~~ project ~~((and amount))~~ in LEAP Transportation Document 2006-1, Highway Improvement Program (I) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(b) Within the amounts provided in this subsection, \$6,835,000 of the transportation partnership account--state appropriation, \$5,002,000 of the transportation 2003 account (nickel account)--state appropriation, and \$2,645,000 of the motor vehicle account--federal appropriation are for project 109040T: I-90/Seattle to Mercer Island ? Two way transit/HOV. Expenditure of these funds on construction is contingent upon the development of an access plan that provides equitable and dependable access for I-90 Mercer Island exit and entry.

(c) Within the amounts provided in this subsection, \$500,000 of the transportation partnership account--state appropriation is for a west Olympia access study, to complete an access study for state route 101/west Olympia.

(d) Within the amounts provided in this subsection, \$800,000 of the transportation partnership account--state appropriation is for an SR 534 access point decision report.

(f) Within the amounts provided within this subsection, \$6,000,000 of the transportation partnership account--state appropriation is for project 509009B: I-90 Snoqualmie Pass East - Hyak to Keechelus dam. However, if the preferred alternative selected for this project results in a lower total project cost, the remaining funds may be used for concrete rehabilitation on I-90 in the vicinity of this project.

(g) Within the amounts provided in this subsection, \$12,841,000 of the transportation 2003 account (nickel account)--state appropriation and \$4,939,000 of the transportation partnership account--state appropriation are for construction of a new interchange on SR 522 to provide direct access to the University of Washington Bothell/Cascadia community college joint campus. This appropriation assumes an additional \$8,061,000 will be provided in the 2007-09 biennium from the transportation partnership account.

(h) Within the amounts provided in this subsection, \$19,262,149 of the motor vehicle account--federal appropriation and \$1,873,478 of the transportation 2003 account (nickel account) appropriation are for project 154302E: SR 543 (I-5 to the international boundary).

(2) The motor vehicle account--state appropriation includes up to \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(3) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(4) The transportation partnership account--state appropriation includes up to \$150,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(5) The Tacoma Narrows toll bridge account--state appropriation includes up to \$257,016,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account-- state appropriation includes up to \$17,022,000 in unexpended proceeds from the March 2005

bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(6) The transportation 2003 account (nickel account)--state appropriation includes up to \$880,000,000 in proceeds from the sale of bonds authorized by chapter 147, Laws of 2003.

(7) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The department of transportation shall conduct an analysis of the causes of traffic congestion on I-5 in the vicinity of Fort Lewis and develop recommendations for alleviating the congestion. The department must report to the transportation committees of the legislature by December 1, 2005, on its analysis and recommendations regarding traffic congestion on I-5 in the vicinity of Fort Lewis.

(9) The department of transportation is authorized to proceed with the SR 519 Intermodal Access project if the city of Seattle has not agreed to a project configuration or design by July 1, 2006.

(10) The motor vehicle account--state appropriation includes up to \$14,214,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(11) The special category C account--state appropriation includes up to \$1,710,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.812.

(12) The department should consider using mitigation banking on appropriate projects whenever possible, without increasing the cost to projects. The department should consider using the advanced environmental mitigation revolving account (AEMRA) for corridor and watershed based mitigation opportunities, in addition to project specific mitigation.

(13) \$500,000 of the motor vehicle account--state appropriation is provided solely for a planning study regarding congestion mitigation improvements on state route 101 in the vicinity of the city of Aberdeen.

(14) \$6,200,000 of the motor vehicle account--federal appropriation is provided solely for eastern Washington international border crossing and freight mobility projects, including pavement preservation, pavement structural strengthening, and other safety enhancements. Projects shall include funding for U.S. route 97 international border vicinity paving and improvement projects.

(15) \$3,509,738 of the motor vehicle account--federal appropriation and \$30,793 of the motor vehicle account--state appropriation are provided solely for project 100598C: I-5 Blaine Exit interchange improvements.

~~((+7))~~ (16) The legislature recognizes that the finance and project implementation planning processes required for the Alaskan Way viaduct and Seattle Seawall replacement project and the SR 520 bridge replacement and HOV project cannot guarantee appropriate decisions unless key study assumptions are reasonable with respect to each project.

To assure appropriate finance plan and project implementation plan assumptions, an expert review panel shall be appointed to provide independent financial and technical review for development of a finance plan and project implementation plan for the projects described in this subsection.

(a) The expert review panel shall consist of five to ten members who are recognized experts in relevant fields, such as planning, engineering, finance, law, the environment, emerging transportation technologies, geography, and economics.

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(b) The expert review panel shall be selected cooperatively by the chairs of the senate and house transportation committees, the secretary of the department of transportation, and the governor to assure a balance of disciplines.

(c) The chair of the expert review panel shall be designated by the governor.

(d) The expert panel shall, with respect to completion of the project alternatives as described in the draft environmental impact statement of each project:

(i) Review the finance plan for the project to ensure that it clearly identifies secured and anticipated funding sources and is feasible and sufficient;

(ii) Review the project implementation plan covering all state and local permitting and mitigation approvals that ensure the most expeditious and cost-effective delivery of the project; and

(iii) Report its findings and recommendations on the items described in (d)(i) and (ii) of this subsection to the joint transportation committee, the office of financial management, and the governor no later than September 1, 2006.

(e) Upon receipt of the expert review panel's findings and recommendations under (d)(iii) of this subsection, the governor must make a finding of whether each finance plan is feasible and sufficient to complete the project as described in the draft environmental impact statement.

(f) Nothing in this section shall be interpreted to delay construction of any of the projects referenced in this subsection.

~~((18)(a) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (i) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (ii) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (iii) the department must report these results for each project to the joint transportation committee.~~

~~(b) The requirements of this subsection shall not apply to (i) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (ii) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.)~~

Sec. 906. 2006 c 370 s 305 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Transportation 2003 Account (Nickel Account)--State Appropriation	(\$1,687,000)
	\$1,690,000
Motor Vehicle Account--State Appropriation	(\$94,799,000)
	\$88,954,000
Motor Vehicle Account--Federal Appropriation	(\$435,310,000)
	\$426,297,000
Motor Vehicle Account--Private/Local Appropriation	(\$8,485,000)
	\$6,194,000
((Puyallup Tribal Settlement Account--State Appropriation	\$11,000,000))
Transportation Partnership Account--State Appropriation	(\$24,540,000)
	\$20,180,000
TOTAL APPROPRIATION	(\$575,821,000)
	\$543,315,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~((fund;)) project ((and amount))~~ in LEAP Transportation Document 2006-1, Highway Preservation Program (P) as developed March 8, 2006. ~~((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(2) \$11,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. The department may use the Puyallup tribal settlement account appropriation, as well as any funds appropriated in the current biennium and planned in future biennia for the demolition and mitigation for the demolition of the bridge to rehabilitate or replace the bridge, if agreed to by the city. In no event shall the department's participation exceed \$26,500,000 and no funds may be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provide that the payment of these funds extinguishes any real or implied agreements regarding future expenditures on the bridge.

(3) \$740,000 of the motor vehicle account--state appropriation, \$106,149,000 of the motor vehicle account--federal appropriation, and \$10,305,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(4) The motor vehicle account--state appropriation includes up to \$735,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The motor vehicle account--state appropriation includes up to \$912,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.843.

(8) The motor vehicle account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(9) ~~(\$4,000,000)~~ \$3,200,000 of the motor vehicle account--federal appropriation and \$6,000,000 of the motor vehicle account--state appropriation, as specified in subsection (8) of this section, are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events. Slide repair on state routes 101, 4, 107, and 105 must be funded from this amount if federal emergency funds are not available.

Sec. 907. 2006 c 370 s 307 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Puget Sound Capital Construction Account--State Appropriation	(\$122,324,000)
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	<u>\$113,296,000</u>
Puget Sound Capital Construction Account--Federal	
Appropriation	((\$73,590,000))
	<u>\$47,873,000</u>
Puget Sound Capital Construction Account--Private/Local	
Appropriation	\$26,000
Multimodal Transportation Account--State	
Appropriation	((\$13,249,000))
	<u>\$10,749,000</u>
Transportation 2003 Account (Nickel Account)--State	
Appropriation	((\$34,991,000))
	<u>\$17,391,000</u>
TOTAL APPROPRIATION ((\$244,180,000))	
	<u>\$189,335,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel preservation, and terminal preservation, construction, and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The Puget Sound capital construction account--state appropriation includes up to ((~~\$40,950,000~~)) \$40,288,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries.

(2) The multimodal transportation account--state appropriation includes up to ((~~\$10,249,000~~)) \$9,079,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) \$15,617,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor Terminal Preservation project.

(4) The entire transportation 2003 account (nickel account) appropriation and \$10,249,000 of the multimodal transportation account--state appropriation are provided solely for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Ferries Construction Program (W) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(5) The department shall, on a quarterly basis beginning July 1, 2005, provide to the office of financial management and the legislature reports providing the status on each project in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(6) \$3,000,000 of the multimodal transportation account--state appropriation is provided solely for passenger-only projects. Projects may include vessel or terminal projects or costs associated with selling vessels.

(7) The multimodal transportation account--state appropriation includes up to \$1,170,000 in unexpended proceeds from the sale of bonds authorized in RCW 47.10.867.

Sec. 908. 2006 c 370 s 308 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL** ((Essential Rail Assistance Account--State Appropriation

.....	<u>\$250,000</u>)
Motor Vehicle Account--Federal Appropriation . . .	<u>\$1,485,000</u>
Multimodal Transportation Account--State	
Appropriation	((\$68,176,000))
	<u>\$57,814,000</u>
Multimodal Transportation Account--Private/Local	
Appropriation	((\$8,287,000))
	<u>\$551,000</u>
Multimodal Transportation Account--Federal	
Appropriation	((\$17,268,000))

	<u>\$10,198,000</u>
TOTAL APPROPRIATION . ((\$93,981,000))	
	<u>\$70,048,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes up to ((~~\$33,435,000~~)) \$1,422,000 in proceeds from the sale of bonds ((and up to ~~\$830,000~~ in unexpended bond proceeds authorized by RCW 47.10.867)).

(2) If federal block grant funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature prior to spending the funds on additional projects.

(3)(a) ((~~\$68,176,000~~)) \$56,399,000 of the multimodal transportation account--state appropriation, ((~~\$17,268,000~~)) \$10,198,000 of the multimodal transportation account--federal appropriation, ((~~\$8,287,000~~)) \$551,000 of the multimodal transportation account--local appropriation, and ((~~\$250,000~~ of the essential rail assistance account)) \$1,485,000 of the motor vehicle account--federal appropriation are provided solely for the projects and activities as listed by ((fund;)) project ((and amount)) in LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006. ((However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.))

(b) Within the amounts provided in this subsection, ((~~\$6,500,000~~)) \$5,000,000 of the multimodal transportation account--state appropriation is for the ((two)) commuter rail project((s)) listed in the LEAP Transportation Document 2006-C, Rail Capital Program (Y) as developed March 8, 2006.

(c) Within the amounts provided in this subsection, \$10,937,000 of the multimodal transportation account--state appropriation is for the cost of the memorandum of understanding for the acquisition of the Palouse River Coulee City (PCC) rail lines.

(i) The office of financial management shall negotiate the purchase of the CW line. The purchase agreement must include both the operating and capital rights of the CW line. If the office of financial management is unable to negotiate the purchase of the CW line, the office may stop all negotiations and acquire the line and operational rights through any other alternative means available. The office of financial management shall also negotiate a new operational agreement for the line, in consultation with local governments and other stakeholders. The operational agreement shall be assignable, at the state's option, to any intergovernmental entity or local rail district that expresses interest in the operating rights to the line.

((~~(i)~~)) ((ii)) The office of financial management shall negotiate the purchase of the operating rights of the P&L and PV Hooper lines. If the office of financial management is unable to negotiate the purchase of the operating rights of the P&L and PV Hooper lines, the office may stop all negotiations and acquire the operating rights through any other alternative means available. Watco will continue to operate the PV Hooper line, as required by contract. The office of financial management shall also negotiate a new operational agreement((~~(s)~~)) for the P&L ((and PV Hooper lines)) line in consultation with local governments and other stakeholders. The operational agreement negotiated shall be assignable, at the state's option, to any intergovernmental entity or local rail district that expresses interest in the operating rights to the line. If, upon expiration of the operational agreement for the PV Hooper line, any intergovernmental entity or local rail district expresses interest in the operating rights to the PV Hooper rail line, then the department shall assign the operating rights to the line to the intergovernmental entity or local rail district.

((~~(e)~~)) ((iii)) In order to maintain the operation of the Palouse River & Coulee City rail lines, the office of financial management is authorized to negotiate an agreement wherein they may forgive all or part of the existing freight rail assistance

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loan to the current operator of the Palouse River & Coulee City rail lines in exchange for good and valuable consideration.

(iv) Following acquisition of the PCC rail lines, the department shall not expend funds provided in (a) of this subsection to refurbish the lines or provide an operating subsidy for the lines.

(4) If the department issues a call for projects, applications must be received by the department by November 1, 2005, and November 1, 2006.

(5) \$50,000 of the multimodal transportation account--state appropriation is provided solely for a study of eastern Skagit county freight rail. The study shall examine the feasibility of restoring portions of freight rail line to the towns of Lyman, Hamilton, and Concrete. The study must also identify existing and potential industrial sites available for development and redevelopment, and the freight rail service needs of the identified industrial sites.

(6) The department shall finalize and issue the Amtrak Cascades long range plan update as of the effective date of this act.

(7) Funds provided for the Tacoma rail improvement project may be expended for preconstruction engineering.

(8) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for a rail loop at the Port of Walla Walla.

Sec. 909. 2006 c 370 s 309 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

(Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	.....
.....	\$1,602,000)
Motor Vehicle Account--Federal Appropriation	((\$48,998,000))
.....	\$16,734,000
Motor Vehicle Account--State Appropriation	.. ((\$8,340,000))
.....	\$1,836,000
Transportation Partnership Account--State	
Appropriation	..... ((\$2,008,000))
.....	\$694,000
(Freight Mobility Investment Account--State	.....
Appropriation	..... \$6,000,000
Passenger Ferry Account--State Appropriation	..... \$9,000,000))
Multimodal Transportation Account--State	
Appropriation	..... ((\$39,403,000))
.....	\$21,860,000
Transportation 2003 Account (nickel account)--State	
Appropriation	..... ((\$557,000))
.....	\$145,000
Freight Mobility Multimodal Account--State	
Appropriation	..... ((\$9,700,000))
.....	\$1,150,000
<u>Freight Mobility Multimodal Account--</u>	
<u>Private/Local Appropriation</u>	..... \$3,050,000
<u>TOTAL APPROPRIATION</u>	<u>((\$125,815,000))</u>
.....	\$45,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2006.

(2) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined

in the project lists distributed with this act, and on any additional projects for which the department has expended funds during the 2005-07 fiscal biennium, except for projects managed by the freight mobility strategic investment board. The department shall work with the transportation committees of the legislature to agree on report formatting and elements. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(3) The multimodal transportation account--state appropriation includes up to \$6,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(4) \$1,545,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the multiphase cooperative project with the state of Oregon to dredge the Columbia River. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(5) Up to \$206,000 of the motor vehicle account--state appropriation is reappropriated and provided ((~~solely~~)) for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes up to \$905,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) Up to \$607,000 of the multimodal transportation account--state appropriation is reappropriated and provided ((~~solely~~)) to support the safe routes to school program.

(8) ((~~\$16,110,000~~)) Up to \$7,488,000 of the motor vehicle account--federal appropriation is provided ((~~solely~~)) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ((~~solely~~)) for the respective projects: SR 397 Ainsworth Ave. Grade Crossing, \$4,992,000; Colville Alternate Truck Route, \$1,746,000; ((~~S-228th Street Extension and Grade Separation, \$6,500,000; Bigelow Gulch Road-Urban Boundary to Argonne Rd., \$2,000,000; Granite Falls Alternate Route, \$122,000;~~)) and Pacific Hwy. E./Port of Tacoma Road to Alexander, \$750,000.

(9) ((~~\$2,898,000~~)) Up to \$1,011,000 of the motor vehicle account--state appropriation is provided ((~~solely~~)) for the local freight capital projects in progress identified in this subsection. The specific funding listed is provided ((~~solely~~)) for the respective projects: Duwamish Intelligent Transportation Systems (ITS), ((~~\$2,382,000~~)) \$495,000; Port of Kennewick/Piert Road, \$516,000.

(10) Up to \$6,000,000 of the multimodal account--state appropriation is provided ((~~solely~~)) for the local freight 'D' street grade separation project.

(11) The department shall issue a call for pedestrian safety projects, such as safe routes to schools and transit, and bicycle and pedestrian paths. Applications must be received by the

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department by November 1, 2005, and November 1, 2006. The department shall identify cost-effective projects, and submit a prioritized list to the legislature for funding by December 15th of each year. Recommendations made to the legislature for safe routes to schools and bicycle and pedestrian path projects must, to the extent practicable based on available funding, allocate sixty percent of available funds to bicycle and pedestrian path projects and forty percent to safe routes to schools. Preference shall be given to projects that provide a local match.

(12) ~~(\$18,370,000)~~ Up to \$12,000,000 of the multimodal transportation account--state appropriation, ~~(\$6,000,000)~~ up to \$2,440,000 of the freight mobility multimodal account--state appropriation, and up to \$2,008,000 of the transportation partnership account--state appropriation ~~(, and \$6,000,000 of the freight mobility investment account--state appropriation)~~ are provided ~~((solely))~~ for the projects and activities as listed by fund, project and amount in LEAP Transportation Document 2006-1, Local Programs (Z) as developed March 8, 2006. However, limited transfers of allocations between projects may occur for those amounts listed subject to the conditions and limitations in section 603 of this act.

(13) \$870,000 of the multimodal transportation account--state appropriation is provided solely for the Yakima Avenue, 9th Street to Front Street, pedestrian safety improvement project.

(14) Up to \$5,000,000 of the multimodal transportation account--state appropriation and up to \$2,000,000 of the motor vehicle account--federal appropriation are provided ~~((solely))~~ for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified on the LEAP Transportation Document 2006-B, Pedestrian and Bicycle Safety Program Projects and Safe Routes to Schools Program Projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. When funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout, the department shall expeditiously extend new grant awards to qualified alternative projects identified on the list.

(15) Up to \$9,700,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for the intersection and corridor safety program projects as identified on the LEAP Transportation Document 2006-A, Intersection and Corridor Safety Program Projects as developed March 8, 2006.

(16) Up to \$19,500,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for rural county two-lane roadway pilot projects including \$7,500,000 already under contract. Any further allocations shall be prioritized by the department based on high-accident-corridor criteria. For purposes of this subsection, "high-accident-corridor" means a highway corridor of one mile or more where analysis of collision history indicates that the section has higher than average collision and severity factors.

(17) Up to \$2,500,000 of the motor vehicle account--state appropriation is provided ~~((solely))~~ for the Yakima downtown futures initiative.

(18) Up to \$810,000 of the multimodal transportation account--state appropriation is provided ~~((solely))~~ for the projects identified in this subsection: Des Moines creek trail, \$250,000; SR 282 to Port of Ephrata connector, \$385,000; Mount Baker Ridge viewpoint, \$175,000.

~~((20))~~ (19) Up to \$688,000 of the motor vehicle account--federal appropriation is provided ~~((solely))~~ for completion of the Coal Creek Parkway project.

~~((21) \$9,000,000 of the passenger ferry account--state appropriation is provided solely for the implementation of the passenger-only ferry grant program created in Substitute Senate Bill No. 6787. If Substitute Senate Bill No. 6787 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse:))~~

(20) \$827,000 of the motor vehicle account--federal appropriation is provided solely for the projects identified in this subsection: The Franklin county slide project, \$800,000; and the Loomis-Oroville Road guardrail replacement project, \$27,000.

(21) \$252,000 of the multimodal transportation account--state appropriation is provided solely for the Winthrop pedestrian and bike path project.

TRANSFERS AND DISTRIBUTIONS

Sec. 1001. 2006 c 370 s 401 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation	
.....	(\$334,313,000)
	\$329,713,000
Nondebt-Limit Reimbursable Account Appropriation	
.....	(\$6,091,000)
	\$5,791,000
Ferry Bond Retirement Account Appropriation . . .	\$38,241,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation	\$30,923,000
Motor Vehicle Account--State Appropriation	(\$682,000)
	\$782,000
Transportation Improvement Account--State	
Appropriation	\$120,000
Multimodal Transportation Account--State	
Appropriation	(\$370,000)
	\$390,000
Transportation 2003 Account (Nickel Account)	
Appropriation	\$6,600,000
Transportation Partnership Account--State	
Appropriation	(\$1,125,000)
	\$975,000
TOTAL APPROPRIATION (\$418,465,000)	\$413,535,000

Sec. 1002. 2006 c 370 s 402 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation	\$248,000
Transportation Improvement Account--State Appropriation	
.....	(\$13,000)
	\$18,000
Multimodal Transportation Account--State Appropriation	\$35,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,200,000
Transportation Partnership Account--State	
Appropriation	\$375,000
TOTAL APPROPRIATION (\$2,871,000)	\$2,876,000

Sec. 1003. 2006 c 370 s 404 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account Appropriation for

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motor vehicle fuel tax distributions to cities and counties ((~~\$487,612,000~~) \$468,391,000)

Sec. 1004. 2006 c 370 s 405 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((~~\$1,037,342,000~~) \$1,031,321,000)

Sec. 1005. 2006 c 370 s 406 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS**

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Account--State ((~~\$2,000,000~~) \$1,915,000)

(2) Motor Vehicle Account--State Appropriation: For transfer to Puget Sound Capital Construction Account--State ((~~\$73,000,000~~) \$70,223,000)

(3) Highway Safety Account--State Appropriation: For transfer to the Motor Vehicle Account--State . . \$5,000,000

(4) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State ((~~\$31,000,000~~) \$50,680,000)

(5) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership Account--State \$33,127,000

(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$25,980,000

(7) Transportation Partnership Account--State Appropriation: For transfer to the Small City Pavement and Sidewalk Account--State \$1,000,000

(8) Transportation Partnership Account--State Appropriation: For transfer to the Transportation Improvement Account--State \$2,500,000

(9) Transportation Partnership Account--State Appropriation: For transfer to the County Arterial Preservation Account--State \$1,500,000

(10) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State . . \$2,500,000

(11) Multimodal Transportation Account--State Appropriation: For transfer to the Transportation Partnership Account--State \$29,417,000

(12) Motor Vehicle Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account--State, up to a maximum of ((~~\$3,700,000~~) \$3,537,000)

(13) Multimodal Transportation Account--State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account--State \$1,300,000

(14) Multimodal Transportation Account--State Appropriation: For transfer to the Freight Mobility Multimodal Account--State \$4,610,000

(15) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows Toll Bridge Account--State \$5,288,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsection (2) of this section up to the level provided, on an as-needed basis.

(b) The amount transferred in subsection (12) of this section shall be the same as the Union Pacific Railroad's original contribution, adjusted for earned interest and expenditures, and shall be made on June 30, 2006.

(c) The amount transferred in subsection (14) of this section is the equivalent of the Burlington Northern Santa Fe funds advanced to the SR 519 project and shall be invested in a freight mobility project agreed to by the freight mobility strategic investment board and the BNSF railway if the final design of the SR 519 project does not include the original rail benefit.

(d) The amount transferred in subsection (13) of this section is appropriated as a nonreimbursable state financial contribution to the project and does not require repayment.

MISCELLANEOUS

NEW SECTION. Sec. 1101. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1102. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

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On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090, 47.12.244, 70.95.521, 47.06A.030, and 46.68.060; reenacting and amending RCW 46.16.725; amending 2006 c 53 s 2 (uncodified); amending 2006 c 370 ss 205, 208, 209, 210, 215, 218, 224, 226, 227, 228, 229, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 404, 405, and 406 (uncodified); adding new sections to 2005 c 313 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

And the bill do pass as recommended by the conference committee.

Signed by Senators Haugen, Marr and Swecker; Representatives Clibborn and Flannigan.

MOTION

Senator Haugen moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1094 be adopted.

Senators Haugen, Swecker, Marr, Murray, Benton, Spanel, Zarelli and Clements spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1094 be adopted.

The motion by Senator Haugen carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1094, as recommended by the Conference Committee.

Senator Pflug spoke on final passage of the bill.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1094, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senators Holmquist, Morton and Pflug - 3

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Haugen: "Mr. President, if I may I'd like to have this body help me say thank you to a terrific Transportation staff. I know Mike is probably hiding in the wings somewhere but I do have several members here. I just want to say how much I appreciate the work they did. They're just an extraordinary group of young people led by an outstanding coordinator and I wish you would help me say thank you to them."

MOTION

At 8:45 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m. Saturday, April 21, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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On motion of Senator Brandland, Senators Benton, Clements and Roach were excused.

MORNING SESSION

Senate Chamber, Olympia, Saturday, April 21, 2007

MESSAGE FROM THE HOUSE

April 4, 2007

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator Parlette.

The Sergeant at Arms Color Guard consisting of Cub Scout Pack #1, Sean Hendrickson, Conner Ensign, Conner Gjurasic, Aiden Short, Colin Meenk, Huetsern Yeager, Sean Kirkmire, Christopher Bloomer, Mathew Hahn, Paul Zepeta, Adam Peters, David Harmon and Jayson Jaury presented the Colors. Senator Shin offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6173 by Senators Shin, Clements, Rasmussen, Kastama and Kilmer

AN ACT Relating to providing a source of funding to assist small manufacturers in obtaining modernization and manufacturing extension services; reenacting and amending RCW 82.32.590; adding new sections to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Economic Development, Trade & Management.

SB 6174 by Senator McCaslin

AN ACT Relating to anatomical gift statements; and amending RCW 46.20.113.

Referred to Committee on Health & Long-Term Care.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MOTION

On motion of Senator Carrell, Senator Morton was excused.

MOTION

On motion of Senator Regala, Senators Brown, Fairley, Murry and Poulsen were excused.

MOTION

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, with the following amendment: 5339-S.E AMH ENGR H3249.E

Strike everything after the enacting clause and insert the following:

"Sec. 1103. RCW 67.28.080 and 1997 c 452 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" includes, but is not limited to, siting, acquisition, design, construction, refurbishing, expansion, repair, and improvement, including paying or securing the payment of all or any portion of general obligation bonds, leases, revenue bonds, or other obligations issued or incurred for such purpose or purposes under this chapter.

(2) "Municipality" means any county, city ((or))₂ town, or port district of the state of Washington.

(3) "Operation" includes, but is not limited to, operation, management, and marketing.

(4) "Person" means the federal government or any agency thereof, the state or any agency, subdivision, taxing district or municipal corporation thereof other than county, city or town, any private corporation, partnership, association, or individual.

(5) "Tourism" means economic activity resulting from tourists, which may include sales of overnight lodging, meals, tours, gifts, or souvenirs.

(6) "Tourism promotion" means activities and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding marketing of special events and festivals designed to attract tourists.

(7) "Tourism-related facility" means real or tangible personal property with a usable life of three or more years, or constructed with volunteer labor, and used to support tourism, performing arts, or to accommodate tourist activities.

(8) "Tourist" means a person who travels from a place of residence to a different town, city, county, state, or country, for purposes of business, pleasure, recreation, education, arts, heritage, or culture.

Sec. 1104. RCW 67.28.140 and 1967 c 236 s 7 are each amended to read as follows:

(1) The acts authorized herein are declared to be strictly for the public purposes of the municipalities authorized to perform same. With the exception of port districts, any municipality as defined in RCW 67.28.080 shall have the power to acquire by condemnation and purchase any lands and property rights, both within and without its boundaries, which are necessary to carry out the purposes of this chapter. Such right of eminent domain shall be exercised by the legislative body of each such municipality in the manner provided by applicable general law or under chapter 8.12 RCW.

(2) Port districts are prohibited from exercising the power of eminent domain as authorized under this section for the purpose of the activities and projects authorized under this chapter.

NEW SECTION. Sec. 1105. A new section is added to chapter 67.28 RCW to read as follows:

Port districts are prohibited from exercising the taxing authority authorized under RCW 67.28.180, 67.28.1801, 67.28.181, 67.28.1815, 67.28.1817, 67.28.183, 67.28.184, and 67.28.200.

NEW SECTION. Sec. 1106. A new section is added to chapter 67.28 RCW to read as follows:

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A port district and any municipality or other entity involved in a joint venture or project with a port district under this chapter shall comply with the provisions of chapter 39.12 RCW."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Kastama moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5339 and request of the House a conference thereon.

The President declared the question before the Senate to be motion by Senator Kastama that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5339.

The motion by Senator Kastama carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5339 and requested of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 5339 and the House amendment(s) thereto: Senators Kastama, Kilmer and Zarelli.

MOTION

On motion of Senator Eide, the appointments to the conference committee were confirmed.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Marr moved adoption of the following resolution:

SENATE RESOLUTION
8688

By Senators Hatfield, Hewitt, Parlette, Carrell, Brown, Schoesler, Rasmussen, Zarelli, Marr and McCaslin

WHEREAS, The Washington State University men's basketball team, led by coach Tony Bennett, and all-conference players Kyle Weaver and Derrick Low, finished second in the Pacific-10 Conference and was a number three seed in the 2007 NCAA basketball tournament; and

WHEREAS, Strong leadership was also provided by Robbie Cowgill, Daven Harmeling, and Aron Baynes, who were named to the 2007 Pac-10 Men's Basketball All-Academic First Team and composed 60 percent of the first team; and

WHEREAS, Tony Bennett has been honored as the 2007 Naismith Men's College Coach of the Year, the Pacific-10 Conference Coach of the Year, the Associated Press Men's College Basketball Coach of the Year, and the National Coach of the Year by the United States Basketball Writers Association, The Sporting News, Basketball Times, Collegeinsider.com, Collegehoops.net, Rivals.com, and CBS/Chevrolet; and

WHEREAS, Tony's father, Dick Bennett, preceded Tony as the men's basketball coach and helped lay the foundation for the program's turnaround; and

WHEREAS, Tony Bennett assumed the head coach's job this year and led the Cougars to their first upper-division league finish since 1994-95 and their first NCAA Tournament in 13 years; and

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WHEREAS, Tony Bennett led the Cougars to 26 wins this season, tying Washington State University's 1941 national runner-up squad for the most in school history; and

WHEREAS, The Washington State University men's basketball team entered the NCAA Tournament as one of 14 teams in the nation not to have lost two consecutive games; and

WHEREAS, The Washington State University men's basketball team has defeated its arch rival University of Washington Huskies five consecutive games; and

WHEREAS, The Washington State University men's basketball team under the guidance of head coach Tony Bennett led Washington State University to success, national recognition, and revitalized pride;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the outstanding achievement of the Washington State University men's basketball team for its success on the court and in the classroom during the 2007 season; and

BE IT FURTHER RESOLVED, That the Washington State Senate congratulate Head Coach Tony Bennett for his leadership in driving the Washington State University men's basketball team to success and for his numerous honors as National Coach of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Tony Bennett, the Washington State University men's basketball team, and Washington State University President, V. Lane Rawlins.

Senator Marr spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8688.

The motion by Senator Marr carried and the resolution was adopted by voice vote.

MOTION

At 10:21 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 12:26 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1091
SUBSTITUTE HOUSE BILL NO. 1266,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,
ENGROSSED HOUSE BILL NO. 2388,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2007

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MR. PRESIDENT:

April 19, 2007

The House has passed the following bills:
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House has passed the following bills:
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,
 ENGROSSED SUBSTITUTE SENATE JOINT
 RESOLUTION NO. 8206,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 5882,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House concurred in Senate amendment{s} to the following bills and passed the bills as amended by the Senate:
 SECOND SUBSTITUTE HOUSE BILL NO. 1277,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,
 HOUSE BILL NO. 1674,
 ENGROSSED HOUSE BILL NO. 1902,
 SECOND SUBSTITUTE HOUSE BILL NO. 2220,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, and has passed the bill as recommended by the Conference Committee.
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

REPORT OF THE CONFERENCE REPORT
 Engrossed Second Substitute Senate Bill No. 5930

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Second Substitute Senate Bill No. 5930, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"USE STATE PURCHASING TO IMPROVE HEALTH CARE QUALITY

NEW SECTION. Sec. 1. (1) The health care authority and the department of social and health services shall, by September 1, 2007, develop a five-year plan to change reimbursement within their health care programs to:

- (a) Reward quality health outcomes rather than simply paying for the receipt of particular services or procedures;
- (b) Pay for care that reflects patient preference and is of proven value;
- (c) Require the use of evidence-based standards of care where available;
- (d) Tie provider rate increases to measurable improvements in access to quality care;
- (e) Direct enrollees to quality care systems;
- (f) Better support primary care and provide a medical home to all enrollees through reimbursement policies that create incentives for providers to enter and remain in primary care practice and that address disparities in payment between specialty procedures and primary care services; and
- (g) Pay for e-mail consultations, telemedicine, and telehealth where doing so reduces the overall cost of care.

(2) In developing any component of the plan that links payment to health care provider performance, the authority and the department shall work in collaboration with the department of health, health carriers, local public health jurisdictions, physicians and other health care providers, the Puget Sound health alliance, and other purchasers.

(3) The plan shall (a) identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress toward those goals will be measured; and (c) be submitted to the governor and the legislature upon completion. The agencies shall report to the legislature by September 1, 2007. Any component of the plan that links payment to health care provider performance must be submitted to the legislature for consideration prior to implementation by the department or the authority.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) The legislature finds that there is growing evidence that, for preference-sensitive care involving elective surgery, patient-practitioner communication is improved through the use of high-quality decision aids that detail the benefits, harms, and uncertainty of available treatment options. Improved communication leads to more fully informed patient decisions. The legislature intends to increase the extent to which patients make genuinely informed, preference-based treatment decisions, by promoting public/private collaborative efforts to broaden the development, certification, use, and evaluation of effective decision aids and by recognition of shared decision making and patient decision aids in the state's laws on informed consent.

(2) The health care authority shall implement a shared decision-making demonstration project. The demonstration project shall be conducted at one or more multispecialty group practice sites providing state purchased health care in the state of Washington, and may include other practice sites providing

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state purchased health care. The demonstration project shall include the following elements:

(a) Incorporation into clinical practice of one or more decision aids for one or more identified preference-sensitive care areas combined with ongoing training and support of involved practitioners and practice teams, preferably at sites with necessary supportive health information technology;

(b) An evaluation of the impact of the use of shared decision making with decision aids, including the use of preference-sensitive health care services selected for the demonstration project and expenditures for those services, the impact on patients, including patient understanding of the treatment options presented and concordance between patient values and the care received, and patient and practitioner satisfaction with the shared decision-making process; and

(c) As a condition of participating in the demonstration project, a participating practice site must bear the cost of selecting, purchasing, and incorporating the chosen decision aids into clinical practice.

(3) The health care authority may solicit and accept funding and in-kind contributions to support the demonstration and evaluation, and may scale the evaluation to fall within resulting resource parameters.

Sec. 3. RCW 7.70.060 and 1975-'76 2nd ex.s. c 56 s 11 are each amended to read as follows:

(1) If a patient while legally competent, or his or her representative if he or she is not competent, signs a consent form which sets forth the following, the signed consent form shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by a preponderance of the evidence:

((+)) (a) A description, in language the patient could reasonably be expected to understand, of:

((+)) (i) The nature and character of the proposed treatment;

((+)) (ii) The anticipated results of the proposed treatment;

((+)) (iii) The recognized possible alternative forms of treatment; and

((+)) (iv) The recognized serious possible risks, complications, and anticipated benefits involved in the treatment and in the recognized possible alternative forms of treatment, including nontreatment;

((+)) (b) Or as an alternative, a statement that the patient elects not to be informed of the elements set forth in (a) of this subsection ((+) of this section).

(2) If a patient while legally competent, or his or her representative if he or she is not competent, signs an acknowledgement of shared decision making as described in this section, such acknowledgement shall constitute prima facie evidence that the patient gave his or her informed consent to the treatment administered and the patient has the burden of rebutting this by clear and convincing evidence. An acknowledgement of shared decision making shall include:

(a) A statement that the patient, or his or her representative, and the health care provider have engaged in shared decision making as an alternative means of meeting the informed consent requirements set forth by laws, accreditation standards, and other mandates;

(b) A brief description of the services that the patient and provider jointly have agreed will be furnished;

(c) A brief description of the patient decision aid or aids that have been used by the patient and provider to address the needs for (i) high-quality, up-to-date information about the condition, including risk and benefits of available options and, if appropriate, a discussion of the limits of scientific knowledge about outcomes; (ii) values clarification to help patients sort out their values and preferences; and (iii) guidance or coaching in deliberation, designed to improve the patient's involvement in the decision process;

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(d) A statement that the patient or his or her representative understands: The risk or seriousness of the disease or condition to be prevented or treated; the available treatment alternatives, including nontreatment; and the risks, benefits, and uncertainties of the treatment alternatives, including nontreatment; and

(e) A statement certifying that the patient or his or her representative has had the opportunity to ask the provider questions, and to have any questions answered to the patient's satisfaction, and indicating the patient's intent to receive the identified services.

(3) As used in this section, "shared decision making" means a process in which the physician or other health care practitioner discusses with the patient or his or her representative the information specified in subsection (2) of this section with the use of a patient decision aid and the patient shares with the provider such relevant personal information as might make one treatment or side effect more or less tolerable than others.

(4) As used in this section, "patient decision aid" means a written, audio-visual, or online tool that provides a balanced presentation of the condition and treatment options, benefits, and harms, including, if appropriate, a discussion of the limits of scientific knowledge about outcomes, and that is certified by one or more national certifying organizations.

(5) Failure to use a form or to engage in shared decision making, with or without the use of a patient decision aid, shall not be admissible as evidence of failure to obtain informed consent. There shall be no liability, civil or otherwise, resulting from a health care provider choosing either the signed consent form set forth in subsection (1)(a) of this section or the signed acknowledgement of shared decision making as set forth in subsection (2) of this section.

PREVENTION AND MANAGEMENT OF CHRONIC ILLNESS

NEW SECTION. Sec. 4. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department of social and health services, in collaboration with the department of health, shall:

(a) Design and implement medical homes for its aged, blind, and disabled clients in conjunction with chronic care management programs to improve health outcomes, access, and cost-effectiveness. Programs must be evidence based, facilitating the use of information technology to improve quality of care, must acknowledge the role of primary care providers and include financial and other supports to enable these providers to effectively carry out their role in chronic care management, and must improve coordination of primary, acute, and long-term care for those clients with multiple chronic conditions. The department shall consider expansion of existing medical home and chronic care management programs and build on the Washington state collaborative initiative. The department shall use best practices in identifying those clients best served under a chronic care management model using predictive modeling through claims or other health risk information; and

(b) Evaluate the effectiveness of current chronic care management efforts in the health and recovery services administration and the aging and disability services administration, comparison to best practices, and recommendations for future efforts and organizational structure to improve chronic care management.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high quality, accessible, and efficient care.

(b) "Chronic care management" means the department's program that provides care management and coordination activities for medical assistance clients determined to be at risk for high medical costs. "Chronic care management" provides

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education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

NEW SECTION. Sec. 5. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall conduct a program of training and technical assistance regarding care of people with chronic conditions for providers of primary care. The program shall emphasize evidence-based high quality preventive and chronic disease care. The department may designate one or more chronic conditions to be the subject of the program.

(2) The training and technical assistance program shall include the following elements:

- (a) Clinical information systems and sharing and organization of patient data;
- (b) Decision support to promote evidence-based care;
- (c) Clinical delivery system design;
- (d) Support for patients managing their own conditions; and
- (e) Identification and use of community resources that are available in the community for patients and their families.

(3) In selecting primary care providers to participate in the program, the department shall consider the number and type of patients with chronic conditions the provider serves, and the provider's participation in the medicaid program, the basic health plan, and health plans offered through the public employees' benefits board.

NEW SECTION. Sec. 6. (1) The health care authority, in collaboration with the department of health, shall design and implement a chronic care management program for state employees enrolled in the state's self-insured uniform medical plan. Programs must be evidence based, facilitating the use of information technology to improve quality of care and must improve coordination of primary, acute, and long-term care for those enrollees with multiple chronic conditions. The authority shall consider expansion of existing medical home and chronic care management programs. The authority shall use best practices in identifying those employees best served under a chronic care management model using predictive modeling through claims or other health risk information.

(2) For purposes of this section:

(a) "Medical home" means a site of care that provides comprehensive preventive and coordinated care centered on the patient needs and assures high-quality, accessible, and efficient care.

(b) "Chronic care management" means the authority's program that provides care management and coordination activities for health plan enrollees determined to be at risk for high medical costs. "Chronic care management" provides education and training and/or coordination that assist program participants in improving self-management skills to improve health outcomes and reduce medical costs by educating clients to better utilize services.

Sec. 7. RCW 70.83.040 and 2005 c 518 s 938 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. ~~((The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal~~

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~~hyperplasia, congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.))~~

NEW SECTION. Sec. 8. A new section is added to chapter 70.83 RCW to read as follows:

The department has the authority to collect a fee of three dollars and fifty cents from the parents or other responsible party of each infant screened for congenital disorders as defined by the state board of health under RCW 70.83.020 to fund specialty clinics that provide treatment services for those with the defined disorders. The fee may be collected through the facility where a screening specimen is obtained.

COST AND QUALITY INFORMATION FOR CONSUMERS AND PROVIDERS

NEW SECTION. Sec. 9. A new section is added to chapter 41.05 RCW to read as follows:

The Washington state quality forum is established within the authority. In collaboration with the Puget Sound health alliance and other local organizations, the forum shall:

- (1) Collect and disseminate research regarding health care quality, evidence-based medicine, and patient safety to promote best practices, in collaboration with the technology assessment program and the prescription drug program;
- (2) Coordinate the collection of health care quality data among state health care purchasing agencies;
- (3) Adopt a set of measures to evaluate and compare health care cost and quality and provider performance;
- (4) Identify and disseminate information regarding variations in clinical practice patterns across the state; and
- (5) Produce an annual quality report detailing clinical practice patterns for purchasers, providers, insurers, and policy makers. The agencies shall report to the legislature by September 1, 2007.

NEW SECTION. Sec. 10. A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator shall design and pilot a consumer-centric health information infrastructure and the first health record banks that will facilitate the secure exchange of health information when and where needed and shall:

- (a) Complete the plan of initial implementation, including but not limited to determining the technical infrastructure for health record banks and the account locator service, setting criteria and standards for health record banks, and determining oversight of health record banks;
- (b) Implement the first health record banks in pilot sites as funding allows;
- (c) Involve health care consumers in meaningful ways in the design, implementation, oversight, and dissemination of information on the health record bank system; and
- (d) Promote adoption of electronic medical records and health information exchange through continuation of the Washington health information collaborative, and by working with private payors and other organizations in restructuring reimbursement to provide incentives for providers to adopt electronic medical records in their practices.

(2) The administrator may establish an advisory board, a stakeholder committee, and subcommittees to assist in carrying out the duties under this section. The administrator may reappoint health information infrastructure advisory board members to assure continuity and shall appoint any additional representatives that may be required for their expertise and experience.

(a) The administrator shall appoint the chair of the advisory board, chairs, and cochairs of the stakeholder committee, if formed;

(b) Meetings of the board, stakeholder committee, and any advisory group are subject to chapter 42.30 RCW, the open public meetings act, including RCW 42.30.110(1)(l), which

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authorizes an executive session during a regular or special meeting to consider proprietary or confidential nonpublished information; and

(c) The members of the board, stakeholder committee, and any advisory group:

(i) Shall agree to the terms and conditions imposed by the administrator regarding conflicts of interest as a condition of appointment;

(ii) Are immune from civil liability for any official acts performed in good faith as members of the board, stakeholder committee, or any advisory group.

(3) Members of the board may be compensated for participation in accordance with a personal services contract to be executed after appointment and before commencement of activities related to the work of the board. Members of the stakeholder committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060.

(4) The administrator may work with public and private entities to develop and encourage the use of personal health records which are portable, interoperable, secure, and respectful of patients' privacy.

(5) The administrator may enter into contracts to issue, distribute, and administer grants that are necessary or proper to carry out this section.

Sec. 11. RCW 43.70.110 and 2006 c 72 s 3 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in ~~((RCW 18.79.202, until June 30, 2013, and except for the cost of regulating retired volunteer medical workers in accordance with RCW 18.130.360))~~ subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of section 12 of this act.

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(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

NEW SECTION. Sec. 12. A new section is added to chapter 43.70 RCW to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009.

Sec. 13. RCW 70.56.030 and 2006 c 8 s 107 are each amended to read as follows:

(1) The department shall:

(a) Receive and investigate, where necessary, notifications and reports of adverse events, including root cause analyses and corrective action plans submitted as part of reports, and communicate to individual facilities the department's conclusions, if any, regarding an adverse event reported by a facility; ~~(and)~~

(b) ~~Provide to the Washington state quality forum established in section 9 of this act such information from the adverse health events and incidents reports made under this chapter as the department and the Washington state quality forum determine will assist in the Washington state quality forum's research regarding health care quality, evidence-based medicine, and patient safety. Any shared information must be aggregated and not identify an individual medical facility. As determined by the department and the Washington state quality forum, selected shared information may be disseminated on the Washington state quality forum's web site and through other appropriate means; and~~

(c) Adopt rules as necessary to implement this chapter.

(2) The department may enforce the reporting requirements of RCW 70.56.020 using ~~((their))~~ its existing enforcement authority provided in chapter 18.46 RCW for childbirth centers, chapter 70.41 RCW for hospitals, and chapter 71.12 RCW for psychiatric hospitals.

REDUCING UNNECESSARY EMERGENCY ROOM USE

NEW SECTION. Sec. 14. The Washington state health care authority and the department of social and health services shall report to the legislature by December 1, 2007, on recent trends in unnecessary emergency room use by enrollees in state purchased health care programs that they administer and the uninsured, and then partner with community organizations and local health care providers to develop reimbursement incentive strategies and design a demonstration pilot to reduce such unnecessary visits.

NEW SECTION. Sec. 15. A new section is added to chapter 41.05 RCW to read as follows:

To the extent that sufficient funding is provided specifically for this purpose, the administrator, in collaboration with the department of social and health services, shall provide all persons enrolled in health plans under this chapter and chapter 70.47 RCW with access to a twenty-four hour, seven day a week nurse hotline.

NEW SECTION. Sec. 16. A new section is added to chapter 74.09 RCW to read as follows:

To the extent that sufficient funding is provided specifically for this purpose, the department, in collaboration with the health care authority, shall provide all persons receiving services under this chapter with access to a twenty-four hour, seven day a week nurse hotline. The health care authority and the department of social and health services shall determine the most appropriate way to provide the nurse hotline under section 15 of this act and this section, which may include use of the 211 system established in chapter 43.211 RCW.

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REDUCE HEALTH CARE ADMINISTRATIVE COSTS

NEW SECTION. Sec. 17. By December 1, 2007, the insurance commissioner shall provide a report to the governor and the legislature that identifies the key contributors to health care administrative costs and evaluates opportunities to reduce them, including suggested changes to state law. The report shall be completed in collaboration with health care providers, hospitals, carriers, state health purchasing agencies, the Washington healthcare forum, and other interested parties.

COVERAGE FOR DEPENDENTS TO AGE TWENTY-FIVE

NEW SECTION. Sec. 18. A new section is added to chapter 41.05 RCW to read as follows:

(1) Any plan offered to employees under this chapter must offer each employee the option of covering any unmarried dependent of the employee under the age of twenty-five.

(2) Any employee choosing under subsection (1) of this section to cover a dependent who is: (a) Age twenty through twenty-three and not a registered student at an accredited secondary school, college, university, vocational school, or school of nursing; or (b) age twenty-four, shall be required to pay the full cost of such coverage.

(3) Any employee choosing under subsection (1) of this section to cover a dependent with disabilities, developmental disabilities, mental illness, or mental retardation, who is incapable of self-support, may continue covering that dependent under the same premium and payment structure as for dependents under the age of twenty, irrespective of age.

NEW SECTION. Sec. 19. A new section is added to chapter 48.20 RCW to read as follows:

Any disability insurance contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 20. A new section is added to chapter 48.21 RCW to read as follows:

Any group disability insurance contract or blanket disability insurance contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 21. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any individual health care service plan contract that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health care service plan contract that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

NEW SECTION. Sec. 22. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any individual health maintenance agreement that provides coverage for a subscriber's dependent must offer the option of covering any unmarried dependent under the age of twenty-five.

(2) Any group health maintenance agreement that provides coverage for a participating member's dependent must offer each participating member the option of covering any unmarried dependent under the age of twenty-five.

SUSTAINABILITY AND ACCESS TO PUBLIC PROGRAMS

NEW SECTION. Sec. 23. (1) The department of social and health services shall develop a series of options that require federal waivers and state plan amendments to expand coverage and leverage federal and state resources for the state's basic

health program, for the medical assistance program, as codified at Title XIX of the federal social security act, and the state's children's health insurance program, as codified at Title XXI of the federal social security act. The department shall propose options including but not limited to:

(a) Offering alternative benefit designs to promote high quality care, improve health outcomes, and encourage cost-effective treatment options and redirect savings to finance additional coverage;

(b) Creation of a health opportunity account demonstration program for individuals eligible for transitional medical benefits. When a participant in the health opportunity account demonstration program satisfies his or her deductible, the benefits provided shall be those included in the medicaid benefit package in effect during the period of the demonstration program; and

(c) Promoting private health insurance plans and premium subsidies to purchase employer-sponsored insurance wherever possible, including federal approval to expand the department's employer-sponsored insurance premium assistance program to enrollees covered through the state's children's health insurance program.

(2) Prior to submitting requests for federal waivers or state plan amendments, the department shall consult with and seek input from stakeholders and other interested parties.

(3) The department of social and health services, in collaboration with the Washington state health care authority, shall ensure that enrollees are not simultaneously enrolled in the state's basic health program and the medical assistance program or the state's children's health insurance program to ensure coverage for the maximum number of people within available funds.

NEW SECTION. Sec. 24. A new section is added to chapter 48.43 RCW to read as follows:

When the department of social and health services determines that it is cost-effective to enroll a person eligible for medical assistance under chapter 74.09 RCW in an employer-sponsored health plan, a carrier shall permit the enrollment of the person in the health plan for which he or she is otherwise eligible without regard to any open enrollment period restrictions.

REINSURANCE

NEW SECTION. Sec. 25. (1) The office of financial management, in collaboration with the office of the insurance commissioner, shall evaluate options and design a state-supported reinsurance program to address the impact of high cost enrollees in the individual and small group health insurance markets, and submit an interim report to the governor and the legislature by December 1, 2007, and a final report, including implementing legislation and supporting information, including financing options, by September 1, 2008. In designing the program, the office of financial management shall:

(a) Estimate the quantitative impact on premium savings, premium stability over time and across groups of enrollees, individual and employer take-up, number of uninsured, and government costs associated with a government-funded stop-loss insurance program, including distinguishing between one-time premium savings and savings in subsequent years. In evaluating the various reinsurance models, evaluate and consider (i) the reduction in total health care costs to the state and private sector, and (ii) the reduction in individual premiums paid by employers, employees, and individuals;

(b) Identify all relevant design issues and alternative options for each issue. At a minimum, the evaluation shall examine (i) a reinsurance corridor of ten thousand dollars to ninety thousand dollars, and a reimbursement of ninety percent; (ii) the impacts of providing reinsurance for all small group products or a subset of products; and (iii) the applicability of a chronic care program such as the approach used by the department of labor and

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industries with the centers of occupational health and education. Where quantitative impacts cannot be estimated, the office of financial management shall assess qualitative impacts of design issues and their options, including potential disincentives for reducing premiums, achieving premium stability, sustaining/increasing take-up, decreasing the number of uninsured, and managing government's stop-loss insurance costs;

(c) Identify market and regulatory changes needed to maximize the chance of the program achieving its policy goals, including how the program will relate to other coverage programs and markets. Design efforts shall coordinate with other design efforts targeting small group programs that may be directed by the legislature, as well as other approaches examining alternatives to managing risk;

(d) Address conditions under which overall expenditures could increase as a result of a government-funded stop-loss program and options to mitigate those conditions, such as passive versus aggressive use of disease and care management programs by insurers;

(e) Determine whether the Washington state health insurance pool should be retained, and if so, develop options for additional sources of funding;

(f) Evaluate, and quantify where possible, the behavioral responses of insurers to the program including impacts on insurer premiums and practices for settling legal disputes around large claims; and

(g) Provide alternatives for transitioning from the status quo and, where applicable, alternatives for phasing in some design elements, such as threshold or corridor levels, to balance government costs and premium savings.

(2) Within funds specifically appropriated for this purpose, the office of financial management may contract with actuaries and other experts as necessary to meet the requirements of this section.

THE WASHINGTON STATE HEALTH INSURANCE POOL AND THE BASIC HEALTH PLAN

Sec. 26. RCW 48.41.110 and 2001 c 196 s 4 are each amended to read as follows:

(1) The pool shall offer one or more care management plans of coverage. Such plans may, but are not required to, include point of service features that permit participants to receive in-network benefits or out-of-network benefits subject to differential cost shares. ~~((Covered persons enrolled in the pool on January 1, 2001, may continue coverage under the pool plan in which they are enrolled on that date. However,))~~ The pool may incorporate managed care features into ~~((such))~~ existing plans.

(2) The administrator shall prepare a brochure outlining the benefits and exclusions of ~~((the))~~ pool ~~((policy))~~ policies in plain language. After approval by the board, such brochure shall be made reasonably available to participants or potential participants.

(3) The health insurance ~~((policy))~~ policies issued by the pool shall pay only reasonable amounts for medically necessary eligible health care services rendered or furnished for the diagnosis or treatment of covered illnesses, injuries, and conditions ~~((which are not otherwise limited or excluded))~~. Eligible expenses are the reasonable amounts for the health care services and items for which benefits are extended under ~~((the))~~ a pool policy. ~~((Such benefits shall at minimum include, but not be limited to, the following services or related items:))~~

(4) The pool shall offer at least two policies, one of which will be a comprehensive policy that must comply with RCW 48.41.120 and must at a minimum include the following services or related items:

(a) Hospital services, including charges for the most common semiprivate room, for the most common private room if semiprivate rooms do not exist in the health care facility, or

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for the private room if medically necessary, ~~((but limited to))~~ including no less than a total of one hundred eighty inpatient days in a calendar year, and ~~((limited to))~~ no less than thirty days inpatient care for mental and nervous conditions, or alcohol, drug, or chemical dependency or abuse per calendar year;

(b) Professional services including surgery for the treatment of injuries, illnesses, or conditions, other than dental, which are rendered by a health care provider, or at the direction of a health care provider, by a staff of registered or licensed practical nurses, or other health care providers;

(c) ~~((The first))~~ No less than twenty outpatient professional visits for the diagnosis or treatment of one or more mental or nervous conditions or alcohol, drug, or chemical dependency or abuse rendered during a calendar year by one or more physicians, psychologists, or community mental health professionals, or, at the direction of a physician, by other qualified licensed health care practitioners, in the case of mental or nervous conditions, and rendered by a state certified chemical dependency program approved under chapter 70.96A RCW, in the case of alcohol, drug, or chemical dependency or abuse;

(d) Drugs and contraceptive devices requiring a prescription;

(e) Services of a skilled nursing facility, excluding custodial and convalescent care, for not ~~((more))~~ less than one hundred days in a calendar year as prescribed by a physician;

(f) Services of a home health agency;

(g) Chemotherapy, radioisotope, radiation, and nuclear medicine therapy;

(h) Oxygen;

(i) Anesthesia services;

(j) Prostheses, other than dental;

(k) Durable medical equipment which has no personal use in the absence of the condition for which prescribed;

(l) Diagnostic x-rays and laboratory tests;

(m) Oral surgery ~~((limited to))~~ including at least the following: Fractures of facial bones; excisions of mandibular joints, lesions of the mouth, lip, or tongue, tumors, or cysts excluding treatment for temporomandibular joints; incision of accessory sinuses, mouth salivary glands or ducts; dislocations of the jaw; plastic reconstruction or repair of traumatic injuries occurring while covered under the pool; and excision of impacted wisdom teeth;

(n) Maternity care services;

(o) Services of a physical therapist and services of a speech therapist;

(p) Hospice services;

(q) Professional ambulance service to the nearest health care facility qualified to treat the illness or injury; and

(r) Other medical equipment, services, or supplies required by physician's orders and medically necessary and consistent with the diagnosis, treatment, and condition.

~~((4))~~ (5) The board shall design and employ cost containment measures and requirements such as, but not limited to, care coordination, provider network limitations, preadmission certification, and concurrent inpatient review which may make the pool more cost-effective.

~~((5))~~ (6) The pool benefit policy may contain benefit limitations, exceptions, and cost shares such as copayments, coinsurance, and deductibles that are consistent with managed care products, except that differential cost shares may be adopted by the board for nonnetwork providers under point of service plans. ~~((The pool benefit policy cost shares and limitations must be consistent with those that are generally included in health plans approved by the insurance commissioner; however,))~~ No limitation, exception, or reduction may be used that would exclude coverage for any disease, illness, or injury.

~~((6))~~ (7) The pool may not reject an individual for health plan coverage based upon preexisting conditions of the individual or deny, exclude, or otherwise limit coverage for an

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individual's preexisting health conditions; except that it shall impose a six-month benefit waiting period for preexisting conditions for which medical advice was given, for which a health care provider recommended or provided treatment, or for which a prudent layperson would have sought advice or treatment, within six months before the effective date of coverage. The preexisting condition waiting period shall not apply to prenatal care services. The pool may not avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. Credit against the waiting period shall be as provided in subsection ~~((7))~~ (8) of this section.

~~((7))~~ (8)(a) Except as provided in (b) of this subsection, the pool shall credit any preexisting condition waiting period in its plans for a person who was enrolled at any time during the sixty-three day period immediately preceding the date of application for the new pool plan. For the person previously enrolled in a group health benefit plan, the pool must credit the aggregate of all periods of preceding coverage not separated by more than sixty-three days toward the waiting period of the new health plan. For the person previously enrolled in an individual health benefit plan other than a catastrophic health plan, the pool must credit the period of coverage the person was continuously covered under the immediately preceding health plan toward the waiting period of the new health plan. For the purposes of this subsection, a preceding health plan includes an employer-provided self-funded health plan.

(b) The pool shall waive any preexisting condition waiting period for a person who is an eligible individual as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. 300gg-41(b)).

~~((8))~~ (9) If an application is made for the pool policy as a result of rejection by a carrier, then the date of application to the carrier, rather than to the pool, should govern for purposes of determining preexisting condition credit.

(10) The pool shall contract with organizations that provide care management that has been demonstrated to be effective and shall encourage enrollees who are eligible for care management services to participate. The pool may encourage the use of shared decision making and certified decision aids for preference-sensitive care areas.

Sec. 27. RCW 48.41.160 and 1987 c 431 s 16 are each amended to read as follows:

~~(1) (A pool policy offered under this chapter shall contain provisions under which the pool is obligated to renew the policy until the day on which the individual in whose name the policy is issued first becomes eligible for medicare coverage. At that time, coverage of dependents shall terminate if such dependents are eligible for coverage under a different health plan. Dependents who become eligible for medicare prior to the individual in whose name the policy is issued, shall receive benefits in accordance with RCW 48.41.150) On or before December 31, 2007, the pool shall cancel all existing pool policies and replace them with policies that are identical to the existing policies except for the inclusion of a provision providing for a guarantee of the continuity of coverage consistent with this section. As a means to minimize the number of policy changes for enrollees, replacement policies provided under this subsection also may include the plan modifications authorized in RCW 48.41.100, 48.41.110, and 48.41.120.~~

~~(2) A pool policy shall contain a guarantee of the individual's right to continued coverage, subject to the provisions of subsections (4) and (5) of this section.~~

~~(3) The guarantee of continuity of coverage required by this section shall not prevent the pool from canceling or nonrenewing a policy for:~~

- ~~(a) Nonpayment of premium;~~
- ~~(b) Violation of published policies of the pool;~~
- ~~(c) Failure of a covered person who becomes eligible for medicare benefits by reason of age to apply for a pool medical supplement plan, or a medicare supplement plan or other similar~~

plan offered by a carrier pursuant to federal laws and regulations;

(d) Failure of a covered person to pay any deductible or copayment amount owed to the pool and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the pool;

(f) Covered persons materially breaching the pool policy; or

(g) Changes adopted to federal or state laws when such changes no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage provided by this section requires that if the pool replaces a plan, it must make the replacement plan available to all individuals in the plan being replaced. The replacement plan must include all of the services covered under the replaced plan, and must not significantly limit access to the kind of services covered under the replacement plan through unreasonable cost-sharing requirements or otherwise. The pool may also allow individuals who are covered by a plan that is being replaced an unrestricted right to transfer to a fully comparable plan.

(b) The guarantee of continuity of coverage provided by this section requires that if the pool discontinues offering a plan: (i) The pool must provide notice to each individual of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the pool must offer to each individual provided coverage under the discontinued plan the option to enroll in any other plan currently offered by the pool for which the individual is otherwise eligible; and (iii) in exercising the option to discontinue a plan and in offering the option of coverage under (b)(ii) of this subsection, the pool must act uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage.

(c) The pool cannot replace or discontinue a plan under this subsection (4) until it has completed an evaluation of the impact of replacing the plan upon:

- (i) The cost and quality of care to pool enrollees;
- (ii) Pool financing and enrollment;
- (iii) The board's ability to offer comprehensive and other plans to its enrollees;
- (iv) Other items identified by the board.

In its evaluation, the board must request input from the constituents represented by the board members.

(d) The guarantee of continuity of coverage provided by this section does not apply if the pool has zero enrollment in a plan.

(5) The pool may not change the rates for pool policies except on a class basis, with a clear disclosure in the policy of the pool's right to do so.

~~((3))~~ (6) A pool policy offered under this chapter shall provide that, upon the death of the individual in whose name the policy is issued, every other individual then covered under the policy may elect, within a period specified in the policy, to continue coverage under the same or a different policy.

Sec. 28. RCW 48.41.200 and 2000 c 79 s 17 are each amended to read as follows:

(1) The pool shall determine the standard risk rate by calculating the average individual standard rate charged for coverage comparable to pool coverage by the five largest members, measured in terms of individual market enrollment, offering such coverages in the state. In the event five members do not offer comparable coverage, the standard risk rate shall be established using reasonable actuarial techniques and shall reflect anticipated experience and expenses for such coverage in the individual market.

(2) Subject to subsection (3) of this section, maximum rates for pool coverage shall be as follows:

(a) Maximum rates for a pool indemnity health plan shall be one hundred fifty percent of the rate calculated under subsection (1) of this section;

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(b) Maximum rates for a pool care management plan shall be one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(c) Maximum rates for a person eligible for pool coverage pursuant to RCW 48.41.100(1)(a) who was enrolled at any time during the sixty-three day period immediately prior to the date of application for pool coverage in a group health benefit plan or an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005, where such coverage was continuous for at least eighteen months, shall be:

(i) For a pool indemnity health plan, one hundred twenty-five percent of the rate calculated under subsection (1) of this section; and

(ii) For a pool care management plan, one hundred ten percent of the rate calculated under subsection (1) of this section.

(3)(a) Subject to (b) and (c) of this subsection:

(i) The rate for any person (~~(aged fifty to sixty-four)~~) whose current gross family income is less than two hundred fifty-one percent of the federal poverty level shall be reduced by thirty percent from what it would otherwise be;

(ii) The rate for any person (~~(aged fifty to sixty-four)~~) whose current gross family income is more than two hundred fifty but less than three hundred one percent of the federal poverty level shall be reduced by fifteen percent from what it would otherwise be;

(iii) The rate for any person who has been enrolled in the pool for more than thirty-six months shall be reduced by five percent from what it would otherwise be.

(b) In no event shall the rate for any person be less than one hundred ten percent of the rate calculated under subsection (1) of this section.

(c) Rate reductions under (a)(i) and (ii) of this subsection shall be available only to the extent that funds are specifically appropriated for this purpose in the omnibus appropriations act.

Sec. 29. RCW 48.41.037 and 2000 c 79 s 36 are each amended to read as follows:

The Washington state health insurance pool account is created in the custody of the state treasurer. All receipts from moneys specifically appropriated to the account must be deposited in the account. Expenditures from this account shall be used to cover deficits incurred by the Washington state health insurance pool under this chapter in excess of the threshold established in this section. To the extent funds are available in the account, funds shall be expended from the account to offset that portion of the deficit that would otherwise have to be recovered by imposing an assessment on members in excess of a threshold of seventy cents per insured person per month. The commissioner shall authorize expenditures from the account, to the extent that funds are available in the account, upon certification by the pool board that assessments will exceed the threshold level established in this section. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Whether the assessment has reached the threshold of seventy cents per insured person per month shall be determined by dividing the total aggregate amount of assessment by the proportion of total assessed members. Thus, stop loss members shall be counted as one-tenth of a whole member in the denominator given that is the amount they are assessed proportionately relative to a fully insured medical member.

Sec. 30. RCW 48.41.100 and 2001 c 196 s 3 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out ~~(one)~~ two million dollars in benefits;

(c) Inmates of public institutions and persons whose benefits are duplicated under public programs. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under

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subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool. (4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 31. RCW 48.41.120 and 2000 c 79 s 14 are each amended to read as follows:

(1) Subject to the limitation provided in subsection (3) of this section, ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall impose a deductible as provided in this subsection. Deductibles of five hundred dollars and one thousand dollars on a per person per calendar year basis shall initially be offered. The board may authorize deductibles in other amounts. The deductible shall be applied to the first five hundred dollars, one thousand dollars, or other authorized amount of eligible expenses incurred by the covered person.

(2) Subject to the limitations provided in subsection (3) of this section, a mandatory coinsurance requirement shall be imposed ~~at ((the))~~ a rate ~~((of))~~ not to exceed twenty percent of eligible expenses in excess of the mandatory deductible and which supports the efficient delivery of high quality health care services for the medical conditions of pool enrollees.

(3) The maximum aggregate out of pocket payments for eligible expenses by the insured in the form of deductibles and coinsurance under ~~((a))~~ the comprehensive pool policy offered ((in accordance with)) under RCW 48.41.110((3)) (4) shall not exceed in a calendar year:

(a) One thousand five hundred dollars per individual, or three thousand dollars per family, per calendar year for the five hundred dollar deductible policy;

(b) Two thousand five hundred dollars per individual, or five thousand dollars per family per calendar year for the one thousand dollar deductible policy; or

(c) An amount authorized by the board for any other deductible policy.

(4) Except for those enrolled in a high deductible health plan qualified under federal law for use with a health savings account, eligible expenses incurred by a covered person in the last three months of a calendar year, and applied toward a deductible, shall also be applied toward the deductible amount in the next calendar year.

(5) The board may modify cost-sharing as an incentive for enrollees to participate in care management services and other cost-effective programs and policies.

Sec. 32. RCW 48.43.005 and 2006 c 25 s 16 are each amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand ~~((five))~~ seven

hundred ~~fifty~~ dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand ~~five hundred~~ dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand ~~five hundred~~ dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least ~~((five))~~ six thousand ((five hundred)) dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July, 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

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(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written

request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed at least two but no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor must derive at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year except for a self-employed individual or sole proprietor in an agricultural trade or business, who must derive at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year. A self-employed individual or sole proprietor who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6).

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 33. RCW 48.41.190 and 1989 c 121 s 10 are each amended to read as follows:

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~~(Neither the participation by members, the establishment of rates, forms, or procedures for coverages issued by the pool, nor any other joint or collective action required by this chapter or the state of Washington shall be the basis of any legal action, civil or criminal liability or penalty against the pool, any member of the board of directors, or members of the pool either jointly or separately.) The pool, members of the pool, board directors of the pool, officers of the pool, employees of the pool, the commissioner, the commissioner's representatives, and the commissioner's employees shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the pool to enforce the pool's statutory or contractual duties or obligations.~~

Sec. 34. RCW 41.05.075 and 2006 c 103 s 3 are each amended to read as follows:

(1) The administrator shall provide benefit plans designed by the board through a contract or contracts with insuring entities, through self-funding, self-insurance, or other methods of providing insurance coverage authorized by RCW 41.05.140.

(2) The administrator shall establish a contract bidding process that:

(a) Encourages competition among insuring entities;

(b) Maintains an equitable relationship between premiums charged for similar benefits and between risk pools including premiums charged for retired state and school district employees under the separate risk pools established by RCW 41.05.022 and 41.05.080 such that insuring entities may not avoid risk when establishing the premium rates for retirees eligible for medicare;

(c) Is timely to the state budgetary process; and

(d) Sets conditions for awarding contracts to any insuring entity.

(3) The administrator shall establish a requirement for review of utilization and financial data from participating insuring entities on a quarterly basis.

(4) The administrator shall centralize the enrollment files for all employee and retired or disabled school employee health plans offered under chapter 41.05 RCW and develop enrollment demographics on a plan-specific basis.

(5) All claims data shall be the property of the state. The administrator may require of any insuring entity that submits a bid to contract for coverage all information deemed necessary including:

(a) Subscriber or member demographic and claims data necessary for risk assessment and adjustment calculations in order to fulfill the administrator's duties as set forth in this chapter; and

(b) Subscriber or member demographic and claims data necessary to implement performance measures or financial incentives related to performance under subsection (7) of this section.

(6) All contracts with insuring entities for the provision of health care benefits shall provide that the beneficiaries of such benefit plans may use on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners. However, nothing in this subsection may preclude the administrator from establishing appropriate utilization controls approved pursuant to RCW 41.05.065(2) (a), (b), and (d).

(7) The administrator shall, in collaboration with other state agencies that administer state purchased health care programs, private health care purchasers, health care facilities, providers, and carriers:

(a) Use evidence-based medicine principles to develop common performance measures and implement financial

incentives in contracts with insuring entities, health care facilities, and providers that:

(i) Reward improvements in health outcomes for individuals with chronic diseases, increased utilization of appropriate preventive health services, and reductions in medical errors; and

(ii) Increase, through appropriate incentives to insuring entities, health care facilities, and providers, the adoption and use of information technology that contributes to improved health outcomes, better coordination of care, and decreased medical errors;

(b) Through state health purchasing, reimbursement, or pilot strategies, promote and increase the adoption of health information technology systems, including electronic medical records, by hospitals as defined in RCW 70.41.020(4), integrated delivery systems, and providers that:

(i) Facilitate diagnosis or treatment;

(ii) Reduce unnecessary duplication of medical tests;

(iii) Promote efficient electronic physician order entry;

(iv) Increase access to health information for consumers and their providers; and

(v) Improve health outcomes;

(c) Coordinate a strategy for the adoption of health information technology systems using the final health information technology report and recommendations developed under chapter 261, Laws of 2005.

(8) The administrator may permit the Washington state health insurance pool to contract to utilize any network maintained by the authority or any network under contract with the authority.

Sec. 35. RCW 70.47.020 and 2005 c 188 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Health coverage tax credit program" means the program created by the Trade Act of 2002 (P.L. 107-210) that provides a federal tax credit that subsidizes private health insurance coverage for displaced workers certified to receive certain trade adjustment assistance benefits and for individuals receiving benefits from the pension benefit guaranty corporation.

(4) "Health coverage tax credit eligible enrollee" means individual workers and their qualified family members who lose their jobs due to the effects of international trade and are eligible for certain trade adjustment assistance benefits; or are eligible for benefits under the alternative trade adjustment assistance program; or are people who receive benefits from the pension benefit guaranty corporation and are at least fifty-five years old.

(5) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(6) "Subsidized enrollee" means:

(a) An individual, or an individual plus the individual's spouse or dependent children:

((a)) (i) Who is not eligible for medicare;

((b)) (ii) Who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator;

((c)) (iii) Who is not a full-time student who has received a temporary visa to study in the United States;

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~~((†))~~ (iv) Who resides in an area of the state served by a managed health care system participating in the plan;

~~((†))~~ (v) Whose gross family income at the time of enrollment does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

~~((†))~~ (vi) Who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan~~(:)~~;

(b) An individual who meets the requirements in (a)(i) through (iv) and (vi) of this subsection and who is a foster parent licensed under chapter 74.15 RCW and whose gross family income at the time of enrollment does not exceed three hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(c) To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, (~~"subsidized enrollee" also means~~) an individual, or an individual's spouse or dependent children, who meets the requirements in (a)(i) through ~~((†))~~ (iv) and ~~((†))~~ (vi) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(7) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who is accepted for enrollment by the administrator as provided in RCW 48.43.018, either because the potential enrollee cannot be required to complete the standard health questionnaire under RCW 48.43.018, or, based upon the results of the standard health questionnaire, the potential enrollee would not qualify for coverage under the Washington state health insurance pool; (d) who resides in an area of the state served by a managed health care system participating in the plan; ~~((†))~~ (e) who chooses to obtain basic health care coverage from a particular managed health care system; and ~~((†))~~ (f) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.

(8) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of a subsidized enrollee plus the administrative cost to the plan of providing the plan to that subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(9) "Premium" means a periodic payment, (~~based upon gross family income~~) which an individual, their employer or another financial sponsor makes to the plan as consideration for enrollment in the plan as a subsidized enrollee, a nonsubsidized enrollee, or a health coverage tax credit eligible enrollee.

(10) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees in the plan and in that system.

Sec. 36. RCW 70.47.060 and 2006 c 343 s 9 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination

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of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

~~((†))~~ (d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

~~((†))~~ (e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator

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shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

~~((e))~~ (f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize

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periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

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(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

Sec. 37. RCW 48.43.018 and 2004 c 244 s 3 are each amended to read as follows:

(1) Except as provided in (a) through (e) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the

standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her receiving notice that his or her coverage under a conversion contract is discontinued, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of discontinuation of eligibility under the conversion contract. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such conversion contract if application is made within ninety days prior to the date eligibility under the conversion contract would be discontinued and the effective date of the individual coverage applied for is the date eligibility under the conversion contract would be discontinued, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan ~~((and, but for the number of persons employed by his or her employer, would have qualified for))~~ or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) ((Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and ~~(ii))~~ The person had at least twenty-four months of continuous group coverage including church plans immediately prior to ((the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage ~~(f))~~ disenrollment; (ii) application is made no more than ninety days prior to the date of ((a qualifying event)) disenrollment; and (iii) the effective date of the individual coverage applied for is the date of ((the qualifying event)) disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall

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provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

Sec. 38. RCW 43.70.670 and 2003 c 274 s 2 are each amended to read as follows:

(1) "Human immunodeficiency virus insurance program," as used in this section, means a program that provides health insurance coverage for individuals with human immunodeficiency virus, as defined in RCW 70.24.017(7), who are not eligible for medical assistance programs from the department of social and health services as defined in RCW 74.09.010(8) and meet eligibility requirements established by the department of health.

(2) The department of health may pay for health insurance coverage on behalf of persons with human immunodeficiency virus, who meet department eligibility requirements, and who are eligible for "continuation coverage" as provided by the federal consolidated omnibus budget reconciliation act of 1985, group health insurance policies, or individual policies. ~~((The number of insurance policies supported by this program in the Washington state health insurance pool as defined in RCW 48.41.030(18) shall not grow beyond the July 1, 2003, level.))~~

PREVENTION AND HEALTH PROMOTION

NEW SECTION. Sec. 39. (1) The Washington state health care authority, the department of social and health services, the department of labor and industries, and the department of health shall, by September 1, 2007, develop a five-year plan to integrate disease and accident prevention and health promotion into state purchased health programs that they administer by:

(a) Structuring benefits and reimbursements to promote healthy choices and disease and accident prevention;

(b) Encouraging enrollees in state health programs to complete a health assessment, and providing appropriate follow up;

(c) Reimbursing for cost-effective prevention activities; and

(d) Developing prevention and health promotion contracting standards for state programs that contract with health carriers.

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(2) The plan shall: (a) Identify any existing barriers and opportunities to support implementation, including needed changes to state or federal law; (b) identify the goals the plan is intended to achieve and how progress towards those goals will be measured and reported; and (c) be submitted to the governor and the legislature upon completion.

Sec. 40. RCW 41.05.540 and 2005 c 360 s 8 are each amended to read as follows:

(1) The health care authority, in coordination with ~~((the department of personnel,))~~ the department of health, health plans participating in public employees' benefits board programs, and the University of Washington's center for health promotion, ~~((may create a worksite health promotion program to develop and implement initiatives designed to increase physical activity and promote improved self-care and engagement in health care decision-making among state employees.))~~

~~((2) The health care authority shall report to the governor and the legislature by December 1, 2006, on progress in implementing, and evaluating the results of, the worksite health promotion program)) shall establish and maintain a state employee health program focused on reducing the health risks and improving the health status of state employees, dependents, and retirees enrolled in the public employees' benefits board. The program shall use public and private sector best practices to achieve goals of measurable health outcomes, measurable productivity improvements, positive impact on the cost of medical care, and positive return on investment. The program shall establish standards for health promotion and disease prevention activities, and develop a mechanism to update standards as evidence-based research brings new information and best practices forward.~~

~~((2) The state employee health program shall:~~

~~((a) Provide technical assistance and other services as needed to wellness staff in all state agencies and institutions of higher education;~~

~~((b) Develop effective communication tools and ongoing training for wellness staff;~~

~~((c) Contract with outside vendors for evaluation of program goals;~~

~~((d) Strongly encourage the widespread completion of online health assessment tools for all state employees, dependents, and retirees. The health assessment tool must be voluntary and confidential. Health assessment data and claims data shall be used to:~~

~~((i) Engage state agencies and institutions of higher education in providing evidence-based programs targeted at reducing identified health risks;~~

~~((ii) Guide contracting with third-party vendors to implement behavior change tools for targeted high-risk populations; and~~

~~((iii) Guide the benefit structure for state employees, dependents, and retirees to include covered services and medications known to manage and reduce health risks.~~

~~((3) The health care authority shall report to the legislature in December 2008 and December 2010 on outcome goals for the employee health program.~~

NEW SECTION. Sec. 41. A new section is added to chapter 41.05 RCW to read as follows:

(1) The health care authority through the state employee health program shall implement a state employee health demonstration project. The agencies selected must: (a) Show a high rate of health risk assessment completion; (b) document an infrastructure capable of implementing employee health programs using current and emerging best practices; (c) show evidence of senior management support; and (d) together employ a total of no more than eight thousand employees who are enrolled in health plans of the public employees' benefits board. Demonstration project agencies shall operate employee health programs for their employees in collaboration with the state employee health program.

(2) Agency demonstration project employee health programs:

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(a) Shall include but are not limited to the following key elements: Outreach to all staff with efforts made to reach the largest percentage of employees possible; awareness-building information that promotes health; motivational opportunities that encourage employees to improve their health; behavior change opportunities that demonstrate and support behavior change; and tools to improve employee health care decisions;

(b) Must have wellness staff with direct accountability to agency senior management;

(c) Shall initiate and maintain employee health programs using current and emerging best practices in the field of health promotion;

(d) May offer employees such incentives as cash for completing health risk assessments, free preventive screenings, training in behavior change tools, improved nutritional standards on agency campuses, bike racks, walking maps, on-site weight reduction programs, and regular communication to promote personal health awareness.

(3) The state employee health program shall evaluate each of the four programs separately and compare outcomes for each of them with the entire state employee population to assess effectiveness of the programs. Specifically, the program shall measure at least the following outcomes in the demonstration population: The reduction in the percent of the population that is overweight or obese, the reduction in risk factors related to diabetes, the reduction in risk factors related to absenteeism, the reduction in tobacco consumption, the reduction in high blood pressure and high cholesterol, and the increase in appropriate use of preventive health services. The state employee health program shall report to the legislature in December 2008 and December 2010 on the demonstration project.

(4) This section expires June 30, 2011.

PRESCRIPTION MONITORING PROGRAM

NEW SECTION. Sec. 42. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Controlled substance" has the meaning provided in RCW 69.50.101.

(2) "Department" means the department of health.

(3) "Patient" means the person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed.

(4) "Dispenser" means a practitioner or pharmacy that delivers a Schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers, as defined in RCW 69.41.010, a controlled substance; or

(b) A licensed wholesale distributor or manufacturer, as defined in chapter 18.64 RCW, of a controlled substance.

NEW SECTION. Sec. 43. (1) When sufficient funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the department shall establish and maintain a prescription monitoring program to monitor the prescribing and dispensing of all Schedules II, III, IV, and V controlled substances and any additional drugs identified by the board of pharmacy as demonstrating a potential for abuse by all professionals licensed to prescribe or dispense such substances in this state. The program shall be designed to improve health care quality and effectiveness by reducing abuse of controlled substances, reducing duplicative prescribing and over-prescribing of controlled substances, and improving controlled substance prescribing practices with the intent of eventually establishing an electronic database available in real time to dispensers and prescribers of control substances. As much as possible, the department should establish a common database with other states.

(2) Except as provided in subsection (4) of this section, each dispenser shall submit to the department by electronic means

information regarding each prescription dispensed for a drug included under subsection (1) of this section. Drug prescriptions for more than immediate one day use should be reported. The information submitted for each prescription shall include, but not be limited to:

- (a) Patient identifier;
- (b) Drug dispensed;
- (c) Date of dispensing;
- (d) Quantity dispensed;
- (e) Prescriber; and
- (f) Dispenser.

(3) Each dispenser shall submit the information in accordance with transmission methods established by the department.

(4) The data submission requirements of this section do not apply to:

(a) Medications provided to patients receiving inpatient services provided at hospitals licensed under chapter 70.41 RCW; or patients of such hospitals receiving services at the clinics, day surgery areas, or other settings within the hospital's license where the medications are administered in single doses; or

(b) Pharmacies operated by the department of corrections for the purpose of providing medications to offenders in department of corrections institutions who are receiving pharmaceutical services from a department of corrections pharmacy, except that the department of corrections must submit data related to each offender's current prescriptions for controlled substances upon the offender's release from a department of corrections institution.

(5) The department shall seek federal grants to support the activities described in this act. The department may not require a practitioner or a pharmacist to pay a fee or tax specifically dedicated to the operation of the system.

NEW SECTION. Sec. 44. To the extent that funding is provided for such purpose through federal or private grants, or is appropriated by the legislature, the health care authority shall study the feasibility of enhancing the prescription monitoring program established in section 43 of this act in order to improve the quality of state purchased health services by reducing legend drug abuse, reducing duplicative and overprescribing of legend drugs, and improving legend drug prescribing practices. The study shall address the steps necessary to expand the program to allow those who prescribe or dispense prescription drugs to perform a web-based inquiry and obtain real time information regarding the legend drug utilization history of persons for whom they are providing medical or pharmaceutical care when such persons are receiving health services through state purchased health care programs.

NEW SECTION. Sec. 45. (1) Prescription information submitted to the department shall be confidential, in compliance with chapter 70.02 RCW and federal health care information privacy requirements and not subject to disclosure, except as provided in subsections (3) and (4) of this section.

(2) The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as in subsections (3) and (4) of this section.

(3) The department may provide data in the prescription monitoring program to the following persons:

(a) Persons authorized to prescribe or dispense controlled substances, for the purpose of providing medical or pharmaceutical care for their patients;

(b) An individual who requests the individual's own prescription monitoring information;

(c) Health professional licensing, certification, or regulatory agency or entity;

(d) Appropriate local, state, and federal law enforcement or prosecutorial officials who are engaged in a bona fide specific investigation involving a designated person;

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(e) Authorized practitioners of the department of social and health services regarding medicaid program recipients;

(f) The director or director's designee within the department of labor and industries regarding workers' compensation claimants;

(g) The director or the director's designee within the department of corrections regarding offenders committed to the department of corrections;

(h) Other entities under grand jury subpoena or court order; and

(i) Personnel of the department for purposes of administration and enforcement of this chapter or chapter 69.50 RCW.

(4) The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients, dispensers, prescribers, and persons who received prescriptions from dispensers.

(5) A dispenser or practitioner acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting, receiving, or using information from the program.

NEW SECTION. Sec. 46. The department may contract with another agency of this state or with a private vendor, as necessary, to ensure the effective operation of the prescription monitoring program. Any contractor is bound to comply with the provisions regarding confidentiality of prescription information in section 45 of this act and is subject to the penalties specified in section 48 of this act for unlawful acts.

NEW SECTION. Sec. 47. The department shall adopt rules to implement this chapter.

NEW SECTION. Sec. 48. (1) A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter or knowingly submits incorrect prescription information is subject to disciplinary action under chapter 18.130 RCW.

(2) A person authorized to have prescription monitoring information under this chapter who knowingly discloses such information in violation of this chapter is subject to civil penalty.

(3) A person authorized to have prescription monitoring information under this chapter who uses such information in a manner or for a purpose in violation of this chapter is subject to civil penalty.

(4) In accordance with chapter 70.02 RCW and federal health care information privacy requirements, any physician or pharmacist authorized to access a patient's prescription monitoring may discuss or release that information to other health care providers involved with the patient in order to provide safe and appropriate care coordination.

Sec. 49. RCW 42.56.360 and 2006 c 209 s 9 and 2006 c 8 s 112 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, and notifications or reports of adverse events or incidents made under RCW 70.56.020 or 70.56.040, regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in

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connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170; ~~(and)~~

(g) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1); and

(h) Information obtained by the department of health under chapter 70.-- RCW (sections 42 through 48 of this act).

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

STRATEGIC HEALTH PLANNING

NEW SECTION. Sec. 50. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Health care provider" means an individual who holds a license issued by a disciplining authority identified in RCW 18.130.040 and who practices his or her profession in a health care facility or provides a health service.

(2) "Health facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers, ambulatory diagnostic, treatment, or surgical facilities, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision, including a public hospital district, or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(3) "Health service" or "service" means that service, including primary care service, offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(4) "Health service area" means a geographic region appropriate for effective health planning that includes a broad range of health services.

(5) "Office" means the office of financial management.

(6) "Strategy" means the statewide health resources strategy.

NEW SECTION. Sec. 51. (1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

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(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state-purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

NEW SECTION. Sec. 52. (1) The office, in consultation with the technical advisory committee established under section 51 of this act, shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state

health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor and the appropriate committees of the senate and house of representatives by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall

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be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

NEW SECTION. Sec. 53. The office shall submit the strategy to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. As the health care facilities and services plan is updated for any specific geographic planning region, the office shall submit that plan to the department of health to direct its activities related to the certificate of need review program under chapter 70.38 RCW. The office shall not issue determinations of the merits of specific project proposals submitted by applicants for certificates of need.

NEW SECTION. Sec. 54. (1) The office may respond to requests for data and other information from its computerized system for special studies and analysis consistent with requirements for confidentiality of patient, provider, and facility-specific records. The office may require requestors to pay any or all of the reasonable costs associated with such requests that might be approved.

(2) Data elements related to the identification of individual patient's, provider's, and facility's care outcomes are confidential, are exempt from RCW 42.56.030 through 42.56.570 and 42.17.350 through 42.17.450, and are not subject to discovery by subpoena or admissible as evidence.

Sec. 55. RCW 70.38.015 and 1989 1st ex.s. c 9 s 601 are each amended to read as follows:

It is declared to be the public policy of this state:

(1) That strategic health planning ((to)) efforts must be supported by appropriately tailored regulatory activities that can effectuate the goals and principles of the statewide health resources strategy developed pursuant to chapter 43-- RCW (sections 50 through 54 of this act). The implementation of the strategy can promote, maintain, and assure the health of all citizens in the state, ((to)) provide accessible health services, health manpower, health facilities, and other resources while controlling ((excessive)) increases in costs, and ((to)) recognize prevention as a high priority in health programs((is essential to the health, safety, and welfare of the people of the state. Health planning should be responsive to changing health and social needs and conditions)). Involvement in health planning from both consumers and providers throughout the state should be encouraged;

(2) ~~(That the development of health services and resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities and without unnecessary duplication or fragmentation))~~ That the certificate of need program is a component of a health planning regulatory process that is consistent with the statewide health resources strategy and public policy goals that are clearly articulated and regularly updated;

(3) That the development and maintenance of adequate health care information, statistics and projections of need for health facilities and services is essential to effective health planning and resources development;

(4) That the development of nonregulatory approaches to health care cost containment should be considered, including the strengthening of price competition; and

(5) That health planning should be concerned with public health and health care financing, access, and quality, recognizing their close interrelationship and emphasizing cost control of health services, including cost-effectiveness and cost-benefit analysis.

NEW SECTION. Sec. 56. (1) For the purposes of this section and RCW 70.38.015 and 70.38.135, "statewide health resource strategy" or "strategy" means the statewide health resource strategy developed by the office of financial

management pursuant to chapter 43-- RCW (sections 50 through 54 of this act).

(2) Effective January 1, 2010, for those facilities and services covered by the certificate of need programs, certificate of need determinations must be consistent with the statewide health resources strategy developed pursuant to section 52 of this act, including any health planning policies and goals identified in the statewide health resources strategy in effect at the time of application. The department may waive specific terms of the strategy if the applicant demonstrates that consistency with those terms will create an undue burden on the population that a particular project would serve, or in emergency circumstances which pose a threat to public health.

Sec. 57. RCW 70.38.135 and 1989 1st ex.s. c 9 s 607 are each amended to read as follows:

The secretary shall have authority to:

(1) Provide when needed temporary or intermittent services of experts or consultants or organizations thereof, by contract, when such services are to be performed on a part time or fee-for-service basis;

(2) Make or cause to be made such on-site surveys of health care or medical facilities as may be necessary for the administration of the certificate of need program;

(3) Upon review of recommendations, if any, from the board of health or the office of financial management as contained in the Washington health resources strategy:

(a) Promulgate rules under which health care facilities providers doing business within the state shall submit to the department such data related to health and health care as the department finds necessary to the performance of its functions under this chapter;

(b) Promulgate rules pertaining to the maintenance and operation of medical facilities which receive federal assistance under the provisions of Title XVI;

(c) Promulgate rules in implementation of the provisions of this chapter, including the establishment of procedures for public hearings for predecisions and post-decisions on applications for certificate of need;

(d) Promulgate rules providing circumstances and procedures of expedited certificate of need review if there has not been a significant change in existing health facilities of the same type or in the need for such health facilities and services;

(4) Grant allocated state funds to qualified entities, as defined by the department, to fund not more than seventy-five percent of the costs of regional planning activities, excluding costs related to review of applications for certificates of need, provided for in this chapter or approved by the department; and

(5) Contract with and provide reasonable reimbursement for qualified entities to assist in determinations of certificates of need.

HEALTH INSURANCE PARTNERSHIP

Sec. 58. RCW 70.47A.030 and 2006 c 255 s 3 are each amended to read as follows:

(1) To the extent funding is appropriated in the operating budget for this purpose, the ~~((small employer))~~ health insurance partnership ~~((program))~~ is established. The administrator shall be responsible for the implementation and operation of the ~~((small employer))~~ health insurance partnership ~~((program))~~, directly or by contract. The administrator shall offer premium subsidies to eligible ~~((employees))~~ partnership participants under RCW 70.47A.040.

(2) Consistent with policies adopted by the board under section 59 of this act, the administrator shall, directly or by contract:

(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for

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outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;

(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Neither the employer nor the partnership shall limit an employee's choice of coverage from among all the health benefit plans offered;

(c) Establish and manage a system for the partnership to be designated as the sponsor or administrator of a participating small employer health benefit plan and to undertake the obligations required of a plan administrator under federal law;

(d) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;

(e) Establish and manage a system for determining eligibility for and making premium subsidy payments under this act;

(f) Establish a mechanism to apply a surcharge to all health benefit plans, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans offered through the partnership and must be included in the premium for each health benefit plan. Surcharges may not be used to pay any premium assistance payments under this chapter;

(g) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.

NEW SECTION. Sec. 59. A new section is added to chapter 70.47A RCW to read as follows:

(1) The health insurance partnership board is hereby established. The governor shall appoint a nine-member board composed as follows:

- (a) Two representatives of small employers;
- (b) Two representatives of employees of small employers, one of whom shall represent low-wage employees;
- (c) Four employee health plan benefits specialists; and
- (d) The administrator.

(2) The governor shall appoint the initial members of the board to staggered terms not to exceed four years. Initial appointments shall be made on or before June 1, 2007. Members appointed thereafter shall serve two-year terms. Members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060. The board shall prescribe rules for the conduct of its business. The administrator shall be chair of the board. Meetings of the board shall be at the call of the chair.

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(3) The board may establish technical advisory committees or seek the advice of technical experts when necessary to execute the powers and duties included in this section.

(4) The board and employees of the board shall not be civilly or criminally liable and shall not have any penalty or cause of action of any nature arise against them for any action taken or not taken, including any discretionary decision or failure to make a discretionary decision, when the action or inaction is done in good faith and in the performance of the powers and duties under this chapter. Nothing in this section prohibits legal actions against the board to enforce the board's statutory or contractual duties or obligations.

PUBLIC HEALTH

NEW SECTION. Sec. 60. A new section is added to chapter 43.70 RCW to read as follows:

(1) Protecting the public's health across the state is a fundamental responsibility of the state. With any new state funding of the public health system as appropriated for the purposes of sections 60 through 65 of this act, the state expects that measurable benefits will be realized to the health of the residents of Washington. A transparent process that shows the impact of increased public health spending on performance measures related to the health outcomes in subsection (2) of this section is of great value to the state and its residents. In addition, a well-funded public health system is expected to become a more integral part of the state's emergency preparedness system.

(2) Subject to the availability of amounts appropriated for the purposes of sections 60 through 65 of this act, distributions to local health jurisdictions shall deliver the following outcomes:

- (a) Create a disease response system capable of responding at all times;
- (b) Stop the increase in, and reduce, sexually transmitted disease rates;
- (c) Reduce vaccine preventable diseases;
- (d) Build capacity to quickly contain disease outbreaks;
- (e) Decrease childhood and adult obesity and types I and II diabetes rates, and resulting kidney failure and dialysis;
- (f) Increase childhood immunization rates;
- (g) Improve birth outcomes and decrease child abuse;
- (h) Reduce animal-to-human disease rates; and
- (i) Monitor and protect drinking water across jurisdictional boundaries.

(3) Benchmarks for these outcomes shall be drawn from the national healthy people 2010 goals, other reliable data sets, and any subsequent national goals.

NEW SECTION. Sec. 61. A new section is added to chapter 43.70 RCW to read as follows:

The definitions in this section apply throughout sections 60 through 65 of this act unless the context clearly requires otherwise.

(1) "Core public health functions of statewide significance" or "public health functions" means health services that:

(a) Address: Communicable disease prevention and response; preparation for, and response to, public health emergencies caused by pandemic disease, earthquake, flood, or terrorism; prevention and management of chronic diseases and disabilities; promotion of healthy families and the development of children; assessment of local health conditions, risks, and trends, and evaluation of the effectiveness of intervention efforts; and environmental health concerns;

(b) Promote uniformity in the public health activities conducted by all local health jurisdictions in the public health system, increase the overall strength of the public health system, or apply to broad public health efforts; and

(c) If left neglected or inadequately addressed, are reasonably likely to have a significant adverse impact on counties beyond the borders of the local health jurisdiction.

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(2) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

NEW SECTION. Sec. 62. A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall accomplish the tasks included in subsection (2) of this section by utilizing the expertise of varied interests, as provided in this subsection.

(a) In addition to the perspectives of local health jurisdictions, the state board of health, the Washington health foundation, and department staff that are currently engaged in development of the public health services improvement plan under RCW 43.70.520, the secretary shall actively engage:

(i) Individuals or entities with expertise in the development of performance measures, accountability and systems management, such as the University of Washington school of public health and community medicine, and experts in the development of evidence-based medical guidelines or public health practice guidelines; and

(ii) Individuals or entities who will be impacted by performance measures developed under this section and have relevant expertise, such as community clinics, public health nurses, large employers, tribal health providers, family planning providers, and physicians.

(b) In developing the performance measures, consideration shall be given to levels of performance necessary to promote uniformity in core public health functions of statewide significance among all local health jurisdictions, best scientific evidence, national standards of performance, and innovations in public health practice. The performance measures shall be developed to meet the goals and outcomes in section 60 of this act. The office of the state auditor shall provide advice and consultation to the committee to assist in the development of effective performance measures and health status indicators.

(c) On or before November 1, 2007, the experts assembled under this section shall provide recommendations to the secretary related to the activities and services that qualify as core public health functions of statewide significance and performance measures. The secretary shall provide written justification for any departure from the recommendations.

(2) By January 1, 2008, the department shall:

(a) Adopt a prioritized list of activities and services performed by local health jurisdictions that qualify as core public health functions of statewide significance as defined in section 61 of this act; and

(b) Adopt appropriate performance measures with the intent of improving health status indicators applicable to the core public health functions of statewide significance that local health jurisdictions must provide.

(3) The secretary may revise the list of activities and the performance measures in future years as appropriate. Prior to modifying either the list or the performance measures, the secretary must provide a written explanation of the rationale for such changes.

(4) The department and the local health jurisdictions shall abide by the prioritized list of activities and services and the performance measures developed pursuant to this section.

(5) The department, in consultation with representatives of county governments, shall provide local jurisdictions with financial incentives to encourage and increase local investments in core public health functions. The local jurisdictions shall not supplant existing local funding with such state-incented resources.

NEW SECTION. Sec. 63. A new section is added to chapter 43.70 RCW to read as follows:

Beginning November 15, 2009, the department shall report to the legislature and the governor annually on the distribution of funds to local health jurisdictions under sections 60 through 65 of this act and the use of those funds. The initial report must

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discuss the performance measures adopted by the secretary and any impact the funding in this act has had on local health jurisdiction performance and health status indicators. Future reports shall evaluate trends in performance over time and the effects of expenditures on performance over time.

Sec. 64. RCW 43.70.520 and 1993 c 492 s 467 are each amended to read as follows:

(1) The legislature finds that the public health functions of community assessment, policy development, and assurance of service delivery are essential elements in achieving the objectives of health reform in Washington state. The legislature further finds that the population-based services provided by state and local health departments are cost-effective and are a critical strategy for the long-term containment of health care costs. The legislature further finds that the public health system in the state lacks the capacity to fulfill these functions consistent with the needs of a reformed health care system. The legislature further finds that public health nurses and nursing services are an essential part of our public health system, delivering evidence-based care and providing core services including prevention of illness, injury, or disability; the promotion of health; and maintenance of the health of populations.

(2) The department of health shall develop, in consultation with local health departments and districts, the state board of health, the health services commission, area Indian health service, and other state agencies, health services providers, and citizens concerned about public health, a public health services improvement plan. The plan shall provide a detailed accounting of deficits in the core functions of assessment, policy development, assurance of the current public health system, how additional public health funding would be used, and describe the benefits expected from expanded expenditures.

(3) The plan shall include:

(a) Definition of minimum standards for public health protection through assessment, policy development, and assurances:

(i) Enumeration of communities not meeting those standards;

(ii) A budget and staffing plan for bringing all communities up to minimum standards;

(iii) An analysis of the costs and benefits expected from adopting minimum public health standards for assessment, policy development, and assurances;

(b) Recommended strategies and a schedule for improving public health programs throughout the state, including:

(i) Strategies for transferring personal health care services from the public health system, into the uniform benefits package where feasible; and

(ii) ~~((Timing of increased funding for public health services linked to specific objectives for improving public health))~~ Linking funding for public health services to performance measures that relate to achieving improved health outcomes; and

(c) A recommended level of dedicated funding for public health services to be expressed in terms of a percentage of total health service expenditures in the state or a set per person amount; such recommendation shall also include methods to ensure that such funding does not supplant existing federal, state, and local funds received by local health departments, and methods of distributing funds among local health departments.

(4) The department shall coordinate this planning process with the study activities required in section 258, chapter 492, Laws of 1993.

(5) By March 1, 1994, the department shall provide initial recommendations of the public health services improvement plan to the legislature regarding minimum public health standards, and public health programs needed to address urgent needs, such as those cited in subsection (7) of this section.

(6) By December 1, 1994, the department shall present the public health services improvement plan to the legislature, with specific recommendations for each element of the plan to be implemented over the period from 1995 through 1997.

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(7) Thereafter, the department shall update the public health services improvement plan for presentation to the legislature prior to the beginning of a new biennium.

(8) Among the specific population-based public health activities to be considered in the public health services improvement plan are: Health data assessment and chronic and infectious disease surveillance; rapid response to outbreaks of communicable disease; efforts to prevent and control specific communicable diseases, such as tuberculosis and acquired immune deficiency syndrome; health education to promote healthy behaviors and to reduce the prevalence of chronic disease, such as those linked to the use of tobacco; access to primary care in coordination with existing community and migrant health clinics and other not for profit health care organizations; programs to ensure children are born as healthy as possible and they receive immunizations and adequate nutrition; efforts to prevent intentional and unintentional injury; programs to ensure the safety of drinking water and food supplies; poison control; trauma services; and other activities that have the potential to improve the health of the population or special populations and reduce the need for or cost of health services.

NEW SECTION. Sec. 65. A new section is added to chapter 43.70 RCW to read as follows:

(1) Each local health jurisdiction shall submit to the secretary such data as the secretary determines is necessary to allow the secretary to assess whether the local health jurisdiction has used the funds in a manner consistent with achieving the performance measures in section 62 of this act.

(2) If the secretary determines that the data submitted demonstrates that the local health jurisdiction is not spending the funds in a manner consistent with achieving the performance measures, the secretary shall:

(a) Provide a report to the governor identifying the local health jurisdiction and the specific items that the secretary identified as inconsistent with achieving the performance measures; and

(b) Require that the local health jurisdiction submit a plan of correction to the secretary within sixty days of receiving notice from the secretary, which explains the measures that the jurisdiction will take to resume spending funds in a manner consistent with achieving the performance measures. The secretary shall provide technical assistance to the local health jurisdiction to support the jurisdiction in successfully completing the activities included in the plan of correction.

(3) Upon a determination by the secretary that a local health jurisdiction that had previously been identified as not spending the funds in a manner consistent with achieving the performance measures has resumed consistency, the secretary shall notify the governor that the jurisdiction has returned to consistent status.

(4) Any local health jurisdiction that has not resumed spending funds in a manner consistent with achieving the performance measures within one year of the secretary reporting the jurisdiction to the governor shall be precluded from receiving any funds appropriated for the purposes of sections 60 through 65 of this act. Funds may resume once the local health jurisdiction has demonstrated to the satisfaction of the secretary that it has returned to consistent status.

Sec. 66. RCW 70.48.130 and 1993 c 409 s 1 are each amended to read as follows:

It is the intent of the legislature that all jail inmates receive appropriate and cost-effective emergency and necessary medical care. Governing units, the department of social and health services, and medical care providers shall cooperate to achieve the best rates consistent with adequate care.

Payment for emergency or necessary health care shall be by the governing unit, except that the department of social and health services shall directly reimburse the provider pursuant to chapter 74.09 RCW, in accordance with the rates and benefits established by the department, if the confined person is eligible under the department's medical care programs as authorized

under chapter 74.09 RCW. After payment by the department, the financial responsibility for any remaining balance, including unpaid client liabilities that are a condition of eligibility or participation under chapter 74.09 RCW, shall be borne by the medical care provider and the governing unit as may be mutually agreed upon between the medical care provider and the governing unit. In the absence of mutual agreement between the medical care provider and the governing unit, the financial responsibility for any remaining balance shall be borne equally between the medical care provider and the governing unit. Total payments from all sources to providers for care rendered to confined persons eligible under chapter 74.09 RCW shall not exceed the amounts that would be paid by the department for similar services provided under Title XIX Medicaid, unless additional resources are obtained from the confined person.

As part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled. This information shall be made available to the department, the governing unit, and any provider of health care services.

The governing unit or provider may obtain reimbursement from the confined person for the cost of health care services not provided under chapter 74.09 RCW, including reimbursement from any insurance program or from other medical benefit programs available to the confined person. Nothing in this chapter precludes civil or criminal remedies to recover the costs of medical care provided jail inmates or paid for on behalf of inmates by the governing unit. As part of a judgment and sentence, the courts are authorized to order defendants to repay all or part of the medical costs incurred by the governing unit or provider during confinement.

To the extent that a confined person is unable to be financially responsible for medical care and is ineligible for the department's medical care programs under chapter 74.09 RCW, or for coverage from private sources, and in the absence of an interlocal agreement or other contracts to the contrary, the governing unit may obtain reimbursement for the cost of such medical services from the unit of government (~~whose law enforcement officers~~) that initiated the charges on which the person is being held in the jail: PROVIDED, That reimbursement for the cost of such services shall be by the state for state prisoners being held in a jail who are accused of either escaping from a state facility or of committing an offense in a state facility.

There shall be no right of reimbursement to the governing unit from units of government (~~whose law enforcement officers~~) that initiated the charges for which a person is being held in the jail for care provided after the charges are disposed of by sentencing or otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

NEW SECTION. Sec. 67. The following acts or parts of acts are each repealed:

(1) RCW 70.38.919 (Effective date--State health plan--1989 1st ex.s. c 9) and 1989 1st ex.s. c 9 s 610; and

(2) 2006 c 255 s 10 (uncodified).

NEW SECTION. Sec. 68. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 69. Sections 42 through 48 of this act constitute a new chapter in Title 70 RCW.

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NEW SECTION. Sec. 70. Sections 50 through 54 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 71. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 72. Sections 18 through 22 of this act take effect January 1, 2009.

NEW SECTION. Sec. 73. If specific funding for the purposes of the following sections of this act, referencing the section of this act by bill or chapter number and section number, is not provided by June 30, 2007, in the omnibus appropriations act, the section is null and void:

- (1) Section 9 of this act (Washington state quality forum);
- (2) Section 10 of this act (health records banking pilot project);
- (3) Section 14 of this act;
- (4) Section 40 of this act (state employee health program);
- (5) Section 41 of this act (state employee health demonstration project); and
- (6) Sections 50 through 57 of this act.

NEW SECTION. Sec. 74. Sections 58 and 59 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2007.

NEW SECTION. Sec. 75. Section 30 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 76. Section 66 of this act expires June 30, 2009."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Franklin and Keiser; Representatives Cody and Morrell.

MOTION

Senator Keiser moved that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5930 be adopted.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. Before us we have a very substantive public policy issue. I believe that the conference committee is not properly before us and I have some arguments on this. Mr. President, Joint Rule 20 provides that no floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said actions, additions, changes or deletions. The clerk and secretary shall place a report on the members as soon as possible. We have no summary on our desk and therefore we can not know what exactly what we are voting on. I am objecting at my first opportunity and I believe there's a continuing violation of Joint Rule 20. For these reasons, I believe the conference committee report offered is not properly before us and I respectfully request a ruling on this matter."

Senator Keiser spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order raised by Senator Schoesler, the President will note that he believes that the members did receive the opportunity to review the summary. However, the summary is not totally complete. It's not

necessary for each member to be handed this, in the President's opinion, on the floor of the Senate but to have the opportunity to have had it provided to them-for instance, in caucus. However, in looking at the report that was provided and looking at the very specific rule, there's one thing missing. That's the line item. If you can correct that and provide it to the members, the line item of the additions or deletions, then that will satisfy the rule and the point of order will be moot at that point. At this point, the point is well taken."

PARLIAMENTARY INQUIRY

Senator Eide: "Regarding the line item, are you talking the line item on the summary?"

REPLY BY THE PRESIDENT

President Owen: "The rule provides, if you read the rule, that you are to provide a summary of the changes, additions, deletions and the line item that is line number, not line item, line number, the page and line number. This has the section. It doesn't have, specifically, the page and the line number. So, therefore, being very technical, this does not meet that criteria."

PARLIAMENTARY INQUIRY

Senator Eide: "Ok, if I may, Mr. President just to make it very clear. We have the bill before us on the floor. We have the summary. We just need to change that one item you're speaking of and then we can bring the bill back before us?"

RULING BY THE PRESIDENT

President Owen: "That is, the rule specifically says, 'no floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes or deletions.' That is your rule."

POINT OF ORDER

Senator Schoesler: "On your ruling Mr. President? Mr. President, you mentioned the requirements to satisfy the rules. The question I have before you is that the comparison sheet you have referenced did not include Engrossed Substitute Senate Bill No. 5930 as a Senate version as a comparison to compare those changes. Would it require it to match up there as well?"

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, the comparison we have has both the Senate bill and the House striker. You will be provided with that when it is done and when you are provided with that that will meet the requirement of the rule."

PERSONAL PRIVILEGE

Senator Keiser: "I would like to extend my appreciation and thanks to the staff who are busily working off the chamber floor to provide the detail that's been requested on this important bill. Particular, Health & Long Term Care Committee Staff, Mich'l Needham and Rhoda Donkin and caucus staff David Hanig, for work, I guess I'd say, above and beyond what we were

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expecting. I want to really extend my thanks and appreciation. Thank you.”

PERSONAL PRIVILEGE

Senator Pflug: “I also wanted to add Jonnell Anderson to that list and express my thanks as well. Then I would also have a point of inquiry, Mr. President.”

POINT OF ORDER

Senator Pflug: “Thank you Mr. President, I believe that the conference committee report is not properly before us and I have some arguments to offer on this Mr. President. Thank you, Mr. President. Joint Rule 17, sub 2 provides that the conference committee delegations shall be conducted in a manner consistent with Senate Rule 45, sub 3. The Senate Rule provides in part during any consideration of a measure the deliberations must be open to the public. The conference committee on Senate Bill No. 5930 did not comply with this requirement. Per Joint Rule 17, sub 3, notice was provided to the public that the conference committee would convene at 4 p.m. on Thursday, April 19. When I arrived at the conference meeting at 4 p.m., the deliberations had been completed, the conference committee report had been printed based on those deliberations and the majority members were in the process of signing the report. I immediately expressed my objections to the members of the committee but this is my first opportunity to register an official objection as there is no chair person in a conference committee. During my comments at the conference committee I was consistently met with responses such as, ‘The Governor would not accept that’. Well, I wouldn’t accept that. Well, we couldn’t agree to that. Making it clear that deliberations had taken place and decisions come to in private prior to the conference committee. The conference rules and the Senate and Joint Rules are adopted to protect the integrity of the process and the open deliberations are crucial to the integrity of our process. We don’t allow decisions of such importance to be made in secret. For these reasons I believe the conference committee report is offered not properly before us and I respectfully request a ruling on this matter.”

Senator Keiser spoke against the point of order.

RULING BY THE PRESIDENT

President Owen: “In ruling upon the point of order raised by Senator Pflug as to whether or not the conference committee report on this measure is properly before us and in compliance with applicable rules, the President finds and rules as follows:

While the President understands that the Senator may be frustrated with the limited opportunity she had to participate in the deliberations on this matter, the President finds that the conference committee did comply with both Joint and Senate Rules, and is therefore, properly before us.”

PERSONAL PRIVILEGE

Senator Franklin: “Thank you Mr. President. I just would like to make a statement in order to clarify some items which was brought up by the Senator from the 6th District. As a part of that conference committee, I was a conferee. The discussion that took place around the table. I need to do this in order and also behalf of the staff that was there that the Senator asks specific questions as it related to items set, are in Engrossed Second

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Substitute Senate Bill No. 5930, specific questions as to what was in the bill, what was taken out, and the staff answered specifically where and where it could be found and pointed where those items could be found that the Senator asked about. So, there was debate and the discussion around the table, asked to the different questions and the questions were openly answered and, of course, she was shown where to find the answers to the questions and what was in the bill. So I need to really clarify that, as a conferee, because before I got the opportunity to stand up and respond then, I didn’t have that time and I need to clarify that.”

The President declared the question before the Senate to be the motion by Senator Keiser that the Report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 5930 be adopted.

The motion by Senator Keiser carried and the Report of the Conference Committee was adopted by voice vote.

MOTION

On motion of Senator Brandland, Senator Parlette was excused.

MOTION

On motion of Senator Regala, Senators Marr and Prentice were excused.

Senators Keiser and Franklin spoke in favor of passage of the bill.

Senators Holmquist, Carrell, Pflug and Brandland spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5930, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5930, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridmore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senator Parlette - 1

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 2:02 p.m., on motion of Senator Eide, the Senate was recessed until 3:30 p.m.

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The Senate was called to order at 3:30 p.m. by President Owen.

MOTION

At 3:34 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:22 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 5085,
 SUBSTITUTE SENATE BILL NO. 5097
 SUBSTITUTE SENATE BILL NO. 5288
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,
 SUBSTITUTE SENATE BILL NO. 5340,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
 SENATE BILL NO. 5434,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5557,
 SUBSTITUTE SENATE BILL NO. 5830,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5841,
 SUBSTITUTE SENATE BILL NO. 5882,
 SECOND SUBSTITUTE SENATE BILL NO. 5955,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6032
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 6044,
 ENGROSSED SUBSTITUTE SENATE JOINT
 RESOLUTION NO. 8206,

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, and has passed the bill as recommended by the Conference Committee. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House grants the request of Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5339. The Speaker has appointed the following members as Conferees:

Representatives: Simpson, Rolfes, and Curtis. and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Schoesler that the proposed substitute is beyond the scope and object of Senate Bill 6156, the President finds and rules as follows:

The underlying bill falls into the category of what is commonly known as a title-only bill. These are measures which are introduced without any substantive provisions, but instead contain only generalized language which may be replaced by more specific provisions at a later date. It is fair to say that they are used as a tactic for meeting or even getting around applicable legislative deadlines. Whatever the Constitutional and legal challenges posed by such measures may be, the President must decide the parliamentary propriety of such measures, at least as raised by this scope and object challenge.

The President believes this is a matter of first impression. In the 31 years the President has served in various capacities, he is unaware of this matter ever having been raised. Likewise, a review of years of past precedent of this body reveals no instance where this specific issue has been raised or decided. As a result, the President must provide a thorough rationale both in deciding this particular point and in providing guidance for the body as to future practice.

Applying traditional scope and object analysis to a title-only measure is of limited utility, and it quickly becomes problematic. On the one hand, because there is no substantive language in the bill, it can be argued that almost any subject matter could be properly included except as limited by the title itself, in which case, of course, this language would be proper and within the scope and object of the bill. Such an argument is tenuous, however, because this body has never relied solely on titles in determining scope and object. On the other hand, another argument, and one which is in keeping with past precedent, is to restrict the subject matter to that set forth in the underlying bill, as limited as that may be. Under such an analysis, the proposed substitute before us would be outside the scope and object of the underlying bill.

The President believes, however, that he has a duty to this body to ensure that it is able to conduct and complete its business, and that it is not unreasonable for the body to rely on its past practices when this has been the unchallenged tradition for as long as the President can recall. Accordingly, the President rules that the body may so substitute language which is germane to the overall subject expressed in title-only bills for the remainder of this Session.

In so holding, the President recognizes that this ruling may not perfectly harmonize past rulings with respect to scope and object, but the President believes the greater equities weigh in favor of deferring to past practice. It may be that the body finds it desirable to change its rules for future sessions, or to be more specific as to title-only bills for the future, or even abandon the practice altogether. However the body chooses to order its business for future sessions, the President encourages the body to be cognizant of the limited latitude granted the practice for this Session only.

For these reasons, the President finds that the substitute bill may be considered, but cautions the body as to its use of title-only measures in future Sessions."

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

The Senate resumed consideration of Substitute Senate Bill No. 6156 which had been deferred earlier in the day..

PARLIAMENTARY INQUIRY

April 6, 2007

Senator Kastama: "At this point do I move Substitute Senate Bill and have it substituted for Senate Bill...?"

REPLY BY THE PRESIDENT

President Owen: "It's already been substituted Senator. At this point, if you so desire, it would be to advance it to third reading and final passage."

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 6156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kastama spoke in favor of passage of the bill.
Senator Zarelli spoke against passage of the bill.

POINT OF INQUIRY

Senator Schoesler: "Would the gentleman from the Twenty-Fifth District yield to a question? Senator, we have a large complex budget document on our desks that we're all studying carefully before we adjourn Sine Die. Within this budget, is there any funds specifically for this project or any other project that this bill would pertain to?"

Senator Kastama: "Mr. President, I would like to respond to that. To my knowledge that there is in fact, in fact I have in this piece of legislation it says they can receive state funds. As to, so to answer that question I believe that you are affirmative."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6156.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6156 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 1; Excused, 1.

Voting yea: Senators Berkeley, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 16

Absent: Senator Roach - 1

Excused: Senator Parlette - 1

SUBSTITUTE SENATE BILL NO. 6156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, with the following amendment: 5269-S.E AMH ORMS KERR 078

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Teaching first peoples' languages, cultures, and oral tribal traditions is a critical factor in fostering successful educational experiences and promoting cultural sensitivity for all students. Experience shows that such teaching dramatically raises student achievement and that the effect is particularly strong for Native American students;

(2) Native American students have the highest high school dropout rate among all groups of students. Less than one-fourth of Native American students in the class of 2008 are on track to graduate based on the results of the Washington assessment of student learning. Positive and supportive educational experiences are critical for the success of Native American students;

(3) The sole expertise of sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington in the transmission of their indigenous languages, heritage, cultural knowledge, histories, customs, and traditions should be honored;

(4) Government-to-government collaboration between the state and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington serves to implement the spirit of the 1989 centennial accord and other similar government-to-government agreements, including the 2004 accord between the federally recognized Indian tribes with treaty reserved rights in the state of Washington;

(5) Establishing a first peoples' language, culture, and oral tribal traditions teacher certification program both achieves educational objectives and models effective government-to-government relationships;

(6) Establishing a first peoples' language, culture, and oral tribal traditions certification program implements the following policy objectives of the federal Native American languages act of 1990 (P.L. 101-477) in a tangible way:

(a) To preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(b) To allow exceptions to teacher certification requirements for federal programs and programs funded in whole or in part by the federal government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage state and territorial governments to make similar exceptions;

(c) To encourage and support the use of Native American languages as a medium of instruction in order to encourage and support Native American language survival, educational opportunity, increased student success and performance, increased student awareness and knowledge of their culture and history, and increased student and community pride;

(d) To encourage state and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect; and

(e) To encourage all institutions of elementary, secondary, and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American

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languages the same full academic credit as proficiency in foreign languages;

(7) Establishing a first peoples' language, culture, and oral tribal traditions certification program is consistent with the intent of presidential executive order number 13336 from 2004, entitled "American Indian and Alaska native education," to assist students in meeting the challenging student academic standards of the no child left behind act of 2001 (P.L. 107-110) in a manner that is consistent with tribal traditions, languages, and cultures.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington state first peoples' language, culture, and oral tribal traditions teacher certification program is established. The professional educator standards board shall adopt rules to implement the program in collaboration with the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington, including the tribal leader congress on education and the first peoples' language and culture committee. The collaboration required under this section shall be defined by a protocol for cogovernance in first peoples' language, culture, and oral tribal traditions education developed by the professional educator standards board, the office of the superintendent of public instruction, and the sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington.

(2) Any sovereign tribal government whose traditional lands and territories lie within the borders of the state of Washington may participate individually on a government-to-government basis in the program.

(3) Under the first peoples' language, culture, and oral tribal traditions teacher certification program:

(a) Only a participating sovereign tribal government may certify individuals who meet the tribe's criteria for certification as a teacher in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program. Tribal law enforcement agencies and the Washington state patrol shall enter into government to government negotiations regarding the exchange of background information on applicants for certification. The office of the superintendent of public instruction shall not authorize or accept a certificate or endorsement in Washington state first peoples' language, culture, and oral tribal traditions without certification from a participating sovereign tribal government and without conducting a record check of an individual applying for certification as required under RCW 28A.410.010;

(b) For each teacher to be certified in the program, the participating sovereign tribal government shall submit information and documentation necessary for the issuance of a state certificate, as defined by rule, to the office of the superintendent of public instruction;

(c) A Washington state first peoples' language, culture, and oral tribal traditions teacher certificate serves as a subject area endorsement in first peoples' language, culture, and oral tribal traditions. The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate who does not also hold an initial, residency, continuing, or professional teaching certificate authorized by the professional educator standards board may be assigned to teach only the languages, cultures, and oral tribal traditions designated on the certificate and no other subject;

(d) In order to teach first peoples' language, culture, and oral tribal traditions, teachers must hold certificates from both the office of the superintendent of public instruction and the sovereign tribal government; and

(e) The holder of a Washington state first peoples' language, culture, and oral tribal traditions teacher certificate meets Washington state's definition of a highly qualified teacher under the no child left behind act of 2001 (P.L. 107-110) for the purposes of teaching first peoples' language, culture, and oral

tribal traditions, subject to approval by the United States department of education.

(4) First peoples' language/culture teacher certificates issued before the effective date of this section under rules approved by the state board of education or the professional educator standards board under a pilot program remain valid as certificates under this section, subject to the provisions of this chapter.

(5) Schools and school districts on or near tribal reservations are encouraged to contract with sovereign tribal governments whose traditional lands and territories lie within the borders of the state of Washington and with first peoples' language, culture, and oral tribal traditions teacher certification programs for in-service teacher training and continuing education in the culture and history appropriate for their geographic area, as well as suggested pedagogy and instructional strategies.

Sec. 3. RCW 28A.415.020 and 2006 c 263 s 808 are each amended to read as follows:

(1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program authorized under section 2 of this act shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

NEW SECTION. Sec. 4. This act may be known and cited as the "First peoples' language, culture, and oral tribal traditions teacher certification act: Honoring our ancestors." and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5269.

Senators McAuliffe, Hargrove and Kauffman spoke in favor of the motion.

Senators Holmquist, Honeyford, Brandland, Zarelli and Pflug spoke against the motion.

POINT OF INQUIRY

Senator Honeyford: "Would Senator McAuliffe yield to a question? Thank you Senator. The Centennial Accord that was signed in 1989 was not signed by all tribes. I believe that are at least three tribes that has not signed the Centennial Accords. So, how are we going to have government to government relations with those three tribes?"

Senator McAuliffe: "Thank you Senator Honeyford. I can get back to you with the answer to that question. Currently, you must understand, that if we do not have an accord signed, that is true, this is a sovereign nation and we could not require them to form government-to-government relations. You are correct in that. However, I want you to know that with all good faith we are moving forward and making sure that we do have understandings about those tribes who belong to the accord and who will have background checks on their tribes and tribal lands and be able to share that with us. That is the walk we are taking right now. Currently we have teachers in our schools that are now teaching. This is a good thing to do. This is a first great step."

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5269.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

Senator Brown spoke in favor of the motion.

The Secretary called the roll on the motion by Senator McAuliffe and the motion carried by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32.

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Schoesler, Stevens, Swecker and Zarelli - 15.

Excused: Senators Parlette and Roach - 2.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5269, as amended by the House.

Senators Holmquist, Brandland and Swecker spoke against final passage.

Senators Kohl-Welles, Shin and McAuliffe spoke in favor of final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Tom and Weinstein - 32

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Pflug, Schoesler, Stevens, Swecker and Zarelli - 15

Excused: Senators Parlette and Roach - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930,

MOTION

At 6:12 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7:03 p.m. by President Owen.

MOTION

Pursuant to Joint Rule 20, on motion of Senator Fraser, the provision requiring a twenty-four hour interval before consideration of the conference committee report on Engrossed Substitute House Bill No. 1092 was suspended without objection.

REPORT OF THE CONFERENCE REPORT

Engrossed Substitute House Bill No. 1092

April 20, 2007

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute House Bill No. 1092, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2009, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

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(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE OFFICE OF THE SECRETARY OF STATE

Acquisition of Fredericks Collection (08-2-950)

Reappropriation:

Archives and Records Account--State \$100,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$100,000

NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

Rural Washington Loan Account--State \$2,773,000
Prior Biennia (Expenditures) \$1,122,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,895,000

NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cancer Research Facility Grant (01-S-005)

Reappropriation:

State Building Construction Account--State \$667,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$667,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Coastal Erosion Grants (01-S-019)

Reappropriation:

State Building Construction Account--State \$316,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$316,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

Reappropriation:

State Taxable Building Construction Account--State \$156,000
Prior Biennia (Expenditures) \$16,075,000

Future Biennia (Projected Costs) \$0
TOTAL \$16,231,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Highline School District Aircraft Noise Mitigation (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching the appropriation in section 150, chapter 26, Laws of 2003, 1st sp. sess.

(2) This reappropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State . . . \$4,699,000
Prior Biennia (Expenditures) \$5,300,000
Future Biennia (Projected Costs) \$0
TOTAL \$9,999,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Woodland Infrastructure Development (04-4-959)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is provided solely for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Reappropriation:

State Building Construction Account--State \$79,000
Prior Biennia (Expenditures) \$222,000
Future Biennia (Projected Costs) \$0
TOTAL \$301,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account reappropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program

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must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to the appropriation in section 201, chapter 277, Laws of 2004.

Reappropriation:

Drinking Water Assistance Account--State	\$5,227,000
State Building Construction Account--State . . .	\$1,249,000
Drinking Water Assistance Repayment Account--State	
.....	\$4,200,000
Subtotal Reappropriation	\$10,676,000
Prior Biennia (Expenditures)	\$6,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,700,000

NEW SECTION, Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

Reappropriation:

Drinking Water Assistance Repayment Account--State	
.....	\$15,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,200,000

NEW SECTION, Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis & Clark Confluence Project (04-2-954)

The reappropriation in this section is subject to the following conditions and limitations: The project must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

Reappropriation:

State Building Construction Account--State . . .	\$1,017,000
Prior Biennia (Expenditures)	\$3,983,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION, Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State . . .	\$1,936,000
Prior Biennia (Expenditures)	\$11,379,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,315,000

NEW SECTION, Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Funds (04-4-001)

Reappropriation:

Public Works Assistance Account--State	\$112,309,000
Prior Biennia (Expenditures)	\$249,714,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$362,023,000

NEW SECTION, Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts (06-4-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.750.

(2) The reappropriation is subject to the project list in section 104, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State . . .	\$4,263,000
Prior Biennia (Expenditures)	\$427,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,690,000

NEW SECTION, Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (06-4-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.125.

(2) The reappropriation is subject to the project list in section 123, chapter 488, Laws of 2005 and section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State	\$952,000
Prior Biennia (Expenditures)	\$4,394,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,346,000

NEW SECTION, Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (06-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The reappropriation is subject to the project list in section 106, chapter 371, Laws of 2006.

Reappropriation:

State Building Construction Account--State . .	\$29,192,000
Prior Biennia (Expenditures)	\$20,608,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,800,000

NEW SECTION, Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

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Youth Recreational Facilities Program (06-4-007)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of RCW 43.63A.135.

(2) The reappropriation is subject to the project list in section 136, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State	...	\$1,323,000
Prior Biennia (Expenditures)	.....	\$1,977,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,300,000

NEW SECTION, Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (06-4-011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:

Public Facility Construction Loan Revolving Account--State	.....	\$20,209,000
Prior Biennia (Expenditures)	.....	\$241,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$20,450,000

NEW SECTION, Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (06-4-003)

Reappropriation:

Drinking Water Assistance Account--State	....	\$8,100,000
Drinking Water Assistance Repayment Account--State	.....	\$21,780,000
Subtotal Reappropriation	.....	\$29,880,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$29,880,000

NEW SECTION, Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (06-4-001)

Reappropriation:

State Taxable Building Construction Account--State	.....	\$43,308,000
Prior Biennia (Expenditures)	.....	\$70,792,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$114,100,000

NEW SECTION, Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (06-4-851)

The reappropriations in this section are subject to the following conditions and limitations:

(1) \$7,800,000 of the reappropriation from the Washington housing trust account is provided solely for the backlog, as defined by the department, of projects determined by the department to be eligible under chapter 43.185 or 43.185A RCW.

(2) \$4,500,000 of the reappropriation from the Washington housing trust account is provided solely for weatherization administered through the energy matchmakers program.

(3) \$850,000 of the reappropriation from the Washington housing trust account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(4) \$500,000 of the reappropriation from the Washington housing trust account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$3,000,000 of the reappropriation from the Washington housing trust account is provided solely for farm worker housing projects and programs to meet the full spectrum of housing needs of Washington's farm workers and their families. The department shall work with stakeholders representing a diversity of farm worker housing interests to develop a strategic plan in implementing this provision.

(6) \$200,000 of the reappropriation from the Washington housing trust account is provided solely for the implementation and management of a manufactured/mobile home landlord-tenant ombudsman conflict resolution program by the office of mobile home affairs as generally described in section 3, chapter 429, Laws of 2005. The office of mobile home affairs shall also determine the number of complaints made to the department since May of 2005 that, in the best estimate of the department, do in fact present violations of chapter 59.20 RCW and shall produce a summary of the number and types of complaints. The office of mobile home affairs shall also continue to maintain and update a database with information about all mobile home parks and manufactured housing communities. The office of mobile home affairs shall provide a report regarding the activities and results of the program to the appropriate committees of the house of representatives and the senate by December 31, 2007.

(7) \$150,000 of the appropriation from the Washington housing trust account is provided solely for a program to assist individuals and communities in the home-buying process, including, but not limited to: Homebuyer education classes, credit and budget counseling, financial literacy training, and down payment assistance programs. The department shall contract with a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code or similar successor provision that has experience and expertise in addressing language access barriers in the home-buying process to implement this program.

(8) The reappropriation in this section must be included in the calculation of annual funds available for determining the administrative costs of the department, which shall not exceed five percent of the annual funds available for the housing assistance program and the affordable housing program as authorized under RCW 43.185.050 and 43.185A.030.

Reappropriation:

Washington Housing Trust Account--State	...	\$16,502,000
Homeless Families Services Account--State	...	\$4,000,000
Subtotal Reappropriation	.....	\$20,502,000
Prior Biennia (Expenditures)	.....	\$499,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$21,001,000

NEW SECTION, Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job/Economic Development Grants (06-4-950)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.

(2) \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(3) \$5,000,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

(i) The county or city must be subject to and in compliance with RCW 36.70A.530;

(ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;

(iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and

(iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State \$31,481,000
Prior Biennia (Expenditures) \$18,519,000
Future Biennia (Projected Costs) \$0
TOTAL \$50,000,000

NEW SECTION, Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Jobs in Communities (06-4-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) The reappropriation is subject to the project list in section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State . . \$10,965,000
Prior Biennia (Expenditures) \$1,286,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,251,000

NEW SECTION, Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (06-4-004)

Reappropriation:

Public Works Assistance Account--State \$288,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$288,900,000

NEW SECTION, Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (06-4-010)

Reappropriation:

Rural Washington Loan Account--State \$3,937,000
Prior Biennia (Expenditures) \$191,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,128,000

NEW SECTION, Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Water System Acquisition and Rehabilitation Program (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Reappropriation:

State Building Construction Account--State . . . \$1,706,000
Prior Biennia (Expenditures) \$295,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,001,000

NEW SECTION, Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Public Utility District Bioenergy Project (06-4-852)

Reappropriation:

Energy Freedom Account--State \$2,100,000
Prior Biennia (Expenditures) \$3,900,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

NEW SECTION, Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Building for the Arts Grants (07-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.750.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Wing Luke Asian museum	Seattle	\$2,000,000
Friends of Gladish	Pullman	\$48,000
Town hall association	Seattle	\$750,000
Duwamish tribal services	Seattle	\$275,000
Seattle art museum	Seattle	\$1,750,000
Village theatre	Issaquah	\$575,000

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Artspace projects, Inc.	Seattle	\$1,000,000
Suquamish foundation	Suquamish	\$550,000
Edmonds center for the arts	Edmonds	\$1,000,000
The Merc playhouse society	Twisp	\$9,500
Orcas open arts	Eastsound	\$70,000
Whatcom film association	Bellingham	\$325,000
Whatcom museum society	Bellingham	\$1,000,000
Seattle theatre group	Seattle	\$750,000
Confluence gallery	Twisp	\$77,000
Columbia theatre association	Longview	\$750,000
San Juan community theatre	Friday Harbor	\$193,000
Harlequin productions	Olympia	\$75,000
Northshore performing arts center	Bothell	\$350,000
Tacoma musical playhouse	Tacoma	\$75,000
Wing it productions	Seattle	\$20,000
826 Seattle	Seattle	\$7,500
Cornish College of the Arts	Seattle	\$350,000
Total		\$12,000,000

Appropriation:

State Building Construction Account--State	\$12,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$60,000,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (07-4-015)

The appropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Appropriation:

State Building Construction Account--State	\$12,711,000
Public Facility Construction Loan Revolving Account--State	\$7,289,000
Subtotal Appropriation	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000

TOTAL \$44,000,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Grants (07-4-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.125.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
West Seattle food bank	Seattle	\$400,000
Compass health	Lynnwood	\$37,000
Neighborhood house	Seattle	\$1,000,000
White Center emergency food association	White Center	\$184,000
Garden-raised bounty	Olympia	\$170,000
Food lifeline	Seattle	\$122,000
Marysville food bank	Marysville	\$187,000
Maple Valley food bank	Maple Valley	\$117,000
The Arc of Whatcom county	Bellingham	\$158,000
CAC of Lewis, Mason, and Thurston county	Lacey	\$260,000
South county senior center	Edmonds	\$200,000
Chief Seattle club	Seattle	\$350,000
Senior center of West Seattle	Seattle	\$500,000
YMCA of Snohomish county	Monroe	\$1,000,000
The Salvation Army - Spokane	Spokane	\$275,000
Asian counseling and referral services	Seattle	\$1,000,000
Camas institute foundation	Usk	\$650,000
Youth eastside services	Bellevue	\$750,000
YMCA of Snohomish county	Everett	\$275,000

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Bellingham food bank	Bellingham	\$400,000
N.A.T.I.V.E. project	Spokane	\$375,000
Brigid Collins family support center	Bellingham	\$400,000
Family resource center	Redmond	\$150,000
Morningside	Olympia	\$587,000
First step family support center	Port Angeles	\$200,000
Olympic community action programs	Port Townsend	\$400,000
Total		\$10,147,000

Appropriation:

State Building Construction Account--State	..	\$10,147,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$40,000,000
TOTAL	.....	\$50,147,000

NEW SECTION, Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (07-4-004)

Appropriation:

Drinking Water Assistance Account--State	....	\$7,200,000
Drinking Water Assistance Repayment Account--State	.....	\$21,100,000
Subtotal Appropriation	.....	\$28,300,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$155,400,000
TOTAL	.....	\$183,700,000

NEW SECTION, Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (07-4-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,500,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$14,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory

committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.

(7) \$4,000,000 of the appropriation is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.

(8) \$1,500,000 of the appropriation is provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.

(9) \$4,000,000 of the appropriation is provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.

(10) The appropriation in this section shall not be used for the administrative costs of the department. The amount of the appropriation shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.

(11) Within available funding provided in this section, the department shall prepare an inventory of housing assistance programs. The inventory shall include all state funded programs, the housing finance commission programs, all programs funded by local governments and housing authorities, including a description of expenditures from fees and taxes specifically authorized by state law for housing assistance and homeless programs, all property tax and sales tax provisions that are intended to support housing assistance programs, and all federally funded housing assistance programs provided in the state. The inventory shall include a description of the program, biennial appropriation and expenditure levels since the 1999-2001 biennium through the 2007-2009 biennium, a description of eligibility criteria and the amount of benefit provided per unit or per family, and the number of units or families assisted. The department shall coordinate with the joint legislative audit and review committee to reduce duplicative efforts that may be required by legislation.

Appropriation:

State Taxable Building Construction	
Account--State	..... \$130,000,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$560,000,000
TOTAL	..... \$690,000,000

NEW SECTION, Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Job Development Fund Grants (07-4-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$429,000 of the appropriation in this section is for administration.

(2) The department shall not proceed with a competitive process for the 2009-2011 biennium.

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(3) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
Mint farm industrial park phase 2 infrastructure improvements	City of Longview	\$1,982,000
Fruitdale road/McGarigle road improvements	Skagit county	\$2,277,000
Valentine road corridor improvements	City of Pacific	\$4,946,000
Wenatchee waterfront revitalization project	City of Wenatchee	\$10,000,000
Northeast Lacey public infrastructure and economic stimulus package	City of Lacey	\$9,912,000
Soap Lake spa and wellness center	City of Soap Lake	\$1,000,000
Port of Ephrata transportation center	Port of Ephrata	\$471,000
Project Pier 1	Port of Anacortes	\$5,610,000
Totem Lake mall and business center	City of Kirkland	\$3,000,000
Burnham/Borgen interchange improvements	City of Gig Harbor	\$5,000,000
Satsop development park turbine/administration building improvements	Grays Harbor public development authority	\$5,053,000
Technical and scientific service incubator	City of Tacoma	\$250,000
Total		\$49,501,000

Appropriation:

Job Development Account--State	\$49,930,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,930,000

NEW SECTION, Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Belfair Sewer Improvements (08-4-852)

Appropriation:

Public Works Assistance Account--State	\$4,800,000
State Building Construction Account--State	\$5,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,300,000

NEW SECTION, Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (07-4-005)

Appropriation:

Public Works Assistance Account--State	\$327,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,400,000,000
TOTAL	\$1,727,000,000

NEW SECTION, Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Rural Washington Loan Fund (07-4-008)

Appropriation:

Rural Washington Loan Account--State	\$4,127,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,508,000
TOTAL	\$20,635,000

NEW SECTION, Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Youth Recreational Facilities Grants (07-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 43.63A.135.

(2) The appropriation is provided solely for the following list of projects:

Projects	Location	Recommendation
YMCA of the inland northwest	Spokane	\$800,000
Boys and girls clubs of south Puget Sound	Lakewood	\$300,000
YMCA of Snohomish county	Mukilteo	\$385,000
YMCA of Snohomish county	Everett	\$800,000
Boys and girls club of south Puget Sound	Gig Harbor	\$600,000
Toutle river ranch	Longview	\$525,000
Boys and girls club of Bellevue	Bellevue	\$800,000
YMCA of Tacoma-Pierce county	Gig Harbor	\$800,000
Wenatchee valley YMCA	Wenatchee	\$213,000
YMCA of greater Seattle	Seattle	\$250,000

Maple Valley community center	Maple Valley	\$100,000
Boys and girls clubs of King county	Seattle	\$618,000
Filipino community of Seattle	Seattle	\$146,000
Boys and girls clubs of King county	Seattle	\$800,000
Ferndale boys and girls club	Ferndale	\$863,000
Tacoma community center	Tacoma	\$800,000
Mukilteo boys and girls club	Mukilteo	\$250,000
Total		\$9,050,000

Appropriation:

State Building Construction Account--State	...	\$9,050,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$32,000,000
TOTAL	.....	\$41,050,000

NEW SECTION, Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

High Risk Forests Program (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to an independent nonprofit land stewardship organization to purchase or lease development rights or conservation easements from willing family forest landowners facing pressure to convert their lands and who desire to keep their land as working forest. The organization shall award grants only for transfer of development rights programs approved by the local government participants.

Appropriation:

State Building Construction Account--State	...	\$3,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,000,000

NEW SECTION, Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Infrastructure Assistance (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for an infrastructure grant to the city of Tieton for water system improvements.

Appropriation:

State Building Construction Account--State	...	\$2,627,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,627,000

NEW SECTION, Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Innovation Partnership Zones (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced

training are creating special competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, five zones or projects will be selected to receive funding. The appropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. It is the intent of the legislature that innovation partnership zone grants should consider the commercialization of inventions and innovations.

Appropriation:

State Building Construction Account--State	...	\$5,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$5,000,000

NEW SECTION, Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Water System Acquisition Rehabilitation Program (07-4-006)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Appropriation:

State Building Construction Account--State	...	\$3,750,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,750,000

NEW SECTION, Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation provided in this section for the bridge for kids project shall not be released until the department

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obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.

(8) Funding for preconstruction activities for the Camas and Washougal community and recreation center is contingent on voter approval of a metropolitan park district.

(9) The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.

(10) The appropriation in this section for the life support and emergency medical services infrastructure build-out project is provided solely for emergency medical services and medical care infrastructure consistent with the adopted mission, goals, and capital plan of the 501(c)(3) life support.

(11) The port of Grays Harbor project is a loan that is subject to the provisions of chapter 171, Laws of 2006.

(12) The appropriation is provided solely for the following list of projects:

Project Name	Amount
800 MHz interoperability public safety communication	\$1,000,000
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum	\$800,000
Asian counseling/referral services	\$2,000,000
Aviation high school	\$275,000
Ballard corners park	\$125,000
Beaver mitigation of Little Spokane river	\$75,000
Benton City food bank	\$200,000
Bethel community center	\$1,000,000
Blueberry park improvements	\$5,000
Bothell crossroads/state route 522 realignment - land acquisition and preconstruction activities	\$7,000,000
Bowen field	\$500,000
Bremerton downtown economic revitalization projects	\$5,000,000
Bridge for kids	\$500,000
Burbank water improvement	\$1,621,000
Burien town square	\$1,600,000
Camp kilworth land acquisition - Federal Way	\$1,100,000
Cannon house	\$750,000
Chambers creek pedestrian bridge	\$1,000,000
Chehalis middle school track improvement	\$350,000
Chehalis veterans wall of honor security enclosure	\$25,000
Chelan county public utility district monitor	
domestic water system	\$800,000
Children's hospital	\$2,500,000
Cities of Camas and Washougal community/recreation center preconstruction activities	\$500,000
City of Everett - senior center expansion and upgrade	\$400,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control	\$1,000,000
City of Puyallup riverwalk trail project	\$600,000
City of Tacoma minor league baseball - rainiers	\$2,500,000
City of Yakima minor league baseball	\$594,000
Civil war cemetery near volunteer park	\$5,000
Columbia Springs environmental learning center preconstruction or construction activities	\$200,000
Confluence project	\$500,000
Counter balance park	\$100,000
Coupeville covered play area	\$113,000
Covered bridge park land acquisition (Grays river)	\$90,000
Cowlitz drug treatment center	\$580,000
Darrington water system improvements	\$100,000

Dawson place child advocacy center land acquisition and renovation	\$650,000
Daybreak star in Discovery park	\$300,000
Dining car historic preservation	\$50,000
Discovery park - Fort Lawton	\$700,000
Duwamish education center	\$2,000,000
Duwamish longhouse	\$275,000
Eatonville family park	\$200,000
Evergreen school district health and biosciences academy	\$1,000,000
Federal Way little league field lighting	\$50,000
Ferndale boys and girls club - urgent needs and preconstruction activities	\$200,000
Fish lake trail	\$1,000,000
Fort Dent sewer	\$450,000
Foss waterway	\$1,000,000
Fox theater	\$2,000,000
Friends of hidden river preconstruction activities	\$675,000
Goodwill of Tacoma	\$1,500,000
Granite Falls museum	\$30,000
High Point neighborhood center in West Seattle	\$1,000,000
Highline school district noise mitigation	\$3,500,000
Hill ward building removal	\$550,000
Innovative services northwest	\$1,900,000
Institute for community leadership	\$700,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center	\$500,000
Kirkland public safety campus land acquisition and preconstruction activities	\$750,000
Kitsap SEED	\$1,100,000
Klickitat law enforcement firing range	\$20,000
Kruckeberg botanical garden	\$150,000
Lake Stevens civic center	\$800,000
Lake Stevens senior center	\$200,000
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at greenbridge	\$200,000
Life support and emergency medical services infrastructure build-out	\$2,700,000
Lions club renovation	\$160,000
Long lake nutrient reduction	\$300,000
Loon lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
Maple Valley lake wilderness lodge and conference center	\$1,500,000
Maple Valley legacy site planning and infrastructure development	\$3,000,000
McCaw hall	\$2,000,000
McDonald park	\$150,000
Mercer slough environmental center	\$1,500,000
Mill creek senior center	\$150,000
Mirabeau Point children's universal park	\$800,000
Mobius	\$800,000
Monroe rotary field	\$700,000
Morning star cultural center	\$300,000
Mountains to sound - SR18/I90 interchange	\$500,000
Nisei veterans committee	\$250,000
NORCOM public safety communication	\$750,000
Nordic heritage museum	\$1,500,000
Northwest African American museum	\$650,000
Northwest harvest	\$3,000,000
Northwest stream center	\$300,000
Oak Harbor dredging preconstruction activities	\$59,000
Oak Harbor veterans memorial	\$50,000
Okanogan Valley equestrian and cultural heritage center	\$4,000,000

Palouse street safety improvements	\$210,000
Performing arts center eastside	\$2,000,000
Perry technical institute hanger	\$250,000
Pike Place market	\$1,070,000
Port of Benton transloader (railex)	\$1,000,000
Port of Grays Harbor	\$2,500,000
Port of Walla Walla wine incubator	\$500,000
Poulsbo marine science center floating classroom	\$100,000
Prime time repairs (terminally ill children)	\$300,000
Puyallup town square	\$200,000
Rainier lifelong learning center	\$200,000
Richland Babe Ruth field complex	\$1,000,000
Seatac World War I memorial plaza	\$200,000
Seattle art museum	\$1,250,000
Seattle children's play garden	\$332,000
Seattle Chinese garden	\$500,000
Shoreline YMCA	\$800,000
Simon youth foundation resource center	\$150,000
Skagit recreation and event center	\$1,000,000
Snoqualmie railway history preconstruction activities	\$600,000
Somerset village - Snohomish Y	\$200,000
South Tacoma community center	\$700,000
Spokane county minor league baseball - Indians	\$2,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project	\$2,500,000
Springwood youth center	\$500,000
SR 395/court street pedestrian overpass	\$400,000
Suquamish inviting house construction	\$1,000,000
Tacoma narrows bridge lights	\$1,500,000
Tonasket viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$850,000
The Northwest maritime center	\$2,250,000
The Tri Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire	\$10,000
Town square grid - drexler drive	\$750,000
Tukwila southcenter parkway infrastructure	\$4,000,000
Turning point domestic violence shelter	\$700,000
University Place town square	\$1,000,000
VaHalla hall	\$750,000
Vancouver national historic reserve	\$750,000
Vernetta Smith Chehalis timberland library	\$500,000
Waitsburg flood control feasibility report	\$29,000
Walla Walla county health center annex	\$100,000
White Center heights park	\$500,000
White Salmon water improvement	\$1,500,000
Willapa harbor community center	\$300,000
Wing-It productions historic theater	\$20,000
Washington State University/Shoreline Community	
College zero energy house	\$200,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
YMCA of Snohomish county: Ebey Island project	\$2,200,000
Total	\$132,619,000

Appropriation:

State Building Construction Account--State	\$132,619,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$132,619,000

NEW SECTION, Sec. 1042. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Development Fund (08-4-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects listed in this section must comply with RCW 43.63A.125(2)(c).

(2) The appropriation is provided solely for the following list of projects:

Project Name	Amount
CASA Latina	\$1,000,000
Divine alternatives for dads services (DADS) center	\$10,000
El Centro de la Raza center	\$821,000
Hilltop renaissance community - Centro Latino	\$1,950,000
Hilltop renaissance community - MLK development association	
	\$4,000,000
HomeSight center	\$250,000
Ilwaco community building	\$2,700,000
Japanese cultural center of Washington	\$1,000,000
KCR Bremerton community services center	\$900,000
KDNA community center (Granger community center)	\$500,000
Korean women's association center	\$1,500,000
North helpline lake city court	\$350,000
Salishan housing community	\$2,900,000
Sea Mar family housing community	\$1,500,000
Spokane east central community center	\$150,000
Spokane emmanuel center	\$500,000
Spokane Northeast community center	\$1,000,000
Wapato Filipino American center	\$135,000
Total	\$21,166,000

Appropriation:

State Building Construction Account--State	\$21,166,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,166,000

NEW SECTION, Sec. 1043. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Grays Harbor Wind Project (08-4-950)

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION, Sec. 1044. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Land Acquisition Revolving Loans (08-2-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to implement the land acquisition revolving loan program created in chapter . . . (Second Substitute House Bill No. 1401), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION, Sec. 1045. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Washington State Horse Park (08-2-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall complete the state's capital obligation for the facility.

Appropriation:

State Building Construction Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

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TOTAL \$3,500,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Small and Rural Fire Districts Facility Assessment (08-2-854)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of community, trade, and economic development, in consultation with the Washington fire commissioners association, the association of Washington fire chiefs, and the fiscal committees of the legislature, shall conduct a study of small and rural fire districts that have a limited fiscal capacity to finance fire district facilities. The study shall include but not be limited to the following:

- (a) An assessment of small and rural fire districts' current and projected need for capital facilities;
- (b) An assessment of the fiscal capacity of the fire districts to finance capital facilities; and
- (c) The identification of potential sources of financial assistance for small and rural fire district and the ability of the districts to access such assistance.

(2) The department of community, trade, and economic development shall provide a report of the findings to the fiscal committees of the legislature by December 1, 2007.

Appropriation:

State Building Construction Account--State \$30,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$30,000

NEW SECTION. Sec. 1047. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Graving Dock Settlement (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the purposes of settling all identified and potential claims from the port of Port Angeles and the city of Port Angeles related to the construction of a graving dock facility on the graving dock property. In conjunction with the settlement agreement in *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the city of Port Angeles, port of Port Angeles, and the state of Washington entered into an economic development agreement which settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitation set forth in subsections (2), (3), and (4) of this section.

(2) \$7,500,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for funding capital projects intended to enhance economic development.

(3) \$7,500,000 of the state building construction account--state appropriation is provided solely for the port of Port Angeles for funding capital projects intended to enhance economic development.

(4) \$480,000 of the state building construction account--state appropriation is provided solely for the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State .. \$15,480,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL \$15,480,000

NEW SECTION. Sec. 1048. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Snohomish, Island, and Skagit County Regional Higher Education (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) It is the intent of the legislature that the four-year institutions and the community and technical colleges work as cooperative partners to ensure the successful and efficient operation of the state's system of higher education. In furtherance of the state's responsibility for the expansion of baccalaureate and graduate educational programs in the central Puget Sound area, the University of Washington shall govern and operate an additional branch campus to be located in the Snohomish/Island/Skagit county area. Top priorities for the campus include expansion of upper division capacity for transfer students and graduate students in high demand programs, with a particular focus on science, technology, and engineering. The campus may offer lower division courses linked to specific majors in fields not addressed at local community colleges. The campus may also directly admit freshmen and sophomores gradually and deliberately in accordance with a campus plan to be submitted to the higher education coordinating board. All student admissions will be carried out in accordance with coadmissions and proportionality agreements emphasizing access for transfer students codeveloped by the University of Washington and the state board for community and technical colleges.

(2) The office of financial management and the University of Washington are directed to assess options and make recommendations on the siting of the branch campus in the Snohomish/Island/Skagit county region and shall develop operational and management plans needed to establish the institution. The plans shall include but not be limited to a master business plan for design and implementation, and programs to be offered to address demographic pressures and workforce needs. Planning and analysis shall be done in coordination with the local community and existing higher education institutions. Site selection criteria shall include, but not be limited to: Meeting the objectives of the master business plan; meeting the unmet baccalaureate needs in the region, including high demand program needs; compliance with provisions of the state's growth management act; and accessibility from existing and planned transportation infrastructure.

(3) Five years from the time the first class of students enters the new institution, the higher education coordinating board will work with the new institution and a local advisory board to: (a) Review the extent to which the new institution is meeting the baccalaureate degree needs of the citizens and businesses of the region and state; (b) assess any additional steps needed to accomplish the goals set forth in subsection (1) of this section, and; (c) assess the relationship between the new institution and other higher education institutions in the region and the state.

(4) The state board for community and technical colleges and the University of Washington shall plan for transition of appropriate programs from the university center to upper division programs at the branch campus.

(5) The office of financial management and the University of Washington shall report to the governor and the appropriate committees of the senate and house of representatives by November 15, 2007, on campus siting recommendations and a preliminary design and implementation plan. The final design and implementation plan shall be delivered to the governor and

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the appropriate committees of the senate and house of representatives by June 1, 2008.

(6) The office of financial management may contract with outside sources to carry out the provisions of this section.

Appropriation:

State Building Construction Account--State . . .	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 1049. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Higher Education Cost Escalation (08-2-854)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to assist public baccalaureate higher education institutions in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts used must be matched equally from other resources. The office of financial management shall manage the distribution of funds to ensure that the requesting institution has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than originally specified in the design. Prior to approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the office of financial management shall require the institution to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The office of financial management shall report to the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State . . .	\$3,237,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,237,000

NEW SECTION. Sec. 1050. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Oversight of State Facilities (08-2-855)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the office of financial management to strengthen its oversight role in state facility analysis and decision making as generally described in chapter . . . (Substitute House Bill No. 2366), Laws of 2007.

Appropriation:

State Building Construction Account--State . . .	\$1,015,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,015,000

NEW SECTION. Sec. 1051. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (08-2-856)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for state participation in the federal maintenance dredging of the lower Cowlitz river to maintain flood protection for communities along the river and to protect the navigation channel of the Columbia river. The office of financial management may allocate funds to state agencies as needed to meet the state's obligations related to disposal of the dredged material.

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Transportation Building Preservation (02-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State	\$2,928,000
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Appropriation:

Thurston County Capital Facilities Account--State	\$3,425,000
Prior Biennia (Expenditures)	\$5,252,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,605,000

NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Public/Historic Facilities: Preservation Minor Works (06-1-006)

Reappropriation:

State Building Construction Account--State	\$327,000
Prior Biennia (Expenditures)	\$673,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1054. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Park Development (01-H-004)

Reappropriation:

State Building Construction Account--State	\$2,000
Prior Biennia (Expenditures)	\$1,676,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,678,000

NEW SECTION. Sec. 1055. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (06-2-012)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$850,000
Prior Biennia (Expenditures)	\$874,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,724,000

NEW SECTION. Sec. 1056. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Highway-License Building Repair and Renewal (06-1-013)

Reappropriation:

Thurston County Capital Facilities Account--State	\$497,000
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Appropriation:

Thurston County Capital Facilities Account--State	\$2,598,000
Prior Biennia (Expenditures)	\$354,000
Future Biennia (Projected Costs)	\$1,639,000
TOTAL	\$5,088,000

NEW SECTION. Sec. 1057. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Natural Resources Building Repairs and Renewal (06-1-014)

Reappropriation:

Thurston County Capital Facilities Account--State	\$269,000
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Appropriation:

State Vehicle Parking Account--State	\$258,000
Thurston County Capital Facilities Account--State	\$2,223,000
Subtotal Appropriation	\$2,481,000
Prior Biennia (Expenditures)	\$233,000
Future Biennia (Projected Costs)	\$5,266,000

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TOTAL \$8,249,000

NEW SECTION. Sec. 1058. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Infrastructure: Preservation Minor Works (06-1-004)

Reappropriation:

State Vehicle Parking Account--State \$31,000
 State Building Construction Account--State \$246,000
 Thurston County Capital Facilities Account--State

..... \$1,824,000
 Subtotal Reappropriation \$2,101,000

Prior Biennia (Expenditures) \$918,000
 Future Biennia (Projected Costs) \$0

TOTAL \$3,019,000

NEW SECTION. Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Office Facilities: Preservation Minor Works (06-1-003)

Reappropriation:

Thurston County Capital Facilities Account--State \$812,000
 General Administration Service Account--State . \$510,000
 Subtotal Reappropriation \$1,322,000

Prior Biennia (Expenditures) \$3,558,000
 Future Biennia (Projected Costs) \$0

TOTAL \$4,880,000

NEW SECTION. Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Statewide Parking Facilities: Preservation Minor Works (06-1-007)

Reappropriation:

State Vehicle Parking Account--State \$697,000
 Prior Biennia (Expenditures) \$183,000
 Future Biennia (Projected Costs) \$0

TOTAL \$880,000

NEW SECTION. Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capitol Campus High Voltage System Improvements (08-1-010)

Appropriation:

State Building Construction Account--State \$2,204,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL \$2,204,000

NEW SECTION. Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Deferred Maintenance (08-1-018)

Appropriation:

State Building Construction Account--State \$2,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Repairs (08-1-001)

Appropriation:

State Building Construction Account--State \$350,000
 Thurston County Capital Facilities Account--State \$900,000
 General Administration Service Account--State . \$150,000
 Subtotal Appropriation \$1,400,000

Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$6,000,000

TOTAL \$7,400,000

NEW SECTION. Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (08-2-013)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$380,000

State Vehicle Parking Account--State \$133,000

State Building Construction Account--State .. \$12,340,000

Thurston County Capital Facilities Account--State \$461,000

General Administration Service Account--State . \$104,000

Subtotal Appropriation \$13,418,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$42,815,000

TOTAL \$56,233,000

NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Improvements (08-1-011)

The appropriation in this section is subject to the following conditions and limitations: \$25,000 of the capitol building construction account appropriation is provided solely to establish a legislative gift center created in chapter . . . (Second Substitute House Bill No. 1896), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

Capitol Building Construction Account--State .. \$701,000

State Building Construction Account--State \$550,000

Subtotal Appropriation \$1,251,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,836,000

TOTAL \$4,087,000

NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Facility Preservation (08-1-015)

Appropriation:

Capitol Building Construction Account--State . \$1,715,000

State Building Construction Account--State \$1,456,000

Thurston County Capital Facilities Account--State

..... \$3,634,000

General Administration Service Account--State \$1,386,000

Subtotal Appropriation \$8,191,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,365,000

TOTAL \$28,556,000

NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

Capitol Building Construction Account--State .. \$600,000

State Vehicle Parking Account--State \$22,000

State Building Construction Account--State \$3,000,000

Thurston County Capital Facilities Account--State

..... \$1,899,000

General Administration Service Account--State . \$200,000

Subtotal Appropriation \$5,721,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,006,000

TOTAL \$12,727,000

NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Program (08-2-012)

The appropriation in this section is subject to the following conditions and limitations: The department shall post signs on eastbound and westbound 5th avenue in Olympia, Washington over Capitol Lake dam to notify cyclists that the bike lanes discontinue. The signs shall be posted in such a way to optimize visibility.

Appropriation:

State Building Construction Account--State \$370,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,720,000
TOTAL	\$3,090,000

NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

O'Brien Building Improvements (08-1-007)

Appropriation:

State Building Construction Account--State ...	\$2,981,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,501,000
TOTAL	\$18,482,000

NEW SECTION. Sec. 1070. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Heritage Center/Executive Office Building Development (08-2-954)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided solely for the development of a heritage center and executive office building on the west capitol campus. The project shall be procured under a general contractor construction management contract. Prior to issuing the request for proposals for the project, the department shall report to the appropriate committees of the legislature the results of: (1) A detailed analysis of the soils of the proposed development site, including the stability of the soils and the affect on the cost of the project; and (2) cost reduction options resulting from a detailed "best study" or value engineering study. The report to the legislature shall be submitted prior to January 1, 2008. The request for proposal shall not be released prior to February 1, 2008.

Appropriation:

State Building Construction Account--State ...	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1071. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Newhouse Repairs and South Campus Plan (08-2-952)

Appropriation:

State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Lake Plan Completion (08-2-953)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Oversight of State Facilities (08-2-853)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of general administration to assist the office of financial management with the development of six-year facility plans as generally described in chapter ... (Substitute House Bill No. 2366), Laws of 2007.

Appropriation:

General Administration Services Account--State .	\$345,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$345,000

NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Campus Sundial Repair (08-1-853)

Appropriation:

Capitol Building Construction Account--State	\$5,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000

NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF INFORMATION SERVICES

Wheeler Block Development--Department of Information Services, State Patrol, and General Office (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: Planning funds are provided solely to lease/develop state office buildings and facilities for the department of information services on the "Wheeler block" of the east capitol campus. The office buildings shall be constructed and financed so that agencies' occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the state patrol and general office facilities for small agencies and offices. The department shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, and telecommunications and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, and support services and spaces. The department of general administration shall coordinate with state agency tenants of the existing general administration building that will not be relocated to the new facilities of the "Wheeler block" for occupancy of state-owned or existing leased facilities vacated by the state patrol or the department of information services.

Appropriation:

State Building Construction Account--State ...	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1076. FOR THE MILITARY DEPARTMENT

Omnibus Support to Federal Preservation Projects (06-1-003)

Reappropriation:

State Building Construction Account--State ...	\$1,500,000
Prior Biennia (Expenditures)	\$5,993,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,493,000

NEW SECTION. Sec. 1077. FOR THE MILITARY DEPARTMENT

Auditorium and Instructor Support Facility (06-2-003)

Reappropriation:

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General Fund--Federal \$1,240,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,240,000

NEW SECTION. Sec. 1078. FOR THE MILITARY DEPARTMENT

Omnibus Support for Federal Minor Works Projects-Statewide (06-2-001)

Reappropriation:

State Building Construction Account--State \$846,000
 General Fund--Federal \$7,200,000
 Subtotal Reappropriation \$8,046,000
 Prior Biennia (Expenditures) \$1,154,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,200,000

NEW SECTION. Sec. 1079. FOR THE MILITARY DEPARTMENT

Modular Building Reutilization (08-2-001)

Reappropriation:

State Building Construction Account--State . . . \$1,850,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,850,000

NEW SECTION. Sec. 1080. FOR THE MILITARY DEPARTMENT

Energy Conservation Project (08-2-005)

Appropriation:

General Fund--Federal \$275,000
 State Building Construction Account--State . . . \$275,000
 Subtotal Appropriation \$550,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$550,000

NEW SECTION. Sec. 1081. FOR THE MILITARY DEPARTMENT

Minor Works - Facility Preservation (08-1-004)

Appropriation:

General Fund--Federal \$5,522,000
 State Building Construction Account--State . . . \$2,301,000
 Subtotal Appropriation \$7,823,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$35,867,000
 TOTAL \$43,690,000

NEW SECTION. Sec. 1082. FOR THE MILITARY DEPARTMENT

Minor Works - Program (08-2-003)

Appropriation:

General Fund--Federal \$4,938,000
 State Building Construction Account--State . . . \$1,165,000
 Subtotal Appropriation \$6,103,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$36,215,000
 TOTAL \$42,318,000

NEW SECTION. Sec. 1083. FOR THE MILITARY DEPARTMENT

Washington Youth Academy Facility (08-2-850)

Appropriation:

General Fund--Federal \$300,000
 State Building Construction Account--State . . . \$5,000,000
 Subtotal Appropriation \$5,300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,300,000

NEW SECTION. Sec. 1084. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historical Preservation (06-4-009)

Reappropriation:

State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$4,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 1085. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historical Courthouse Rehabilitation (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovations completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. By July 1, 2007, the department shall revise the existing eligibility criteria and grant application process to include review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer. All rehabilitation work shall comply with the secretary of interior's standards for rehabilitation. Grants shall not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

Appropriation:

State Building Construction Account--State . . . \$5,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$20,000,000
 TOTAL \$25,000,000

NEW SECTION. Sec. 1086. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historic Barn Preservation (08-4-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of the historic barn preservation program created in chapter . . . (Substitute House Bill No. 2115), Laws of 2007. If the bill is not enacted by June 30, 2007, the appropriation shall lapse.

Appropriation:

State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 1087. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Inventory of Historic Theaters (08-2-950)

Appropriation:

State Building Construction Account--State \$150,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$150,000

NEW SECTION. Sec. 1088. FOR THE STATE CONVENTION AND TRADE CENTER

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Convention and Trade Center Account--State	
.....	\$5,990,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,990,000

NEW SECTION. Sec. 1089. FOR THE STATE CONVENTION AND TRADE CENTER

Omnibus Minor Works (06-1-001)

Reappropriation:

State Convention and Trade Center Account--State	\$995,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$995,000

NEW SECTION. Sec. 1090. FOR THE STATUTE LAW COMMITTEE

Pritchard Building Rehabilitation (08-2-017)

Appropriation:

State Building Construction Account--State	... \$1,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,100,000

(End of part)

PART 2 HUMAN SERVICES

NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Mapping of K-8 Schools (08-4-003)

Appropriation:

State Building Construction Account--State	... \$6,236,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,236,000

NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Minor Works - Preservation (08-1-002)

Appropriation:

State Building Construction Account--State	.... \$598,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$598,000

NEW SECTION. Sec. 2003. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Replace Hawthorne Hall Dormitory (08-2-001)

Appropriation:

State Building Construction Account--State	... \$1,925,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,764,000
TOTAL	\$17,689,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center-Housing Units (00-1-041)

Reappropriation:

State Building Construction Account--State	... \$5,700,000
Prior Biennia (Expenditures)	\$6,292,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,992,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Developmental Disabilities: Omnibus Programmatic Projects (06-2-465)

Reappropriation:

State Building Construction Account--State	... \$1,000,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital-Westlake Building: Fire Alarm Upgrades (06-1-370)

Reappropriation:

State Building Construction Account--State	... \$1,500,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,650,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest School - Health and Safety Improvements (06-1-852)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	..... \$400,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New IMU, Health Center, and Administration (06-2-202)

Reappropriation:

State Building Construction Account--State \$900,000
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Appropriation:

State Building Construction Account--State	.. \$13,325,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,575,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Juvenile Rehabilitation: Omnibus Programmatic Projects (06-2-265)

Reappropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	..... \$850,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Lakeland Village-Nine Cottages: Renovation, Phase 4, 5, and 6 (06-1-402)

Reappropriation:

State Building Construction Account--State	... \$2,000,000
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Appropriation:

State Building Construction Account--State	... \$2,990,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,390,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-CLIP Facilities: Preservation (06-4-353)

The appropriations in the section are subject to the following conditions and limitations: The department shall evaluate options for maximizing federal fund contributions for capital needs of privately-owned facilities that contract with the department for children's long-term inpatient program services

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and report to the appropriate fiscal committees of the legislature by September 1, 2007.

Reappropriation:

State Building Construction Account--State . . . \$750,000

Appropriation:

State Building Construction Account--State . . . \$2,381,000

State and Local Improvements Revolving

Account--State . . . \$20,000

Subtotal Appropriation . . . \$2,401,000

Prior Biennia (Expenditures) . . . \$550,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$3,701,000

NEW SECTION, Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-Eastern Washington: Evaluation and Treatment (06-4-352)

Reappropriation:

State Building Construction Account--State . . . \$1,500,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$1,500,000

NEW SECTION, Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health: Omnibus Programmatic Projects (06-2-365)

Reappropriation:

State Building Construction Account--State . . . \$400,000

Prior Biennia (Expenditures) . . . \$600,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$1,000,000

NEW SECTION, Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Facility Preservation (06-1-112)

Reappropriation:

State Building Construction Account--State . . . \$1,400,000

Prior Biennia (Expenditures) . . . \$1,600,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$3,000,000

NEW SECTION, Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Health, Safety, and Code Requirements (06-1-111)

Reappropriation:

State Building Construction Account--State . . . \$3,400,000

Prior Biennia (Expenditures) . . . \$1,600,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$5,000,000

NEW SECTION, Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Omnibus Preservation: Infrastructure Preservation (06-1-113)

Reappropriation:

State Building Construction Account--State . . . \$1,750,000

Prior Biennia (Expenditures) . . . \$1,250,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$3,000,000

NEW SECTION, Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School: Storm and Sanitary Sewer, Phase 3 (06-1-853)

Reappropriation:

State Building Construction Account--State . . . \$75,000

Appropriation:

State Building Construction Account--State . . . \$665,000

Prior Biennia (Expenditures) . . . \$25,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$765,000

NEW SECTION, Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Emergency and Unanticipated Repair Projects (06-1-101)

Reappropriation:

State Building Construction Account--State . . . \$200,000

Prior Biennia (Expenditures) . . . \$600,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$800,000

NEW SECTION, Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Hazards Abatement and Demolition (06-1-119)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State . . . \$500,000

Prior Biennia (Expenditures) . . . \$800,000

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$1,300,000

NEW SECTION, Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Cultural Resources Planning (06-1-120)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State . . . \$300,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$0

TOTAL . . . \$300,000

NEW SECTION, Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capital Project Management (08-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State . . . \$2,555,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$11,870,000

TOTAL . . . \$14,425,000

NEW SECTION, Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center: Housing Units Renovation (08-1-041)

Appropriation:

State Building Construction Account--State . . . \$5,400,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$13,185,000

TOTAL . . . \$18,585,000

NEW SECTION, Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency Repairs (08-1-101)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State . . . \$933,000

State Social and Health Services Construction

Account--State . . . \$67,000

Subtotal Appropriation . . . \$1,000,000

Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$4,000,000

TOTAL . . . \$5,000,000

NEW SECTION, Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Hazards Abatement and Demolition (08-1-119)

Appropriation:

State Building Construction Account--State . . . \$600,000

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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,200,000
TOTAL	\$5,800,000

NEW SECTION, Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Facility Preservation (08-1-112)

Appropriation:

State Building Construction Account--State ...	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$50,500,000
TOTAL	\$59,500,000

NEW SECTION, Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Health, Safety, and Code Requirements (08-1-111)

Appropriation:

State Building Construction Account--State ...	\$4,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$24,200,000

NEW SECTION, Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Infrastructure Preservation (08-1-113)

Appropriation:

State Building Construction Account--State ...	\$4,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,000,000
TOTAL	\$27,700,000

NEW SECTION, Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Minor Works - Program Projects (08-2-365)

The appropriation in this section is subject to the following conditions and limitations: Up to \$250,000 is provided for roof repairs of historic homes on the grounds of western state hospital.

Appropriation:

State Building Construction Account--State	\$730,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$10,730,000

NEW SECTION, Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center Medium Management Housing Addition (08-2-505)

The appropriation in this section is subject to the following conditions and limitations: Funding is for the evaluation of design alternatives to meet programmatic needs.

Appropriation:

State Building Construction Account--State ...	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION, Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Upgrade Eastern State Hospital Communications Systems (08-1-306)

Appropriation:

State Building Construction Account--State ...	\$2,280,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,280,000

NEW SECTION, Sec. 2031. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Utility Replacements at the Special Commitment Center (08-1-504)

Appropriation:

State Building Construction Account--State ...	\$3,040,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,040,000

NEW SECTION, Sec. 2032. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital Laundry Upgrades (08-1-325)

Appropriation:

State Building Construction Account--State	\$885,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$885,000

NEW SECTION, Sec. 2033. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital New Kitchen and Commissary Building (08-1-319)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of a new kitchen and commissary building at western state hospital. The office of financial management shall not allot design funding until a predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval. The predesign must assess cook chill alternatives showing staffing and other operating efficiencies such as providing food for the special commitment center and other facilities located in Pierce county.

Appropriation:

State Building Construction Account--State	\$650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,820,000
TOTAL	\$10,470,000

NEW SECTION, Sec. 2034. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School Waste Treatment Plant (08-2-001)

Appropriation:

State Building Construction Account--State ...	\$4,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,200,000

NEW SECTION, Sec. 2035. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

JRA Camp Outlook-Basic Training Camp (08-2-205)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a final site selection and preliminary plans for a permanent facility for camp outlook. The department shall further explore possible existing facilities that would support the privately operated program. If the preferred location remains at Connell, Washington, the department shall ensure that the planned facility shall be designed to minimize the added cost for the program, and retain its cost effectiveness when debt service costs for the new facility are included. The department shall submit a report to the appropriate committees of the legislature before September 1, 2008, with the recommended plan for the facility.

Appropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,150,000

NEW SECTION, Sec. 2036. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Study of Juvenile Rehabilitation Bed Use (08-2-851)

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The appropriation in this section is subject to the following conditions and limitations: The department, in consultation with the office of financial management, shall submit a report to the appropriate committees of the legislature by January 1, 2008, containing the following information:

(1) Bed capacity, average occupied beds, and unused bed capacity in state and county juvenile rehabilitation facilities, by state facility and by county for the past ten years;

(2) An analysis of the distinguishing characteristics of current resident populations at the different state facilities and the residents in county facilities, including but not limited to age, gender, criminal history, race and ethnicity, and history of serious mental illness; and

(3) The different utilization rates of intensive management beds at Green Hill, Maple Lane, and Echo Glen, by institution, age, gender, race and ethnicity, and history of serious mental illness.

This analysis shall also include the number of occupied intensive management unit beds at Green Hill, Maple Lane, and Echo Glen, the average length of stay in intensive management unit beds at each facility, and the rate of repeat use of intensive management unit beds for the same residents. The report shall also describe the department's protocol for identifying residents with mental health needs, and report the percentage of residents identified with mental health needs by age, gender, and race and ethnicity.

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State	.....	\$75,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$75,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Fircrest Campus Master Plan (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The department shall resume and complete a master plan of the portion of the Fircrest campus that is not utilized by the Fircrest school or the department of health.

(2) In drafting the master plan, the department shall consult with the following:

- (a) The city of Shoreline;
- (b) The department of natural resources;
- (c) The department of health regarding their master planning effort;
- (d) Representatives of institutions of higher education with whom the department has a partnership; and
- (e) Representatives of the Shoreline community and neighboring communities.

(3) The master plan must include a plan for the future of the property, including recommendations for alternative uses such as affordable housing and smart growth options.

(4) The department must report to the appropriate committees of the legislature and the office of financial management by January 1, 2008.

Appropriation:

State Building Construction Account--State	.....	\$175,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$175,000

NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State	....	\$474,000
Prior Biennia (Expenditures)	.....	\$2,380,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,854,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Roof Replacement (06-1-002)

Reappropriation:

State Building Construction Account--State	....	\$898,000
Prior Biennia (Expenditures)	.....	\$727,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,625,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF HEALTH

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	....	\$386,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$2,531,000
TOTAL	.....	\$2,917,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF HEALTH

Minor Works - Program (08-2-004)

Appropriation:

State Building Construction Account--State	....	\$135,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,542,000
TOTAL	.....	\$1,677,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory Addition (08-2-003)

Appropriation:

State Building Construction Account--State	....	\$1,184,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$8,984,000
TOTAL	.....	\$10,168,000

NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory Heating, Ventilation, and Air Conditioning Systems Upgrades (08-1-002)

Appropriation:

State Building Construction Account--State	....	\$4,912,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,912,000

NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF HEALTH

Shoreline Campus Master Plan (08-2-005)

Appropriation:

State Building Construction Account--State	....	\$255,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$255,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (06-4-001)

Reappropriation:

Drinking Water Assistance Account--Federal	..	\$18,588,000
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Appropriation:

Drinking Water Assistance Account--Federal	..	\$54,300,000
Prior Biennia (Expenditures)	\$7,086,000
Future Biennia (Projected Costs)	\$99,360,000
TOTAL	\$179,334,000

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NEW SECTION, Sec. 2046. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Building 10 Assisted Living Upgrades (08-2-005)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$1,242,000
State Building Construction Account--State	\$571,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,813,000

NEW SECTION, Sec. 2047. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facility Preservation (08-1-003)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$722,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,283,000
TOTAL	\$2,005,000

NEW SECTION, Sec. 2048. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Program (08-2-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$344,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$231,000
TOTAL	\$575,000

NEW SECTION, Sec. 2049. FOR THE DEPARTMENT OF VETERANS AFFAIRS

State Veterans Cemetery (08-2-004)

Appropriation:

General Fund--Federal	\$6,886,000
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$939,000
Subtotal Appropriation	\$7,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,825,000

NEW SECTION, Sec. 2050. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency Repairs (08-1-004)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION, Sec. 2051. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$596,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,680,000
TOTAL	\$2,276,000

NEW SECTION, Sec. 2052. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Infrastructure Preservation (08-1-001)

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$1,025,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$2,377,000
TOTAL	\$3,402,000

NEW SECTION, Sec. 2053. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Energy Assessment and Audit (08-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$40,000 of the appropriation is for a department of general administration assessment of the use of digester gas fuel generated by a nearby wastewater treatment facility to heat the veterans home in Retsil.

(2) Up to \$60,000 of the appropriation is for a department of general administration energy audit of the veterans home in Retsil.

Appropriation:

Charitable, Educational, Penal, and Reformatory	
Institutions Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION, Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Design and Construct Medium Security Facility (98-2-011)

Reappropriation:

State Building Construction Account--State	\$155,459,000
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Appropriation:

State Building Construction Account--State	\$13,700,000
Prior Biennia (Expenditures)	\$75,449,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$244,608,000

NEW SECTION, Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Regional Infrastructure (04-2-008)

Reappropriation:

State Building Construction Account--State	\$13,208,000
Prior Biennia (Expenditures)	\$1,521,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,729,000

NEW SECTION, Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: North Close Security Compound (04-2-005)

Reappropriation:

State Building Construction Account--State	\$10,482,000
Prior Biennia (Expenditures)	\$130,276,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$140,758,000

NEW SECTION, Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Install Close Custody Slider Doors (06-2-070)

Reappropriation:

State Building Construction Account--State	\$660,000
Prior Biennia (Expenditures)	\$90,000
Future Biennia (Projected Costs)	\$11,581,000
TOTAL	\$12,331,000

NEW SECTION, Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Replace Support Building Roof (06-1-044)

Reappropriation:

State Building Construction Account--State	\$3,930,000
Prior Biennia (Expenditures)	\$822,000

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Future Biennia (Projected Costs) \$0
 TOTAL \$4,752,000

NEW SECTION, Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS

Cedar Creek Corrections Center: Add 100 Minimum Security Beds (06-2-851)

Reappropriation:
 State Building Construction Account--State . . . \$6,022,000
 Prior Biennia (Expenditures) \$207,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,229,000

NEW SECTION, Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80 Bed Expansion (06-2-852)

Reappropriation:
 State Building Construction Account--State . . . \$2,915,000
 Prior Biennia (Expenditures) \$157,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,072,000

NEW SECTION, Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Complex: Improve C and D Units Security Features (06-1-046)

Reappropriation:
 State Building Construction Account--State \$280,000
 Prior Biennia (Expenditures) \$2,618,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,898,000

NEW SECTION, Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Replace/Stabilize Housing Unit Siding (06-1-005)

Reappropriation:
 State Building Construction Account--State \$445,000
 Appropriation:
 State Building Construction Account--State . . . \$3,000,000
 Prior Biennia (Expenditures) \$349,000
 Future Biennia (Projected Costs) \$9,024,000
 TOTAL \$12,818,000

NEW SECTION, Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Kitchen Improvements (06-1-007)

Reappropriation:
 State Building Construction Account--State \$569,000
 Prior Biennia (Expenditures) \$61,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$630,000

NEW SECTION, Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek: Add 120 Beds (06-2-017)

Reappropriation:
 State Building Construction Account--State . . . \$2,861,000
 Prior Biennia (Expenditures) \$564,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,425,000

NEW SECTION, Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Facility Preservation (Minor Works) (06-1-035)

Reappropriation:
 State Building Construction Account--State . . . \$2,268,000
 Prior Biennia (Expenditures) \$1,565,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,833,000

NEW SECTION, Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Health, Safety, and Code (Minor Works) (06-1-027)

Reappropriation:
 State Building Construction Account--State . . . \$2,039,000
 Prior Biennia (Expenditures) \$2,061,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,100,000

NEW SECTION, Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Preservation: Infrastructure Preservation (Minor Works) (06-1-025)

Reappropriation:
 State Building Construction Account--State . . . \$3,183,000
 Prior Biennia (Expenditures) \$643,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,826,000

NEW SECTION, Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS

Omnibus Program: Programmatic Projects (Minor Works) (06-2-033)

Reappropriation:
 State Building Construction Account--State . . . \$1,554,000
 Prior Biennia (Expenditures) \$361,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,915,000

NEW SECTION, Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Health Care Facility (06-2-043)

Reappropriation:
 State Building Construction Account--State \$360,000
 Prior Biennia (Expenditures) \$340,000
 Future Biennia (Projected Costs) \$76,027,000
 TOTAL \$76,727,000

NEW SECTION, Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Health Care Facility (06-2-072)

Reappropriation:
 State Building Construction Account--State . . . \$1,039,000
 Prior Biennia (Expenditures) \$161,000
 Future Biennia (Projected Costs) \$17,592,000
 TOTAL \$18,792,000

NEW SECTION, Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS

Stafford Creek Corrections Center: Correct Security Deficiencies (06-1-013)

Reappropriation:
 State Building Construction Account--State . . . \$1,000,000
 Prior Biennia (Expenditures) \$593,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,593,000

NEW SECTION, Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Add Minimum Security Beds (06-2-950)

Reappropriation:
 State Building Construction Account--State . . . \$5,361,000
 Prior Biennia (Expenditures) \$2,082,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,443,000

NEW SECTION, Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women Healthcare Center (06-2-066)

Reappropriation:

State Building Construction Account--State . . . \$758,000

Appropriation:

State Building Construction Account--State . . \$17,858,000

Prior Biennia (Expenditures) \$442,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,058,000

NEW SECTION, Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Replace Steamlines (06-1-018)

Reappropriation:

State Building Construction Account--State . . . \$641,000

Appropriation:

State Building Construction Account--State . . \$5,179,000

Prior Biennia (Expenditures) \$375,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,195,000

NEW SECTION, Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Correctional Industry Roof (06-1-023)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$1,619,000

State Building Construction Account--State . . \$1,338,000

Subtotal Reappropriation \$2,957,000

Prior Biennia (Expenditures) \$494,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,451,000

NEW SECTION, Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: South Close Security Complex (06-2-021)

Reappropriation:

State Building Construction Account--State . . \$2,983,000

Appropriation:

State Building Construction Account--State . . \$61,294,000

Prior Biennia (Expenditures) \$1,017,000

Future Biennia (Projected Costs) \$69,193,000

TOTAL \$134,487,000

NEW SECTION, Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS

100 Bed Expansion at Mission Creek Corrections Center for Women (08-2-020)

Appropriation:

State Building Construction Account--State . . \$6,627,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$6,627,000

NEW SECTION, Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Heating and Cooling Loop Replacement (08-1-001)

Appropriation:

State Building Construction Account--State . . \$2,925,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,925,000

NEW SECTION, Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS

Close Sewer Lagoon at Monroe Correctional Complex (08-2-022)

Appropriation:

State Building Construction Account--State . . . \$229,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$6,736,000

TOTAL \$6,965,000

NEW SECTION, Sec. 2080. FOR THE DEPARTMENT OF CORRECTIONS

Emergency Repairs (08-1-035)

Appropriation:

State Building Construction Account--State . . \$2,500,000

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$500,000

Subtotal Appropriation \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$10,000,000

TOTAL \$13,000,000

NEW SECTION, Sec. 2081. FOR THE DEPARTMENT OF CORRECTIONS

Expand Reception Center at Washington Corrections Center (08-2-016)

Appropriation:

State Building Construction Account--State . . \$470,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$45,353,000

TOTAL \$45,823,000

NEW SECTION, Sec. 2082. FOR THE DEPARTMENT OF CORRECTIONS

Laundry Improvements at Washington State Penitentiary (08-1-033)

Appropriation:

State Building Construction Account--State . . \$4,051,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,051,000

NEW SECTION, Sec. 2083. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Facility Preservation (08-1-024)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,000,000

TOTAL \$15,000,000

NEW SECTION, Sec. 2084. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code Requirements (08-1-031)

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$12,000,000

TOTAL \$15,000,000

NEW SECTION, Sec. 2085. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Infrastructure Preservation (08-1-018)

Appropriation:

State Building Construction Account--State . . \$1,000,000

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$1,000,000

Subtotal Appropriation \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$8,000,000

TOTAL \$10,000,000

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NEW SECTION, Sec. 2086. FOR THE DEPARTMENT OF CORRECTIONS

Replace Barge Slip Pilings at McNeil Island Corrections Center (08-1-002)

Appropriation:

State Building Construction Account--State	...	\$3,900,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$3,900,000

NEW SECTION, Sec. 2087. FOR THE DEPARTMENT OF CORRECTIONS

Replace Cell Door and Electronics at Washington State Reformatory (08-1-010)

Appropriation:

State Building Construction Account--State	...	\$1,545,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,545,000

NEW SECTION, Sec. 2088. FOR THE DEPARTMENT OF CORRECTIONS

Replace Electrical Distribution Building at Special Offenders Unit (08-1-009)

Appropriation:

State Building Construction Account--State	...	\$1,222,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,222,000

NEW SECTION, Sec. 2089. FOR THE DEPARTMENT OF CORRECTIONS

Replace Fire Alarm System at Washington Corrections Center (08-1-008)

Appropriation:

State Building Construction Account--State	...	\$1,524,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,524,000

NEW SECTION, Sec. 2090. FOR THE DEPARTMENT OF CORRECTIONS

Replace G Building Roof at Washington Corrections Center (08-1-004)

Appropriation:

State Building Construction Account--State	...	\$4,431,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,431,000

NEW SECTION, Sec. 2091. FOR THE DEPARTMENT OF CORRECTIONS

Replace Kitchen Roofs at Monroe Correctional Complex (08-1-003)

Appropriation:

State Building Construction Account--State	...	\$2,062,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,062,000

NEW SECTION, Sec. 2092. FOR THE DEPARTMENT OF CORRECTIONS

Replace Roofs at Washington Corrections Center (08-1-005)

Appropriation:

State Building Construction Account--State	...	\$6,666,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,666,000

NEW SECTION, Sec. 2093. FOR THE DEPARTMENT OF CORRECTIONS

Replace Roofs at Washington State Penitentiary (08-1-007)

Appropriation:

State Building Construction Account--State	...	\$1,789,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,789,000

NEW SECTION, Sec. 2094. FOR THE DEPARTMENT OF CORRECTIONS

Replace Telecommunications Infrastructure at Clallam Bay (08-1-013)

Appropriation:

State Building Construction Account--State	...	\$1,850,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$13,691,000
TOTAL	.....	\$15,541,000

NEW SECTION, Sec. 2095. FOR THE DEPARTMENT OF CORRECTIONS

Sex Offender Treatment Program Building at Airway Heights (08-2-028)

Appropriation:

State Building Construction Account--State	...	\$4,947,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,947,000

NEW SECTION, Sec. 2096. FOR THE DEPARTMENT OF CORRECTIONS

300 Minimum Security Bed Expansion - Predesign - Three Locations (08-2-850)

Appropriation:

State Building Construction Account--State	....	\$477,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$477,000

NEW SECTION, Sec. 2097. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Add 300 Minimum Security Beds (08-2-026)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for predesign and design of 300 minimum security beds. As part of the predesign to be completed for this project, the department shall provide programmatic recommendations and cost estimates for high priority needs that the existing minimum security building can provide.

Appropriation:

State Building Construction Account--State	...	\$1,418,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$30,000,000
TOTAL	.....	\$31,418,000

NEW SECTION, Sec. 2098. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Resource Center (05-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for services and activities including the purchase and installation of state of the art equipment for a 40,000 square foot facility supporting work force development programs using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration		
Account--Federal	.....	\$3,354,000
Prior Biennia (Expenditures)	.....	\$2,646,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$6,000,000

NEW SECTION, Sec. 2099. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Employment Security Headquarters Building Assessment (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the assessment of the employment security headquarters building using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Appropriation:

Unemployment Compensation Administration	
Account--Federal	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION, Sec. 2100. FOR THE EMPLOYMENT SECURITY DEPARTMENT

Walla Walla WorkSource Expansion Project (06-2-001)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for the construction of a training and meeting room at the Walla Walla WorkSource building using funds available to the state in section 903(d) of the Social Security Act (Reed act).

Reappropriation:

Unemployment Compensation Administration	
Account--Federal	\$250,000

Appropriation:

Unemployment Compensation Administration	
Account--Federal	\$484,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$734,000

(End of part)

**PART 3
NATURAL RESOURCES**

NEW SECTION, Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (74-2-006)

Reappropriation:

State and Local Improvements Revolving Account	
(Water Supply Facilities)--State	\$2,756,000
Prior Biennia (Expenditures)	\$13,543,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,299,000

NEW SECTION, Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (86-2-007)

Reappropriation:

Water Quality Capital Account--State	\$678,000
Prior Biennia (Expenditures)	\$351,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,029,000

NEW SECTION, Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (88-2-008)

Reappropriation:

Local Toxics Control Account--State	\$400,000
Prior Biennia (Expenditures)	\$3,191,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,591,000

NEW SECTION, Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--	
Federal	\$400,000
Prior Biennia (Expenditures)	\$13,306,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,706,000

NEW SECTION, Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY

Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State	\$4,800,000
Prior Biennia (Expenditures)	\$7,045,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,845,000

NEW SECTION, Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (01-H-010)

Reappropriation:

State and Local Improvements Revolving Account	
(Water Supply Facilities)--State	\$1,318,000
Water Quality Capital Account--State	\$310,000
Subtotal Reappropriation	\$1,628,000
Prior Biennia (Expenditures)	\$8,449,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,077,000

NEW SECTION, Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State	\$1,201,000
Prior Biennia (Expenditures)	\$1,943,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,144,000

NEW SECTION, Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Capital Account--State	\$1,625,000
Prior Biennia (Expenditures)	\$1,974,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,599,000

NEW SECTION, Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--	
State	\$7,000,000
Water Pollution Control Revolving Account--	
Federal	\$79,000
Subtotal Reappropriation	\$7,079,000

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Prior Biennia (Expenditures) \$37,134,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$44,213,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (02-4-006)

Reappropriation:

State and Local Improvements Revolving Account
 (Water Supply Facilities)--State . . \$2,110,000
 Prior Biennia (Expenditures) \$3,889,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,999,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (04-4-007)

Reappropriation:

State Building Construction Account--State . . . \$4,650,000
 Water Quality Capital Account--State \$1,400,000
 Subtotal Reappropriation \$6,050,000
 Prior Biennia (Expenditures) \$8,702,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$14,752,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (04-4-008)

Reappropriation:

Local Toxics Control Account--State \$1,100,000
 Prior Biennia (Expenditures) \$10,296,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,396,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY

Site Closure - Nuclear Waste Trench Site Investigation (04-4-010)

Reappropriation:

Site Closure Account--State \$1,120,000
 Prior Biennia (Expenditures) \$1,146,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,266,000

NEW SECTION. Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (04-2-951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water applications and restoration of the Twin Lakes in the Methow Valley.

Reappropriation:

State Building Construction Account--State \$643,000
 Prior Biennia (Expenditures) \$106,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$749,000

NEW SECTION. Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (04-4-002)

Reappropriation:

Water Pollution Control Revolving Account--
 State \$13,000,000
 Water Pollution Control Revolving Account--
 Federal \$6,200,000
 Subtotal Reappropriation \$19,200,000
 Prior Biennia (Expenditures) \$65,228,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$84,428,000

NEW SECTION. Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Water Rights Purchase/Lease (04-1-005)

Reappropriation:

State Drought Preparedness--State \$804,000
 Prior Biennia (Expenditures) \$696,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,500,000

NEW SECTION. Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (04-4-006)

Reappropriation:

State Building Construction Account--State . . . \$3,389,000
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State . . \$1,438,000
 Subtotal Reappropriation \$4,827,000
 Prior Biennia (Expenditures) \$8,799,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$13,626,000

NEW SECTION. Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Quad Cities Water Right Mitigation (05-2-852)

Reappropriation:

State Building Construction Account--State . . . \$2,047,000
 Prior Biennia (Expenditures) \$153,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,200,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY

State Drought Preparedness (05-4-009)

Reappropriation:

State Drought Preparedness--State \$1,464,000
 Prior Biennia (Expenditures) \$5,865,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,329,000

NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (05-2-851)

Reappropriation:

State Building Construction Account--State . . . \$3,187,000

Appropriation:

State Building Construction Account--State . . . \$2,544,000
 Prior Biennia (Expenditures) \$1,133,000
 Future Biennia (Projected Costs) \$2,132,000
 TOTAL \$8,996,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY

Water Conveyance Infrastructure Projects (05-2-850)

Reappropriation:

State Building Construction Account--State . . . \$3,168,000
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State . . \$1,415,000
 Water Quality Capital Account--State \$293,000
 Subtotal Reappropriation \$4,876,000
 Prior Biennia (Expenditures) \$954,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,830,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (06-4-007)

Reappropriation:

State Building Construction Account--State . . . \$5,900,000
 Water Quality Capital Account--State \$8,500,000
 State Toxics Control Account--State \$10,000,000

Subtotal Reappropriation	\$24,400,000
Prior Biennia (Expenditures)	\$32,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$56,424,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxic Sites - Puget Sound (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first.

Reappropriation:

State Toxics Control Account--State	\$2,750,000
Prior Biennia (Expenditures)	\$1,233,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,983,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Basin Water Supply Development Program (06-2-950)

Reappropriation:

Columbia River Basin Water Supply Development Account--State	\$10,000,000
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Appropriation:

Columbia River Basin Water Supply Development Account--State	\$34,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$155,500,000
TOTAL	\$200,000,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY

Columbia River Program (06-2-010)

Reappropriation:

State Building Construction Account--State	\$11,542,000
Prior Biennia (Expenditures)	\$4,458,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,000,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (06-4-008)

Reappropriation:

Local Toxics Control Account--State	\$56,470,000
Prior Biennia (Expenditures)	\$42,430,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$98,900,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY

Low Impact Development for Storm Water Management (06-2-006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low-impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar

performance. All projects must include performance monitoring.

Reappropriation:

State Toxics Control Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$2,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY

Minor Works (06-1-004)

Reappropriation:

State Building Construction Account--State	\$30,000
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Appropriation:

State Building Construction Account--State	\$270,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Mercury Removal Program (06-2-850)

Reappropriation:

State Toxics Control Account--State	\$900,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Aquatic Cleanup and Restoration (06-1-005)

Reappropriation:

State Toxics Control Account--State	\$3,129,000
Prior Biennia (Expenditures)	\$1,871,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY

Safe Soil Remediation and Awareness Projects (06-2-001)

Reappropriation:

State Toxics Control Account--State	\$1,059,000
Prior Biennia (Expenditures)	\$1,909,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,968,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Piles (06-1-002)

Reappropriation:

Waste Tire Removal Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$4,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (06-2-009)

Reappropriation:

State Building Construction Account--State	\$3,435,000
Prior Biennia (Expenditures)	\$64,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,499,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The department shall give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties

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for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This appropriation must be used in conjunction with water quality capital account--state appropriation in section 3022 of this act provided for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program. The department shall provide a status report on the loan program to the governor and the appropriate legislative fiscal committees by June 30, 2008, including any recommendations for improving the program.

Reappropriation:

Water Pollution Control Revolving Account--	
State	\$124,000,000
Water Pollution Control Revolving Account--	
Federal	\$65,000,000
Subtotal Reappropriation	\$189,000,000
Prior Biennia (Expenditures)	\$50,617,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$239,617,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (06-2-003)

Reappropriation:

State Building Construction Account--State ..	\$10,849,000
Water Quality Capital Account--State	\$386,000
Subtotal Reappropriation	\$11,235,000
Prior Biennia (Expenditures)	\$1,563,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,798,000

NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (08-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account--state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water

improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$18,505,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
City of Carnation waste water treatment system	\$3,000,000
Mansfield waste water treatment upgrade	\$960,000
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$4,925,000
Freeland sewer district	\$1,000,000
Clark county regional sewer cooperative	\$4,000,000
Town of Warden waste water	\$3,000,000

(b) The appropriation for entities that are listed in (a) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

(c) The appropriation to the city of Carnation is for payment to King county for the county connection charge and other eligible costs.

Appropriation:

State Building Construction Account--State ..	\$49,225,000
Water Quality Capital Account--State	\$7,550,000
State Toxics Control Account--State	\$2,100,000
Subtotal Appropriation	\$58,875,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$178,400,000
TOTAL	\$237,275,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxic Sites in Puget Sound (08-4-005)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by chapter ... (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,820,000
TOTAL	\$22,820,000

NEW SECTION. Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Coordinated Prevention Grants (08-4-015)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,000,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants shall fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan.

(2) Up to \$2,000,000 of the appropriation may be used for grants to local governments to provide alternatives to backyard burning of organic materials. Priority for these grants shall be given to: (a) Urban growth areas of less than 5,000 people

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affected by the January 1, 2007, ban on outdoor burning; (b) projects that develop infrastructure for an on-going program; and (c) projects that coordinate regionally.

(3) Up to \$75,000 of the appropriation shall be used by the department to convene a work group with representatives of affected stakeholders to assess opportunities, other than burning, to manage vegetative solid waste and recommend best management practices, consistent with good solid waste management practices, that work for smaller communities. The department shall provide the recommendations to affected cities and to the appropriate standing committees of the legislature. The work group recommendations must be completed by December 31, 2007.

Appropriation:

Local Toxics Control Account--State	\$25,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$114,000,000
TOTAL	\$139,500,000

NEW SECTION. Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

On-Site Septic Replacement Program (08-4-012)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for a contract with an entity that is familiar with on-site sewage repair and replacement in Hood Canal to coordinate improvements to sewage systems. As part of a pilot project, the entity may provide funds to a qualified private or nonprofit lending institution to provide financial assistance to local governments and private landowners for the repair, replacement, or upgrade of on-site sewage systems.

Appropriation:

Water Quality Capital Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Aquatic Cleanup and Restoration (08-4-004)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Toxics Control Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$23,620,000
TOTAL	\$28,620,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Storm Water Projects (08-2-002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide

comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Building Construction Account--State . . .	\$12,920,000
Local Toxics Control Account--State	\$5,000,000
Subtotal Appropriation	\$17,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$56,680,000
TOTAL	\$74,600,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY

Storm Water Projects (08-2-003)

Appropriation:

State Toxics Control Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY

Rebuild East Wall of Ecology Headquarters (08-1-002)

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY

Reclaimed Water (08-4-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority shall be given to projects in water short areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Appropriation:

State Building Construction Account--State . . .	\$5,455,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,320,000
TOTAL	\$29,775,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY

Reduce Health Risks from Toxic Diesel Pollution (08-4-024)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$4,840,000 of the appropriation is provided solely for school bus diesel retrofits for local school districts.

(2) \$2,330,000 of the appropriation is provided solely for emission reduction projects for local governments to retrofit public sector diesel engines to allow public sector fleets to reduce their emissions.

Appropriation:

Local Toxics Control Account--State	\$7,170,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,170,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants (08-4-008)

Appropriation:

Local Toxics Control Account--State	\$84,475,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000

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TOTAL \$264,475,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Repair Exterior Surfaces and Expand Emergency Power Supply (08-1-003)

Appropriation:

State Building Construction Account--State \$475,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$475,000

NEW SECTION. Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY

Safe Soils Remediation Grants (08-4-009)

Appropriation:

State Toxics Control Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$6,000,000

NEW SECTION. Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY

Reduce Public Health Risks from Wood Stove Pollution (08-4-019)

Appropriation:

Wood Stove Education Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

NEW SECTION. Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY

Skykomish Cleanup (08-4-020)

Appropriation:

State Toxics Control Account--State \$7,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,000,000

NEW SECTION. Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup (08-4-022)

Appropriation:

Waste Tire Removal Account--State \$5,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$5,000,000
TOTAL \$10,000,000

NEW SECTION. Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (08-4-028)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the appropriation is provided solely for emergency repairs for the South Naches irrigation district.

Appropriation:

State Building Construction Account--State ... \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$12,000,000
TOTAL \$15,000,000

NEW SECTION. Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Loan Program (08-4-011)

Appropriation:

Water Pollution Control Revolving Account--
State \$90,000,000
Water Pollution Control Revolving Account--
Federal \$50,000,000
Subtotal Appropriation \$140,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$500,000,000
TOTAL \$640,000,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (08-4-029)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

(1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.

(3) Agricultural water supply projects that improve water conservation and water use efficiency.

(4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.

(5) Acquisition of water to achieve instream flows or to establish water banks. The department shall give priority to acquisitions in salmon critical basins. The department shall place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).

(6) Up to \$200,000 of the appropriation is provided for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(7) \$560,000 is provided solely for the Chehalis watershed.

(8) \$300,000 is provided solely for a grant to the Nisqually river foundation to support the watershed conservation plan, low-impact development program, and Nisqually river education program.

(9) Up to \$1,200,000 of the appropriation is provided for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

State Building Construction Account--State .. \$14,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$64,000,000
TOTAL \$78,000,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Storage Feasibility Study (08-4-026)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated funds shall be used by the bureau of reclamation and the department of ecology to evaluate potential in-basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Appropriation:

State Building Construction Account--State . . .	\$3,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,250,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purchase of water for domestic water users in the Yakima Basin (WRIAs 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the appropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department shall recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Appropriation:

State Building Construction Account--State	\$450,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION. Sec. 3057. FOR THE STATE PARKS AND RECREATION COMMISSION

Spokane Centennial Trail - Unanticipated Receipt (03-2-001)

Reappropriation:

General Fund--Private/Local	\$34,000
Prior Biennia (Expenditures)	\$5,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,000

NEW SECTION. Sec. 3058. FOR THE STATE PARKS AND RECREATION COMMISSION

Cowan Barn and House (06-2-851)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$51,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$301,000

NEW SECTION. Sec. 3059. FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass - Renewed Traditions (06-2-013)

Reappropriation:

State Building Construction Account--State	\$770,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$870,000

NEW SECTION. Sec. 3060. FOR THE STATE PARKS AND RECREATION COMMISSION

Facility Preservation - Facilities (06-1-004)

Reappropriation:

State Building Construction Account--State . . .	\$6,000,000
Prior Biennia (Expenditures)	\$4,419,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,419,000

NEW SECTION. Sec. 3061. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden - Facilities (06-1-003)

Reappropriation:

State Building Construction Account--State	\$432,000
Prior Biennia (Expenditures)	\$838,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,270,000

NEW SECTION. Sec. 3062. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Stewardship - Stewardship (06-1-002)

Reappropriation:

State Building Construction Account--State . . .	\$1,485,000
Prior Biennia (Expenditures)	\$117,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,602,000

NEW SECTION. Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Floods - Cherished Resources (06-2-014)

Reappropriation:

State Building Construction Account--State . . .	\$2,150,000
Prior Biennia (Expenditures)	\$78,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,228,000

NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural Resources - Stewardship (06-1-001)

Reappropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$89,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$689,000

NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Development (06-1-950)

Reappropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$415,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$715,000

NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION

Revenue Creation - Financial Strategy (06-2-010)

Reappropriation:

State Building Construction Account--State . . .	\$1,100,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,350,000

NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach - Chelan County Public Utility District (06-1-023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

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Parks Renewal and Stewardship Account--
 Private/Local \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION, Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION

Southeast Washington Parks (06-2-852)
 Reappropriation:
 State Building Construction Account--State \$217,000
 Prior Biennia (Expenditures) \$2,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$219,000

NEW SECTION, Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Boat Pumpout - Federal Clean Vessel Act (06-4-018)
 Reappropriation:
 General Fund--Federal \$696,000
 Prior Biennia (Expenditures) \$40,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$736,000

NEW SECTION, Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION

Trails (06-2-017)
 Reappropriation:
 State Building Construction Account--State \$441,000
 Prior Biennia (Expenditures) \$208,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$649,000

NEW SECTION, Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION

Hood Canal Wastewater (06-1-850)
 Reappropriation:
 Hood Canal Aquatic Rehabilitation Bond
 Account--State \$5,100,000
 Prior Biennia (Expenditures) \$702,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,802,000

NEW SECTION, Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION

Puget Sound Wastewater (06-1-851)
 Reappropriation:
 State Building Construction Account--State \$6,100,000
 Prior Biennia (Expenditures) \$1,095,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,195,000

NEW SECTION, Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION

Sustainable Development and Restoration (06-1-011)
 Reappropriation:
 State Toxics Control Account--State \$80,000
 Prior Biennia (Expenditures) \$412,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$492,000

NEW SECTION, Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach - New Destinations (06-2-011)
 Reappropriation:
 State Building Construction Account--State \$4,015,000
 Appropriation:
 State Building Construction Account--State \$1,800,000
 Prior Biennia (Expenditures) \$305,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,120,000

NEW SECTION, Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION

Bay View Park Wide Wastewater Treatment System (08-2-041)
 Appropriation:
 State Building Construction Account--State ... \$2,187,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,187,000

NEW SECTION, Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION

Beacon Rock-Pierce Trust Grant (08-4-034)
 Appropriation:
 Parks Renewal and Stewardship Account--
 Private/Local \$25,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$100,000
 TOTAL \$125,000

NEW SECTION, Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION

Belfair Major Park Upgrade (08-1-018)
 Appropriation:
 State Building Construction Account--State \$400,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,500,000
 TOTAL \$2,900,000

NEW SECTION, Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION

Cape Disappointment Major Park Upgrade (08-1-012)
 Appropriation:
 State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$4,219,000
 TOTAL \$4,719,000

NEW SECTION, Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION

Clean Vessel Boating Pumpout Grants (08-4-035)
 The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007.

Appropriation:
 General Fund--Federal \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,000,000
 TOTAL \$3,000,000

NEW SECTION, Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION

Deferred Maintenance (08-1-025)
 The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The capital budget submittal and approval process;
- (2) Emergent needs and unforeseen cost overruns;
- (3) Adherence to project budgets and schedules;
- (4) Project completion rate;
- (5) Agency expenditure of capital budget appropriations;
- (6) Permitting delays;
- (7) The number of projects with complete close-out;
- (8) Project funding sources by project, phase, and/or activity;
- (9) Movement of project funding sources from original appropriation;
- (10) Satisfaction levels of operations staff and end users; and
- (11) Instances of noncompliance with environmental regulations.

Appropriation:

State Building Construction Account--State . . .	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION

Visible Park Improvements (08-1-951)

Appropriation:

State Building Construction Account--State . .	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION

Emergency Repairs (08-1-024)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,800,000

NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (08-4-032)

Appropriation:

General Fund--Federal	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000

NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely for the design, permits, and drawings for the seminary building at St. Edward State Park.

(2) \$500,000 of the appropriation is provided solely for improvements to prevent further degradation of the seminary building.

Appropriation:

State Building Construction Account--State . . .	\$7,101,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,500,000
TOTAL	\$21,601,000

NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION

Ice Age Flood (08-2-037)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the appropriation is provided solely for a grant for the Hanford Reach national monument heritage and visitor center. The funds may be used for preconstruction activities.

(2) \$100,000 is provided solely for the department to prepare interpretive materials describing the ice age floods.

Appropriation:

State Building Construction Account--State . . .	\$3,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,100,000

NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION

Local Grant Authority (08-4-033)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,500,000

NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State . . .	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$49,000,000

NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (08-2-031)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list shall include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

Parkland Acquisition Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION

Pearygin Lake Major Park Upgrade (08-2-016)

Appropriation:

State Building Construction Account--State . . .	\$1,367,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,633,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION

Road Preservation (08-1-036)

Appropriation:

State Building Construction Account--State . . .	\$3,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,700,000

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NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION

Storm Water Improvements (08-1-027)

Appropriation:

State Building Construction Account--State	....	\$571,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$3,000,000
TOTAL	.....	\$3,571,000

NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION

Trail Development (08-1-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$500,000 of the appropriation is provided solely to construct the ecological trail from Baker Bay to the Pacific ocean at Cape Disappointment state park, as identified in the commission's master capital plan.

(2) \$350,000 of the appropriation is provided solely for upgrades to the Squak mountain trail.

Appropriation:

State Building Construction Account--State	...	\$4,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$4,000,000

NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Boat Pumpout (04-4-014)

The appropriation in this section is subject to the following conditions and limitations: The commission shall coordinate with the department of natural resources to develop a plan to transition the boat pumpout grant program to the department of natural resources. The legislature intends to accelerate the use of the federal money for boat pumpouts and integrate the grant program with the aquatic lands leasing program of the department of natural resources. The transition plan shall be submitted to the office of financial management and the appropriate committees of the legislature by September 1, 2007.

Reappropriation:

General Fund--Federal	.....	\$497,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$497,000

NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach Donation (06-2-853)

Reappropriation:

General Fund--Private/Local	.....	\$1,716,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,716,000

NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION

Lake Sammamish Major Park Upgrade (08-1-014)

Appropriation:

State Building Construction Account--State	...	\$1,033,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,033,000

NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION

City to Mountains Regional Gap Fund (08-1-950)

Appropriation:

State Building Construction Account--State	...	\$3,600,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0

TOTAL \$3,600,000

NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION

Nisqually Mashel State Park (08-1-953)

Appropriation:

State Building Construction Account--State	....	\$500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$500,000

NEW SECTION. Sec. 3098. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Projects (98-2-001)

Reappropriation:

Recreation Resources Account--State	.....	\$1,369,000
Prior Biennia (Expenditures)	.....	\$18,187,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$19,556,000

NEW SECTION. Sec. 3099. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (98-2-004)

Reappropriation:

Firearms Range Account--State	.....	\$25,000
Prior Biennia (Expenditures)	.....	\$549,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$574,000

NEW SECTION. Sec. 3100. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities		
Program Account--State	.....	\$249,000
Prior Biennia (Expenditures)	.....	\$10,847,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$11,096,000

NEW SECTION. Sec. 3101. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (98-2-003)

Reappropriation:

Outdoor Recreation Account--State	.....	\$1,767,000
Habitat Conservation Account--State	.....	\$2,252,000
Subtotal Reappropriation	.....	\$4,019,000
Prior Biennia (Expenditures)	.....	\$73,582,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$77,601,000

NEW SECTION. Sec. 3102. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (00-2-001)

Reappropriation:

General Fund--Federal	.....	\$166,000
Salmon Recovery Account--State	.....	\$1,175,000
Subtotal Reappropriation	.....	\$1,341,000
Prior Biennia (Expenditures)	.....	\$100,284,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$101,625,000

NEW SECTION. Sec. 3103. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (02-4-001)

Reappropriation:

Recreation Resources Account--State	\$766,000
Prior Biennia (Expenditures)	\$6,167,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,933,000

NEW SECTION. Sec. 3104. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (02-4-010)

Reappropriation:

Recreation Resources Account--Federal	\$529,000
Prior Biennia (Expenditures)	\$1,471,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3105. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (02-0-001)

Reappropriation:

Firearms Range Account--State	\$43,000
Prior Biennia (Expenditures)	\$357,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 3106. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Management Program (02-4-009)

Reappropriation:

General Fund--Federal	\$1,482,000
Prior Biennia (Expenditures)	\$9,719,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,201,000

NEW SECTION. Sec. 3107. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (02-4-005)

Reappropriation:

Recreation Resources Account--Federal	\$1,350,000
Prior Biennia (Expenditures)	\$6,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,500,000

NEW SECTION. Sec. 3108. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Program (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off road vehicle recreation facilities may be used to

bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off road vehicle program under RCW 46.09.170(2)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities

Program Account--State	\$69,000
Prior Biennia (Expenditures)	\$5,459,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,528,000

NEW SECTION. Sec. 3109. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (02-4-007)

Reappropriation:

General Fund--Federal	\$8,470,000
State Building Construction Account--State	\$2,786,000
Subtotal Reappropriation	\$11,256,000
Prior Biennia (Expenditures)	\$63,737,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$74,993,000

NEW SECTION. Sec. 3110. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (02-4-003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$299,000
Habitat Conservation Account--State	\$1,164,000
Subtotal Reappropriation	\$1,463,000
Prior Biennia (Expenditures)	\$43,537,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 3111. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement (04-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$1,395,000
Prior Biennia (Expenditures)	\$3,962,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,357,000

NEW SECTION. Sec. 3112. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (04-4-003)

Reappropriation:

Recreation Resources Account--State	\$1,501,000
Prior Biennia (Expenditures)	\$6,006,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,507,000

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NEW SECTION. Sec. 3113. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (04-4-009)

Reappropriation:

General Fund--Federal	\$720,000
Prior Biennia (Expenditures)	\$1,280,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3114. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)

Reappropriation:

State Building Construction Account--State	\$188,000
Prior Biennia (Expenditures)	\$1,812,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 3115. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Program (04-4-006)

Reappropriation:

Firearms Range Account--State	\$82,000
Prior Biennia (Expenditures)	\$169,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$251,000

NEW SECTION. Sec. 3116. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Management Program (04-4-010)

Reappropriation:

General Fund--Federal	\$3,002,000
Prior Biennia (Expenditures)	\$6,997,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,999,000

NEW SECTION. Sec. 3117. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (04-4-007)

Reappropriation:

General Fund--Federal	\$1,133,000
Prior Biennia (Expenditures)	\$4,602,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,735,000

NEW SECTION. Sec. 3118. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (04-4-008)

Reappropriation:

General Fund--Federal	\$226,000
Prior Biennia (Expenditures)	\$2,034,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,260,000

NEW SECTION. Sec. 3119. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

Reappropriation:

Nonhighway and Off-Road Vehicle Activities Program Account--State	\$2,665,000
Prior Biennia (Expenditures)	\$4,262,000
Future Biennia (Projected Costs)	\$0

TOTAL \$6,927,000

NEW SECTION. Sec. 3120. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (04-4-001)

Reappropriation:

General Fund--Federal	\$15,132,000
State Building Construction Account--State	\$5,682,000
Subtotal Reappropriation	\$20,814,000
Prior Biennia (Expenditures)	\$25,561,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$46,375,000

NEW SECTION. Sec. 3121. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (04-4-002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$4,394,000
Habitat Conservation Account--State	\$10,267,000
Subtotal Reappropriation	\$14,661,000
Prior Biennia (Expenditures)	\$30,339,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 3122. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hood Canal Aquatic Rehabilitation Program (06-4-850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond Account--State	\$996,000
Prior Biennia (Expenditures)	\$4,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3123. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (06-4-018)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$2,010,000
Prior Biennia (Expenditures)	\$3,015,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,025,000

NEW SECTION. Sec. 3124. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (06-4-003)

Reappropriation:

Recreation Resources Account--State	\$3,340,000
Prior Biennia (Expenditures)	\$3,931,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,271,000

NEW SECTION. Sec. 3125. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (06-4-009)

Reappropriation:

General Fund--Federal	\$80,000
Prior Biennia (Expenditures)	\$120,000
Future Biennia (Projected Costs)	\$0

TOTAL \$200,000
NEW SECTION. Sec. 3126. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Passage Program (06-4-011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3132 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Reappropriation:

General Fund--Federal	\$35,000
State Building Construction Account--State ..	\$2,502,000
Subtotal Reappropriation	\$2,537,000
Prior Biennia (Expenditures)	\$1,830,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,367,000

NEW SECTION. Sec. 3127. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearm and Archery Range Program (06-4-006)

Reappropriation:

Firearms Range Account--State	\$113,000
Prior Biennia (Expenditures)	\$109,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$222,000

NEW SECTION. Sec. 3128. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Improve Hatchery Management (06-4-010)

Reappropriation:

General Fund--Federal	\$2,400,000
Prior Biennia (Expenditures)	\$3,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3129. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (06-4-007)

Reappropriation:

General Fund--Federal	\$3,150,000
Prior Biennia (Expenditures)	\$1,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 3130. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreation Trails Program (06-4-008)

Reappropriation:

General Fund--Federal	\$1,830,000
Prior Biennia (Expenditures)	\$970,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,800,000

NEW SECTION. Sec. 3131. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway and Off-Road Vehicle Program (NOVA) (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The committee shall prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used GPS devices, including the feasibility and cost to make GPS maps readily available for all users of Washington recreational lands and facilities. For this purpose, available GPS maps shall include GPS maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The committee shall recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study shall include a review of relevant existing laws and regulations. The recommendations shall address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive ORV noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

Nonhighway and Off-Road Vehicle Activities

Program Account--State	\$5,157,000
Prior Biennia (Expenditures)	\$2,422,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,579,000

NEW SECTION. Sec. 3132. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (06-4-001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal	\$25,739,000
State Building Construction Account--State ..	\$13,412,000
Subtotal Reappropriation	\$39,151,000
Prior Biennia (Expenditures)	\$22,849,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,000,000

NEW SECTION. Sec. 3133. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (06-4-002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds reappropriated for distribution according to RCW 79A.15.050 shall fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the

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difference may be allocated to the remaining development projects.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Outdoor Recreation Account--State	.....	\$13,363,000
Habitat Conservation Account--State	.....	\$17,062,000
Subtotal Reappropriation	.....	\$30,425,000
Prior Biennia (Expenditures)	.....	\$19,575,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$50,000,000

NEW SECTION. Sec. 3134. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Youth Athletic Fields (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located.

Reappropriation:

State Building Construction Account--State	...	\$2,500,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2,500,000

NEW SECTION. Sec. 3135. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Account (08-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

Aquatic Lands Enhancement Account--State	...	\$5,025,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$20,100,000
TOTAL	.....	\$25,125,000

NEW SECTION. Sec. 3136. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (08-4-001)

Appropriation:

Recreation Resources Account--State	.....	\$8,021,000
Prior Biennia (Expenditures)	.....	\$0

Future Biennia (Projected Costs)	.....	\$35,688,000
TOTAL	.....	\$43,709,000

NEW SECTION. Sec. 3137. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Improvement Grants (08-4-002)

Appropriation:

General Fund--Federal	.....	\$200,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$800,000
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 3138. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest and Fish Passage Program (08-2-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 3140 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State	...	\$6,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$24,000,000
TOTAL	.....	\$30,000,000

NEW SECTION. Sec. 3139. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Firearms and Archery Range Recreation (08-4-003)

Appropriation:

Firearms Range Account--State	.....	\$472,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,007,000
TOTAL	.....	\$1,479,000

NEW SECTION. Sec. 3140. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Funding Board Programs (SRFB) (08-4-851)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

(2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter . . . ([House][Senate] Bill No.), Laws of 2007 (Z-0369, Puget Sound partnership).

(3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board shall submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership shall provide their

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comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Appropriation:

General Fund--Federal	\$42,000,000
State Building Construction Account--State	\$18,000,000
Subtotal Appropriation	\$60,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL	\$300,000,000

NEW SECTION. Sec. 3141. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Hatchery Reform Program (08-4-006)

Appropriation:

General Fund--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$38,000,000

NEW SECTION. Sec. 3142. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation (08-4-007)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3143. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

National Recreational Trails Program (08-4-009)

Appropriation:

General Fund--Federal	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,500,000

NEW SECTION. Sec. 3144. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Off-Road Vehicle Activities (08-4-008)

The appropriation in this section is subject to the following conditions and limitations: \$450,000 of the appropriation is provided solely for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses.

Appropriation:

Nonhighway Off-Road Vehicle Activities Program Account--State	\$9,036,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$42,945,000
TOTAL	\$51,981,000

NEW SECTION. Sec. 3145. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Puget Sound Restoration and Acquisition (08-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to awarding project grants, the salmon recovery funding board shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for

funding. This review shall be consistent with the funding schedule for the program.

(2) All estuary projects shall be submitted for review and coordination with the executive committee of the Puget Sound nearshore partnership between the department of fish and wildlife and the United States army corps of engineers.

Appropriation:

State Building Construction Account--State	\$40,750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$160,000,000
TOTAL	\$200,750,000

NEW SECTION. Sec. 3146. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife Recreation Grants (08-4-011)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may:

(a) Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(b) Conduct a second grant cycle in the 2007-2009 biennium for farmlands preservation projects. A ranked list of farmlands preservation projects may be submitted to the governor by November 1, 2007, for approval in the 2008 supplemental capital budget. The governor may remove projects from the list recommended by the committee and shall submit this amended list in the supplemental capital budget request to the legislature.

(3) Funds appropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) shall be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) \$627,299 of the appropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount shall not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Appropriation:

Outdoor Recreation Account--State	\$36,000,000
Farmlands Preservation Account--State	\$9,000,000
Riparian Protection Account--State	\$19,000,000
Habitat Conservation Account--State	\$36,000,000
Subtotal Appropriation	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$280,000,000
TOTAL	\$380,000,000

NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program (06-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The total cumulative dollar value of state conservation reserve enhancement program

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grant obligations incurred by the conservation commission and conservation districts shall not exceed \$20,000,000, as provided in the conservation reserve enhancement program agreement between the United States department of agriculture, commodity credit corporation, and the state of Washington executed on October 19, 1998, and subsequent amendments.

Reappropriation:

State Building Construction Account--State . . . \$1,936,000
 Prior Biennia (Expenditures) \$64,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION

Livestock Water Quality - Landowner Cost Share (06-4-006)

Reappropriation:

Water Quality Capital Account--State \$10,000
 Prior Biennia (Expenditures) \$2,490,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION. Sec. 3149. FOR THE STATE CONSERVATION COMMISSION

Puget Sound District Grants (06-4-003)

Reappropriation:

Water Quality Capital Account--State \$100,000
 Prior Biennia (Expenditures) \$1,605,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,705,000

NEW SECTION. Sec. 3150. FOR THE STATE CONSERVATION COMMISSION

Water Quality Grants Program (06-4-007)

Reappropriation:

Water Quality Capital Account--State \$300,000
 Prior Biennia (Expenditures) \$6,450,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,750,000

NEW SECTION. Sec. 3151. FOR THE STATE CONSERVATION COMMISSION

Skokomish Anaerobic Digester (06-4-009)

Reappropriation:

State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$60,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$560,000

NEW SECTION. Sec. 3152. FOR THE STATE CONSERVATION COMMISSION

Land Restoration (07-1-001)

Reappropriation:

State Building Construction Account--State \$587,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$587,000

NEW SECTION. Sec. 3153. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Cost Share (08-4-005)

Appropriation:

State Building Construction Account--State . . . \$1,170,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,170,000

NEW SECTION. Sec. 3154. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Water Quality (08-4-002)

Appropriation:

State Building Construction Account--State \$709,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$709,000

NEW SECTION. Sec. 3155. FOR THE STATE CONSERVATION COMMISSION

Practice Incentive Payment Loan Program (08-4-004)

Appropriation:

Conservation Assistance Revolving Account--State \$1,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$3,000,000
 TOTAL \$4,000,000

NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (06-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the design of the Deschutes Watershed center.

Reappropriation:

State Building Construction Account--State \$582,000

Appropriation:

State Building Construction Account--State . . . \$2,345,000
 Prior Biennia (Expenditures) \$268,000
 Future Biennia (Projected Costs) \$21,500,000
 TOTAL \$24,695,000

NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Department of Natural Resources Land Exchange - Shrub Steppe (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely to appraise the value of lands for exchange with the department of natural resources. Forest lands transferred to the department of natural resources under this section shall be actively managed by the department under a cooperative agreement with surrounding public and private landowners to implement landscape scale restoration and other management objectives.

Reappropriation:

State Building Construction Account--State \$250,000
 Prior Biennia (Expenditures) \$250,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility, Infrastructure, Lands, and Access Condition Improvements (06-1-002)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$5,000 of the reappropriation in this section is for bank stabilization of the south Toledo access road.

Reappropriation:

State Building Construction Account--State . . . \$1,937,000
 Prior Biennia (Expenditures) \$4,520,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,457,000

NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Opportunity Improvements (06-2-004)

Reappropriation:

State Building Construction Account--State \$155,000
 Wildlife Account--State \$1,235,000

Subtotal Reappropriation \$1,390,000
 Prior Biennia (Expenditures) \$610,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION, Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Hatchery Reform, Retrofits, and Condition Improvements (06-1-001)

Reappropriation:
 State Building Construction Account--State . . . \$2,195,000
 Prior Biennia (Expenditures) \$4,076,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,271,000

NEW SECTION, Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Fish and Wildlife Population and Habitat Protection (06-1-003)

Reappropriation:
 Wildlife Account--State \$288,750
 Prior Biennia (Expenditures) \$311,250
 Future Biennia (Projected Costs) \$0
 TOTAL \$600,000

NEW SECTION, Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sinlahekin Creek Dams - Flood Damage Repair (07-1-004)

Reappropriation:
 State Building Construction Account--State \$70,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$70,000

NEW SECTION, Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Region 1 Office - Complete Phase 1 (07-2-009)

Reappropriation:
 State Building Construction Account--State \$588,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$588,000

NEW SECTION, Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE

2006 Flood Damage (08-1-006)

Appropriation:
 State Building Construction Account--State \$630,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$630,000

NEW SECTION, Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Aquatic Lands Enhancement Account (08-2-017)

Appropriation:
 Aquatic Lands Enhancement Account--State \$350,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$350,000

NEW SECTION, Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Chambers Creek Adult Trap - Phase 2 (08-1-004)

Appropriation:
 State Building Construction Account--State \$252,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$252,000

NEW SECTION, Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Migratory Waterfowl Habitat (08-2-045)

Appropriation:
 Wildlife Account--State \$700,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$700,000

NEW SECTION, Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Dole Bee Be Property (06-1-950)

Reappropriation:
 State Building Construction Account--State \$380,000
 Prior Biennia (Expenditures) \$570,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$950,000

NEW SECTION, Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Emergency Projects (08-1-019)

Appropriation:
 State Building Construction Account--State \$500,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,000,000
 TOTAL \$2,500,000

NEW SECTION, Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Methow Culverts Replacement (08-1-027)

Appropriation:
 State Building Construction Account--State \$754,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$994,000
 TOTAL \$1,748,000

NEW SECTION, Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Facility Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The department shall develop a plan of action, agreed upon between the office of financial management and the appropriate fiscal committees of the legislature by September 1, 2007. Up to \$200,000 of the appropriation may be used for systems necessary to implement the plan. The plan shall address the conclusions and key findings in the 2006 study of the department's capital development, execution, and monitoring process, including but not limited to:

- (1) The commitment and role of senior management to improve and change the department's capital budget practices;
- (2) The clarification of the commission's role and responsibility for the capital budget process;
- (3) The development of capital program performance measures;
- (4) The alignment of the capital budget process with the department's strategic plan and priorities;
- (5) The implementation of a project scoping process;
- (6) The prioritization of capital projects, including both maintenance and other capital activities;
- (7) The review of business lines; and
- (8) The review of construction project delivery and organization.

Appropriation:
 State Building Construction Account--State \$3,525,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,525,000

NEW SECTION, Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Health Safety and Code Requirements (08-1-001)

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Appropriation:

State Building Construction Account--State . . .	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION, Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Infrastructure Preservation (08-1-014)

Appropriation:

State Building Construction Account--State . . .	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION, Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (08-2-048)

The appropriations in this section are subject to the following conditions and limitations: \$2,300,000 of the appropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Appropriation:

General Fund--Federal	\$22,800,000
General Fund--Private/Local	\$3,700,000
Game Special Wildlife Account--Federal	\$1,000,000
Game Special Wildlife Account--Private/Local	\$625,000
Subtotal Appropriation	\$28,125,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$106,800,000
TOTAL	\$134,925,000

NEW SECTION, Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound Initiative - Nearshore Salmon Restoration (06-2-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department shall focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department shall seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria shall be developed by the Puget Sound nearshore steering committee. The criteria shall be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department shall not utilize any amount of this appropriation to support administration or overhead. Funding to

support the administration of the funds and the implementation of selected projects shall be obtained from the department's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$723,000 of this appropriation may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) \$3,746,875 of the appropriation is provided solely for the following projects:

Project	Amount
Carpenter creek estuary phase 1 (South Kingston road)	\$637,000
Duwamish Garden estuary restoration	\$1,400,000
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875

Reappropriation:

State Building Construction Account--State . . .	\$2,300,000
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Appropriation:

State Building Construction Account--State . . .	\$12,000,000
General Fund--Federal	\$1,000,000
Subtotal Appropriation	\$13,000,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$43,500,000

NEW SECTION, Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Ranch Lands Irrigation Efficiencies (06-2-952)

The reappropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for irrigation efficiency projects on ranch lands owned by the department.

Reappropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$600,000

NEW SECTION, Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Skookumchuck Hatchery Renovation - Phase 2 (08-2-015)

Appropriation:

State Building Construction Account--State	\$528,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,389,000
TOTAL	\$3,917,000

NEW SECTION, Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Spokane Region One Office - Phase 2 (08-2-008)

As of the effective date of this section, the department of fish and wildlife's Spokane region one building shall be known as the "Fred Shiosaki" building.

Appropriation:

State Building Construction Account--State . . .	\$1,830,000
Prior Biennia (Expenditures)	\$4,400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,230,000

NEW SECTION, Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Statewide Fencing Renovation and Replacement (08-1-009)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 of the appropriation is provided solely for the replacement of elk fencing lost in the 2005 school fire in the Wooten wildlife area. The department shall contract with another state agency to construct the fence.

Appropriation:

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State Building Construction Account--State . . .	\$2,100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION, Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Sustainability and Energy Savings (06-1-009)

Reappropriation:

State Building Construction Account--State	\$118,000
Prior Biennia (Expenditures)	\$382,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION, Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Wiley Slough Restoration (08-1-028)

The appropriation in this section is subject to the following conditions and limitations: The department shall not expend any amounts of the appropriations in this section prior to July 1, 2008. The department shall submit a report to the appropriate committees of the legislature by January 1, 2008, to mitigate the loss of upland habitat, including waterfowl management capabilities, and the loss of outdoor recreation opportunities within the proposed Wiley Slough intertidal restoration area. The report shall contain:

(1) Options to mitigate the proposed loss of upland habitat, which may include but are not limited to: Retention of a portion of the currently proposed intertidal restoration area as upland habitat; identification and acquisition of nearby property for new or enhanced upland habitat; and other approaches that will mitigate the loss of upland habitat that will be incurred as a result of the completed intertidal restoration;

(2) A plan to retain and enhance recreation opportunities that will be lost as a result of the completed intertidal restoration; and

(3) A proposed budget to implement options to mitigate the loss of upland habitat and retain and enhance recreation opportunities. The proposed budget shall identify local, state, federal, and private grant opportunities that might support the proposed budget.

The report shall be developed with the immediate involvement of the user groups affected by the proposed loss of upland habitat and recreation opportunities. The legislature finds that progress in restoring the estuary at Wiley Slough is dependent on a community-supported plan that balances the goals of estuary restoration and improved salmon habitat with current uses of the proposed restoration area. Community investment and support for this restoration project is essential and the department must take a new approach to productively engage the community affected by the loss of upland habitat and recreation opportunities. It is the intent of the legislature that this project shall not move forward until the affected community is involved in the development of a revised Wiley Slough restoration plan and addresses these concerns and has wide community support.

Appropriation:

General Fund--Federal	\$2,500,000
State Building Construction Account--State	\$295,000
Subtotal Appropriation	\$2,795,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,795,000

NEW SECTION, Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tokol Creek Hatchery (08-1-005)

Appropriation:

State Building Construction Account--State	\$435,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,857,000
TOTAL	\$5,292,000

NEW SECTION, Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Grazing Monitoring on Fish and Wildlife Lands (08-2-001)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION, Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Voights Creek Hatchery - Phase 1 (08-1-003)

Appropriation:

State Building Construction Account--State	\$505,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,402,000
TOTAL	\$6,907,000

NEW SECTION, Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Issaquah Hatchery Gravity Intake (08-1-850)

Appropriation:

State Building Construction Account--State	\$562,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$562,000

NEW SECTION, Sec. 3186. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Bee Be Property (08-1-029)

Appropriation:

State Building Construction Account--State	\$502,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$502,000

NEW SECTION, Sec. 3187. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Combined State Agency Aviation Facility (08-1-950)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources.

Appropriation:

State Building Construction Account--State	\$11,000
Wildlife Account--State	\$12,000
Subtotal Appropriation	\$23,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,608,000
TOTAL	\$1,631,000

NEW SECTION, Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisitions (08-2-004)

Appropriation:

Community and Technical College Forest Reserve Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$950,000
TOTAL	\$1,150,000

NEW SECTION, Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES

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Creosote Removal in Puget Sound (08-2-017)

The appropriation in this section is subject to the following conditions and limitations: The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Toxics Control Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$8,000,000

NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (04-2-015)

Reappropriation:

General Fund--Federal	\$8,186,000
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Appropriation:

General Fund--Federal	\$8,500,000
Prior Biennia (Expenditures)	\$7,520,000
Future Biennia (Projected Costs)	\$39,000,000
TOTAL	\$63,206,000

NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES

Storm Damage (07-1-850)

Reappropriation:

State Building Construction Account--State	\$282,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$282,000

NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (08-2-022)

Appropriation:

State Building Construction Account--State	\$10,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$42,500,000

NEW SECTION. Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (05-2-021)

Reappropriation:

General Fund--Federal	\$3,247,000
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Appropriation:

General Fund--Federal	\$26,000,000
Prior Biennia (Expenditures)	\$43,271,000
Future Biennia (Projected Costs)	\$113,363,000
TOTAL	\$185,881,000

NEW SECTION. Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station Public Access (04-2-019)

Reappropriation:

Aquatic Lands Enhancement Account--State	\$72,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$2,145,000
TOTAL	\$2,453,000

NEW SECTION. Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Preservation (08-1-007)

Appropriation:

Forest Development Account--State	\$413,000
Resources Management Cost Account--State	\$430,000
State Building Construction Account--State	\$607,000
Subtotal Appropriation	\$1,450,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,154,000
TOTAL	\$5,604,000

NEW SECTION. Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Programmatic (08-2-016)

Appropriation:

Forest Development Account--State	\$534,000
Resources Management Cost Account--State	\$556,000
State Building Construction Account--State	\$85,000
Subtotal Appropriation	\$1,175,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,515,000
TOTAL	\$3,690,000

NEW SECTION. Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (08-1-014)

Appropriation:

State Building Construction Account--State	\$942,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,958,000
TOTAL	\$10,900,000

NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation Capital Renovations (08-2-006)

The appropriation in this section is subject to the following conditions and limitations: \$200,000 of the appropriation is provided solely for trail system signage.

Appropriation:

State Building Construction Account--State	\$1,065,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,278,000
TOTAL	\$16,343,000

NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (08-2-020)

Appropriation:

Forest Development Account--State	\$250,000
Resources Management Cost Account--State	\$750,000
Subtotal Appropriation	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (08-2-001)

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,000,000
TOTAL	\$12,500,000

NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (06-2-008)

Reappropriation:

State Toxics Control Account--State	\$937,000
State Building Construction Account--State	\$150,000
Subtotal Reappropriation	\$1,087,000

Appropriation:

Aquatic Lands Enhancement Account--State	\$300,000
Prior Biennia (Expenditures)	\$1,563,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$4,150,000

NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Projects (06-2-003)

Reappropriation:

State Building Construction Account--State \$87,000

Appropriation:

State Building Construction Account--State \$700,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$500,000
TOTAL \$1,987,000

NEW SECTION, Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Lands Maintenance (08-1-019)

Appropriation:

Forest Development Account--State \$250,000
Resources Management Cost Account--State . . \$2,350,000
Subtotal Appropriation \$2,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$10,400,000
TOTAL \$13,000,000

NEW SECTION, Sec. 3204. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (08-2-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of projects is identified in the LEAP capital document 2007-5, developed March 20, 2007.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring forest lands of equal value to be managed as common school trust land.

(3) Property subject to lease agreements under this section shall be appraised at fair market value. Lease terms shall be fifty years with options to renew for an additional fifty years. Lease payments shall be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and shall be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving

agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) On June 30, 2009, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State . . \$98,985,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$287,000,000
TOTAL \$385,985,000

NEW SECTION, Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES

Federal Habitat Conservation Program Land Acquisition Grants (06-2-950)

Reappropriation:

General Fund--Federal \$705,000
Prior Biennia (Expenditures) \$6,015,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,720,000

NEW SECTION, Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES

Loomis Natural Resources Conservation Area Restoration (07-1-004)

Reappropriation:

State Building Construction Account--State \$271,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$271,000

NEW SECTION, Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES

Deep Water Geoduck/Sea Cucumber Population Surveys (06-2-850)

Reappropriation:

State Building Construction Account--State \$491,000
Prior Biennia (Expenditures) \$159,000
Future Biennia (Projected Costs) \$0
TOTAL \$650,000

NEW SECTION, Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (06-2-018)

Reappropriation:

State Building Construction Account--State \$700,000

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Prior Biennia (Expenditures)	\$800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION, Sec. 3209. FOR THE DEPARTMENT OF NATURAL RESOURCES

Port Angeles Armory (08-1-851)

Appropriation:

Forest Development Account--State	\$135,000
Resource Management Cost Account--State	\$151,000
State Building Construction Account--State	\$157,000
Subtotal Appropriation	\$443,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$443,000

NEW SECTION, Sec. 3210. FOR THE DEPARTMENT OF NATURAL RESOURCES

Colville Armory (08-2-851)

Appropriation:

Forest Development Account--State	\$313,000
Resource Management Cost Account--State	\$330,000
State Building Construction Account--State	\$299,000
Subtotal Appropriation	\$942,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$942,000

NEW SECTION, Sec. 3211. FOR THE DEPARTMENT OF NATURAL RESOURCES

Combined State Agency Aviation Facility (08-1-952)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for redesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources.

Appropriation:

Forest Development Account--State	\$15,000
Resource Management Cost Account--State	\$16,000
State Building Construction Account--State	\$23,000
Subtotal Appropriation	\$54,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,783,000
TOTAL	\$3,837,000

NEW SECTION, Sec. 3212. FOR THE DEPARTMENT OF NATURAL RESOURCES

Blanchard Mountain (08-1-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands as an initial purchase in support of an approved plan to preserve the core of Blanchard mountain in Skagit county. The department shall consult with the University of Washington college of forestry resources' northwest environmental forum and with other interest groups prior to the purchase. The department shall coordinate purchases funded under this section with purchases funded under section 3214 of this act to block up and preserve working forest lands at risk of conversion in Skagit county.

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 3213. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station (08-1-015)

Appropriation:

Resource Management Cost Account--State	\$750,000
State Building Construction Account--State	\$750,000
Subtotal Appropriation	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION, Sec. 3214. FOR THE DEPARTMENT OF NATURAL RESOURCES

Conversion Land Acquisition (08-1-950)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for acquisition of working forest lands at risk of conversion to nonforest uses. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products industry, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these conversion lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2008, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intention of the legislature to lease the development rights of these conversion lands and retain them as long-term working forest lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan. The appropriation provided in this section shall lapse unless chapter . . . (House Bill No. 2395 (An act relating to leasing state lands and development rights on state lands to public agencies), Laws of 2007, or similar provisions contained in other legislation, is enacted prior to June 30, 2007. No amounts appropriated in this section shall be expended on the central cascade land exchange unless one of the two following conditions are met: (1) The four Stemilt parcels in T21R20E are excluded from the exchange; or (2) the four Stemilt parcels in T21R20E are included in the exchange and the department and Chelan county, as chair of the Stemilt partnership, agree on a plan for eventual ownership, disposition, and management of the four Stemilt parcels. The department shall manage cash balances in the natural resources real property replacement account such that cash balances are sufficient for the treasurer transfers required in section 6030 of this act. The department may also transfer funds from the land bank subaccount of the resource management cost account to the natural resources real property replacement account to ensure sufficient cash balances.

Appropriation:

Resource Management Cost Account--State	\$40,000,000
Natural Resources Real Property Replacement Account--State	\$30,000,000
Subtotal Appropriation	\$70,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$70,000,000

NEW SECTION, Sec. 3215. FOR THE DEPARTMENT OF AGRICULTURE

Fair Improvements (06-4-850)

The appropriation in this section is subject to the following conditions and limitations: \$1,000,000 is provided solely for

renovations and repairs to the historic pavilion at the Walla Walla fairgrounds.

Appropriation:

State Building Construction Account--State . . .	\$1,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,400,000

NEW SECTION, Sec. 3216. FOR THE DEPARTMENT OF AGRICULTURE

Hops Initiative (08-2-850)

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION, Sec. 3217. FOR THE DEPARTMENT OF AGRICULTURE

Asparagus Automation and Mechanization (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to extend and expand the department's asparagus automation and mechanization program, subject to appropriate agreements with growers.

Appropriation:

State Building Construction Account--State . . .	\$840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$840,000

NEW SECTION, Sec. 3218. FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (06-2-851)

The reappropriation in this section is subject to the following conditions and limitations: If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State	\$8,529,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,529,000

NEW SECTION, Sec. 3219. FOR THE DEPARTMENT OF AGRICULTURE

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The reappropriation in this section is subject to the following conditions and limitations: If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Reappropriation:

Energy Freedom Account--State	\$5,971,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,971,000

(End of part)

**PART 4
TRANSPORTATION**

NEW SECTION, Sec. 4001. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Sanitary System (08-2-002)

Appropriation:

Fire Service Training Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION, Sec. 4002. FOR THE WASHINGTON STATE PATROL

Minor Works - Preservation (08-1-001)

Appropriation:

State Building Construction Account--State . . .	\$480,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,480,000

NEW SECTION, Sec. 4003. FOR THE WASHINGTON STATE PATROL

Replace Existing Dormitory (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The state building construction account appropriation is provided solely for one-half of the construction cost for replacement of the student dormitory at the fire training academy and is contingent upon the remaining construction cost being funded with a certificate of participation that is repaid with revenues from fees charged by the fire training academy. Any expenditures from this appropriation must be matched by an equal expenditure from the certificate of participation.

Appropriation:

State Building Construction Account--State . . .	\$1,360,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,360,000

NEW SECTION, Sec. 4004. FOR THE WASHINGTON STATE PATROL

Combined State Agency Aviation Facility (08-2-951)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for predesign of a single, consolidated aviation facility at the Olympia airport to house the fixed wing operations of the Washington state patrol, the department of natural resources, and the department of fish and wildlife, and the rotary operations of the department of natural resources.

Appropriation:

State Building Construction Account--State . . .	\$12,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$813,000
TOTAL	\$825,000

NEW SECTION, Sec. 4005. FOR THE DEPARTMENT OF TRANSPORTATION

Columbia River Dredging (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State . . .	\$2,980,000
Prior Biennia (Expenditures)	\$14,720,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,700,000

(End of part)

PART 5

ONE-HUNDRED FOURTH DAY, APRIL 21, 2007

2007 REGULAR SESSION

EDUCATION

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2001-2003 School Construction Assistance Grant Program (02-4-001)

Reappropriation:

Common School Construction Account--State .	\$3,850,000
Prior Biennia (Expenditures)	\$8,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2003-2005 School Construction Assistance Grant Program (04-4-001)

Reappropriation:

State Building Construction Account--State . .	\$11,961,000
Common School Construction Account--State	\$10,682,000
Subtotal Reappropriation	\$22,643,000
Prior Biennia (Expenditures)	\$171,568,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$194,211,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 Apple Achievement Awards (06-4-850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 196, chapter 371, Laws of 2006.

Reappropriation:

Education Construction Account--State	\$302,000
Prior Biennia (Expenditures)	\$198,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 High Performance School Building Grants (06-4-852)

The reappropriation in this section is subject to the following conditions and limitations: Additional funding will be provided to school districts constructing public schools to recognized standards for high performance public buildings for a transition period of three years. The districts building high performance public schools will be granted funding per school project for capital-related costs associated with the design and construction of public K-12 schools that meet or exceed comprehensive design, construction, and operating standards for high performance and sustainable school buildings. No more than \$250,000 will be allotted for each elementary school built to high performance standards, no more than \$350,000 will be allotted for each middle school built to high performance standards, and no more than \$500,000 will be allotted to each high school built to high performance standards. These levels may be modified, in a limited manner, if specific project conditions warrant and as determined by the office of the superintendent of public instruction.

Reappropriation:

State Building Construction Account--State . . .	\$6,078,000
Prior Biennia (Expenditures)	\$25,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,103,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2005-2007 School Construction Assistance Grant Program (06-4-100)

Reappropriation:

State Building Construction Account--State .	\$117,539,000
Common School Construction Account--State	\$218,896,000
Subtotal Reappropriation	\$336,435,000
Prior Biennia (Expenditures)	\$305,331,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$641,766,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Environmental Learning Centers (06-2-951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for capital projects at the Chewelah peak learning center.

Reappropriation:

State Building Construction Account--State	\$518,000
Prior Biennia (Expenditures)	\$1,832,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,350,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capital Project Administration (08-4-100)

Appropriation:

Common School Construction Account--State .	\$2,828,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,049,000
TOTAL	\$14,877,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School Construction Assistance Grants (08-4-200)

The appropriations in this section are subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) The legislature has made a commitment to phase in all-day kindergarten programs beginning with the 2007-08 school year. However, the legislature finds that one potential barrier to successful expansion of all-day kindergarten programs may be a lack of facilities that meet the requirements of an all-day kindergarten program. The office of the superintendent of public instruction, in consultation with the school facilities citizen advisory panel, shall examine alternatives for addressing school facilities needs for all-day kindergarten programs, including adapting existing unused space, creating innovative public-private partnerships and partnerships with early learning providers, shifting the location of current programs within a district or a school, and temporary, limited use of portables. The office of the superintendent of public instruction shall submit a report to the capital budget committee of the house of representatives and the ways and means committee of the senate by September 1, 2007, with recommendations on preferred alternatives and an analysis of the feasibility and cost of implementing the alternatives.

Appropriation:

State Building Construction Account--State .	\$109,521,000
Common School Construction Account--State	\$770,658,000
Common School Reimbursable Construction	
Account--State	\$180,000
Subtotal Appropriation	\$880,359,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,500,725,000
TOTAL	\$4,381,084,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Small Repair Grants (08-4-402)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for nonrecurring costs associates with urgent health and safety school facility repairs and renovations. The office of superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects that stay within the appropriation level provided in this section. The criteria shall include, but is not limited to, the following: (1) Limiting recipient district applications to one hundred thousand dollars per three-year period; (2) limiting districts eligible to receive the grant only once in any three-year period; and (3) any district receiving funding provided in this section demonstrating a consistent commitment to addressing school facilities needs.

Appropriation:

State Building Construction Account--State . . .	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$16,000,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Centers (08-4-300)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$9,362,000 from this appropriation is provided solely for minor capital projects at all of the state's skills centers ranked with a "severity score" of 40 points or more.

(2) \$24,400,000 from this appropriation is provided solely for the design and construction of the Skagit Valley vocational skills center.

(3) \$16,366,000 from this appropriation is provided solely for the design and construction of the Yakima Valley technical skills center.

(4) \$23,161,000 from this appropriation is provided solely for the design and construction of the Sno-Isle skills center.

(5) \$1,118,000 from this appropriation is provided solely for the design and construction of the Clark county skills center.

(6) \$300,000 from this appropriation is provided solely for the completion of the new market skills center project and to address storm water issues.

Appropriation:

State Building Construction Account--State . .	\$74,707,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$83,984,000
TOTAL	\$158,691,000

NEW SECTION. Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vader School Campus (08-2-852)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the costs associated with demolition of the Vader school campus.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Island Wood Environmental Learning Center (08-4-406)

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Chewelah Peak Environmental Learning Center (08-4-401)

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

K-12 Inventory Pilot Project (08-2-851)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the office of the superintendent of public instruction to define and develop a pilot information management system for public school facilities, building on the experience of the community and technical college facilities information management system. Participating school districts must represent a cross-section of large and small districts, urban and rural districts, and districts with facilities of varying age and condition. The system must allow for the efficient transfer of information between the office of the superintendent of public instruction and participating school districts. The inventory system must include, but not be limited to, facility and site information necessary for appropriate facility stewardship. Data elements may include facility location, condition, type, current use, size, date and cost of original construction, the cost of any major remodeling or renovation, and energy information. By December 1, 2007, the office of the superintendent of public instruction shall provide a report to the appropriate legislative fiscal committees on the inventory system's scope, potential school district participants, and an implementation plan for the pilot group of school districts.

Appropriation:

Education Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$900,000

NEW SECTION. Sec. 5015. FOR THE STATE SCHOOL FOR THE BLIND

Campus Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 5016. FOR THE STATE SCHOOL FOR THE BLIND

Minor Works - Facility Preservation (08-1-005)

Appropriation:

State Building Construction Account--State	\$770,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,500,000
TOTAL	\$3,270,000

NEW SECTION. Sec. 5017. FOR THE STATE SCHOOL FOR THE BLIND

New Physical Education Center (08-2-001)

Appropriation:

State Building Construction Account--State . . .	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

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NEW SECTION. Sec. 5018. FOR THE STATE SCHOOL FOR THE DEAF

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State . . .	\$1,325,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$2,325,000

NEW SECTION. Sec. 5019. FOR THE STATE SCHOOL FOR THE DEAF

Vocational Education, Cafeteria, and Maintenance Support Building (08-2-002)

Appropriation:

State Building Construction Account--State . .	\$10,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,900,000

NEW SECTION. Sec. 5020. FOR THE HIGHER EDUCATION COORDINATING BOARD

Higher Education Preservation Information (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings (report 06-5) including any necessary revisions or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the higher education coordinating board shall consult the office of financial management and the legislative fiscal committees about its workplan to ensure timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition, upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the higher education coordinating board to complete the tasks and oversight assigned in this section.

Appropriation:

Education Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 5021. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell/Cascadia Community College - State Route 522 Off Ramp (02-2-014)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$255,000
Prior Biennia (Expenditures)	\$1,495,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,750,000

NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition/Soils Remediation (01-2-029)

Reappropriation:

Education Construction Account--State	\$50,000
Prior Biennia (Expenditures)	\$5,900,000
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,950,000

NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON

Facility Preservation Backlog Reduction (04-1-951)

Reappropriation:

State Building Construction Account--State . . .	\$4,100,000
Prior Biennia (Expenditures)	\$21,214,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,314,000

NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$5,148,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,648,000

NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON

Classroom Improvements (05-1-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$3,850,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON

Infectious Disease Laboratory Facilities (05-2-850)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON

Playhouse Theater (05-1-004)

Appropriation:

State Building Construction Account--State . . .	\$6,578,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,578,000

NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON

Architecture Hall Renovation (06-1-008)

Reappropriation:

State Building Construction Account--State . . .	\$3,000,000
Prior Biennia (Expenditures)	\$20,324,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,324,000

NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON

Clark Hall Renovation (06-1-007)

Reappropriation:

State Building Construction Account--State . . .	\$1,200,000
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Appropriation:

State Building Construction Account--State	\$554,000
Education Construction Account--State	\$15,000,000
Subtotal Appropriation	\$15,554,000
Prior Biennia (Expenditures)	\$1,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,054,000

NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON

Cleanup More Hall and Other Toxics (06-1-950)

Reappropriation:

State Toxics Control Account--State \$1,125,000
 Prior Biennia (Expenditures) \$3,375,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,500,000

NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON

Guggenheim Hall Renovation (06-1-006)

Reappropriation:

State Building Construction Account--State . . . \$3,000,000
 Education Construction Account--State \$4,000,000
 Subtotal Reappropriation \$7,000,000
 Prior Biennia (Expenditures) \$19,312,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$26,312,000

NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON

Health Sciences - H Wing (06-1-001)

Reappropriation:

State Building Construction Account--State . . . \$5,000,000

Appropriation:

State Building Construction Account--State . . . \$7,000,000
 University of Washington Building Account--State
 \$3,000,000
 Subtotal Appropriation \$10,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$15,000,000

NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (06-1-002)

Reappropriation:

University of Washington Building Account--State
 \$9,000,000
 Prior Biennia (Expenditures) \$12,200,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$21,200,000

NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Health, Safety, and Code Requirements (06-1-003)

Reappropriation:

University of Washington Building Account--State
 \$5,000,000
 Prior Biennia (Expenditures) \$6,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,000,000

NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Infrastructure Preservation (06-1-004)

Reappropriation:

University of Washington Building Account--State
 \$2,500,000
 Prior Biennia (Expenditures) \$2,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,000,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (06-2-009)

Reappropriation:

University of Washington Building Account--State
 \$3,000,000
 Prior Biennia (Expenditures) \$1,700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,700,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (06-1-005)

Reappropriation:

State Building Construction Account--State . . . \$3,000,000

Appropriation:

Gardner-Evans Higher Education Construction
 Account--State \$54,910,000
 Prior Biennia (Expenditures) \$3,600,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$61,510,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Assembly Hall (06-2-007)

Reappropriation:

State Building Construction Account--State . . . \$7,000,000
 Prior Biennia (Expenditures) \$500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,500,000

NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (06-2-852)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$750,000
 Prior Biennia (Expenditures) \$3,250,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

Balmer Hall Reconstruction (08-1-004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the reconstruction/replacement of Balmer hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State . . . \$4,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$42,800,000
 TOTAL \$46,800,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON

Denny Hall Renovation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Denny hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State . . . \$4,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$52,915,000
 TOTAL \$56,915,000

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON

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Interdisciplinary Academic Building (08-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the interdisciplinary academic building. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State . . .	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$57,500,000
TOTAL	\$62,500,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON

Intermediate Student Service and Classroom Improvements (08-1-005)

Appropriation:

Education Construction Account--State	\$13,281,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,281,000

NEW SECTION. Sec. 5044. FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (08-1-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of the renovation of Lewis hall. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State . . .	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,501,000
TOTAL	\$18,501,000

NEW SECTION. Sec. 5045. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (08-1-001)

Appropriation:

University of Washington Building Account--State	\$23,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$140,000,000
TOTAL	\$163,000,000

NEW SECTION. Sec. 5046. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (08-2-001)

Appropriation:

University of Washington Building Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,610,000
TOTAL	\$37,610,000

NEW SECTION. Sec. 5047. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are

completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5048. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	\$25,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,825,000

NEW SECTION. Sec. 5049. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell Phase 3 - Predesign (08-2-006)

Appropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$62,850,000
TOTAL	\$63,000,000

NEW SECTION. Sec. 5050. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Phase 3 (08-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for predesign and design of UW Tacoma phase 3. The office of financial management shall not allot funding for the design until after sine die adjournment of the 2008 regular legislative session and only if the predesign has been submitted to the legislative fiscal committees and to the office of financial management for review and approval under RCW 43.88.110(6) prior to the start of the 2008 regular legislative session.

Appropriation:

State Building Construction Account--State . . .	\$6,150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$54,000,000
TOTAL	\$60,150,000

NEW SECTION. Sec. 5051. FOR THE UNIVERSITY OF WASHINGTON

Computing and Communications Upgrades and Data Center (08-2-004)

Appropriation:

State Building Construction Account--State . .	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$22,000,000
TOTAL	\$47,000,000

NEW SECTION. Sec. 5052. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane Riverpoint - Academic Center Building (00-2-906)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,750,000
Prior Biennia (Expenditures)	\$32,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,850,000

NEW SECTION. Sec. 5053. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center (00-2-905)

Reappropriation:

State Building Construction Account--State . . .	\$1,500,000
Prior Biennia (Expenditures)	\$13,126,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,626,000

NEW SECTION. Sec. 5054. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Biotechnology/Life Sciences 2 (04-2-085)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$2,600,000
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Appropriation:

State Building Construction Account--State . . .	\$9,022,000
Gardner-Evans Higher Education Construction Account--State	\$48,978,000
Subtotal Appropriation	\$58,000,000
Prior Biennia (Expenditures)	\$12,050,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$72,650,000

NEW SECTION. Sec. 5055. FOR WASHINGTON STATE UNIVERSITY

WSU Spokane - Nursing Building at Riverpoint (04-2-941)

The reappropriation in this section is subject to the following conditions and limitations: Upon completion of construction of this facility at the Riverpoint campus in Spokane, the existing land and facilities housing the intercollegiate nursing center adjacent to Spokane Falls Community College shall be transferred to the state board for community and technical colleges for the use of community college district 17, community colleges of Spokane.

Reappropriation:

State Building Construction Account--State . .	\$20,000,000
Prior Biennia (Expenditures)	\$14,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,600,000

NEW SECTION. Sec. 5056. FOR WASHINGTON STATE UNIVERSITY

WSU Tri-Cities - Bioproducts Facility (04-2-940)

Reappropriation:

State Taxable Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$23,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,750,000

NEW SECTION. Sec. 5057. FOR WASHINGTON STATE UNIVERSITY

Campus Infrastructure (06-1-073)

Reappropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,000,000

NEW SECTION. Sec. 5058. FOR WASHINGTON STATE UNIVERSITY

Minor Capital Improvements (06-2-002)

Reappropriation:

Washington State University Building Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$4,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 5059. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Facility Preservation (06-1-001)

Reappropriation:

State Building Construction Account--State . . .	\$3,500,000
Washington State University Building Account--State	\$500,000
Subtotal Reappropriation	\$4,000,000
Prior Biennia (Expenditures)	\$26,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,500,000

NEW SECTION. Sec. 5060. FOR WASHINGTON STATE UNIVERSITY

Minor Works - Health, Safety, and Code (06-1-002)

Reappropriation:

Washington State University Building Account--State	\$500,000
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 5061. FOR WASHINGTON STATE UNIVERSITY

Center for Precision Agriculture (06-2-850)

Reappropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,800,000

NEW SECTION. Sec. 5062. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Undergraduate Classroom Building (06-2-951)

Reappropriation:

State Building Construction Account--State . . .	\$1,200,000
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State Building Construction Account--State . .	\$24,350,000
Prior Biennia (Expenditures)	\$2,450,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,000,000

NEW SECTION. Sec. 5063. FOR WASHINGTON STATE UNIVERSITY

Intermediate Preservation Projects (08-1-702)

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Appropriation:

State Building Construction Account--State	...	\$3,119,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	.....	\$31,240,000
TOTAL	.....	\$34,359,000

NEW SECTION. Sec. 5064. FOR WASHINGTON

STATE UNIVERSITY

Library Road Infrastructure (08-1-703)

Appropriation:

State Building Construction Account--State	..	\$12,000,000
Washington State University Building	.....	\$3,000,000
Subtotal Appropriation	.....	\$15,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$15,000,000

NEW SECTION. Sec. 5065. FOR WASHINGTON

STATE UNIVERSITY

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	..	\$18,900,000
Washington State University Building	.....	\$20,000,000
Subtotal Appropriation	.....	\$38,900,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$155,900,000
TOTAL	.....	\$194,800,000

NEW SECTION. Sec. 5066. FOR WASHINGTON

STATE UNIVERSITY

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	.....	\$1
Gardner-Evans Higher Education Construction	.....	\$1
Subtotal Appropriation	.....	\$2
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$2

NEW SECTION. Sec. 5067. FOR WASHINGTON

STATE UNIVERSITY

Minor Works - Program (08-2-002)

Appropriation:

Washington State University Building	.....	\$17,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$73,000,000
TOTAL	.....	\$90,000,000

NEW SECTION. Sec. 5068. FOR WASHINGTON

STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its

major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	.....	\$10,115,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$10,115,000

NEW SECTION. Sec. 5069. FOR WASHINGTON

STATE UNIVERSITY

University Wide Infrastructure (08-1-701)

Appropriation:

State Building Construction Account--State	...	\$8,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$72,500,000
TOTAL	.....	\$80,500,000

NEW SECTION. Sec. 5070. FOR WASHINGTON

STATE UNIVERSITY

Utilities Extension (08-1-100)

Appropriation:

Washington State University Building Account--State	.....	\$11,536,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$11,536,000

NEW SECTION. Sec. 5071. FOR WASHINGTON

STATE UNIVERSITY

WSU Vancouver: Applied Technology and Classroom Building (06-2-950)

Appropriation:

State Building Construction Account--State	...	\$4,770,000
Prior Biennia (Expenditures)	.....	\$150,000
Future Biennia (Projected Costs)	.....	\$35,300,000
TOTAL	.....	\$40,220,000

NEW SECTION. Sec. 5072. FOR EASTERN

WASHINGTON UNIVERSITY

Patterson Hall Remodel (06-2-002)

Reappropriation:

Gardner-Evans Higher Education Construction	\$40,000
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Appropriation:

State Building Construction Account--State	...	\$2,000,000
Prior Biennia (Expenditures)	\$160,000
Future Biennia (Projected Costs)	.....	\$28,000,000
TOTAL	.....	\$30,200,000

NEW SECTION. Sec. 5073. FOR EASTERN

WASHINGTON UNIVERSITY

Infrastructure Savings (06-1-751)

Reappropriation:

Gardner-Evans Higher Education Construction	.....	\$800,000
Prior Biennia (Expenditures)	.....	\$377,000

Future Biennia (Projected Costs) \$0
TOTAL \$1,177,000

NEW SECTION, Sec. 5074. FOR EASTERN WASHINGTON UNIVERSITY

Hargreaves Hall Renovation (06-1-701)
Reappropriation:
State Building Construction Account--State \$500,000
Appropriation:
State Building Construction Account--State . . \$10,821,000
Prior Biennia (Expenditures) \$914,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,235,000

NEW SECTION, Sec. 5075. FOR EASTERN WASHINGTON UNIVERSITY

Martin Williamson Hall Renovation (06-1-706)
Reappropriation:
Gardner-Evans Higher Education Construction
Account--State \$40,000
Prior Biennia (Expenditures) \$160,000
Future Biennia (Projected Costs) \$26,000,000
TOTAL \$26,200,000

NEW SECTION, Sec. 5076. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-710)
Reappropriation:
State Building Construction Account--State . . . \$3,000,000
Prior Biennia (Expenditures) \$5,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,000,000

NEW SECTION, Sec. 5077. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health Safety and Code Compliance (06-1-711)
Reappropriation:
State Building Construction Account--State . . . \$2,500,000
Prior Biennia (Expenditures) \$3,200,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,700,000

NEW SECTION, Sec. 5078. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-712)
Reappropriation:
State Building Construction Account--State . . . \$2,500,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION, Sec. 5079. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works Program (06-2-006)
Reappropriation:
State Building Construction Account--State . . . \$3,500,000
Eastern Washington University Capital Projects
Account--State \$3,500,000
Subtotal Reappropriation \$7,000,000
Prior Biennia (Expenditures) \$8,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$15,600,000

NEW SECTION, Sec. 5080. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (08-1-001)
Appropriation:
Eastern Washington University Capital Projects
Account--State \$3,500,000
State Building Construction Account--State \$500,000
Subtotal Appropriation \$4,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,000,000
TOTAL \$28,000,000

NEW SECTION, Sec. 5081. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (08-1-002)
Appropriation:
Education Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,000,000
TOTAL \$28,000,000

NEW SECTION, Sec. 5082. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (08-1-003)
Appropriation:
State Building Construction Account--State . . . \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$22,000,000
TOTAL \$26,000,000

NEW SECTION, Sec. 5083. FOR EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (08-2-001)
Appropriation:
State Building Construction Account--State . . . \$4,000,000
Eastern Washington University Capital Projects
Account--State \$7,000,000
Subtotal Appropriation \$11,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$62,400,000
TOTAL \$73,400,000

NEW SECTION, Sec. 5084. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (08-1-151)
The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:
State Building Construction Account--State \$1
Gardner-Evans Higher Education Construction
Account--State \$1
Subtotal Appropriation \$2
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2

NEW SECTION, Sec. 5085. FOR EASTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline

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conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State \$2,217,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,217,000

NEW SECTION, Sec. 5086. FOR CENTRAL

WASHINGTON UNIVERSITY

Dean Hall Renovation (06-1-004)

Reappropriation:

State Building Construction Account--State \$924,000

Appropriation:

State Building Construction Account--State . . \$23,200,000
 Prior Biennia (Expenditures) \$1,276,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$25,400,000

NEW SECTION, Sec. 5087. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-003)

Reappropriation:

Central Washington University Capital Projects
 Account--State \$250,000
 Prior Biennia (Expenditures) \$1,808,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,058,000

NEW SECTION, Sec. 5088. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-002)

Reappropriation:

Central Washington University Capital Projects
 Account--State \$27,000
 Prior Biennia (Expenditures) \$1,073,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,100,000

NEW SECTION, Sec. 5089. FOR CENTRAL

WASHINGTON UNIVERSITY

Minor Works Program (06-2-005)

Reappropriation:

Central Washington University Capital Projects
 Account--State \$669,000
 Prior Biennia (Expenditures) \$3,721,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,390,000

NEW SECTION, Sec. 5090. FOR CENTRAL

WASHINGTON UNIVERSITY

Nicholson Pavilion Indoor Air/Asbestos (06-1-008)

Reappropriation:

State Building Construction Account--State \$375,000
 Prior Biennia (Expenditures) \$3,725,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,100,000

NEW SECTION, Sec. 5091. FOR CENTRAL

WASHINGTON UNIVERSITY

Combined Utilities (08-1-011)

Appropriation:

State Building Construction Account--State . . . \$6,800,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$15,000,000
 TOTAL \$21,800,000

NEW SECTION, Sec. 5092. FOR CENTRAL WASHINGTON UNIVERSITY

Hogue Hall Renovation and Addition (08-2-003)

Appropriation:

Gardner-Evans Higher Education Construction
 Account--State \$3,000,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$35,000,000
 TOTAL \$38,000,000

NEW SECTION, Sec. 5093. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (08-1-001)

Appropriation:

State Building Construction Account--State . . . \$3,175,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$12,700,000
 TOTAL \$15,875,000

NEW SECTION, Sec. 5094. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (08-1-009)

Appropriation:

State Building Construction Account--State \$660,000
 Central Washington University Capital Projects
 Account--State \$2,675,000
 Subtotal Appropriation \$3,335,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$13,340,000
 TOTAL \$16,675,000

NEW SECTION, Sec. 5095. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (08-1-010)

Appropriation:

State Building Construction Account--State . . . \$2,165,000
 Central Washington University Capital Projects
 Account--State \$1,125,000
 Subtotal Appropriation \$3,290,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$13,160,000
 TOTAL \$16,450,000

NEW SECTION, Sec. 5096. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works - Program (08-2-002)

Appropriation:

State Building Construction Account--State . . . \$4,000,000
 Central Washington University Capital Projects
 Account--State \$3,800,000
 Subtotal Appropriation \$7,800,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$17,500,000
 TOTAL \$25,300,000

NEW SECTION, Sec. 5097. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction	
Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5098. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	\$2,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,422,000

NEW SECTION. Sec. 5099. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

Reappropriation:

The Evergreen State College Capital Projects	
Account--State	\$150,000
Prior Biennia (Expenditures)	\$47,350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,500,000

NEW SECTION. Sec. 5100. FOR THE EVERGREEN STATE COLLEGE

Daniel J. Evans Building - Modernization (04-2-006)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$20,250,000
Prior Biennia (Expenditures)	\$24,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,750,000

NEW SECTION. Sec. 5101. FOR THE EVERGREEN STATE COLLEGE

Health, Safety, and Code Requirements (06-1-002)

Reappropriation:

The Evergreen State College Capital Projects	
Account--State	\$300,000

Prior Biennia (Expenditures)	\$1,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 5102. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Preservation (06-1-004)

Reappropriation:

The Evergreen State College Capital Projects	
Account--State	\$175,000
Prior Biennia (Expenditures)	\$825,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5103. FOR THE EVERGREEN STATE COLLEGE

Lab I First Floor Class/Laboratory Renovation (06-2-001)

Reappropriation:

State Building Construction Account--State	\$1,950,000
Prior Biennia (Expenditures)	\$1,150,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,100,000

NEW SECTION. Sec. 5104. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Facility Preservation (06-1-003)

Reappropriation:

The Evergreen State College Capital Projects	
Account--State	\$1,100,000
Prior Biennia (Expenditures)	\$2,900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5105. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program (06-2-005)

Reappropriation:

The Evergreen State College Capital Projects	
Account--State	\$75,000
Prior Biennia (Expenditures)	\$425,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5106. FOR THE EVERGREEN STATE COLLEGE

College Activities Building Renovation (08-2-009)

Appropriation:

State Building Construction Account--State	\$4,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,900,000

NEW SECTION. Sec. 5107. FOR THE EVERGREEN STATE COLLEGE

Longhouse Expansion (08-2-007)

Appropriation:

State Building Construction Account--State	\$1,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,700,000

NEW SECTION. Sec. 5108. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Infrastructure Preservation (08-1-004)

Appropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$700,000

NEW SECTION. Sec. 5109. FOR THE EVERGREEN STATE COLLEGE

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Minor Works - Health, Safety, and Code Requirements (08-1-002)

Appropriation:

State Building Construction Account--State . . .	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5110. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation (08-1-001)

Appropriation:

The Evergreen State College Capital Projects	
Account--State	\$5,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,300,000

NEW SECTION. Sec. 5111. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction	
Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5112. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Program (08-2-003)

Appropriation:

State Building Construction Account--State	\$930,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$930,000

NEW SECTION. Sec. 5113. FOR THE EVERGREEN STATE COLLEGE

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	\$760,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$760,000

NEW SECTION. Sec. 5114. FOR WESTERN WASHINGTON UNIVERSITY

Academic Instructional Center (02-2-026)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$48,000,000

Appropriation:

State Building Construction Account--State . . .	\$5,895,000
Western Washington University Capital Projects Account--	
State	\$1,178,000
Subtotal Appropriation	\$7,073,000
Prior Biennia (Expenditures)	\$9,171,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$64,244,000

NEW SECTION. Sec. 5115. FOR WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State . . .	\$5,523,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$52,227,000
TOTAL	\$58,000,000

NEW SECTION. Sec. 5116. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (06-1-083)

Reappropriation:

State Building Construction Account--State . . .	\$1,850,000
Prior Biennia (Expenditures)	\$2,440,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,290,000

NEW SECTION. Sec. 5117. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code (06-1-082)

Reappropriation:

State Building Construction Account--State	\$850,000
Prior Biennia (Expenditures)	\$1,240,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,090,000

NEW SECTION. Sec. 5118. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (06-1-084)

Reappropriation:

State Building Construction Account--State	\$850,000
Prior Biennia (Expenditures)	\$1,375,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,225,000

NEW SECTION. Sec. 5119. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (06-2-085)

Reappropriation:

Western Washington University Capital Projects	
Account--State	\$2,200,000
Prior Biennia (Expenditures)	\$5,522,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,722,000

NEW SECTION, Sec. 5120. FOR WESTERN WASHINGTON UNIVERSITY

Academic Facilities Modernization Projects (08-2-099)

Appropriation:

State Building Construction Account--State	.. \$11,000,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$11,000,000

NEW SECTION, Sec. 5121. FOR WESTERN WASHINGTON UNIVERSITY

Carver Academic Renovation (08-1-060)

Appropriation:

State Building Construction Account--State	.... \$400,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$51,587,000
TOTAL	..... \$51,987,000

NEW SECTION, Sec. 5122. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (08-1-091)

Appropriation:

State Building Construction Account--State	... \$5,051,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$18,000,000
TOTAL	..... \$23,051,000

NEW SECTION, Sec. 5123. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (08-1-090)

Appropriation:

State Building Construction Account--State	... \$2,933,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$12,000,000
TOTAL	..... \$14,933,000

NEW SECTION, Sec. 5124. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (08-1-092)

Appropriation:

State Building Construction Account--State	... \$2,016,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$8,000,000
TOTAL	..... \$10,016,000

NEW SECTION, Sec. 5125. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (08-1-151)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	..... \$1
Gardner-Evans Higher Education Construction Account--State	..... \$1
Subtotal Appropriation	..... \$2
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$2

NEW SECTION, Sec. 5126. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (08-2-093)

Appropriation:

State Building Construction Account--State	... \$3,000,000
Westem Washington University Capital Projects Account--State	..... \$7,000,000

Subtotal Appropriation	..... \$10,000,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$40,000,000
TOTAL	..... \$50,000,000

NEW SECTION, Sec. 5127. FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at local discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	..... \$3,614,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$3,614,000

NEW SECTION, Sec. 5128. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Pacific - Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State	.... \$666,000
Prior Biennia (Expenditures)	..... \$1,885,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$2,551,000

NEW SECTION, Sec. 5129. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant (02-4-001)

Reappropriation:

State Building Construction Account--State	... \$1,081,000
Prior Biennia (Expenditures)	..... \$646,000
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$1,727,000

NEW SECTION, Sec. 5130. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (04-4-004)

Reappropriation:

State Building Construction Account--State	... \$1,947,000
Prior Biennia (Expenditures) \$2,053,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

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NEW SECTION. Sec. 5131. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia - State Capital Museum: Building Preservation (06-1-003)

Reappropriation:

State Building Construction Account--State	\$17,000
Prior Biennia (Expenditures)	\$314,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$331,000

NEW SECTION. Sec. 5132. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 733, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State . . .	\$3,821,000
Prior Biennia (Expenditures)	\$843,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,664,000

NEW SECTION. Sec. 5133. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - State History Museum: Building Preservation (06-1-001)

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$381,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$481,000

NEW SECTION. Sec. 5134. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - Research Center: Building Preservation (06-1-002)

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$82,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$182,000

NEW SECTION. Sec. 5135. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma Research Center Building Preservation (07-1-002)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$537,000
TOTAL	\$737,000

NEW SECTION. Sec. 5136. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma State History Museum Building Preservation (07-1-001)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$1,500,000

NEW SECTION. Sec. 5137. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (07-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project Recommended

Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
Pacific county historical society	\$186,000
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	\$859,000
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
Total	\$10,000,000

Appropriation:

State Building Construction Account--State . .	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 5138. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Women's History Preservation Grants (07-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the preservation of documents that are important in revealing the role of women in the history of the region and the role Washington women played in the nation's history.

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 5139. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Building Management System (08-1-003)

Appropriation:

State Building Construction Account--State	\$196,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$196,000

NEW SECTION. Sec. 5140. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Campbell House Long-Term Preservation (08-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to repair the foundation, sandstone, mortar, brick, chimney, and roof of state-owned National Register property "Campbell house" and its carriage house.

Appropriation:

State Building Construction Account--State	....	\$402,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$293,000
TOTAL	.....	\$695,000

NEW SECTION. Sec. 5141. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Computer Catalog System (08-2-010)

Appropriation:

State Building Construction Account--State	....	\$63,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$63,000

NEW SECTION. Sec. 5142. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum Preservation (08-1-001)

Appropriation:

State Building Construction Account--State	....	\$150,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$1,154,000
TOTAL	.....	\$1,304,000

NEW SECTION. Sec. 5143. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Security System and Technology Infrastructure (08-1-005)

Appropriation:

State Building Construction Account--State	....	\$408,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$408,000

NEW SECTION. Sec. 5144. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Storage and Exhibit Equipment for Collections (08-2-012)

Appropriation:

State Building Construction Account--State	....	\$42,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$114,000
TOTAL	.....	\$156,000

NEW SECTION. Sec. 5145. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum System Repair and Upgrades/Preservation (08-1-013)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for preservation projects and to repair and upgrade museum systems to enhance delivery of K-12 education and American Indian programs.

Appropriation:

State Building Construction Account--State	....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$0
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,000,000

NEW SECTION. Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Clark Center at WSU Vancouver (00-2-680)

Reappropriation:

Gardner-Evans Higher Education Construction		
Account--State	.....	\$150,000
Prior Biennia (Expenditures)	.....	\$19,624,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$19,774,000

NEW SECTION. Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

Gardner-Evans Higher Education Construction

Account--State	.....	\$1,000,000
Prior Biennia (Expenditures)	.....	\$24,335,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$25,335,000

NEW SECTION. Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Science Building (01-2-688)

Reappropriation:

State Building Construction Account--State	....	\$4,000,000
Prior Biennia (Expenditures)	.....	\$25,804,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$29,804,000

NEW SECTION. Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Science Building (01-2-687)

Reappropriation:

State Building Construction Account--State	..	\$10,500,000
Prior Biennia (Expenditures)	.....	\$21,496,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$31,996,000

NEW SECTION. Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Learning Resource Center/Vocational (02-2-684)

Reappropriation:

State Building Construction Account--State	....	\$1,300,000
Prior Biennia (Expenditures)	.....	\$15,760,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$17,060,000

NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/UW Bothell: Phase 2B Off Ramp (02-2-999)

Reappropriation:

Gardner-Evans Higher Education Construction		
Account--State	.....	\$320,000
Prior Biennia (Expenditures)	.....	\$1,430,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$1,750,000

NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Instructional Lab Building - Construction (02-2-685)

Reappropriation:

State Building Construction Account--State	....	\$8,000,000
Prior Biennia (Expenditures)	.....	\$9,488,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$17,488,000

NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State	....	\$450,000
Prior Biennia (Expenditures)	.....	\$15,280,000
Future Biennia (Projected Costs)	.....	\$0
TOTAL	.....	\$15,730,000

NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Reappropriation:

Gardner-Evans Higher Education Construction		
Account--State	\$3,000,000

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Prior Biennia (Expenditures) \$4,178,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,178,000

NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: Science and Technology (04-2-690)

Reappropriation:
 State Building Construction Account--State . . . \$1,400,000

Appropriation:
 State Building Construction Account--State . . \$31,332,000
 Prior Biennia (Expenditures) \$1,066,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$33,798,000

NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Reappropriation:
 State Building Construction Account--State . . . \$600,000
 Gardner-Evans Higher Education Construction

Account--State \$2,600,000
 Subtotal Reappropriation \$3,200,000

Prior Biennia (Expenditures) \$13,638,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$16,838,000

NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College: Center for Arts, Technology, and Communications (04-2-693)

Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$2,100,000

Appropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$32,636,000
 Prior Biennia (Expenditures) \$1,091,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$35,827,000

NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College: Science Building (04-2-850)

Reappropriation:
 State Building Construction Account--State . . . \$1,700,000

Appropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$28,716,000
 Prior Biennia (Expenditures) \$1,697,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$32,113,000

NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: East County Satellite (04-1-689)

Reappropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$2,000,000

Appropriation:
 Gardner-Evans Higher Education Construction
 Account--State \$27,184,000
 Prior Biennia (Expenditures) \$693,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$29,877,000

NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Reappropriation:

State Building Construction Account--State . . . \$230,000
 Prior Biennia (Expenditures) \$8,596,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,826,000

NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Pilchuck/Glacier (04-1-205)

Reappropriation:

State Building Construction Account--State . . . \$130,000
 Prior Biennia (Expenditures) \$18,815,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,945,000

NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Replacement - Monte Cristo Hall (04-1-305)

Reappropriation:

State Building Construction Account--State . . . \$45,000
 Prior Biennia (Expenditures) \$7,307,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,352,000

NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: University Center - North Puget Sound (04-2-692)

Reappropriation:

State Building Construction Account--State . . . \$1,900,000
 Gardner-Evans Higher Education Construction
 Account--State \$3,844,000
 Subtotal Reappropriation \$5,744,000

Appropriation:
 State Building Construction Account--State . . \$40,604,000
 Prior Biennia (Expenditures) \$5,590,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$51,938,000

NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Preservation Backlog Reduction (04-1-951)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the reappropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this reappropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category.

(4) Section 6004 of this act does not apply to this reappropriation.

Reappropriation:

State Building Construction Account--State . . \$12,000,000
 Prior Biennia (Expenditures) \$52,298,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$64,298,000

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NEW SECTION. Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Replacement - Instructional Building (04-1-204)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$420,000
Prior Biennia (Expenditures)	\$20,314,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,734,000

NEW SECTION. Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Riverview Education Center (07-1-850)

Reappropriation:

State Building Construction Account--State	\$498,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$498,000

NEW SECTION. Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State	\$580,000
Prior Biennia (Expenditures)	\$11,419,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,999,000

NEW SECTION. Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the reappropriation is to purchase property for expansion, storm water retention, and parking requirements.

(2) State funds must be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Reappropriation:

Community/Technical College Capital Projects	
Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$4,271,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,421,000

NEW SECTION. Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional Fine Arts Building (04-1-214)

Reappropriation:

State Building Construction Account--State	\$300,000
Gardner-Evans Higher Education Construction	
Account--State	\$13,500,000

Subtotal Reappropriation	\$13,800,000
Prior Biennia (Expenditures)	\$10,861,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,661,000

NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (Minor Improvements) (04-2-130)

Reappropriation:

State Building Construction Account--State	\$730,000
Community/Technical College Capital Projects	
Account--State	\$1,400,000
Subtotal Reappropriation	\$2,130,000
Prior Biennia (Expenditures)	\$12,850,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,980,000

NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Science and Technology Building Replacement (04-1-202)

Reappropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$11,998,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,998,000

NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$20,640,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,640,000

NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College - Fort Steilacoom: Science and Technology (04-2-694)

Reappropriation:

State Building Construction Account--State	\$850,000
Appropriation:	
State Building Construction Account--State	\$30,407,000
Prior Biennia (Expenditures)	\$1,327,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,584,000

NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Childcare Center (04-2-401)

Reappropriation:

Community/Technical College Capital Projects	
Account--State	\$40,000
Prior Biennia (Expenditures)	\$460,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Communication Arts/Health Building (04-2-691)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$900,000

Appropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$25,303,000

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Prior Biennia (Expenditures) \$1,196,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$27,399,000

NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Portable Replacement (04-1-215)

Reappropriation:
 State Building Construction Account--State . . . \$1,000,000
 Prior Biennia (Expenditures) \$2,396,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,396,000

NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (04-1-010)

Reappropriation:
 State Building Construction Account--State . . . \$640,000
 Prior Biennia (Expenditures) \$6,626,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,266,000

NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (04-1-090)

Reappropriation:
 State Building Construction Account--State . . . \$300,000
 Prior Biennia (Expenditures) \$5,006,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,306,000

NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

Reappropriation:
 State Building Construction Account--State . . . \$1,500,000
 Gardner-Evans Higher Education Construction Account--State \$325,000
 Subtotal Reappropriation \$1,825,000

Appropriation:

State Building Construction Account--State . . \$28,068,000
 Prior Biennia (Expenditures) \$1,217,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$31,110,000

NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Science Complex (04-2-695)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$2,000,000

Appropriation:

State Building Construction Account--State . . \$25,867,000
 Prior Biennia (Expenditures) \$1,253,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$29,120,000

NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:
 State Building Construction Account--State . . . \$150,000
 Prior Biennia (Expenditures) \$18,711,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,861,000

NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Science Building Replacement (04-1-212)

Reappropriation:
 State Building Construction Account--State . . . \$1,200,000
 Prior Biennia (Expenditures) \$14,521,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$15,721,000

NEW SECTION. Sec. 5184. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Reappropriation:
 State Building Construction Account--State . . . \$175,000
 Prior Biennia (Expenditures) \$2,447,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,622,000

NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)

Reappropriation:
 State Building Construction Account--State . . . \$2,000,000
 Prior Biennia (Expenditures) \$2,988,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,988,000

NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Health Science Facility (04-1-211)

Reappropriation:
 Community/Technical College Capital Projects Account--State \$500,000
 Prior Biennia (Expenditures) \$6,762,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,262,000

NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Glenn/Anthon Hall - Replacement (04-1-207)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$8,000,000
 Prior Biennia (Expenditures) \$20,645,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$28,645,000

NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Health Sciences Center (05-2-851)

Reappropriation:
 State Building Construction Account--State . . . \$50,000
 Prior Biennia (Expenditures) \$7,950,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$8,000,000

NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Training Facility (05-1-854)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$8,000,000
 Prior Biennia (Expenditures) \$1,752,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,752,000

NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls: Business and Social Science Building (05-1-853)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$12,312,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,312,000

NEW SECTION. Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Anderson Hall and Portable Replacement (05-1-852)

Reappropriation:

Gardner-Evans Higher Education Construction	
Account--State	\$7,000,000
Prior Biennia (Expenditures)	\$17,660,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,660,000

NEW SECTION. Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Big Bend Community College: Performing Arts and Fine Arts (06-1-309)

Reappropriation:

State Building Construction Account--State	\$3,300,000
Prior Biennia (Expenditures)	\$398,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,698,000

NEW SECTION. Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Gaiser Hall Renovation (06-1-302)

Reappropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$5,374,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,374,000

NEW SECTION. Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: O'Connell Sports Center Improvements (06-2-403)

Reappropriation:

State Building Construction Account--State	\$480,000
Prior Biennia (Expenditures)	\$170,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$650,000

NEW SECTION. Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Allied Health Care Facility (06-2-699)

Reappropriation:

State Building Construction Account--State	\$20,000
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Appropriation:

State Building Construction Account--State	\$2,285,000
Prior Biennia (Expenditures)	\$115,000
Future Biennia (Projected Costs)	\$24,340,000
TOTAL	\$26,760,000

NEW SECTION. Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College: Personal Care Services Facility (06-1-310)

Reappropriation:

State Building Construction Account--State	\$5,900,000
Prior Biennia (Expenditures)	\$599,000
Future Biennia (Projected Costs)	\$0

TOTAL \$6,499,000

NEW SECTION. Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Brier Hall Renovation (06-1-307)

Reappropriation:

State Building Construction Account--State	\$4,700,000
Prior Biennia (Expenditures)	\$433,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,133,000

NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Paine Field Technical Center (06-2-408)

Reappropriation:

State Building Construction Account--State	\$980,000
Prior Biennia (Expenditures)	\$20,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs (06-1-050)

Reappropriation:

Community/Technical College Capital Projects	
Account--State	\$12,400,000
Prior Biennia (Expenditures)	\$9,927,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,327,000

NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Vocational Education Renovation (06-1-303)

Reappropriation:

State Building Construction Account--State	\$4,710,000
Prior Biennia (Expenditures)	\$661,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,371,000

NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Humanities and Classroom Building (06-1-205)

Reappropriation:

State Building Construction Account--State	\$40,000
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Appropriation:

State Building Construction Account--State	\$2,744,000
Prior Biennia (Expenditures)	\$97,000
Future Biennia (Projected Costs)	\$25,427,000
TOTAL	\$28,308,000

NEW SECTION. Sec. 5202. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Physical Education Renovation (06-1-313)

Reappropriation:

State Building Construction Account--State	\$477,000
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Appropriation:

State Building Construction Account--State	\$3,818,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,295,000

NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Water System Replacement (06-1-501)

Reappropriation:

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Gardner-Evans Higher Education Construction
 Account--State \$1,951,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,951,000

NEW SECTION. Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Skills Support Center Addition (06-2-405)

Reappropriation:

State Building Construction Account--State \$640,000
 Prior Biennia (Expenditures) \$160,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$800,000

NEW SECTION. Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Highline Community College: Marine Science and Technology (06-2-406)

Reappropriation:

State Building Construction Account--State \$490,000
 Prior Biennia (Expenditures) \$10,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

NEW SECTION. Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (06-1-751)

Reappropriation:

Gardner-Evans Higher Education Construction
 Account--State \$2,600,000
 Prior Biennia (Expenditures) \$116,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,716,000

NEW SECTION. Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Allied Health Building (06-2-697)

Appropriation:

State Building Construction Account--State . . . \$1,732,000
 Prior Biennia (Expenditures) \$197,000
 Future Biennia (Projected Costs) \$26,085,000
 TOTAL \$28,014,000

NEW SECTION. Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Science Lab Renovation (06-1-308)

Reappropriation:

State Building Construction Account--State \$290,000
 Prior Biennia (Expenditures) \$1,469,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,759,000

NEW SECTION. Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works Preservation (RMI) (06-1-001)

Reappropriation:

Community/Technical College Capital Projects
 Account--State \$6,300,000
 Prior Biennia (Expenditures) \$7,700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$14,000,000

NEW SECTION. Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works: Program (06-2-130)

Reappropriation:

State Building Construction Account--State . . \$11,900,000
 Prior Biennia (Expenditures) \$8,363,000

Future Biennia (Projected Costs) \$0
 TOTAL \$20,263,000

NEW SECTION. Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Employment Resource Center (06-2-851)

The appropriation in this section is subject to the following conditions and limitations: The department of social and health services and the employment security department shall not execute new leases or lease extensions for facilities identified in the August 25, 2006, predesign beyond the timeframe for completion of this project.

Reappropriation:

State Building Construction Account--State \$325,000

Appropriation:

State Building Construction Account--State . . . \$1,970,000
 Prior Biennia (Expenditures) \$195,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,490,000

NEW SECTION. Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College: Wellness Center Repairs (06-1-330)

Reappropriation:

State Building Construction Account--State \$970,000
 Prior Biennia (Expenditures) \$2,030,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Humanities and Student Services (06-1-204)

Reappropriation:

State Building Construction Account--State . . . \$2,500,000

Appropriation:

State Building Construction Account--State . . \$37,889,000
 Prior Biennia (Expenditures) \$999,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$41,388,000

NEW SECTION. Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College: Bremer Student Center (06-2-411)

Reappropriation:

State Building Construction Account--State \$30,000
 Prior Biennia (Expenditures) \$570,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$600,000

NEW SECTION. Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Library Renovation (06-1-305)

Reappropriation:

State Building Construction Account--State . . \$11,000,000
 Prior Biennia (Expenditures) \$3,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$14,000,000

NEW SECTION. Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Phase II Cultural and Arts Center (06-2-412)

Reappropriation:

State Building Construction Account--State . . . \$250,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$250,000

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NEW SECTION. Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Cascade Core Phase I (06-1-326)

Reappropriation:

State Building Construction Account--State . . . \$1,000,000

Appropriation:

State Building Construction Account--State . . \$14,602,000
Prior Biennia (Expenditures) \$2,350,000
Future Biennia (Projected Costs) \$0
TOTAL \$17,952,000

NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs (06-1-010)

Reappropriation:

Community/Technical College Capital Projects
Account--State \$3,900,000
Prior Biennia (Expenditures) \$4,940,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,840,000

NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Maritime Academy Repairs (06-1-502)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State \$268,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$1,688,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,956,000

NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Greenhouse/Educational Center (06-2-410)

Reappropriation:

State Building Construction Account--State \$240,000
Prior Biennia (Expenditures) \$10,000
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Information Technology and Visual Communications (06-1-304)

Reappropriation:

State Building Construction Account--State . . . \$7,400,000
Prior Biennia (Expenditures) \$696,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,096,000

NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College: Annex Renovation (06-1-312)

Reappropriation:

State Building Construction Account--State \$840,000
Prior Biennia (Expenditures) \$1,899,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,739,000

NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College: Automotive Building (Phase I) (06-2-951)

Reappropriation:

State Building Construction Account--State . . . \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs (06-1-090)

Reappropriation:

Community/Technical College Capital Projects
Account--State \$2,300,000
Prior Biennia (Expenditures) \$1,537,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,837,000

NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Campus Fire Loop Replacement (06-1-504)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State \$230,000
Prior Biennia (Expenditures) \$1,404,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,634,000

NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Learning Resource Center (06-2-698)

Appropriation:

State Building Construction Account--State . . . \$3,268,000
Prior Biennia (Expenditures) \$197,000
Future Biennia (Projected Costs) \$35,382,000
TOTAL \$38,847,000

NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Automotive Collision Technology (06-1-306)

Reappropriation:

State Building Construction Account--State . . . \$1,700,000
Prior Biennia (Expenditures) \$272,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,972,000

NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Horticulture/SCGS Classrooms (06-2-404)

Reappropriation:

State Building Construction Account--State . . . \$490,000
Prior Biennia (Expenditures) \$67,000
Future Biennia (Projected Costs) \$0
TOTAL \$557,000

NEW SECTION. Sec. 5229. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Campus Classrooms (06-2-696)

Appropriation:

State Building Construction Account--State . . . \$1,802,000
Prior Biennia (Expenditures) \$82,000
Future Biennia (Projected Costs) \$18,686,000
TOTAL \$20,570,000

NEW SECTION. Sec. 5230. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Center for Water and Environmental Studies (06-2-853)

Reappropriation:

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State Building Construction Account--State . . . \$940,000
 Prior Biennia (Expenditures) . . . \$1,060,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$2,000,000

NEW SECTION. Sec. 5231. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Clarkston Health Science Facility (06-2-402)

Reappropriation:

State Building Construction Account--State . . . \$490,000
 Prior Biennia (Expenditures) . . . \$510,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,000,000

NEW SECTION. Sec. 5232. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College: Brown Library Renovation (06-1-311)

Reappropriation:

State Building Construction Account--State . . . \$760,000
 Prior Biennia (Expenditures) . . . \$1,644,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$2,404,000

NEW SECTION. Sec. 5233. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Center for Workforce Education (06-2-407)

Reappropriation:

State Building Construction Account--State . . . \$690,000
 Prior Biennia (Expenditures) . . . \$310,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,000,000

NEW SECTION. Sec. 5234. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Raymond Hall Renovation (06-1-325)

Reappropriation:

State Building Construction Account--State . . . \$3,800,000
 Prior Biennia (Expenditures) . . . \$369,000
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$4,169,000

NEW SECTION. Sec. 5235. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates Technical College: Mohler Communications Technology Center (08-2-703)

Appropriation:

State Building Construction Account--State . . . \$173,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$22,567,000
 TOTAL . . . \$22,740,000

NEW SECTION. Sec. 5236. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: Health Science Building (08-2-702)

Appropriation:

State Building Construction Account--State . . . \$144,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$38,893,000
 TOTAL . . . \$39,037,000

NEW SECTION. Sec. 5237. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Instructional Resource Center (08-1-223)

Appropriation:

State Building Construction Account--State . . . \$1,824,000
 Prior Biennia (Expenditures) . . . \$0

Future Biennia (Projected Costs) . . . \$28,065,000
 TOTAL . . . \$29,889,000

NEW SECTION. Sec. 5238. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College: Health and Wellness Education Center (08-2-414)

Appropriation:

State Building Construction Account--State . . . \$1,000,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,000,000

NEW SECTION. Sec. 5239. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Child and Family Studies Center (08-2-417)

Appropriation:

State Building Construction Account--State . . . \$1,000,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$1,000,000

NEW SECTION. Sec. 5240. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College: Health and Advanced Technologies Building (08-2-705)

Appropriation:

State Building Construction Account--State . . . \$250,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$32,982,000
 TOTAL . . . \$33,232,000

NEW SECTION. Sec. 5241. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Business Education Building (08-1-315)

Appropriation:

State Building Construction Account--State . . . \$5,020,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$5,020,000

NEW SECTION. Sec. 5242. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Social Science Center (08-2-704)

Appropriation:

State Building Construction Account--State . . . \$111,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$12,299,000
 TOTAL . . . \$12,410,000

NEW SECTION. Sec. 5243. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Vocational Building (08-1-217)

Appropriation:

State Building Construction Account--State . . . \$1,802,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$20,498,000
 TOTAL . . . \$22,300,000

NEW SECTION. Sec. 5244. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Primary Electrical Replacement (08-1-508)

Appropriation:

State Building Construction Account--State . . . \$2,466,000
 Prior Biennia (Expenditures) . . . \$0
 Future Biennia (Projected Costs) . . . \$0
 TOTAL . . . \$2,466,000

NEW SECTION. Sec. 5245. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Edmonds Community College: Meadowdale Hall Renovation (08-1-318)

Appropriation:

State Building Construction Account--State ... \$9,256,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$9,256,000

NEW SECTION, Sec. 5246. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College: Index Hall Replacement (08-1-221)

Appropriation:

State Building Construction Account--State ... \$2,800,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$41,005,000
TOTAL ... \$43,805,000

NEW SECTION, Sec. 5247. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Child Care Facility (08-2-416)

Appropriation:

State Building Construction Account--State ... \$1,000,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$1,000,000

NEW SECTION, Sec. 5248. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Grays Harbor College: Science and Math Building (08-1-226)

Appropriation:

State Building Construction Account--State ... \$276,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$40,026,000
TOTAL ... \$40,302,000

NEW SECTION, Sec. 5249. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Primary Electrical Replacement (08-1-506)

Appropriation:

State Building Construction Account--State ... \$1,870,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$0
TOTAL ... \$1,870,000

NEW SECTION, Sec. 5250. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College: Trades and Industry Building (08-1-222)

Appropriation:

State Building Construction Account--State ... \$138,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$29,833,000
TOTAL ... \$29,971,000

NEW SECTION, Sec. 5251. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Health and Science Building (08-1-225)

Appropriation:

State Building Construction Account--State ... \$2,500,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$39,915,000
TOTAL ... \$42,415,000

NEW SECTION, Sec. 5252. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation (08-1-050)

Appropriation:

Community/Technical College Capital Projects

Account--State ... \$21,243,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$80,000,000
TOTAL ... \$101,243,000

NEW SECTION, Sec. 5253. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation - Roof Repairs (08-1-010)

Appropriation:

State Building Construction Account--State ... \$2,719,000
Education Construction Account--State ... \$3,957,000
Subtotal Appropriation ... \$6,767,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$24,000,000
TOTAL ... \$30,676,000

NEW SECTION, Sec. 5254. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Infrastructure Preservation (08-1-090)

Appropriation:

Community/Technical College Capital Projects
Account--State ... \$2,082,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$16,000,000
TOTAL ... \$18,082,000

NEW SECTION, Sec. 5255. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation - Repairs and Minor Improvements (08-1-001)

Appropriation:

Community/Technical College Capital Projects
Account--State ... \$16,000,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$70,000,000
TOTAL ... \$86,000,000

NEW SECTION, Sec. 5256. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (08-2-130)

Appropriation:

Community/Technical College Capital Projects
Account--State ... \$20,000,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$80,000,000
TOTAL ... \$100,000,000

NEW SECTION, Sec. 5257. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Business and Humanities Center (08-1-218)

Appropriation:

State Building Construction Account--State ... \$2,300,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$33,938,000
TOTAL ... \$36,238,000

NEW SECTION, Sec. 5258. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Cascade Core Phase II (08-1-321)

Appropriation:

State Building Construction Account--State ... \$2,242,000
Prior Biennia (Expenditures) ... \$0
Future Biennia (Projected Costs) ... \$22,353,000
TOTAL ... \$24,595,000

NEW SECTION, Sec. 5259. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (08-1-151)

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The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	..... \$1
Gardner-Evans Higher Education Construction Account--State	..... \$1
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$2

NEW SECTION. Sec. 5260. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventive Facility Maintenance and Building System Repairs (08-1-150)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925, chapter 26, Laws of 2003 1st sp. sess., the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems and campus infrastructure. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems and campus infrastructure must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation, the intent is to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds must be allocated at the state board's discretion to achieve the performance goal stated in this subsection (2), with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 6004 of this act does not apply to this appropriation.

(4) There is no intent to reappropriate amounts not expended by June 30, 2009.

Appropriation:

Education Construction Account--State	..... \$22,802,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$22,802,000

NEW SECTION. Sec. 5261. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Edison North Renovation (08-1-314)

Appropriation:

State Building Construction Account--State	.. \$18,284,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$18,284,000

NEW SECTION. Sec. 5262. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Wood Construction Center (08-1-216)

Appropriation:

State Building Construction Account--State	... \$2,549,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$23,734,000
TOTAL	..... \$26,283,000

NEW SECTION. Sec. 5263. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College: Automotive Training Center (08-2-413)

Appropriation:

State Building Construction Account--State	... \$1,000,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$1,000,000

NEW SECTION. Sec. 5264. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Academic and Student Services Building (08-1-224)

Appropriation:

State Building Construction Account--State	.... \$136,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$26,763,000
TOTAL	..... \$26,899,000

NEW SECTION. Sec. 5265. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Building 22 Renovation (08-1-316)

Appropriation:

State Building Construction Account--State	.. \$10,359,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$10,001,000
TOTAL	..... \$20,360,000

NEW SECTION. Sec. 5266. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Building 7 Renovation (08-1-319)

Appropriation:

State Building Construction Account--State	... \$1,009,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$9,331,000
TOTAL	..... \$10,340,000

NEW SECTION. Sec. 5267. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Technical Education Building (08-1-220)

Appropriation:

State Building Construction Account--State	... \$2,393,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$30,391,000
TOTAL	..... \$32,784,000

NEW SECTION. Sec. 5268. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Chemistry and Life Science Building (08-1-219)

Appropriation:

State Building Construction Account--State	... \$2,520,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$27,044,000
TOTAL	..... \$29,564,000

NEW SECTION. Sec. 5269. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Magnuson Building Remodel (08-2-415)

Appropriation:

State Building Construction Account--State	.... \$941,000
Prior Biennia (Expenditures)	..... \$0
Future Biennia (Projected Costs)	..... \$0
TOTAL	..... \$941,000

NEW SECTION. Sec. 5270. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College: Music Building 15 Renovation (08-1-320)

Appropriation:

State Building Construction Account--State . . .	\$1,142,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,094,000
TOTAL	\$14,236,000

NEW SECTION. Sec. 5271. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Early Childhood Education/Childcare Center (08-2-418)

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5272. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Health Careers Center (08-2-701)

Appropriation:

State Building Construction Account--State	\$255,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,514,000
TOTAL	\$36,769,000

NEW SECTION. Sec. 5273. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Culinary Arts/Student Development Center (08-2-419)

Appropriation:

State Building Construction Account--State . . .	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5274. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Brown Dental Hygiene Building (08-1-317)

Appropriation:

State Building Construction Account--State . . .	\$5,675,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,675,000

NEW SECTION. Sec. 5275. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Higher Education Cost Escalation (08-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the state board for community and technical colleges to assist public community and technical colleges in managing unanticipated cost escalation for projects bid during the 2007-2009 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from other resources. The board shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. Prior to the office of financial management approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the board shall require the college to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The board will report to the office of financial

management and the appropriate fiscal committees of the legislature on the use of these funds.

Appropriation:

State Building Construction Account--State . . .	\$3,238,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,238,000

(End of part)

**PART 6
MISCELLANEOUS AND SUPPLEMENTAL
PROVISIONS**

NEW SECTION. Sec. 6001. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

(2) The legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

NEW SECTION. Sec. 6002. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 6003. (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions

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to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 6004. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 6005. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 6006. The legislature finds that the state's public four-year institutions and the higher education coordinating board have made substantial progress in developing a process to create a single prioritized list of capital project requests as required under RCW 28B.76.220. The legislature also recognizes that continuing work by the institutions and the board is needed to refine the methodology for determining the ranking of project requests, and that this work will benefit from additional legislative guidance. Therefore, the higher education coordinating board and the public four-year institutions, in developing and submitting the single prioritized project list of capital project requests under RCW 28B.76.220, shall use the following guidelines:

(1) Representatives of the board shall participate in the process of scoring projects using the criteria in the board's

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biennial budget guidelines. Representatives of the board shall also review the preliminary project list to verify the scoring and ranking of projects. As required under RCW 28B.76.210, institutions must submit the preliminary project list to the board by August 1st of each even-numbered year to enable this review. Any disagreements over project scorings or rankings shall be resolved as provided under RCW 28B.76.220(4).

(2) The higher education coordinating board's biennial budget guidelines and the prioritization process shall place greater emphasis on:

(a) Early critical review of project proposals at the predesign phase, rather than deferring critical review and prioritization to the design or construction phases of a project; and

(b) The capital budget bow wave for a six-year period, beginning with the 2009-2011 biennium through the 2013-2015 biennium.

(3) When projects are aggregated into single line-item requests, each project must meet the definition of minor works according to section 6003(2)(a) of this act. All major projects must be listed and ranked as individual line-item requests.

(4) The scoring and ranking of projects shall not be based on assigning an equal number of overall points to each public four-year institution, but shall reflect an assignment of points to individual projects based on the priorities and criteria in this section and in the board's biennial budget guidelines.

(5) Projects shall not be ranked on the basis of a project funding source.

(6) In consultation with the appropriate fiscal and policy committees of the legislature, the board shall identify statewide priorities for higher education capital investments and incorporate those priorities into its biennial budget guidelines. The statewide priorities shall address the need for higher education capital projects to:

(a) Implement a specific legislatively authorized program or planning priority;

(b) Reduce the backlog of deferred building or system preservation, renewal, or replacement;

(c) Provide additional capacity or adaptation of space for high demand instructional or research programs;

(d) Provide additional instructional program capacity for under-served geographic regions or populations; and

(e) Reflect institutional planning priorities and areas of emphasis.

(7) The higher education coordinating board's biennial budget guidelines shall include a quantitative method for scoring projects on the identified priorities. The quantitative method shall include use of the facility condition index developed by the joint legislative audit and review committee for assessing building or system condition, and use of the board's space utilization and allocation standards for assessing the need for additional capacity.

(8) The council of presidents, in consultation with the board, shall report by September 1, 2007, to the appropriate legislative fiscal committees on the use of a proportionality factor in the scoring and ranking of projects. The report shall include:

(a) A definition of proportionality as it has been used in the scoring and ranking of projects for funding in the 2007-2009 biennium and may be used for subsequent biennia;

(b) A method for measuring proportionality in a valid and consistent manner; and

(c) An explanation of how proportionality relates to the statewide priorities established in subsection (6) of this section, including an assessment of the extent to which it promotes the achievement of these statewide priorities.

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NEW SECTION. Sec. 6007. The Washington state auditor shall perform an audit of the Seattle public library and the secretary of state with regard to expenditures related to the facility located at 2021 9th Avenue, Seattle, Washington that houses the Washington talking book and braille library and city of Seattle functions. The audit shall be completed and results available to the legislature by September 1, 2007.

NEW SECTION. Sec. 6008. Eastern Washington University is authorized to sell its Spokane center. Proceeds from the sale must be deposited into the higher education construction account. Proceeds may be used to acquire or design a facility on or adjacent to the Riverpoint higher education campus for the university's Spokane-based program offerings. Eastern Washington University must report to the office of financial management and the appropriate fiscal committees of the legislature upon the sale of the center and with regard to expenditure of the proceeds.

NEW SECTION. Sec. 6009. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

NEW SECTION. Sec. 6010. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 6011. Due to the intended replacement of the building adjoining Capital Way and 11th avenue, the department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in that facility during the 2007-2009 biennium.

NEW SECTION. Sec. 6012. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 6013. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to

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the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(6) Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed fair market value. A purchase agreement with the owner of the unit on the effective date of this section shall include the following requirements: (a) Upon completion of the purchase of the property, the seller shall retain \$5,750,000 of the sale proceeds in a restricted investment account, reserving such funds for capital costs associated with development of its principal heritage center to be located within the city of Seattle. Principal and accrued earnings in such an account shall be

available for expenditure by the seller when the seller or the city of Seattle has executed a construction contract for either a new facility or improvements to an existing structure to serve as the principal heritage center to be operated by the seller within the city; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2017, the entire amount in the restricted account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of information services: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state general office building and facilities for the department of information services on the state-owned property called "the Wheeler block" in Olympia. The office buildings shall be constructed and financed so that agencies occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable general office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the consolidation of state patrol offices and general office facilities for small agencies and offices. The department of information services shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, telecommunications, and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, support services, and spaces. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (8) have been met. Should the department of information services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

(9) Office of the secretary of state: Enter into a financing contract for up to \$112,942,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a

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combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter ... (Substitute Senate Bill No. 5882, providing funding for the heritage building project), Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration: Enter into a financing contract for up to \$75,863,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter ... (Substitute Senate Bill No. 5882, providing funding for the heritage building project), Laws of 2007 is enacted by June 30, 2007.

Sec. 6014. RCW 43.19.125 and 1965 c 8 s 43.19.125 are each amended to read as follows:

(1) The director of general administration, through the division of capitol buildings, shall have custody and control of the capitol buildings and grounds, supervise and direct proper care, heating, lighting and repairing thereof, and designate rooms in the capitol buildings to be occupied by various state officials.

(2) During the 2007-2009 biennium, responsibility for development of the "Wheeler block" on the capitol campus as authorized in section 6013 of this act shall be transferred from the department of general administration to the department of information services. The department of general administration and the department of information services shall develop a joint operating agreement for the new facilities on the "Wheeler block" and provide copies of that agreement to the appropriate committees of the legislature by December 30, 2008.

(3) During the 2007-2009 biennium, responsibility for development of the Pritchard building rehabilitation on the capitol campus as authorized in section 1090 of this act shall be transferred from the department of general administration to the statute law committee.

NEW SECTION. Sec. 6015. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2007-2009 biennium for the purposes of RCW 28A.335.210, 28B.10.027,

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and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

NEW SECTION. Sec. 6016. (1) A joint legislative task force on school construction funding is established to review the following:

(a) The statutory provisions regarding the funding of school construction projects;

(b) Eligibility requirements and distribution formulas for the state's school construction assistance grant program;

(c) Flexibility needed in the system to address diverse district and geographic needs including, but not limited to, the construction needs unique to high growth areas, as well as the needs of school districts that have experienced consecutive school levy failures; and

(d) Potential revenue sources and alternative funding mechanisms for school construction including, but not limited to, funding mechanisms that may: (i) Phase out and replace revenue collected under RCW 82.02.050 through 82.02.100 for school facilities; and (ii) encourage cooperative partnerships with early learning providers, skill centers, community and technical colleges, or public baccalaureate institutions through the use of a supermatch concept.

(2) The office of the superintendent of public instruction shall provide progress updates to the task force on the development of the pilot inventory of school district facility information and the design of a process for developing a ten-year projection of the facility needs of school districts as provided for in section 5014 of this act for review and comment by the task force.

(3)(a) The joint legislative task force on school construction funding shall consist of eight members, two members each, one from each major caucus, from the house of representatives committees on capital budget and education, appointed by the speaker of the house of representatives, and two members each, one from each major caucus, from the senate committees on ways and means and early learning and K-12 education, appointed by the president of the senate.

(b) The president of the senate and the speaker of the house of representatives jointly shall appoint two members representing school districts.

(c) The office of the superintendent of public instruction and the office of financial management shall cooperate with the task force and maintain liaison representatives.

(d) The task force shall coordinate with the appropriate standing committees of the legislature and may consult with other interested parties, as may be appropriate, for technical advice and assistance.

(e) The task force shall select a chair from among its legislative membership.

(4) Staff support for the task force must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

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(7) The task force must report its findings and recommendations to the appropriate committees of the legislature by December 1, 2007.

NEW SECTION. Sec. 6017. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2009-2011 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 6018. (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2007, from the 2005-2007 biennial appropriations for each project.

(2) "Reappropriations" from the water quality capital account in this act shall be limited to the unexpended balance remaining as of the end of fiscal year 2007 from the water quality account in the 2005-2007 biennial appropriations for each project in this act.

(3) "Reappropriations" in sections 5001, 5002, 5003, and 5005 of this act shall be reduced in this act to the unexpended balances remaining as of the end of fiscal year 2007 for the 2005-2007 biennial appropriation in sections 602, 604, and 607, chapter 488, Laws of 2005, and section 194, chapter 371, Laws of 2006.

NEW SECTION. Sec. 6019. The water quality capital account is created in the state treasury pursuant to chapter . . . (House Bill No. 1137), Laws of 2007. In this act, appropriations from the water quality capital account are defined as appropriations from that account. If chapter . . . (House Bill No. 1137), Laws of 2007 is not enacted by June 30, 2007, appropriations in this act either from that account or into that account shall lapse.

NEW SECTION. Sec. 6020. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 6021. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 6022. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 6023. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 6024. The department of general administration shall not sell or otherwise dispose of the Tacoma Rhodes center until after June 30, 2009, except that the department of general administration may sell the building to another state agency, a state institution, or political subdivision of the state, including a municipal corporation before June 30, 2009. The department shall use its statutory authority to maximize state occupancy of the facility by directing agencies to move into the Tacoma Rhodes center when leases of nonstate-owned facilities expire and when the Tacoma Rhodes center space can reasonably accommodate those agencies.

NEW SECTION. Sec. 6025. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . (Substitute House Bill No. 1138), Laws of 2007 for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary.

NEW SECTION. Sec. 6026. (1) A study committee on public infrastructure programs and funding structures is established. The study committee shall consist of ten members, as follows:

(a) Two members from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(b) Two members from each of the two largest caucuses of the senate, appointed by the president of the senate;

(c) One member from the office of financial management, appointed by the governor; and

(d) One member from the department of community, trade, and economic development, appointed by the director of the department of community, trade, and economic development.

(2) The study committee members shall, by an affirmative vote of at least five members, select a chair from among its membership.

(3) The study committee may seek assistance from members of the senate and the house of representatives and other interested parties to provide advice and technical assistance, and may request the participation of such persons in subcommittees, advisory committees, or work groups that report to the study committee.

(4) The study committee shall make recommendations regarding a comprehensive funding structure and systematic

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approach to support the integration, consolidation, and standardization of processes and procedures, for community and economic development-related infrastructure programs. In order to make recommendations, the study committee shall:

(a) Review state public community and economic development-related infrastructure programs, funds, and the purposes each serve using the November 29, 2006, inventory of state infrastructure programs compiled by the joint legislative audit and review committee.

(b) Review community and economic development infrastructure-related program, fund implementation, or subscription rates; and

(c) Identify overlaps or gaps in types of public community and economic development-related infrastructure projects supported through state programs or funds.

(5) The study committee shall use staff from the house of representatives office of program research and senate committee services, in consultation with the department of community, trade, and economic development and the office of financial management.

(6) Legislative members of the study committee must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The expenses of the study committee must be paid jointly by the senate and the house of representatives. Study committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The study committee shall report its findings and recommendations to the appropriate committees of the house of representatives and the senate by January 1, 2008.

(9) The study committee expires January 1, 2008.

NEW SECTION. Sec. 6027. The Washington state historical society shall review its competitive process to solicit proposals for heritage capital projects for potential funding in the state capital budget. The Washington state historical society shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

NEW SECTION. Sec. 6028. The interagency committee for outdoor recreation shall review its competitive process to solicit proposals for the wildlife and recreation grant program for potential funding in the state capital budget. The interagency committee for outdoor recreation shall submit a report to the office of financial management with recommendations on how to reduce its reappropriations by June 30, 2008.

NEW SECTION. Sec. 6029. The office of financial management may authorize a value engineering study of a project's predesign report prior to beginning the design phase for the project. The allotment of the design phase may be delayed to accommodate the study.

NEW SECTION. Sec. 6030. FOR THE STATE TREASURER--TRANSFERS. The transfer in this section is subject to the following conditions and limitations: The amount transferred shall be added to the irreducible principal of the common school permanent fund. The state treasurer shall transfer half of the amount on July 1, 2008, or as close to that date as practical, and the balance of the amount on December 30, 2008, or as close to that date as practical.

Natural Resources Real Property Replacement

Account: For transfer to the Common School

Permanent Fund \$20,000,000

Sec. 6031. RCW 79.17.210 and 2003 c 334 s 118 are each amended to read as follows:

(1) The legislature finds that the department has a need to maintain the real property asset base it manages and needs an accounting mechanism to complete transactions without reducing the real property asset base.

(2) The natural resources real property replacement account is created in the state treasury. This account shall consist of funds transferred or paid for the disposal or transfer of real property by the department under RCW 79.17.200. The funds in this account shall be used solely for the acquisition of replacement real property and may be spent only when, and as, authorized by legislative appropriation. During the 2007-2009 biennium, balances in the account may be transferred to the appropriate permanent funds as directed in the capital budget appropriations act.

NEW SECTION. Sec. 6032. FOR THE STATE TREASURER--TRANSFERS

Education Construction Account: For transfer to the Common School Construction, an amount

not to exceed \$138,200,000

Education Savings Account: For transfer to the Common School Construction Account, an

amount not to exceed \$43,400,000

Sec. 6033. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup

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standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium,

funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

Sec. 6034. RCW 43.43.944 and 2005 c 518 s 929 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and

(c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. ~~((During the 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.))~~ During the 2007-2009 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol and additional sanitary wastewater treatment capacity at the state fire service training center.

Sec. 6035. RCW 43.135.045 and 2005 c 518 s 931, 2005 c 314 s 401, and 2005 c 72 s 6 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall transfer an amount from the state general fund to the emergency reserve fund. The amount transferred shall equal the amount by which total state revenue for the general fund and related funds exceeds the state expenditure limit, multiplied by the percentage that general fund expenditures are of total expenditures from the general fund and related funds. Transfers shall be made at the end of each fiscal quarter based on projections of state revenues, expenditures, and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to

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reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

Sec. 6036. RCW 43.155.050 and 2005 c 488 s 925 and 2005 c 425 s 4 are each reenacted and amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005.

(2) The job development fund is hereby established in the state treasury. Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2). Moneys in the job

development fund may be spent only after appropriation. The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.

Sec. 6037. RCW 43.155.050 and 2005 c 488 s 925 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. For the ~~((2005-2007))~~ 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005 and section 1033 of this act.

NEW SECTION. **Sec. 6038.** For appropriations under this act that contribute to Puget Sound protection and recovery, the department of ecology, the department of fish and wildlife, the department of natural resources, the state conservation commission, the state parks and recreation commission, the department of health, and the interagency committee for outdoor recreation shall sign performance agreements with the Puget Sound partnership as described in chapter . . . , (Engrossed Substitute Senate Bill No. 5372, Puget Sound partnership), Laws of 2007.

NEW SECTION. **Sec. 6039.** Section 6036 of this act expires June 30, 2011.

Sec. 6040. 2005 c 488 s 955 (uncodified) is amended to read as follows:

~~((Sections))~~ (1) Section 920 ((and 921)) of this act expires June 30, 2007.

(2) Section 921 of this act expires June 30, 2009.

NEW SECTION. **Sec. 6041.** A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE OFFICE OF THE SECRETARY OF STATE**

Acquisition of Fredericks Collection (08-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the acquisition of the Fredericks collection.

Appropriation:

Archives and Records Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

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Sec. 6042. 2006 c 371 s 106 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.

(2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.

(3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.

(4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theater	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Auburn veterans' memorial park improvements	\$50,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Camp prime time repairs-- families with terminally ill children	\$100,000
Cannon house	\$250,000
Central area motivation program (CAMP)	\$250,000
Cesar Chavez park	\$150,000

Chambers creek footbridge	\$177,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school preconstruction activities	\$1,200,000
Colored women's association meeting house <u>preconstruction activities</u>	\$60,000
Columbia breaks fire interpretive center	\$150,000
Community center at Greenbridge	\$400,000
Covington aquatics center (phase 1) <u>HVAC systems</u>	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Deming library <u>preconstruction activities</u>	\$85,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Financial assistance to the town of Hamilton	\$150,000
Food bank refrigeration projects	\$365,000
Foster creek	\$150,000
Fox theater	\$2,398,000

Garfield county agricultural museum	\$150,000	MOBIUS/Inland Northwest science and technology center	\$1,500,000
GC health clinic	\$12,000		
Grand Army of the Republic cemetery	\$5,000	Mt. Baker theater	\$200,000
Granite Falls museum expansion	\$50,000	Mt. Vernon Jasper Gates statue	\$12,000
Greenbridge plaza in White Center	\$200,000	Multicultural center of Kitsap county	\$250,000
Habitat park south hill	\$400,000	Nathaniel Orr home site museum interpretive center	\$29,000
(Hanford reach interpretive center)	\$2,000,000	Neighborhood house rainier vista	\$200,000
Hidden river environmental education center	\$50,000	New Lakewood clinic	\$350,000
ICL education center	\$200,000	Northeast community center expansion	\$250,000
Japanese cultural and community center	\$200,000	Northshore performing arts center	\$1,000,000
Joel Pritchard park	\$2,500,000	Northwest communities education center	\$1,000,000
Joe's creek project	\$856,000		
Juanita creek channel and riparian restoration	\$500,000	Oak Harbor multi-purpose community and sports facility	\$50,000
Juanita highlands	\$275,000	Omak grandstand	\$250,000
Julia Butler Hansen home restoration	\$10,000	Orting fire station	\$250,000
Kettle falls park	\$100,000	Pacific Northwest salmon center	\$1,000,000
Kirkland nonmotorized facilities	\$200,000	Pacific science center	\$900,000
LeRoi smelter smokestack monument	\$3,000	Performing arts center (PACE)	\$500,000
Lewis and Clark confluence project	\$2,000,000	Pike Place Market health center emergency repairs	\$1,000,000
McCaw hall	\$2,000,000	Port of Quincy	\$400,000
Meridian habitat park	\$400,000	Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Miners' memorial	\$36,500		
Miracle league handicapped baseball	\$57,000	Puyallup river walking trail	\$200,000

Rainier historical heating system	\$75,000	Vancouver national historical reserve west barracks	\$1,000,000
Red mountain	\$200,000	Veterans memorial museum	\$100,000
Relocation of Sieke Japanese gardens	\$250,000	Wapato Lake renovations and water quality	\$250,000
River walk and Sammamish river restoration	\$200,000	West Seattle community resource center	\$500,000
Roslyn city hall	\$150,000	West central community center	\$500,000
Ruth Dykeman children's center	\$27,000	West Hylebos wetlands boardwalk	\$100,000
Sandman historical tug restoration	\$10,000	Wilson playfield land acquisition	\$200,000
Seattle Aquarium	\$2,000,000	Wing Luke Asian art museum	\$2,000,000
Seattle community center (1115 E. Pike street)	\$13,000	Youth housing/drop-in center	\$400,000
Seattle mental health emerald house	\$28,000	Total	<u>(((\$49,949,500))</u> <u>\$47,799,500</u>
Seward park environmental and audubon center	\$400,000	Appropriation:	
Snohomish senior center	\$150,000	State Building Construction Account--State	<u>(((\$49,949,500))</u> <u>\$47,799,500</u>
Sno-Valley senior activity center kitchen	\$50,000	Prior Biennia (Expenditures)	\$0
Sound way property preservation	\$500,000	Future Biennia (Projected Costs)	\$0
Spokane river whitewater course	\$400,000	TOTAL	<u>(((\$49,949,500))</u> <u>\$47,799,500</u>
Sumas ballpark	\$250,000	Sec. 6043. 2005 c 488 s 165 (uncodified) is amended to read as follows: FOR THE MILITARY DEPARTMENT	
Synthetic sportsfield partnership at Robinswood park	\$400,000	Construct Spokane Readiness Center (04-2-003)	
Tall ships moorage	\$300,000	Reappropriation:	
Tukwila kayak and canoe launching facility	\$20,000	General Fund--Federal	\$7,800,000
Undeveloped woodlands linked to interurban nature trail	\$150,000	State Building Construction Account--State	<u>(((\$3,300,000))</u> <u>\$2,250,000</u>
Vancouver museum	\$125,000	Subtotal Reappropriation	<u>(((\$11,100,000))</u> <u>\$10,050,000</u>
		Prior Biennia (Expenditures)	\$2,468,000
		Future Biennia (Projected Costs)	\$0
		TOTAL	<u>(((\$13,568,000))</u> <u>\$12,518,000</u>
		NEW SECTION. Sec. 6044. A new section is added to 2006 c 371 (uncodified) to read as follows: FOR THE MILITARY DEPARTMENT	
		Modular Building Reutilization (08-2-001)	
		Appropriation:	
		State Building Construction Account--State	\$1,850,000
		Prior Biennia (Expenditures)	\$0
		Future Biennia (Projected Costs)	\$0
		TOTAL	\$1,850,000
		Sec. 6045. 2005 c 488 s 347 (uncodified) is amended to read as follows: FOR THE STATE PARKS AND RECREATION COMMISSION	
		Cama Beach - New Destinations (06-2-011)	

Appropriation:

State Building Construction Account--State ~~((\$2,820,000))~~
\$4,320,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,700,000
 TOTAL ~~((\$4,520,000))~~
\$6,020,000

Sec. 6046. 2005 c 488 s 357 (uncodified) is amended to read as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

Ice Age Floods - Cherished Resources (06-2-014)

The appropriation in this section is subject to the following conditions and limitations: \$2,000,000 of the appropriation is provided solely for a grant for the Hanford Reach national monument heritage and visitor center. The funds may be used for preconstruction activities.

Appropriation:

State Building Construction Account--State .. ~~((\$300,000))~~
\$2,300,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,000,000
 TOTAL ~~((\$1,300,000))~~
\$3,300,000

NEW SECTION. Sec. 6047. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE STATE CONSERVATION COMMISSION**

Land Restoration (07-1-001)

Appropriation:

State Building Construction Account--State \$587,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$587,000

NEW SECTION. Sec. 6048. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Sinlahekin Creek Dams - Floods Damage Repair (2007-1-004)

Appropriation:

State Building Construction Account--State \$70,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$70,000

NEW SECTION. Sec. 6049. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Region 1 Office - Complete Phase 1 (2007-2-009)

Appropriation:

State Building Construction Account--State \$588,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$588,000

NEW SECTION. Sec. 6050. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Loomis Natural Resources Conservation Area Restoration (2007-1-004)

Appropriation:

State Building Construction Account--State \$271,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$271,000

NEW SECTION. Sec. 6051. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

Storm Damage (07-1-850)

Appropriation:

State Building Construction Account--State \$282,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$282,000

NEW SECTION. Sec. 6052. A new section is added to 2006 c 371 (uncodified) to read as follows: **FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor College: Riverview Education Center (07-1-850)

Appropriation:

State Building Construction Account--State \$498,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$498,000

Sec. 6053. 2006 c 371 s 192 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (06-2-851)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) The appropriation is provided solely for low-interest loans to political subdivisions for renewable energy projects including the development of biofuel oilseed crushers, supporting infrastructure, and facilities. The political subdivision may negotiate an appropriate agreement with the bioenergy industry for the use of the oilseed crushers, supporting infrastructure, and facilities.

(b) For purposes of this section, political subdivision means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state.

(2) The appropriation is provided solely for the following list of projects:

Project	Recommendation
Spokane Conservation district	((<u>\$2,000,000</u>)) <u>\$1,779,000</u>
Port of Warden	\$2,500,000
Odessa public development authority	((<u>\$2,500,000</u>)) <u>\$3,500,000</u>
((Port of Columbia county	<u>\$2,500,000</u> <u>\$0</u>
Port of Sunnyside	\$750,000
<u>A political subdivision working with the DeRuyter Farms anaerobic digester project</u>	<u>\$1,973,000</u>
Total	((<u>\$10,250,000</u>)) <u>\$10,502,000</u>

(3) All agreements negotiated between the political subdivision and the bioenergy industry for use of the oilseed crushers, supporting infrastructure, or facilities funded in this section must provide for at least a fifty percent match by the industry partner. The industry match may include, but is not limited to, investments in rail, buildings, refining capacity, or seed stock.

(4) All other project funds must be disbursed prior to energy freedom loans, except where required on a matching basis by other federal or state programs.

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(5) The department shall disburse loans to the political subdivision on a reimbursement basis only.

(6) The department may defer loan repayment for up to twenty-four months or until the projects start to receive revenue from operations, whichever is sooner.

(7) Upon written notice to the political subdivision, the department may suspend or cancel its loans if any of the following occur:

(a) The political subdivision fails to make satisfactory and reasonable progress to complete the project, or the department concludes the political subdivision will be unable to complete the project or any portion of it; or

(b) The political subdivision or bioenergy industry partners have made misrepresentations in any information furnished to the department or the legislature in connection with the project.

(8) In the event that any portion of the loan has been paid to the political subdivision under this section at the time of breach, or failure of the political subdivision to satisfactorily perform, the department may require that the full amount of the loan, or a portion thereof, be repaid within a period specified by the department.

(9) Future loan repayments shall be deposited into the energy freedom account created in section 6, chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006.

(10) It is the intent of the legislature to provide loans for the development of a Washington state biodiesel industry based on Washington grown oilseed. The legislature is aware that in the development of this industry, the start-up process may necessitate the use of other oilseeds until Washington state growers plant sufficient crops to support this industry. The legislature also understands the realities of weather and market conditions in this process. The conversion to maximum Washington grown oilseed must be accomplished as quickly as possible. The political subdivision shall: (a) Develop a plan for outreach to local growers and an estimate of when maximum Washington state oilseed-based production will be reached; (b) develop a goal for the political subdivision to return a portion of the biofuel to local oilseed producers; and (c) report this information to the department of agriculture by December 1, 2006. The department shall report on the implementation of this section by January 1, 2007, to the appropriate committees of the legislature.

(11) If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State	(\$10,250,000)
	<u>\$10,502,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$10,250,000)
	<u>\$10,502,000</u>

Sec. 6054. 2006 c 371 s 191 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF AGRICULTURE**

Energy Freedom Program (E3SHB No. 2939) (06-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to implement the energy freedom program created in chapter . . . (Engrossed Third Substitute House Bill No. 2939), Laws of 2006. If the bill is not enacted by June 30, 2006, the appropriation shall lapse.

(2) The department shall not expend more than \$202,000 of the appropriation on administrative costs.

(3) If legislation is enacted by June 30, 2009, that moves the energy freedom program to the department of community, trade, and economic development, then the amounts in this section are appropriated to the department of community, trade, and economic development.

Appropriation:

Energy Freedom Account--State	(\$6,750,000)
	<u>\$3,998,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$6,750,000)
	<u>\$3,998,000</u>

NEW SECTION. Sec. 6055. Part headings in this act are not any part of the law.

NEW SECTION. Sec. 6056. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6057. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 6035 of this act which takes effect July 1, 2007, and section 6037 of this act which takes effect June 30, 2011.

(End of Part)

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On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.19.125, 79.17.210, 70.105D.070, 43.43.944, and 43.155.050; amending 2005 c 488 ss 165, 347, 357, and 955 (uncodified); amending 2006 c 371 ss 106, 191, and 192 (uncodified); reenacting and amending RCW 43.135.045 and 43.155.050; adding new sections to 2006 c 371 (uncodified); creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."
 And the bill do pass as recommended by the conference committee.

Signed by Senators Brandland, Fraser and Regala; Representatives Fromhold, McDonald and Ormsby.

MOTION

Senator Fraser moved that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1092 be adopted.

Senators Fraser, Brandland, Hewitt, Shin, Benton, Rasmussen, Honeyford and Berkey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Fraser that the Report of the Conference Committee on Engrossed Substitute House Bill No. 1092 be adopted.

The motion by Senator Fraser carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1092, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1092, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Absent: Senator Jacobsen - 1

Excused: Senators Parlette and Roach - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

While in discussions on other pending legislation, I inadvertently missed the vote on final passage for the 2007-2009 Capital Budget, Engrossed Substitute House Bill No. 1092. I wish the Journal to reflect that I support the bill and would have voted in favor of Engrossed Substitute House Bill No. 1092.

SENATOR KEN JACOBSEN, 46th Legislative District

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has passed the following bills:
 SUBSTITUTE SENATE BILL NO. 6156,
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House receded from its amendment{s} to SUBSTITUTE SENATE BILL NO. 5174 and passed the bill without the House amendment{s}.
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 7:26 p.m., on motion of Senator Eide, the Senate adjourned until 11:00 a.m. Sunday, April 22, 2007.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

ONE-HUNDRED FIFTH DAY, APRIL 22, 2007

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ONE-HUNDRED FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Sunday, April 22, 2007

The Senate was called to order at 11:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Pflug and Roach.

The Sergeant at Arms Color Guard consisting of Interns Maggie Jordan and Kenneth Boad, presented the Colors. Senator Kline offered the prayer.

MOTION

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Eide, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has passed the following bill:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6158,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1041,
SECOND SUBSTITUTE HOUSE BILL NO. 1088,
SUBSTITUTE HOUSE BILL NO. 1091,
SUBSTITUTE HOUSE BILL NO. 1098,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1266,
SECOND SUBSTITUTE HOUSE BILL NO. 1277,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1333,
SECOND SUBSTITUTE HOUSE BILL NO. 1334,
HOUSE BILL NO. 1343,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
HOUSE BILL NO. 1377,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1566,
SECOND SUBSTITUTE HOUSE BILL NO. 1573,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1674,
SUBSTITUTE HOUSE BILL NO. 1694,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,
ENGROSSED HOUSE BILL NO. 1902
SUBSTITUTE HOUSE BILL NO. 1909,
HOUSE BILL NO. 2163,
SECOND SUBSTITUTE HOUSE BILL NO. 2220,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,
ENGROSSED HOUSE BILL NO. 2388,
HOUSE BILL NO. 2395
HOUSE BILL NO. 2396,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED HOUSE BILL NO. 2391,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1041,
SECOND SUBSTITUTE HOUSE BILL NO. 1088,
SUBSTITUTE HOUSE BILL NO. 1091,
SUBSTITUTE HOUSE BILL NO. 1098,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1179
SUBSTITUTE HOUSE BILL NO. 1266,
SECOND SUBSTITUTE HOUSE BILL NO. 1277,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1303,
SUBSTITUTE HOUSE BILL NO. 1333,
SECOND SUBSTITUTE HOUSE BILL NO. 1334,
HOUSE BILL NO. 1343,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1359,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1368,
HOUSE BILL NO. 1377,

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

E2SHB 2284 by House Committee on Appropriations (originally sponsored by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt)

AN ACT Relating to the training of and collective bargaining over the training of care providers; amending RCW 74.39A.009, 74.39A.270, 74.39A.310, and 18.88A.085; amending 2005 c 276 s 1 (uncodified); adding new sections to chapter 74.39A RCW; creating new sections; repealing RCW 74.39A.190; providing an effective date; and declaring an emergency.

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EHB 2391 by Representatives Fromhold, Conway and Moeller

MOTION

AN ACT Relating to retirement system gain-sharing and alternate benefits; amending RCW 41.31A.020, 41.32.765, 41.32.835, 41.32.875, 41.35.420, 41.35.610, 41.35.680, 41.40.630, 41.40.820, and 41.45.070; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating new sections; repealing RCW 41.31.010, 41.31.020, 41.31.030, 41.31A.010, 41.31A.020, 41.31A.030, and 41.31A.040; providing effective dates; and declaring an emergency.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Second Substitute House Bill No. 2284 and Engrossed House Bill No. 2391 were placed on the second reading calendar.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1432,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
 SUBSTITUTE HOUSE BILL NO. 1566,
 SECOND SUBSTITUTE HOUSE BILL NO. 1573,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1624,
 HOUSE BILL NO. 1674
 SUBSTITUTE HOUSE BILL NO. 1694,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1705,
 ENGROSSED HOUSE BILL NO. 1902,
 SUBSTITUTE HOUSE BILL NO. 1909,
 HOUSE BILL NO. 2163,
 SECOND SUBSTITUTE HOUSE BILL NO. 2220,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2358,
 ENGROSSED HOUSE BILL NO. 2388,
 HOUSE BILL NO. 2395,
 HOUSE BILL NO. 2396,

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, with the following amendment: 6157-S.E AMH DICK HALL 322

On page 35, line 9, after "deductions" strike "and by creating a loan program"

On page 42, beginning on line 9, after "programming" strike all material through "this act" on line 11

On page 42, line 30 after "department;" insert "or"

On page 42, beginning on line 34, after "chapter" strike all material through "program" on page 43, line 15

Re-number the subsections consecutively and correct the internal references accordingly.

On page 46, beginning on line 15, strike all of section 405

Re-number the sections consecutively, correct the internal references accordingly, and correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

Senator Carrell moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6157. Senators Carrell and Regala spoke in favor of the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator Carrell that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6157.

The motion by Senator Carrell carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6157 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6157, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6157, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Berkey, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 41

Voting nay: Senators Brandland, Clements, Holmquist, Honeyford, Morton and Sheldon - 6

Absent: Senators Pflug and Roach - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Brandland, Senators Pflug and Roach were excused.

MESSAGE FROM THE HOUSE

April 10, 2007

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, with the following amendment: 6023-S.E AMH ENG H3532.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6058. (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of student learning. The legislature finds that corrections are needed in the state's high school assessment system that will

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improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

Sec. 6059. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has ~~((retaken))~~ taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for

community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics or reading portion of the preliminary scholastic assessment test (PSAT)~~((;))~~ or on the mathematics, reading or English, or writing portion of the scholastic assessment test (SAT)~~((;))~~ or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the PSAT, SAT, or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ~~((for mathematics))~~.

(ii) The superintendent of public instruction shall implement an alternative assessment for mathematics that presents the mathematics essential academic learning requirements in segments; is comparable in content and rigor to the tenth grade mathematics assessment when all segments are considered together; is reliable and valid; and can be used to determine a student's academic performance level. The segmented mathematics assessment authorized under this subsection (10)(b)(i) may be used as an objective alternative assessment under this section for demonstrating that a student has met the mathematics standards for the certificate of academic achievement.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:~~

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~~(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~(iii)) (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~(iv)) (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

~~(b) (Beginning with the 2005-06 school year and every year thereafter,) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of ((a)) the student ((described in this subsection (12)(b))) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

Sec. 6060. RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 6061. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and through the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit after the student's eleventh grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits after the student's tenth grade year designed to increase the individual student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning.

(2) This section expires August 31, 2013.

Sec. 6062. RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~((shall))~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

5)((~~+~~)) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not

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mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

Sec. 6063. RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, ~~((school districts shall reimburse))~~ the office of the superintendent of public instruction shall provide funds to school districts, arrange for students to receive a testing fee waiver, or make other arrangements to compensate students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the ((mathematics)) results as an objective alternative assessment.

Sec. 6064. RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ~~((guidance and planning for students and to))~~ student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) ~~((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary and middle school grades available to school districts ((diagnostic assessments that)). Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

(a) Aligned to the state's grade level expectations;

(b) Individualized to each student's performance level;

(c) Administered efficiently to provide results either immediately or within two weeks;

(d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;

(e) Readily available to parents; and

(f) Cost-effective.

(5) ~~((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.))~~

~~((6))~~ The office of the superintendent of public instruction ~~((is encouraged to))~~ shall offer training at statewide and regional staff development activities ~~((training opportunities that would assist practitioners))~~ in:

(a) The interpretation of diagnostic assessments; and

(b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

NEW SECTION. Sec. 6065. A new section is added to chapter 28A.655 RCW to read as follows:

(1) The legislature's intent for the high school assessment system in mathematics and science is that students receive instruction through credited high school courses in the content areas to be assessed and have their knowledge and skills assessed after they complete the courses. End-of-course assessments in mathematics and science should, at a minimum, cover the content of algebra I, geometry, and biology, and be based on state learning standards. However, school districts should be responsible for designing and implementing courses that align with state learning standards, state-recommended curricula, and end-of-course assessments. School districts should also have the opportunity to provide instruction in the assessed content areas through integrated courses. To the extent feasible, the assessments should be able to be administered online. Results should be returned in a timely manner and should provide diagnostic information to improve curriculum, instruction, and remediation for struggling students. Furthermore, changes to the high school Washington assessment of student learning to achieve the legislative intent expressed under this subsection should be implemented on an expedited timeline in order to apply to the graduating class of 2013.

(2)(a) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science. The examination shall address the issues identified in subsection (1) of this section.

(b) In conducting its examination, the state board of education shall seek input from independent national assessment experts; examine the experience of other states that have implemented end-of-course assessments; and use a deliberative public process to ensure adequate input from teachers, school and district administrators, the business community, parents, and other interested individuals and organizations.

(c) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the changes

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being examined by the state board of education so that additional information about the cost and feasibility of end-of-course assessments and implementation timelines can be provided by prospective testing contractors.

(d) The state board of education shall submit a report to the superintendent of public instruction and the education committees of the legislature by January 10, 2008, with findings from the examination under this subsection (2) and recommendations for changes to the high school Washington assessment in mathematics and science that implement the legislative intent expressed under subsection (1) of this section and a timeline for expedited implementation of the recommended changes no later than the 2010-11 school year.

(e) If the state board of education finds that the legislative intent expressed under subsection (1) of this section cannot feasibly be implemented by the 2010-11 school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised timeline.

(3) This section expires June 30, 2008.

NEW SECTION. Sec. 6066. A new section is added to chapter 28A.655 RCW to read as follows:

(1) In allocating state funds for the promoting academic success program, the legislature has recognized that high school students whose scores represent a near miss of the state standard on the Washington assessment of student learning require fewer remedial resources to ensure that they meet the state standard on the next attempt. However, there is significant variation among the remaining students whose scores represent a far miss of the state standard regarding their levels of knowledge and skills, and consequently the levels of remediation they will need.

(2) School districts receiving funding allocations through the promoting academic success program for high school students scoring more than one standard error of measurement from meeting the state standard shall assign more resources per student to support students scoring at level one on the Washington assessment of student learning than are assigned to support students scoring at level two."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator McAuliffe moved that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023 and ask the House to recede therefrom.

Senator McAuliffe spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator McAuliffe that the Senate refuse to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023 and ask the House to recede therefrom.

The motion by Senator McAuliffe carried and the Senate refused to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

The House has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Pursuant to Joint Rule 20, on motion of Senator Kastama, the provision requiring a twenty-four hour interval before

consideration of the conference committee report on Engrossed Substitute Senate Bill No. 5339 was suspended without objection.

REPORT OF THE CONFERENCE REPORT
Engrossed Substitute Senate Bill No. 5339
April 21, 2007

MR. PRESIDENT:

MR. SPEAKER:

We of your conference committee, to whom was referred Engrossed Substitute Senate Bill No. 5339, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 53.08.255 and 1984 c 122 s 10 are each amended to read as follows:

(1) Any port district in this state, acting through its commission, has power to expend moneys and conduct promotion of resources and facilities in the district or general area by advertising, publicizing, or otherwise distributing information to attract visitors and encourage tourist expansion.

(2)(a) Any port district is authorized either individually or jointly with any other municipality, or person, or any combination thereof, to acquire and to operate tourism-related facilities.

(b) When exercising the authority granted under (a) of this subsection, a port district may exercise any of the powers granted to a municipality under RCW 67.28.120, 67.28.130 through 67.28.170, and 67.28.220, but may not exercise powers granted to municipalities under RCW 67.28.180 and 67.28.181 or other powers granted to municipalities under chapter 67.28 RCW. The definitions contained in RCW 67.28.080 apply to the exercise of authority by a port district under (a) of this subsection, and for that purpose the term "municipality" includes a port district.

(c) Port districts may not use this section as the authority for the exercise of the power of eminent domain.

NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

A port district and any municipality or other entity involved in a joint venture or project with a port district under this chapter shall comply with the provisions of chapter 39.12 RCW. However, nothing in this section should be interpreted as a legislative intent to expand the application of chapter 39.12 RCW."

Correct the title.

And the bill do pass as recommended by the conference committee.

Signed by Senators Kastama, Kilmer and Zarelli; Representatives Curtis, Rolfe and Simpson.

MOTION

Senator Kastama moved that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5339 be adopted.

Senator Kastama spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Kastama that the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5339 be adopted.

The motion by Senator Kastama carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5339, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of

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Engrossed Substitute Senate Bill No. 5339, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McCaslin, Morton, Murray, Oemig, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 46

Voting nay: Senator Honeyford - 1

Excused: Senators Pflug and Roach - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 20, 2007

MR. PRESIDENT:

The House refused to grant a conference on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO 5659. Under suspension of the rules, the bill was returned to second reading for purpose of an amendment: 5659-S2.E AMH H3108.4, and the House passed the bill as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND DECLARATIONS. The legislature finds that, although family leave laws have assisted individuals to balance the demands of the workplace with their family responsibilities, more needs to be done to achieve the goals of parent and child bonding, workforce stability, and economic security. In particular, the legislature finds that many individuals do not have access to family leave laws, and those who do may not be in a financial position to take family leave that is unpaid, and that employer-paid benefits meet only a relatively small part of this need. The legislature declares it to be in the public interest to establish a program that: (1) Allows parents to bond with a newborn or newly placed child; (2) provides limited and additional income support for a reasonable period while an individual is away from work on family leave; (3) reduces the impact on state income support programs by increasing an individual's ability to provide caregiving services for a child while maintaining an employment relationship; and (4) establishes a wage replacement benefit to be coordinated with current existing state and federal family leave laws.

NEW SECTION. Sec. 2. JOINT LEGISLATIVE TASK FORCE. (1)(a) The joint legislative task force on family leave insurance is established, with thirteen members as provided in this subsection.

(i) The chair and the ranking member of the senate labor, commerce, research and development committee.

(ii) The chair and the ranking member of the house commerce and labor committee.

(iii) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate.

(iv) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(v) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint four nonlegislative members of the task force, which shall include one member representing large business, one member representing small business, one member representing labor, and one member representing advocates for family leave.

(vi) The governor shall appoint one member of the task force.

(b) The department of labor and industries and the employment security department shall cooperate with the task force and shall each maintain a liaison representative, who shall be a nonvoting member.

(c) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the cochairs of the task force from among the legislative members of the task force. The cochairs shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the cochairs on the meetings and other activities of the task force.

(2) The task force shall study the establishment of a family leave insurance program including, but not limited to, the following:

(a) The manner in which the benefits and the administrative costs should be financed;

(b) The manner in which the program should be implemented and administered;

(c) Any government efficiencies that should be adopted to improve program administration and reduce program costs; and

(d) The impacts, if any, of the family leave insurance program on the unemployment compensation system, and options for mitigating such impacts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(4) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations, which shall include recommendations as to the specific manner in which the benefits and the administrative costs should be financed as well as proposed legislation, to the legislature by January 1, 2008.

(7) This section expires July 1, 2009.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Application year" means the twelve-month period beginning on the first day of the calendar week in which an individual files an application for family leave insurance benefits and, thereafter, the twelve-month period beginning with the first day of the calendar week in which the individual next files an application for family leave insurance benefits after the expiration of the individual's last preceding application year.

(2) "Calendar quarter" means the same as in RCW 50.04.050.

(3) "Child" means a biological or an adopted child.

(4) "Department" means the state agency to be directed to administer the family leave insurance program.

(5) "Director" means the director of the department.

(6) "Employer" means: (a) The same as in RCW 50.04.080; and (b) the state and its political subdivisions.

(7) "Employment" has the meaning provided in RCW 50.04.100.

(8) "Family leave" means leave: (a) Because of the birth of a child of the employee and in order to care for the child; or (b) because of the placement of a child with the employee for adoption.

(9) "Family leave insurance benefits" means the benefits payable under sections 7 and 8 of this act.

(10) "Federal family and medical leave act" means the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6).

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(11) "Qualifying year" means the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's application year.

(12) "Regularly working" means the average number of hours per workweek that an individual worked in the two quarters of the individual's qualifying year in which total wages were highest.

NEW SECTION. Sec. 4. FAMILY LEAVE INSURANCE PROGRAM. (1) The department shall establish and administer a family leave insurance program and pay family leave insurance benefits as specified in this chapter.

(2) The department shall establish procedures and forms for filing claims for benefits under this chapter. The department shall notify the employer within five business days of a claim being filed under section 5 of this act.

(3) The department shall use information sharing and integration technology to facilitate the disclosure of relevant information or records by the employment security department, so long as an individual consents to the disclosure as required under section 5(4) of this act.

(4) Information contained in the files and records pertaining to an individual under this chapter are confidential and not open to public inspection, other than to public employees in the performance of their official duties. However, the individual or an authorized representative of an individual may review the records or receive specific information from the records on the presentation of the signed authorization of the individual. An employer or the employer's duly authorized representative may review the records of an individual employed by the employer in connection with a pending claim. At the department's discretion, other persons may review records when such persons are rendering assistance to the department at any stage of the proceedings on any matter pertaining to the administration of this chapter.

(5) The department shall develop and implement an outreach program to ensure that individuals who may be eligible to receive family leave insurance benefits under this chapter are made aware of these benefits. Outreach information shall explain, in an easy to understand format, eligibility requirements, the claims process, weekly benefit amounts, maximum benefits payable, notice requirements, reinstatement and nondiscrimination rights, confidentiality, and coordination of leave under this chapter and other laws, collective bargaining agreements, and employer policies. Outreach information shall be available in English and other primary languages as defined in RCW 74.04.025.

NEW SECTION. Sec. 5. ELIGIBILITY FOR BENEFITS. Beginning October 1, 2009, family leave insurance benefits are payable to an individual during a period in which the individual is unable to perform his or her regular or customary work because he or she is on family leave if the individual:

(1) Files a claim for benefits in each week in which the individual is on family leave, and as required by rules adopted by the director;

(2) Has been employed for at least six hundred eighty hours in employment during the individual's qualifying year;

(3) Establishes an application year. An application year may not be established if the qualifying year includes hours worked before establishment of a previous application year;

(4) Consents to the disclosure of information or records deemed private and confidential under chapter 50.13 RCW. Initial disclosure of this information and these records by the employment security department to the department is solely for purposes related to the administration of this chapter. Further disclosure of this information or these records is subject to section 4(3) of this act;

(5) Discloses whether or not he or she owes child support obligations as defined in RCW 50.40.050; and

(6) Documents that he or she has provided the employer from whom family leave is to be taken with written notice of the individual's intention to take family leave in the same manner as an employee is required to provide notice in RCW 49.78.250.

NEW SECTION. Sec. 6. DISQUALIFICATION FROM BENEFITS. An individual is disqualified from family leave insurance benefits beginning with the first day of the calendar week, and continuing for the next fifty-two consecutive weeks, in which the individual willfully made a false statement or misrepresentation regarding a material fact, or willfully failed to report a material fact, to obtain benefits under this chapter.

NEW SECTION. Sec. 7. DURATION OF BENEFITS. (1) The maximum number of weeks during which family leave insurance benefits are payable in an application year is five weeks. However, benefits are not payable during a waiting period consisting of the first seven calendar days of family leave taken in an application year, whether the first seven calendar days of family leave are employer paid or unpaid.

(2)(a) The first payment of benefits must be made to an individual within two weeks after the claim is filed or the family leave began, whichever is later, and subsequent payments must be made semimonthly thereafter.

(b) The payment of benefits under this chapter shall not be considered a binding determination of the obligations of the department under this chapter. The acceptance of compensation by the individual shall likewise not be considered a binding determination of his or her rights under this chapter. Whenever any payment of benefits under this chapter has been made and timely appeal therefrom has been made where the final decision is that the payment was improper, the individual shall repay it and recoupment may be made from any future payment due to the individual on any claim under this chapter. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such payments where the recovery would be against equity and good conscience.

(c) If an individual dies before he or she receives a payment of benefits, the payment shall be made by the department and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

NEW SECTION. Sec. 8. AMOUNT OF BENEFITS. The amount of family leave insurance benefits shall be determined as follows:

(1) The weekly benefit shall be two hundred fifty dollars per week for an individual who at the time of beginning family leave was regularly working thirty-five hours or more per week.

(2) If an individual who at the time of beginning family leave was regularly working thirty-five hours or more per week is on family leave for less than thirty-five hours but at least eight hours in a week, the individual's weekly benefit shall be .025 times the maximum weekly benefit times the number of hours of family leave taken in the week. Benefits are not payable for less than eight hours of family leave taken in a week.

(3) For an individual who at the time of beginning family leave was regularly working less than thirty-five hours per week, the department shall calculate a prorated schedule for a weekly benefit amount and a minimum number of hours of family leave that must be taken in a week for benefits to be payable, with the prorated schedule based on the amounts and the calculations specified under subsections (1) and (2) of this section.

(4) If an individual discloses that he or she owes child support obligations under section 5 of this act and the department determines that the individual is eligible for benefits, the department shall notify the applicable state or local child support enforcement agency and deduct and withhold an amount from benefits in a manner consistent with RCW 50.40.050.

(5) If the internal revenue service determines that family leave insurance benefits under this chapter are subject to federal income tax and an individual elects to have federal income tax deducted and withheld from benefits, the department shall deduct and withhold the amount specified in the federal internal revenue code in a manner consistent with section 9 of this act.

NEW SECTION. Sec. 9. FEDERAL INCOME TAX. (1) If the internal revenue service determines that family leave insurance benefits under this chapter are subject to federal income tax, the department must advise an individual filing a new claim for family leave insurance benefits, at the time of filing such claim, that:

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(a) The internal revenue service has determined that benefits are subject to federal income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal income tax deducted and withheld from the individual's payment of benefits at the amount specified in the federal internal revenue code; and

(d) The individual is permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from benefits must remain in the family leave insurance account until transferred to the federal taxing authority as a payment of income tax.

(3) The director shall follow all procedures specified by the federal internal revenue service pertaining to the deducting and withholding of income tax.

NEW SECTION. Sec. 10. ADJUSTMENT TO BENEFITS. If family leave insurance benefits are paid erroneously or as a result of willful misrepresentation, or if a claim for family leave benefits is rejected after benefits are paid, RCW 51.32.240 shall apply, except that appeals are governed by section 14 of this act, penalties are paid into the family leave insurance account, and the department shall seek repayment of benefits from the recipient.

NEW SECTION. Sec. 11. LEAVE AND EMPLOYMENT PROTECTION. (1) During a period in which an individual receives family leave insurance benefits or earns waiting period credits under this chapter, the individual is entitled to family leave and, at the established ending date of leave, to be restored to a position of employment with the employer from whom leave was taken.

(2) The individual entitled to leave under this section shall be restored to a position of employment in the same manner as an employee entitled to leave under chapter 49.78 RCW is restored to a position of employment, as specified in RCW 49.78.280.

(3) This section applies only to an individual if:

(a) The employer from whom the individual takes family leave employs more than twenty-five employees; and

(b) The individual has been employed for at least twelve months by that employer, and for at least one thousand two hundred fifty hours of service with that employer during the previous twelve-month period.

(4) This section shall be enforced as provided in chapter 49.78 RCW.

NEW SECTION. Sec. 12. EMPLOYMENT BY SAME EMPLOYER. If spouses or people involved in a legal relationship established under chapter 26.-- RCW (sections 1, 2, and 4 through 8, chapter . . . (Substitute Senate Bill No. 5336), Laws of 2007) who are entitled to leave under this chapter are employed by the same employer, the employer may require that spouses or people involved in such a relationship governed by Title 26 RCW not take such leave concurrently.

NEW SECTION. Sec. 13. ELECTIVE COVERAGE. (1) An employer of individuals not covered by this chapter or a self-employed person, including a sole proprietor, partner, or joint venturer, may elect coverage under this chapter for all individuals in its employ for an initial period of not less than three years or a subsequent period of not less than one year immediately following another period of coverage. The employer or self-employed person must file a notice of election in writing with the director, as required by the department. The election becomes effective on the date of filing the notice.

(2) An employer or self-employed person who has elected coverage may withdraw from coverage within thirty days after the end of the three-year period of coverage, or at such other times as the director may prescribe by rule, by filing written notice with the director, such withdrawal to take effect not sooner than thirty days after filing the notice. Within five days of filing written notice of the withdrawal with the director, an employer must provide written notice of the withdrawal to all individuals in the employer's employ.

NEW SECTION. Sec. 14. APPEALS. (1) A person aggrieved by a decision of the department under this chapter must file a notice of appeal with the director, by mail or personally, within thirty days after the date on which a copy of the department's decision was communicated to the person.

Upon receipt of the notice of appeal, the director shall request the assignment of an administrative law judge in accordance with chapter 34.05 RCW to conduct a hearing and issue a proposed decision and order. The hearing shall be conducted in accordance with chapter 34.05 RCW.

(2) The administrative law judge's proposed decision and order shall be final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party petitions for review by the director. If the director's review is timely requested, the director may order additional evidence by the administrative law judge. On the basis of the evidence before the administrative law judge and such additional evidence as the director may order to be taken, the director shall render a decision affirming, modifying, or setting aside the administrative law judge's decision. The director's decision becomes final and not subject to further appeal unless, within thirty days after the decision is communicated to the interested parties, a party files a petition for judicial review as provided in chapter 34.05 RCW. The director is a party to any judicial action involving the director's decision and shall be represented in the action by the attorney general.

(3) If, upon administrative or judicial review, the final decision of the department is reversed or modified, the administrative law judge or the court in its discretion may award reasonable attorneys' fees and costs to the prevailing party. Attorneys' fees and costs owed by the department, if any, are payable from the family leave insurance account.

NEW SECTION. Sec. 15. PROHIBITED ACTS. An employer, temporary help company, employment agency, employee organization, or other person may not discharge, expel, or otherwise discriminate against a person because he or she has filed or communicated to the employer an intent to file a claim, a complaint, or an appeal, or has testified or is about to testify or has assisted in any proceeding, under this chapter, at any time, including during the waiting period described in section 7 of this act and the period in which the person receives family leave insurance benefits under this chapter. This section shall be enforced as provided in RCW 51.48.025.

NEW SECTION. Sec. 16. COORDINATION OF LEAVE. (1)(a) Leave taken under this act must be taken concurrently with any leave taken under the federal family and medical leave act of 1993 (Act Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or under chapter 49.78 RCW.

(b) An employer may require that leave taken under this act be taken concurrently or otherwise coordinated with leave allowed under the terms of a collective bargaining agreement or employer policy, as applicable, for the birth or placement of a child. The employer must give individuals in its employ written notice of this requirement.

(2)(a) This act does not diminish an employer's obligation to comply with a collective bargaining agreement or employer policy, as applicable, that provides greater leave for the birth or placement of a child.

(b) An individual's right to leave under this act may not be diminished by a collective bargaining agreement entered into or renewed or an employer policy adopted or retained after the effective date of this section. Any agreement by an individual to waive his or her rights under this act is void as against public policy.

NEW SECTION. Sec. 17. NO CONTINUING ENTITLEMENT OR CONTRACTUAL RIGHT. This chapter does not create a continuing entitlement or contractual right. The legislature reserves the right to amend or repeal all or part of this chapter at any time, and a benefit or other right granted under this chapter exists subject to the legislature's power to amend or repeal this chapter. There is no vested private right of any kind against such amendment or repeal.

NEW SECTION. Sec. 18. RULES. The director may adopt rules as necessary to implement this chapter. In adopting rules, the director shall maintain consistency with the rules adopted to implement the federal family and medical leave act, and chapter 49.78 RCW, to the extent such rules are not in conflict with this chapter.

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NEW SECTION. Sec. 19. ACCOUNT. The family leave insurance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the family leave insurance program. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments.

NEW SECTION. Sec. 20. INVESTMENT OF FAMILY LEAVE INSURANCE ACCOUNT. Whenever, in the judgment of the state investment board, there shall be in the family leave insurance account funds in excess of that amount deemed by the state investment board to be sufficient to meet the current expenditures properly payable therefrom, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired with such excess funds in the manner prescribed by RCW 43.84.150, and not otherwise.

Sec. 21. RCW 43.79A.040 and 2006 c 311 s 21 and 2006 c 120 s 2 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 22. LOANS. If necessary to ensure that money is available in the family leave insurance account for the initial administration of the family leave insurance program, the director of labor and industries may, from time to time before July 1, 2009, lend funds from the supplemental pension fund to the family leave insurance account. These loaned funds may be expended solely for the initial administration of the program under this chapter. The director of labor and industries shall repay the supplemental pension fund, plus its proportionate share of earnings from investment of moneys in the supplemental pension fund during the loan period, from the family leave insurance account within two years of the date of the loan. This section expires October 1, 2011.

Sec. 23. RCW 51.44.033 and 1975 1st ex.s. c 224 s 16 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. ~~((Said))~~ The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title and the loans therefrom authorized in section 22 of this act.

NEW SECTION. Sec. 24. AUTHORITY TO CONTRACT. (1) The department of labor and industries may contract or enter into interagency agreements with other state agencies for the initial administration of the family leave insurance program.

(2) This section expires October 1, 2011.

NEW SECTION. Sec. 25. APPROPRIATION. The sum of eighteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2009, from the family leave insurance account to the department of labor and industries for the initial administration of the family leave insurance program.

NEW SECTION. Sec. 26. REPORTS TO THE LEGISLATURE. Beginning September 1, 2010, the department shall report to the legislature by September 1st of each year on projected and actual program participation, premium rates, fund balances, and outreach efforts.

NEW SECTION. Sec. 27. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 29. CODIFICATION. Sections 1, 3 through 20, and 26 through 28 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 30. EFFECTIVE DATES. (1) Sections 3 through 18 and 26 of this act take effect July 1, 2008.

(2) Sections 2 and 19 through 25 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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Senator Keiser moved that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659.

sponsored by Representatives Green, Ericksen, Sells, Strow, Seaquist, Hinkle, Wallace, Priest, Hasegawa, Fromhold, P. Sullivan, Conway, Miloscia, Linville, Kenney, O'Brien, Simpson and Hunt)

MOTION

The President declared the question before the Senate to be the motion by Senator Keiser that the Senate concur in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659.

Addressing the training of and collective bargaining over the training of care providers.

The measure was read the second time.

The motion by Senator Keiser carried and the Senate concurred in the House amendment(s) to Engrossed Second Substitute Senate Bill No. 5659 by voice vote.

MOTION

Senators Keiser, Kohl-Welles, Franklin, Prentice and Brown spoke in favor of final passage.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Clements, Benton, Schoesler and Honeyford spoke against final passage.

Senators Kohl-Welles and Clements spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House.

POINT OF INQUIRY

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Senator Jacobsen: "Would Senator Kohl-Welles yield to a question? Senator Kohl-Welles, I took care of my mother on her death bed and if we would have qualified for this program, I have a question. It says beginning at least one hour per week is required during the first ninety days of work for long term-care workers who begin work on or after January 1, 2010. DSHS is required to offer advanced training beginning January 1, 2010. Now, I'm curious, if my mother was ill after 2010 and I qualified for this program and I wanted to stay home and take care of her, would I have to full fill these requirements?"

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Prentice, Pridemore, Regala, Shin, Spanel, Tom and Weinstein - 26

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, Marr, McCaslin, Morton, Parlette, Poulsen, Rasmussen, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 21

Senator Kohl-Welles: "Senator Jacobsen, my understanding is that the language that is in the original bill is no longer there. The purpose of the work group is to be making recommendations to the Governor and to the Legislature."

Excused: Senators Pflug and Roach - 2

Senator Jacobsen spoke against passage of the bill.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

MOTION

At 12:01 p.m., on motion of Senator Eide, the Senate was recessed until 1:30 p.m.

On motion of Senator Marr, Senator Hobbs was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2284.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2284 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

MOTION

At 1:36 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Clements, Delvin, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hewitt, Holmquist, Honeyford, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Morton, Murray, Oemig, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Tom, Weinstein and Zarelli - 45

The Senate was called to order at 2:30 p.m. by President Owen.

Voting nay: Senators Jacobsen and McCaslin - 2

MOTION

Excused: Senators Hobbs and Roach - 2

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SUBSTITUTE HOUSE BILL NO. 2284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REMARKS BY THE PRESIDENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2284, by House Committee on Commerce & Labor (originally

President Owen: "Ladies and gentlemen, the President has an announcement to make. Some of us served with a very fine gentleman, John O'Brien, who is the longest-serving member of any Legislature, I believe in the United States, in the history of this country. He served in one way or another, from 1939 to 1993, in the House of Representatives. He was Majority Leader and Caucus Chairman, he was Minority Floor Leader, Speaker of the House, acting Speaker, Majority Leader, Minority Leader, Chairman, Majority Executive Committee, Democratic Parliamentary Leader, Speaker Pro Tempore, serving in all those positions. Bishop Tyson had called my office just recently to inform us that John O'Brien just died and so we're saddened by the loss of this great Washingtonian. He served, like I said, from except for two years, he had a slight break, he served from 1939 until 1993 so we will miss the great John O'Brien."

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,
SUBSTITUTE SENATE BILL NO. 6156,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6158,

PERSONAL PRIVILEGE

Senator Jacobsen: "I served with John O'Brien and I'd like to request a moment of silence."

MOMENT OF SILENCE

The Senate rose and observed a moment of silence in memory of John L. O'Brien, who passed away April 22, 2007.

PERSONAL PRIVILEGE

Senator Hargrove: "Thank you Mr. President. I had the privilege of serving with John O'Brien also and I just want to tell you a short story. Because he was very much a parliamentarian, he ran a class for freshman in the House when I was there in 1985. I can remember my first session there I had a particular bill that I couldn't get a chair to get a hearing for so I went to John O'Brien and asked him what I could do about it. I said 'There's not way I can get a hearing' and he said, 'What you need to do is go to ninth order and pull the bill to the floor.' So that's where I got my first real training on how to work the process and learned an awful lot from him and I just wanted to share that story with everybody that he was full of good information."

REPLY BY THE PRESIDENT

President Owen: "Senator Hargrove, and how did that work for you?"

PERSONAL PRIVILEGE

Senator Hargrove: "Mr. President, if you noticed how we managed to get offender re-entry passed this session, you can see that those lessons are still sticking."

PARLIAMENTARY INQUIRY

Senator Schoesler: "Could you remind the gentleman from the Twenty-Fourth District that, in the other body, it's the eighth order of business."

MOTION

On motion of Senator Brandland, Senator Benton was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2391, by Representatives Fromhold, Conway and Moeller

Eliminating retirement system gain-sharing and providing alternate pension benefits.

The measure was read the second time.

MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed House Bill No. 2391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Prentice and Brown spoke in favor of passage of the bill.

Senator Zarelli spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2391.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2391 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Senators Berkey, Brown, Delvin, Eide, Fairley, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Spanel, Tom and Weinstein - 26

Voting nay: Senators Brandland, Carrell, Clements, Franklin, Hargrove, Hewitt, Holmquist, Honeyford, Kauffman, Kilmer, Marr, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Shin, Stevens, Swecker and Zarelli - 21

Excused: Senators Benton and Roach - 2

ENGROSSED HOUSE BILL NO. 2391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1051, by Representatives Upthegrove, Kagi, P. Sullivan, Haigh, Simpson, Moeller, Green, Santos, Kenney, Williams, Hunter and Miloscia

Expanding high school completion programs.

The measure was read the second time.

MOTION

Senator McAuliffe moved that the following striking amendment by Senator McAuliffe be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the goal of Washington's education reform is for all students to meet rigorous academic standards so that they are prepared for success in college, work, and life. Educators know that not all students learn at the same rate or in the same way. Some students will take longer to meet the state's standards for high school graduation. Older students who cannot graduate with their peers need an appropriate learning environment and flexible programming that enables them simultaneously to earn a diploma, work, and pursue other training options. Providing learning options in locations in addition to high schools will

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encourage older students to complete their diplomas. Therefore the legislature intends to create a pilot high school completion program at two community and technical colleges for older students who have not yet received a diploma but are eligible for state basic education support.

Sec. 2. RCW 28B.50.535 and 1991 c 238 s 58 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate, subject to rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction and the state board of education.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) A pilot program is created for two community or technical colleges to make available courses or a program of study, on the college campus, designed to enable students under the age of twenty-one who have completed all state and local high school graduation requirements except the certificate of academic achievement or certificate of individual achievement to complete their high school education and obtain a high school diploma.

(a) The colleges participating in the pilot program in this section may make courses or programs under this section available by entering into contracts with local school districts to deliver the courses or programs. Colleges participating in the pilot program that offer courses or programs under contract shall be reimbursed for each enrolled eligible student as provided in the contract, and the high school diploma shall be issued by the local school district;

(b) Colleges participating in the pilot program may deliver courses or programs under this section directly. Colleges that deliver courses or programs directly shall be reimbursed for each enrolled eligible student as provided in section 4 of this act, and the high school diploma shall be issued by the college;

(c) Colleges participating in the pilot program may make courses or programs under this section available through a combination of contracts with local school districts, collaboration with educational service districts, and direct service delivery. Colleges participating in the pilot program may also make courses or programs under this section available for students at locations in addition to the college campus; or

(d) Colleges participating in the pilot program may enter into regional partnerships to carry out the provisions of this subsection (1).

(2) Regardless of the service delivery method chosen, colleges participating in the pilot program shall ensure that all eligible students located in school districts within their college district as defined in RCW 28B.50.040 have an opportunity to enroll in a course or program under this section.

(3) Colleges participating in the pilot program shall not require students enrolled under this section to pay tuition or services and activities fees; however this waiver of tuition and services and activities fees shall be in effect only for those courses that lead to a high school diploma.

(4) Nothing in this section or section 4 of this act precludes a community or technical college from offering courses or a program of study for students other than eligible students as defined by section 4 of this act to obtain a high school diploma, nor is this section or section 4 of this act intended to restrict diploma completion programs offered by school districts or educational service districts. Community and technical colleges and school districts are encouraged to consult with educational service districts in the development and delivery of programs and courses required under this section.

(5) Community and technical colleges participating in the pilot program shall not be required to administer the Washington assessment of student learning.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

(1) For purposes of this section and section 3 of this act, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September

1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under section 3 of this act from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under section 3 of this act for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under section 3 of this act and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), (c), and (d) of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(c) The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

(d) For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under section 3 of this act.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8 of this act to participate in the pilot program shall provide information about the high school completion option under section 3 of this act to students in grades ten, eleven, and twelve and the parents or guardians of those students.

Sec. 5. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

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(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has retaken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning with the graduating class of 2010, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) Beginning in 2006, school districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006, opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of

this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b) A student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT), the scholastic assessment test (SAT), or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the mathematics standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the mathematics portion of the PSAT, SAT, or ACT to meet or exceed the state standard for mathematics. The state board of education shall identify the first scores by December 1, 2006, and thereafter may increase but not decrease the scores required for students to meet or exceed the state standard for mathematics.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. If applicable, the plan shall also include the high school completion pilot program created under section 3 of this act. This requirement shall be phased in as follows:

(i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.

(ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.

(iii) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.

(iv) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

(b) Beginning with the 2005-06 school year and every year thereafter, all fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of a student described in this subsection (12)(b) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.

Sec. 6. RCW 28B.15.520 and 1993 sp.s. c 18 s 16 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

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(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 (~~and~~), who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by section 4 of this act; and

(b) Children of any law enforcement officer or fire fighter who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they finish their course of study at a community college within ten years of their graduation from high school;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by section 4 of this act. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 7. RCW 28B.15.067 and 2006 c 161 s 6 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3) Beginning with the 2003-04 academic year and ending with the 2008-09 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with 2009-10, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under section 3 of this act for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle income resident law students.

~~((8))~~ (9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students.

NEW SECTION. Sec. 8. (1) The office of the superintendent of public instruction and the state board for community and technical colleges shall:

(a) By June 30, 2007, select the two community and technical colleges to be involved in the pilot program created in section 3 of this act. The criteria for selecting the two pilot program sites shall include, but are not limited to: (i) The quality of the courses or program offerings; (ii) having the appropriate type of staff and facility to deliver the program; and (iii) the number of eligible students;

(b) Identify and analyze possible service delivery models in addition to those described in section 3 of this act, particularly to address the challenges faced by community and technical colleges serving school districts dispersed across large geographic areas and with limited staffing and facilities resources for the programs;

(c) Submit a report with an implementation plan for the two community and technical colleges participating in the pilot program created under section 3 of this act and submit findings and recommendations to the education and fiscal committees of the legislature by December 15, 2007; and

(d) By December 15, 2009, submit a report to the education and fiscal committees of the legislature on the progress of the pilot program created under section 3 of this act that shall include the following:

(i) The number of students taking part in the high school completion programs, reported by their high school of last attendance and the community or technical college that offered the program;

(ii) The types of high school completion programs offered at the two community or technical colleges;

(iii) The number of students successfully receiving a high school diploma and other identified outcome measures;

(iv) The amount of funds spent in support of this effort compared to actual reimbursement costs that are provided under section 4(3) (a), (b), (c), and (d) of this act; and

(v) A plan for implementing the program statewide.

(2) The state institute for public policy shall develop an estimate of the number of students statewide likely to participate in the program authorized under section 3 of this act if established on a statewide basis. The assumptions shall take into account programs and alternatives offered for fifth-year seniors by school districts and educational service districts. The institute shall report to the education and fiscal committees of the legislature by December 15, 2007.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Any school district board of directors may adopt a policy to award a certificate of academic completion to students who complete all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045. Such a certificate is not the equivalent of a high school diploma.

(2) The office of the superintendent of public instruction shall notify school districts of their authority to adopt a policy under this section and shall provide technical assistance upon request.

(3) To be eligible for a certificate of academic completion, a student must:

(a) Pass all state and local high school graduation requirements except for obtaining a certificate of academic achievement or a certificate of individual achievement and have retaken the Washington assessment of student learning at least once or have taken an alternative assessment; and

(b) Meet with counselors, teachers, and parents, as appropriate, to develop a fifth year plan for how the student will meet standard on the Washington assessment of student learning and obtain a certificate of academic achievement or certificate of individual achievement."

Senators McAuliffe and Clements spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator McAuliffe to House Bill No. 1051.

The motion by Senator McAuliffe carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.655.061, 28B.15.520, and 28B.15.067; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW; and creating new sections."

MOTION

On motion of Senator McAuliffe, the rules were suspended, House Bill No. 1051 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Prentice and Jacobsen spoke in favor of passage of the bill.

Senators Clements and Holmquist spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1051 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1051 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Haugen, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Spanel, Stevens, Swecker and Zarelli - 18

Excused: Senator Roach - 1

HOUSE BILL NO. 1051 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT

President Owen: "Ladies and gentlemen of the Senate, two years ago the President came out with the President's observations of the session and I didn't do one last year and I was encouraged by members to do this again. So, I do have the President's observations of 2007 and the accompanying certificates if you so desire to hear them, and if you are good natured. So the President's observations of 2007:

The Senator most likely to be mistaken by the President for the Senator who sits behind said Senator, Senator Hobbs.

The Senator most likely to be mistaken by the President for the Senator who sits in front of said Senator, Senator Marr.

The Senators most likely to remain patiently seated throughout the debate and voting and not draw attention to themselves, Senators Berkey, Senator Fraser, Senator Kauffman, Senator Morton, and except for during the budget, Senator Prentice.

The Senator most likely to speak against a bill before 'reluctantly' voting for it, Senator Carrell.

The Senator most likely to rise to 'reluctantly speak against the bill' but with compassion, Senator Clements.

We have two awards in this category:

The Senator most likely to believe that the President is unaware that he is causing trouble by disrupting the speeches of new Senators through such antics as disconnecting microphones, acting childish and otherwise doing things he thinks are clever without the President noticing but, of course, the President does notice because the Senator is not quite as smooth as he thinks he is, Senator Poulsen and Senator Hatfield.

The Senator most likely to quote an obscure author, Senator Jacobsen and, of course, Those mostly likely to not be sure to whom Senator Jacobsen is quoting or if it's accurate but are reluctant to admit their own ignorance, all the rest of us.

The Senator most likely to give the most comprehensive and profound analysis on the least comprehensive and profound bill, Senator Kohl-Welles.

The Senator most likely to tear the curtains down when rushing to the floor to vote, Senator Weinstein, runner up would be Senator Hargrove.

And we have a rare triple crown sweep, the Senator most likely to not be at his seat when a vote begins, Senator Benton.

The Senator most likely to not be at his seat when a vote ends, Senator Benton.

The Senator most likely to call the most attention to himself when he finally does vote, Senator Benton, runner up, Senator Roach.

And we have an upset in this next category this year. In a stunning turn of events, Senator Honeyford has been displaced and we have a new winner for the Senator most likely to vote no on everything: Senator Holmquist.

After a bill passes, the Senator most likely to thank everyone including the parking attendants, the pages in the dining room, any other staff she missed and even some guys she ran into on the elevator on her way to the floor, Senator Haugen.

The Senator most likely to tell a joke that confuses one-third of the body, Senator Pridemore.

The Senator most likely to excuse someone who is present on the floor, Senator Brandland.

The Senator most likely to make up a new word because the present words available in the English language do not adequately capture his passion, Senator Clements.

And the Senator most likely to make the wrong motion on the floor but insists she is right, Senator McAuliffe.

So ends the President's observations this year."

PERSONAL PRIVILEGE

Senator Fraser: "Mr. President, a lot of you know I have a wonderful session aide, Ellie Dornan, and today she turns eighty-two on this very day. She has been my session aide ever since I've been in the Senate so that makes fifteen years. For those of you that know her, know she is a person of incomparable good cheer, great humor, irreplaceable wisdom, dispensed to callers and visitors. Just a wonderful addition to our office during the sessions. She's actually worked in the Senate, off and on, for decades. She has lots of wisdom to dispense and it's my great pleasure to wish her a happy birthday and to let you know there are refreshments in the office."

INTRODUCTION OF SPECIAL GUESTS

The President wished Mrs. Ellie Dornan a Happy Birthday who was seated in the gallery.

PARLIAMENTARY INQUIRY

Senator Honeyford: "In your awards, you mentioned that I was replaced but I didn't know that I'd ever received that award before."

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President Owen: "It was a concensus award."

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President. Well I had an occasion recently to speak with Senator Ted Kennedy from Massachusetts and when he found out that I represent a district from Seattle and from the Washington State Senate the first thing he said to me was, 'Seattle, Washington State. Mt. Rainier, Lou and Jim Whittaker. And he went on to tell about the wonderful Whittaker brothers and Ingrid, the wife of Lou Whittaker and the wonderful things that they have done for this state in championing and mountaineering and Mt. Rainier and how he and our U. S. Senator, Patty Murray, are working hard to get funding into the federal budget for the mountain museum that the Whittaker's have been working on. I thought that was just really very exciting and moving to have a U. S. Senator say that. The first thing about our state."

MOTION

At 3:17 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:01 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Haugen moved adoption of the following resolution:

SENATE RESOLUTION
8686

By Senators Haugen, Spanel, Jacobsen, Kohl-Welles, Prentice, Stevens, Berkey, Sheldon, McCaslin, Clements, Brandland, Hatfield, Honeyford, Franklin, Eide and Shin

WHEREAS, United States Congressman Jack Metcalf, who was born on November 30, 1927, in Marysville, lived a long and inspiring life in which he dedicated himself to public service; and

WHEREAS, While attending Langley High School, Congressman Metcalf met his loving and wonderful future wife Norma; and

WHEREAS, In 1946, following high school, Congressman Metcalf honorably served his country in the United States Army; and

WHEREAS, After his military service, Congressman Metcalf worked as a patrol boat captain for the United States Fish and Wildlife Service, and also as a United States Marshal; and

WHEREAS, In 1951, Congressman Metcalf received his bachelor's degree from Pacific Lutheran University and, in 1966, earned his master's degree from the University of Washington; and

WHEREAS, Congressman Metcalf spent 30 years building the minds of future leaders as a teacher, a job he loved so much that he referred to it as a "paid vacation"; and

WHEREAS, Congressman Metcalf revived and operated his father's commercial fishing business and founded the Log Castle Bed and Breakfast on his family's homestead in Langley; and

WHEREAS, Congressman Metcalf served 24 honorable years in the Washington State Legislature in both the Senate and the House of Representatives; and

WHEREAS, In his 24 years of service to the state, Congressman Metcalf was remarkably elected to office in three separate legislative districts: The 10th, 21st, and 38th; and

WHEREAS, In 1994, Congressman Metcalf was elected to the United States House of Representatives where he served three terms as the representative for Washington's 2nd District; and

WHEREAS, Congressman Metcalf served as a member of the Transportation Committee in the United States House of Representatives as well as a conferee on the TEA-21 transportation bill reconciliation in 1998; and

WHEREAS, Congressman Metcalf was a strong fiscal conservative, an avid conservationist, and an outdoorsman; and

WHEREAS, Jack Metcalf devoted his life to Norma, his beloved wife, best friend, partner, and companion of 59 wonderful years, and together they happily devoted their lives to their family of 4 daughters, 10 grandchildren, and 2 great-grandchildren;

NOW, THEREFORE, BE IT RESOLVED, In recognition of Jack Metcalf's efforts as a Congressman working collaboratively with state officials to secure funding for the Clinton Ferry Terminal, the Senate ask the Washington State Transportation Commission to give due consideration to naming the Clinton Ferry Terminal in Clinton, Washington the "Jack Metcalf Ferry Terminal"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Transportation Commission and to the family of Jack Metcalf.

Senators Haugen, Stevens, Prentice, McCaslin and Morton spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8686.

The motion by Senator Haugen carried and the resolution was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

Under suspension of rules ENGROSSED SUBSTITUTE SENATE BILL NO. 6023 was returned to second reading for purpose of an amendment: 6023-S.E AMH H3668.3, and passed the House as amended by the House.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature maintains a strong commitment to high expectations and high academic achievement for all students. The legislature finds that Washington schools and students are making significant progress in improving achievement in reading and writing. Schools are adapting instruction and providing remediation for students who need additional assistance. Reading and writing are being taught across the curriculum. Therefore, the legislature does not intend to make changes to the Washington assessment of student learning or high school graduation requirements in reading and writing.

(2) However, students are having difficulty improving their academic achievement in mathematics and science, particularly as measured by the high school Washington assessment of

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student learning. The legislature finds that corrections are needed in the state's high school assessment system that will improve alignment between learning standards, instruction, diagnosis, and assessment of students' knowledge and skills in high school mathematics and science. The legislature further finds there is a sense of urgency to make these corrections and intends to revise high school graduation requirements in mathematics and science only for the minimum period for corrections to be fully implemented.

Sec. 2. RCW 28A.655.061 and 2006 c 115 s 4 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or section 4 of this act, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has ~~((retaken))~~ taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of ~~((2010))~~ 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) ~~((Beginning in 2006,))~~ School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) ~~((Subject to available funding, the superintendent shall pilot opportunities for retaking the high school assessment beginning in the 2004-05 school year. Beginning no later than September 2006,))~~ Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics ~~((portion of the preliminary scholastic assessment test (PSAT)))~~, reading or English, or writing portion of the scholastic assessment test (SAT)(;) or the American college test (ACT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the ~~((mathematics))~~ state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the ~~((mathematics))~~ relevant portion of the ((PSAT;)) SAT(;) or ACT to meet or exceed the state standard ~~((for mathematics))~~ in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, ~~((2006, and thereafter))~~ 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards ((for mathematics)).

(ii) Until August 31, 2008, a student's score on the mathematics portion of the preliminary scholastic assessment test (PSAT) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected advance placement examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the advance placement examinations in

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calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the advance placement examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for students as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year. The plan shall include the courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation. ~~((This requirement shall be phased in as follows:~~

~~— (i) Beginning no later than the 2004-05 school year ninth grade students as described in this subsection (12)(a) shall have a plan.~~

~~— (ii) Beginning no later than the 2005-06 school year and every year thereafter eighth grade students as described in this subsection (12)(a) shall have a plan.~~

~~— (iii) (i) The parent or guardian shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, strategies to help them improve their student's skills, and the content of the student's plan.~~

~~((iv)) (ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

~~(b) ((Beginning with the 2005-06 school year and every year thereafter,)) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of ((a)) the student ((described in this subsection (12)(b)) shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.~~

Sec. 3. RCW 28A.155.045 and 2004 c 19 s 104 are each amended to read as follows:

Beginning with the graduating class of 2008, students served under this chapter, who are not appropriately assessed by the high school Washington assessment system as defined in RCW 28A.655.061, even with accommodations, may earn a certificate of individual achievement. The certificate may be earned using multiple ways to demonstrate skills and abilities commensurate with their individual education programs. The determination of whether the high school assessment system is appropriate shall be made by the student's individual education

program team. Except as provided in section 4 of this act, for these students, the certificate of individual achievement is required for graduation from a public high school, but need not be the only requirement for graduation. When measures other than the high school assessment system as defined in RCW 28A.655.061 are used, the measures shall be in agreement with the appropriate educational opportunity provided for the student as required by this chapter. The superintendent of public instruction shall develop the guidelines for determining which students should not be required to participate in the high school assessment system and which types of assessments are appropriate to use.

When measures other than the high school assessment system as defined in RCW 28A.655.061 are used for high school graduation purposes, the student's high school transcript shall note whether that student has earned a certificate of individual achievement.

Nothing in this section shall be construed to deny a student the right to participation in the high school assessment system as defined in RCW 28A.655.061, and, upon successfully meeting the high school standard, receipt of the certificate of academic achievement.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the graduating class of 2008 and through no later than the graduating class of 2012, students may graduate from high school without earning a certificate of academic achievement or a certificate of individual achievement if they:

(a) Have not successfully met the mathematics standard on the high school Washington assessment of student learning, an approved objective alternative assessment, or an alternate assessment developed for eligible special education students;

(b) Have successfully met the state standard in the other content areas required for a certificate under RCW 28A.655.061 or 28A.155.045;

(c) Have met all other state and school district graduation requirements; and

(d)(i) For the graduating class of 2008, successfully earn one additional high school mathematics credit or career and technical course equivalent, including courses offered at skill centers, after the student's eleventh grade year intended to increase the student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning and continue to take the appropriate mathematics assessment at least once annually until graduation; and

(ii) For the remaining graduating classes under this section, successfully earn two additional mathematics credits or career and technical course equivalent, including courses offered at skill centers, after the student's tenth grade year intended to increase the student's mathematics proficiency toward meeting or exceeding the mathematics standards assessed on the high school Washington assessment of student learning and continue to take the appropriate mathematics assessment at least once annually until graduation.

(2) The state board of education may adopt a rule that ends the application of this section with a graduating class before the graduating class of 2012, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the provisions of this section no longer apply. The state board of education's authority under this section does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(3) This section expires August 31, 2013.

Sec. 5. RCW 28A.655.070 and 2005 c 497 s 106 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the

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accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system ~~(shall)~~ may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

~~5)((a))~~ The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.))~~

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools

shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

Sec. 6. RCW 28A.655.065 and 2006 c 115 s 1 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through ~~((retaking the Washington assessment of student learning))~~ regular and consistent attendance at school~~((s))~~ and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

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(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant, as provided in this subsection and, for career and technical applicants, the additional requirements of subsection (6) of this section.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they

believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28C.04.110, the superintendent of public instruction shall develop additional guidelines for a collection of work samples that evidences that the collection:

(i) Is relevant to the student's particular career and technical program;

(ii) Focuses on the application of academic knowledge and skills within the program;

(iii) Includes completed activities or projects where demonstration of academic knowledge is inferred; and

(iv) Is related to the essential academic learning requirements and state standards that students must meet to earn a certificate of academic achievement or certificate of individual achievement, but also represents the knowledge and skills that successful individuals in the career and technical field of the approved program are expected to possess.

(b) To meet the state standard on the alternative assessment under this subsection (6), an applicant must also attain the state or nationally recognized certificate or credential associated with the approved career and technical program.

(c) The superintendent shall consult with community and technical colleges, employers, the work force training and education coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create an appropriate collection of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction (~~may~~) shall adopt rules to implement this section.

Sec. 7. RCW 28A.655.063 and 2006 c 115 s 5 are each amended to read as follows:

Subject to the availability of funds appropriated for this purpose, the office of the superintendent of public instruction shall provide funds to school districts (~~shall~~) to reimburse students for the cost of taking the tests in RCW 28A.655.061(10)(b) when the students take the tests for the purpose of using the (~~mathematics~~) results as an objective alternative assessment. The office of the superintendent of public instruction may, as an alternative to providing funds to school districts, arrange for students to receive a testing fee waiver or make other arrangements to compensate the students.

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Sec. 8. RCW 28A.655.200 and 2006 c 117 s 4 are each amended to read as follows:

(1) ~~((In the absence of mandatory, statewide, norm-referenced assessments,))~~ The legislature intends to permit school districts to offer norm-referenced assessments, make diagnostic tools available to school districts, and provide funding for diagnostic assessments to enhance ~~((guidance and planning for students and to))~~ student learning at all grade levels and provide early intervention before the high school Washington assessment of student learning.

(2) In addition to the diagnostic assessments provided under ~~((subsection (5) of))~~ this section, school districts may, at their own expense, administer norm-referenced assessments to students.

(3) ~~((By September 1, 2005, subject to available funds,))~~ The office of the superintendent of public instruction shall post on its web site for voluntary use by school districts, a guide of diagnostic assessments. The assessments in the guide, to the extent possible, shall include the characteristics listed in subsection (4) of this section.

(4) Beginning September 1, 2007, the office of the superintendent of public instruction shall make diagnostic assessments in reading, writing, mathematics, and science in elementary, middle, and high school grades available to school districts ((diagnostic assessments that)). Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall also provide funding to school districts for administration of diagnostic assessments to help improve student learning, identify academic weaknesses, enhance student planning and guidance, and develop targeted instructional strategies to assist students before the high school Washington assessment of student learning. To the greatest extent possible, the assessments shall be:

- (a) Aligned to the state's grade level expectations;
- (b) Individualized to each student's performance level;
- (c) Administered efficiently to provide results either immediately or within two weeks;
- (d) Capable of measuring individual student growth over time and allowing student progress to be compared to other students across the country;
- (e) Readily available to parents; and
- (f) Cost-effective.

(5) ~~((Beginning with the 2006-07 school year, the superintendent of public instruction shall reimburse school districts for administration of diagnostic assessments in grade nine for the purpose of identifying academic weaknesses, enhancing student planning and guidance, and developing targeted instructional strategies to assist students before the high school Washington assessment of student learning.~~

~~((6))~~ The office of the superintendent of public instruction ~~((is encouraged to))~~ shall offer training at statewide and regional staff development activities ~~((training opportunities that would assist practitioners))~~ in:

- (a) The interpretation of diagnostic assessments; and
- (b) Application of instructional strategies that will increase student learning based on diagnostic assessment data.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.655 RCW to read as follows:

(1)(a) The legislature's intent is to make significant improvements in the high school Washington assessment of student learning in the content areas of mathematics and science before requiring students to meet the state standard on the assessment for graduation purposes.

(b) The legislature believes that a high school assessment system where students receive instruction through credited high school mathematics and science courses and have their knowledge and skills assessed after they complete the courses would be a superior assessment system for mathematics and science to the current form of the Washington assessment of student learning. The legislature also believes that end-of-course assessments would offer more timely results, better diagnostic information, and improved alignment between curriculum, instruction, and assessment. End-of-course

assessments in mathematics should cover the content of at least algebra I and geometry. End-of-course assessments in science should cover the content of at least biology, but also address other science content areas.

(c) However, the legislature acknowledges that replacing the current form of the Washington assessment of student learning in mathematics and science with end-of-course assessments represents a significant change that should be thoroughly evaluated and that an implementation timeline to shift to end-of-course assessments no later than for the graduating class of 2013 should be carefully developed.

(2) The state board of education, in consultation with the superintendent of public instruction, shall examine and recommend changes to the high school Washington assessment of student learning in the content areas of mathematics and science. The state board of education may contract with one or more independent national consultants to conduct the examination. The primary change to be examined shall be replacing the current high school Washington assessment of student learning with a limited series of end-of-course assessments in mathematics and science. The examination of end-of-course assessments shall include:

- (a) An objective analysis of the potential strengths and weaknesses of end-of-course assessments as the primary high school assessment tool for student and school accountability;
- (b) Analysis of the possible impact of end-of-course assessments on curriculum and instruction in mathematics and science;
- (c) The appropriate mathematics and science content to be covered by end-of-course assessments;
- (d) Recommended implementation timelines and issues to be addressed in replacing the current assessment; and
- (e) An analysis of the costs of adopting end-of-course assessments.

(3) In any request for proposals for a new testing contractor for the Washington assessment of student learning, the superintendent of public instruction shall include the possible changes being examined by the state board of education so that additional information about the cost and feasibility of the changes can be provided by prospective testing contractors.

(4) The state board of education shall submit a report to the superintendent of public instruction and the education committees of the legislature by January 10, 2008. The report shall contain findings from the examination under this section, recommendations for changes to the high school Washington assessment of student learning in mathematics and science, and a timeline for expedited implementation of the recommended changes.

(5) The legislature intends that the changes recommended by the state board of education under this section shall be able to be implemented no later than the 2010-11 school year in order to apply to the graduating class of 2013. If the state board of education finds that the changes cannot feasibly be implemented by the 2010-11 school year, the state board shall state the specific reasons for such a finding, along with supporting evidence, and recommend a revised expedited timeline.

(6) This section expires June 30, 2009.

NEW SECTION. Sec. 10. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Before the 2007-08 school year, each educational service district shall implement an appeals panel or panels comprised of teachers, principals, and members of the business community with relevant knowledge or expertise to review and decide appeals submitted by students who did not meet the state standard on the tenth grade Washington assessment of student learning or an objective alternative assessment in one or more of the content areas assessed. The appeal under this section shall be an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or alternative assessment. An appeals panel must issue a determination of whether the appeal

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is approved or denied within sixty days of receiving an appeal application.

(2) A student is eligible to access the appeals process under this section if the student is in his or her junior or senior year of high school; has retaken the Washington assessment of student learning or has taken an alternative assessment in the content area in which the student is appealing; has participated in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061; and meets at least one of the following additional eligibility requirements:

(a) The student has met or is on track to meet all other state and local graduation requirements except for meeting the state standard on the Washington assessment of student learning;

(b) The student has completed a career and technical education industry certification program, or is on track to enter an articulated postsecondary program in an accredited community or technical college that leads to industry certification;

(c) The student is eligible for assessment accommodations, including accommodations for students with individualized education programs, students with plans developed pursuant to section 504 of the rehabilitation act of 1973, and English language learners. For students appealing under this subsection (2)(c), the panel shall consider, at a minimum, whether the appropriate assessment accommodation was provided; or

(d) The student is an English language learner who has been in the United States for fewer than three years.

(3) The educational service districts shall jointly submit an annual report to the legislature on the number and types of appeals received and approved.

(4) The state board of education shall adopt rules to implement this section by August 1, 2007. The rules shall include uniform criteria to be used by the appeals panels in making the panels' determinations. The criteria shall include review of the student's cumulative grade point average for those courses required for high school graduation; whether the student had regular and consistent attendance at school; the student's high school and beyond plan; and the student's culminating project. The state board of education may include additional criteria if necessary and shall determine how much weight shall be given to each criteria.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.655 RCW to read as follows:

English language learners who score below level four on the Washington language proficiency test or the equivalent level of the evaluation used by the superintendent of public instruction to assess the English and academic proficiency of English language learners under RCW 28A.180.090 shall not be required to take the Washington assessment of student learning, except as required by federal law. However, these students are still subject to the graduation requirements established in RCW 28A.655.061.

NEW SECTION. Sec. 12. (1) The superintendent of public instruction and the workforce training and education coordinating board shall jointly convene and staff an advisory committee to identify career and technical education curricula that will assist in preparing students for the state assessment system and provide the opportunity to obtain a certificate of academic achievement.

(2) The advisory committee shall consist of the following nine members:

(a) Four members of the legislature, with two members each appointed by the respective caucuses of the house of representatives and the senate;

(b) One representative from the career and technical education section of the office of the superintendent of public instruction;

(c) One member appointed by the workforce training and education coordinating board; and

(d) Three members appointed by the superintendent of public instruction and the workforce training and education coordinating board based on recommendations from the career and technical education community.

(3) The advisory committee shall appoint a chair from among the nonlegislative members.

(4) Legislative members of the advisory committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(5) By January 15, 2008, the advisory committee shall provide an initial report to the governor and the legislature and, if necessary, a work plan with additional reporting deadlines, which shall not extend beyond December 15, 2008.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

At 4:17 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:55 p.m. by President Owen.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5659,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,

PERSONAL PRIVILEGE

Senator Keiser: "Well, since the days are passing I thought it might be appropriate to read a dispatch that was recently published. I thought we might all enjoy the information. If I may? 'Dreaming of Sine Die. Legislative days are falling like hour glass sands, committees are discussing interim plans. The cherry blossoms are in bloom, Sine Die is coming soon, many constituencies have had their way, the onions, the frogs but not Lief Erikson Day. The Governor is signing bills into law, win-win solutions, common-sense approaches, blah, blah, blah. Though the 2007 session is fleeting, there's good little bills on second reading, budget writers may yet spend a few more mills, Senator Jacobsen may yet drop a few more bills but this sessions welcome has been out worn, Representative Roach has already blown his horn. The bell tolls when the House stops breaking for caucuses and when Representative Bailey stops fighting emergency clauses.' That is compliments of Chris Mullett Olympia Dispatch. Thought we might all enjoy."

PERSONAL PRIVILEGE

Senator Jacobsen: "I feel I've been impugned on my bills. I did do a little vote count here. I signed-I got seven with my own signature but I counted up and there's about thirteen more that passed in one shape or more. So, I would put the total up about thirteen. Of course, I'm counting the poet laureate which I introduced years ago. But I would claim that my theory of chaos does work."

MOTION

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Senator McAuliffe moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023.

Senators McAuliffe, Prentice, Tom, Franklin, Rockefeller, Weinstein and Hargrove spoke in favor of the motion.

Senators Holmquist, Clements, Jacobsen and Pflug spoke against the motion.

MOTION

The President declared the question before the Senate to be the motion by Senator McAuliffe that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023.

The motion by Senator McAuliffe carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 6023 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House.

Senator McAuliffe spoke in favor of final passage.

Senator Jacobsen spoke against final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 30

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, Jacobsen, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 18

Excused: Senator Roach - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5339,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5659,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,

And the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5085,
SUBSTITUTE SENATE BILL NO. 5097,

SECOND SUBSTITUTE SENATE BILL NO. 5164,
SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5224,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,
SUBSTITUTE SENATE BILL NO. 5288,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5311,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5312,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5317,
SUBSTITUTE SENATE BILL NO. 5340,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5372,
SUBSTITUTE SENATE BILL NO. 5412,
SENATE BILL NO. 5434,
SECOND SUBSTITUTE SENATE BILL NO. 5470,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5557,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5627,
SECOND SUBSTITUTE SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 5830,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5841,
SUBSTITUTE SENATE BILL NO. 5882,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5930,
SECOND SUBSTITUTE SENATE BILL NO. 5955,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 6044,
SUBSTITUTE SENATE BILL NO. 6156,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6158,
SENATE BILL NO. 6167,
ENGROSSED SUBSTITUTE SENATE JOINT
RESOLUTION NO. 8206,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2284,
ENGROSSED HOUSE BILL NO. 2391,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2284,
ENGROSSED HOUSE BILL NO. 2391,

PERSONAL PRIVILEGE

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Senator McAuliffe: "Thank you Mr. President. I neglected to recognize the people who did most of the work on Senate Bill No. 6023. Many of us worked very hard on the floor of the Senate, I mean in the Senate Education Committee, and no one worked as hard as my Vice Chair, Senator Rodney Tom. I appreciate very much the work he did but I do have to tell you that I think we have broken a record for how many times a bill was drafted. Senate Bill No. 6023 was drafted thirty-seven times and I want to thank my staff both who worked so hard, Heather Lewis-Lechner from our caucus and the staff on the Senate Education Committee, particularly Susan Mielke, for all their work. I want to show my full appreciation for that. Thank you."

REPORT OF THE CONFERENCE REPORT
Substitute House Bill No. 1128
April 21, 2007

MR. PRESIDENT:
MR. SPEAKER:

We of your conference committee, to whom was referred Substitute House Bill No. 1128, have had the same under consideration and recommend that all previous amendments not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2007, and ending June 30, 2009, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2008" or "FY 2008" means the fiscal year ending June 30, 2008.

(b) "Fiscal year 2009" or "FY 2009" means the fiscal year ending June 30, 2009.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008) . . .	\$34,522,000
General Fund--State Appropriation (FY 2009) . . .	\$35,598,000
Pension Funding Stabilization Account	
Appropriation	\$560,000
TOTAL APPROPRIATION	\$70,680,000

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 102. FOR THE SENATE
General Fund--State Appropriation (FY 2008) . . . \$26,483,000

General Fund--State Appropriation (FY 2009) . . .	\$29,196,000
Pension Funding Stabilization Account	
Appropriation	\$467,000
TOTAL APPROPRIATION	\$56,146,000

The appropriations in this section are subject to the following conditions and limitations: \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$3,377,000
General Fund--State Appropriation (FY 2009)	\$3,155,000
Pension Funding Stabilization Account	
Appropriation	\$36,000
TOTAL APPROPRIATION	\$6,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and

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shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2008)	....	\$1,843,000
General Fund--State Appropriation (FY 2009)	....	\$2,068,000
Pension Funding Stabilization Account		
Appropriation	.....	\$41,000
TOTAL APPROPRIATION	.....	\$3,952,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--		
State Appropriation	.....	\$3,517,000

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2008)	....	\$9,023,000
General Fund--State Appropriation (FY 2009)	....	\$9,198,000
Pension Funding Stabilization Account		
Appropriation	.....	\$92,000
TOTAL APPROPRIATION	....	\$18,313,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2008)	....	\$4,810,000
General Fund--State Appropriation (FY 2009)	....	\$5,301,000
Pension Funding Stabilization Account		
Appropriation	.....	\$75,000
TOTAL APPROPRIATION	....	\$10,186,000

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint

legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2008)	....	\$7,255,000
General Fund--State Appropriation (FY 2009)	....	\$7,510,000
TOTAL APPROPRIATION	....	\$14,765,000

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2008)	....	\$2,231,000
General Fund--State Appropriation (FY 2009)	....	\$2,259,000
TOTAL APPROPRIATION	....	\$4,490,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008)	....	\$15,779,000
General Fund--State Appropriation (FY 2009)	....	\$16,819,000
TOTAL APPROPRIATION	....	\$32,598,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2008)	....	\$1,117,000
General Fund--State Appropriation (FY 2009)	....	\$1,148,000
TOTAL APPROPRIATION	....	\$2,265,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008)	....	\$29,011,000
General Fund--State Appropriation (FY 2009)	....	\$30,148,000
Public Safety and Education Account--State		
Appropriation (FY 2008)	.....	\$24,071,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	.....	\$24,223,000
Equal Justice Subaccount of the Public Safety and		
Education Account--State Appropriation (FY 2008)	.....	\$3,175,000
Equal Justice Subaccount of the Public Safety and		
Education Account--State Appropriation (FY 2009)	.....	\$3,175,000
Judicial Information Systems Account--State		
Appropriation	.....	\$39,437,000
TOTAL APPROPRIATION	....	\$153,240,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to

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supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$340,000 for fiscal year 2008 is provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language

assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account--state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

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(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) Funding within this section is sufficient to cover costs associated with implementation of Substitute House Bill No. 1141 (diversion records).

(10) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2008) . . .	\$18,014,000
General Fund--State Appropriation (FY 2009) . . .	\$18,016,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$7,025,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.	\$2,250,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.	\$2,251,000
TOTAL APPROPRIATION . . .	\$54,622,000

The appropriations in this section are subject to the following conditions and limitations: The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2008)	\$5,923,000
General Fund--State Appropriation (FY 2009)	\$7,009,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$2,326,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$2,378,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2008)	
.	\$927,000
Equal Justice Subaccount of the Public Safety and	
Education Account--State Appropriation (FY 2009)	
.	\$927,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$1,494,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$1,493,000
TOTAL APPROPRIATION . . .	\$22,477,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2008)	\$6,614,000
General Fund--State Appropriation (FY 2009)	\$6,758,000
General Fund--Federal Appropriation	\$35,000
Economic Development Strategic Reserve Account--State	
Appropriation	\$4,000,000
Oil Spill Prevention Account--State Appropriation . .	\$715,000
TOTAL APPROPRIATION . . .	\$18,122,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2008)	\$798,000
General Fund--State Appropriation (FY 2009)	\$837,000
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION . . .	\$1,725,000

NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,546,000
General Fund--State Appropriation (FY 2009)	\$2,499,000
TOTAL APPROPRIATION . . .	\$5,045,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008) . . .	\$32,941,000
General Fund--State Appropriation (FY 2009) . . .	\$21,774,000
General Fund--Federal Appropriation	\$7,312,000
General Fund--Private/Local Appropriation	\$134,000
Archives and Records Management Account--State	
Appropriation	\$8,390,000
Department of Personnel Service Account--State	
Appropriation	\$768,000
Local Government Archives Account--State	
Appropriation	\$13,791,000
Election Account--Federal Appropriation	\$39,103,000
Charitable Organization Education Account--State	
Appropriation	\$122,000
TOTAL APPROPRIATION . . .	\$124,335,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,104,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,421,000 of the general fund--state appropriation for fiscal year 2008 and \$3,893,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

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verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$122,000 of the charitable organization education account--state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$348,000
General Fund--State Appropriation (FY 2009)	\$317,000
TOTAL APPROPRIATION	\$665,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$257,000
General Fund--State Appropriation (FY 2009)	\$252,000

TOTAL APPROPRIATION \$509,000

NEW SECTION. Sec. 122. FOR THE STATE TREASURER

State Treasurer's Service Account--State
Appropriation \$15,687,000

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 123. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008)	\$794,000
General Fund--State Appropriation (FY 2009)	\$829,000
State Auditing Services Revolving Account--State Appropriation	\$15,188,000
TOTAL APPROPRIATION	\$16,811,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and \$762,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008)	\$159,000
General Fund--State Appropriation (FY 2009)	\$229,000
TOTAL APPROPRIATION	\$388,000

NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008)	\$6,250,000
General Fund--State Appropriation (FY 2009)	\$6,656,000
General Fund--Federal Appropriation	\$3,951,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,199,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,323,000
Legal Services Revolving Account--State Appropriation	\$224,635,000
Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	\$245,427,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal

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committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$756,000
General Fund--State Appropriation (FY 2009)	\$781,000
TOTAL APPROPRIATION	\$1,537,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2008) . . .	\$66,652,000
General Fund--State Appropriation (FY 2009) . . .	\$67,867,000
General Fund--Federal Appropriation	\$251,537,000
General Fund--Private/Local Appropriation	\$14,680,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$2,775,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$2,735,000
Public Works Assistance Account--State Appropriation	
.	\$2,977,000
Tourism Promotion and Development Account--State	
Appropriation	\$1,000,000
Drinking Water Assistance Administrative Account--	
State Appropriation	\$415,000
Lead Paint Account--State Appropriation	\$6,000
Building Code Council Account--State Appropriation	
.	\$1,180,000
Low-Income Weatherization Assistance Account--State	
Appropriation	\$8,385,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$3,644,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$3,660,000
Community and Economic Development Fee Account--State	
Appropriation	\$1,840,000
Washington Housing Trust Account--State	
Appropriation	\$32,327,000

Homeless Families Service Account--State	
Appropriation	\$300,000
Public Facility Construction Loan Revolving	
Account--State Appropriation	\$635,000
Affordable Housing Account--State Appropriation	\$15,200,000
Community Preservation and Development Authority	
Account--State Appropriation	\$350,000
Home Security Fund Account--State Appropriation	\$16,200,000
Independent Youth Housing Account--State Appropriation	
.	\$1,000,000
TOTAL APPROPRIATION . . .	\$495,365,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

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(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and \$1,935,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to: (a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

(14) The department shall distribute 125,000 copies per year of the Washington state visitors' guide for the 2007-09 fiscal biennium.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(16) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department's individual development account program.

(18) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(19) \$1,813,000 of the general fund--state appropriation for fiscal year 2008 and \$1,813,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

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(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(20) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

(21) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(22) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(23) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(24) \$408,000 of the general fund--state appropriation for fiscal year 2008 and \$623,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state economic development commission as an independent state agency consistent with Second Substitute Senate Bill No. 5995 (economic development commission). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(28) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(29) \$12,000 of the general fund--state appropriation for fiscal year 2008 and \$13,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Synergy Group to coordinate the resources of Lake Stevens area nonprofit organizations to prevent redundancy in charitable efforts.

(30)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided for a pilot program to provide assistance for three jurisdictions to enforce financial fraud and identity theft laws. Three pilot enforcement areas shall be established on January 1, 2008, two in the two largest counties by population west of the crest of the Cascade mountains and one in the largest county by population east of the crest of the Cascade mountains. Funding received for the purpose of this subsection through appropriations, gifts, and grants shall be divided equally between the three pilot enforcement areas. This funding is intended to provide for additional deputy prosecutors, law enforcement, clerical staff, and other support for the prosecution of financial fraud and identity theft crimes. The funding shall not be used to supplant existing funding and cannot be used for any purpose other than enforcement of financial fraud and identity theft laws. Appropriated state funds must be used to match gifts and grants of private-sector funds for the purposes of this subsection, and expenditure of appropriated state funds may not exceed expenditure of private funds.

(b) The department shall appoint a task force in each county with a pilot enforcement area. Each task force shall include the following members:

- (i) Two members from financial institutions;
- (ii) One member of the Washington association of county prosecutors;
- (iii) One member of the Washington association of sheriffs and police chiefs;
- (iv) One member of the Washington state association of municipal attorneys; and
- (v) One law enforcement officer.

(c) The task force in each county shall provide advice and expertise in order to facilitate the prosecutor's efforts to prosecute and reduce the incidence of financial fraud and identity theft crimes, including check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments, organized counterfeit check rings, and organized identity theft rings.

(31) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant

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to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(32) \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(33) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(34) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(35) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

(36) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

(37) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center.

(38) \$200,000 of the general fund appropriation for fiscal year 2008 is provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

(39) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

(40) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation.

(41) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). The department shall retain \$1,500,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) \$200,000 shall be provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) \$800,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(42) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

(43) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

(44) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

(45) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500.

(46) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

(47) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$103,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

(48) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

(49) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(50)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental

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structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

(51) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social-emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

(52) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for crime victim service centers.

(53) \$41,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(54) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(55) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(56) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(57) \$131,000 of the general fund--state appropriation for fiscal year 2008 and \$62,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(58) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

(59) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(60) \$350,000 of the community preservation and development account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If

this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$608,000
General Fund--State Appropriation (FY 2009)	\$631,000
TOTAL APPROPRIATION	\$1,239,000

NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008) . . .	\$24,175,000
General Fund--State Appropriation (FY 2009) . . .	\$23,323,000
General Fund--Federal Appropriation	\$23,588,000
General Fund--Private/Local Appropriation	\$1,270,000
State Auditing Services Revolving Account--State	
Appropriation	\$25,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2008)	\$123,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation (FY 2009)	\$123,000
TOTAL APPROPRIATION	\$72,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$580,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$320,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$165,000 of the general fund--state appropriation for fiscal year 2008 and \$115,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to develop options for a new K-12 pupil transportation funding formula. The office of financial management shall contract with consultants with expertise in both pupil transportation and K-12 finance formulas. The office of financial management and the contractors shall consult with the legislative fiscal committees and the office of the superintendent of public instruction. The office of financial management shall submit a final report to the governor, the house of representatives appropriations committee, and senate ways and means committee by November 15, 2008.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

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financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$810,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

(11) Within amounts appropriated in this section, the office of financial management shall enter into an interagency agreement with the department of social and health services to establish a program of technical assistance to pharmacies providing services under chapter 74.09 RCW that offers information to pharmacies regarding compliance with payment requirements and that offers technical assistance to pharmacies that request such assistance or who, as identified in a prepayment or other preaudit review, would benefit from such assistance. Additionally, the office of financial management shall oversee the technical assistance program and review the department of social and health services' pharmacy audit practices and determine whether it is desirable, in instances when fraud is not suspected, to extend the time from when a pharmacy is notified of an upcoming audit, to when an audit begins. The office of financial management shall report its findings and recommendations to the governor and to the appropriate legislative fiscal and policy committees by December 1, 2007.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State
Appropriation \$33,037,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State
Appropriation \$30,106,000
Higher Education Personnel Services Account--State
Appropriation \$1,794,000
TOTAL APPROPRIATION \$31,900,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be

responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation
. \$26,382,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2008) \$261,000
General Fund--State Appropriation (FY 2009) \$276,000
TOTAL APPROPRIATION \$537,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008) \$257,000
General Fund--State Appropriation (FY 2009) \$266,000
TOTAL APPROPRIATION \$523,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund--State Appropriation (FY 2008) \$200,000
General Fund--State Appropriation (FY 2009) \$250,000
Dependent Care Administrative Account--State
Appropriation \$448,000
Department of Retirement Systems Expense Account--
State Appropriation \$48,885,000
TOTAL APPROPRIATION \$49,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal

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internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008) . . .	\$97,793,000
General Fund--State Appropriation (FY 2009) . .	\$101,158,000
Timber Tax Distribution Account--State Appropriation	
.....	\$5,846,000
Waste Reduction/Recycling/Litter Control--State	
Appropriation	\$130,000
Waste Tire Removal Account--State Appropriation . . .	\$2,000
Real Estate Excise Tax Grant Account--State	
Appropriation	\$3,900,000
State Toxics Control Account--State Appropriation . .	\$88,000
Oil Spill Prevention Account--State Appropriation . . .	\$16,000
Pension Funding Stabilization Account	
Appropriation	\$2,370,000
TOTAL APPROPRIATION . . .	\$211,303,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State	
Appropriation	\$19,266,000

NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2008)	\$1,502,000
General Fund--State Appropriation (FY 2009)	\$1,380,000
TOTAL APPROPRIATION	\$2,882,000

NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	
.....	\$847,000
City and Town Research Services--State Appropriation	
.....	\$4,458,000
General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	\$200,000
TOTAL APPROPRIATION	\$5,705,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation \$3,650,000
The appropriations in this section are subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$577,000
General Fund--State Appropriation (FY 2009)	\$580,000
General Fund--Federal Appropriation	\$3,655,000
General Administration Service Account--State	
Appropriation	\$34,951,000
TOTAL APPROPRIATION	\$39,763,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) Funding within the amounts provided in this section is sufficient to fully pay for the costs associated with relocating the office of minority and women's business enterprises. This includes the cost of cancelling the office's current lease, securing a new suitable location, and physically moving the office into the new location. The office shall not be charged for any of the costs associated with the relocation.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2008)	\$5,102,000
General Fund--State Appropriation (FY 2009)	\$2,088,000
General Fund--Federal Appropriation	\$700,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$1,000,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$1,000,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$695,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$705,000
Data Processing Revolving Account--State	
Appropriation	\$6,400,000
TOTAL APPROPRIATION	\$17,690,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,340,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,000,000 of the health services account appropriation for fiscal year 2008 and \$1,000,000 of the health services account appropriation for fiscal year 2009 are provided solely to conduct a pilot project to develop an emergency medical response health management record system. The department shall contract to provide health management record services, such as those developed with patients in Whatcom county, to provide integrated care management that are web-services enabled. The record system developed by the pilot project will begin to provide services to emergency medical personnel within two years in at least King, Snohomish, Thurston, and Whatcom counties. The requirements of the pilot project contract shall require the initial development of specific evaluation criteria and a report on the performance of the system according to those criteria no later than June 30, 2009.

(4) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and \$338,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$1,574,000
Insurance Commissioners Regulatory Account--State	
Appropriation	\$45,340,000
TOTAL APPROPRIATION	\$46,914,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account--state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	
Appropriation	\$2,596,000

NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation . . .	\$276,000
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The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation	\$5,499,000

The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008)	\$1,910,000
General Fund--State Appropriation (FY 2009)	\$1,953,000
Liquor Control Board Construction and Maintenance	
Account--State Appropriation	\$8,517,000
Liquor Revolving Account--State Appropriation . . .	\$195,858,000
TOTAL APPROPRIATION	\$208,238,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

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NEW SECTION. Sec. 148. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation . . \$1,051,000
The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2008) \$160,000
Public Service Revolving Account--State Appropriation \$31,403,000
Pipeline Safety Account--State Appropriation \$3,195,000
Pipeline Safety Account--Federal Appropriation . . . \$1,535,000
TOTAL APPROPRIATION . . . \$36,293,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008) . . . \$11,439,000
General Fund--State Appropriation (FY 2009) . . . \$11,812,000
General Fund--Federal Appropriation \$107,611,000
General Fund--Private/Local Appropriation \$2,000
Enhanced 911 Account--State Appropriation \$42,114,000
Disaster Response Account--State Appropriation . \$12,852,000
Disaster Response Account--Federal Appropriation \$55,553,000
Military Department Rent and Lease Account--State Appropriation \$374,000
Worker and Community Right-to-Know Account--State Appropriation \$341,000
Nisqually Earthquake Account--State Appropriation . \$556,000
Nisqually Earthquake Account--Federal Appropriation \$1,269,000
TOTAL APPROPRIATION . . . \$243,923,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,924,000 of the disaster response account--state appropriation and \$55,769,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2008) . . . \$3,246,000
General Fund--State Appropriation (FY 2009) . . . \$3,353,000
Department of Personnel Service Account--State Appropriation \$3,315,000
TOTAL APPROPRIATION \$9,914,000

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The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2008)	\$1,087,000
General Fund--State Appropriation (FY 2009)	\$1,033,000
General Fund--Federal Appropriation	\$1,651,000
General Fund--Private/Local Appropriation	\$14,000
TOTAL APPROPRIATION	\$3,785,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 153. FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008)	\$1,890,000
General Fund--State Appropriation (FY 2009)	\$1,942,000
TOTAL APPROPRIATION	\$3,832,000

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State	
Appropriation	\$36,910,000
State Convention and Trade Center Operating	
Account--State Appropriation	\$53,750,000
TOTAL APPROPRIATION	\$90,660,000

(End of part)

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the

aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 13,000 persons during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$313,898,000
General Fund--State Appropriation (FY 2009)	\$327,462,000
General Fund--Federal Appropriation	\$468,668,000
General Fund--Private/Local Appropriation	\$500,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,000,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$3,251,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$3,254,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008)	\$2,934,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009)	\$2,934,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,298,000
TOTAL APPROPRIATION	\$1,126,199,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$3,063,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a

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result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$49,000 of the general fund--state appropriation for fiscal year 2009, and \$41,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general

fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$98,000 of the general fund--state appropriation for fiscal year 2009, and \$201,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$87,795,000
General Fund--State Appropriation (FY 2009) . . .	\$91,182,000
General Fund--Federal Appropriation	\$5,799,000
General Fund--Private/Local Appropriation	\$1,098,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2008)	\$21,458,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation (FY 2009)	\$21,568,000
Juvenile Accountability Incentive Account--Federal	

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Appropriation	\$2,510,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,200,000
TOTAL APPROPRIATION . . .	\$235,195,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$3,066,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$1,287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile

rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including: (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008) . . .	\$302,674,000
General Fund--State Appropriation (FY 2009) . . .	\$312,997,000
General Fund--Federal Appropriation	\$380,003,000
General Fund--Private/Local Appropriation	\$11,948,000
TOTAL APPROPRIATION . . .	\$1,007,622,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$104,080,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

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persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program and for use of state hospital beds for short-term commitments.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(i) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(j) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(k) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(l) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(m) \$2,979,000 of the general fund--state appropriation for fiscal year 2008, \$3,249,000 of the general fund--state appropriation for fiscal year 2009, and \$2,040,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (1)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(n) \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--federal appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation

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rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

(o) \$7,363,000 of the general fund--state appropriation for fiscal year 2008, \$15,028,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection(1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(p) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) ..	\$142,545,000
General Fund--State Appropriation (FY 2009) ..	\$139,286,000
General Fund--Federal Appropriation	\$146,401,000
General Fund--Private/Local Appropriation	\$57,064,000
Pension Funding Stabilization Account--State	
Appropriation	\$7,058,000
TOTAL APPROPRIATION ...	\$492,354,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$1,892,000
General Fund--State Appropriation (FY 2009)	\$2,192,000
General Fund--Federal Appropriation	\$3,195,000
TOTAL APPROPRIATION	\$7,279,000

The appropriations in this subsection are subject to the following conditions and limitations: \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	\$5,060,000
General Fund--Federal Appropriation	\$7,604,000
TOTAL APPROPRIATION ...	\$17,630,000

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008) ..	\$346,600,000
General Fund--State Appropriation (FY 2009) ..	\$373,776,000
General Fund--Federal Appropriation	\$633,258,000
Health Services Account--State Appropriation (FY 2008)	
.....	\$452,000
Health Services Account--State Appropriation (FY 2009)	
.....	\$452,000
TOTAL APPROPRIATION .	\$1,354,538,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,799,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$9,268,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior

to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,598,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$1,096,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,577,000 of the general fund--state appropriation for fiscal year 2008, \$3,480,000 of the general fund--state appropriation for fiscal year 2009, and \$2,105,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) The department shall collect data from the counties related to employment services. This data shall include, but not necessarily be limited to, information pertaining to: (i) The average length of time clients utilize job coaching services, (ii) the percentage of clients utilizing job coaching services from zero to three months, four to six months, seven to nine months, ten to twelve months, and twelve months or more, (iii) within the monthly grouping, the percentage of clients utilizing job coaching services from zero to five hours per week, five to ten hours per week, ten to twenty hours per week, and twenty or more hours per week. This data shall be provided to the appropriate policy committees of the legislature by December 1, 2007.

(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) . . .	\$78,765,000
General Fund--State Appropriation (FY 2009) . . .	\$80,873,000
General Fund--Federal Appropriation	\$171,836,000
General Fund--Private/Local Appropriation	\$21,613,000
Pension Funding Stabilization Account--State	
Appropriation	\$5,614,000
TOTAL APPROPRIATION . . .	\$358,701,000

The appropriations in this subsection are subject to the following conditions and limitations:

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(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$2,273,000
General Fund--State Appropriation (FY 2009)	\$2,377,000
General Fund--Federal Appropriation	\$2,821,000
TOTAL APPROPRIATION	\$7,471,000

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$16,843,000
TOTAL APPROPRIATION	\$16,875,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$699,089,000
General Fund--State Appropriation (FY 2009)	\$741,478,000
General Fund--Federal Appropriation	\$1,539,010,000
General Fund--Private/Local Appropriation	\$19,563,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	\$440,000
TOTAL APPROPRIATION	\$3,005,916,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$158.11 for fiscal year 2008 and shall not exceed \$164.18 for fiscal year 2009. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9)(a) \$8,755,000 of the general fund--state appropriation for fiscal year 2009 and \$9,348,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current medicaid payment methodology for nursing facilities and make recommendations for revisions to, restructuring of, or replacement of the existing payment methodology no later than October 1, 2007, to the governor and the appropriate fiscal and policy committees of the legislature.

(c) A joint legislative task force on long-term care residential facility payment systems shall review and develop recommendations related to payment methodologies for the care of medicaid-eligible residents of nursing homes, boarding homes, and adult family homes in Washington state.

(i) Membership of the task force shall consist of eight legislators. The president of the senate shall appoint two members from each of the two largest caucuses of the senate. The speaker of the house of representatives shall appoint two members of each of the two largest caucuses of the house of representatives. Each body shall select representatives from committees with jurisdiction over health and long-term care and fiscal matters.

(ii) The task force shall give strong consideration to the following principles in the course of its deliberations:

(A) A continuum of residential care settings should be available to medicaid-eligible vulnerable adults so as to honor consumer choice;

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(B) Payment methodologies for care provided in adult family homes, boarding homes, and nursing homes should be based upon resident acuity, with payment rates that recognize the impact of differing state and federal regulatory requirements upon facility costs, but also address current disparities in payments to facilities serving residents with similar nursing or personal care needs;

(C) Payment methodologies should be designed to support retention of qualified direct care staff through training, wages, and benefits offered to direct care staff, with special consideration given to nursing homes, boarding homes, and adult family homes that care for a disproportionate number of medicaid-eligible residents relative to their peer facilities;

(D) Performance measures related to critical issues such as staff retention and resident outcomes should be developed, with payment linked to facility performance on the measures; and

(E) Payment methodologies should be simplified, with greater predictability and stability in payments.

(iii) The task force shall:

(A) Review and consider the recommendations submitted in accordance with (b) of this subsection;

(B) Consider input from long-term care stakeholders with respect to the principles in (c)(ii) of this subsection;

(C) Review the current payment methodologies for nursing homes, boarding homes, and adult family homes, giving strong consideration to the principles in (c)(ii) of this subsection, and make recommendations for revisions to, restructuring of, or replacement of existing payment methodologies. The recommendations related to payments made in fiscal year 2009 shall be consistent with the amounts appropriated in this subsection.

(iv) The task force shall complete its review and submit its recommendations to the appropriate policy and fiscal committees of the legislature by December 31, 2007.

(v) Staff support for the task force shall be provided by senate committee services and the house of representatives office of program research.

(vi) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(vii) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committees, or their successor committees.

(viii) The task force expires December 31, 2007.

(10) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

(11) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$440,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:

(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;

(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and

(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.

(14) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for boarding homes, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, and by an additional 2.0 percent, effective July 1, 2008, for adult family homes, including those currently receiving exceptional care rates.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers).

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$592,774,000
General Fund--State Appropriation (FY 2009) . . .	\$627,148,000
General Fund--Federal Appropriation	\$1,053,264,000
General Fund--Private/Local Appropriation	\$27,920,000
Pension Funding Stabilization Account--State	
Appropriation	\$4,592,000

TOTAL APPROPRIATION . \$2,305,698,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$334,377,000 of the general fund--state appropriation for fiscal year 2008, \$347,597,000 of the general fund--state appropriation for fiscal year 2009, and \$827,774,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a post-TANF work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund--federal by activity;

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection

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(1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470

(dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$69,445,000
General Fund--State Appropriation (FY 2009) . . .	\$69,663,000
General Fund--Federal Appropriation	\$138,942,000
General Fund--Private/Local Appropriation	\$632,000
Criminal Justice Treatment Account--State Appropriation	\$17,752,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$24,538,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$24,538,000
Problem Gambling Account--State Appropriation	\$1,567,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,044,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,043,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
TOTAL APPROPRIATION . . .	\$349,310,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the

estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$698,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) A pilot program in Pierce county for family therapeutic court services that include chemical dependency treatment with use of the prometa protocol; and (b) an independent evaluator to evaluate the efficacy of the treatment with the prometa protocol under the pilot program as compared to other drug treatment and to no treatment.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$1,589,266,000
General Fund--State Appropriation (FY 2009)	\$1,665,304,000
General Fund--Federal Appropriation	\$4,305,197,000
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	\$350,259,000
Health Services Account--State Appropriation (FY 2009)	\$385,215,000
Pension Funding Stabilization Account--State Appropriation	\$646,000
TOTAL APPROPRIATION	\$8,312,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit a report to the governor and legislature by November 1, 2007, that evaluates whether savings continue to exceed costs for this program. If the certified public expenditures program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount that is the total of (a) the total payment for claims for services rendered during the fiscal year calculated according to the methodology employed by the legislature in the omnibus appropriations act for implementation in fiscal year 2008 and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and is subject to an interim cost settlement within eleven months after the end of the fiscal year. A final cost settlement shall be performed within two years after the end of the related fiscal year. To the extent that a final cost settlement determines that a hospital has received funds in excess of what it would have received under the methodology in place in fiscal year 2008 as described in this subsection, the hospital must repay these amounts to the state when requested. \$74,066,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and \$59,776,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this

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section, are provided solely for state grants for the participating hospitals.

(9) \$7,314,000 of the general fund--state appropriation for fiscal year 2008, \$7,800,000 of the general fund--state appropriation for fiscal year 2009, and \$48,995,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,529,000 of the general fund--state appropriation for fiscal year 2008 and \$6,651,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$268,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$2,450,000 of the general fund--state appropriation for fiscal year 2008 and \$1,950,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children). By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(a) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(b) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(c) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(d) Outreach contracts with local governmental entities, community based organizations, and tribes;

(e) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(f) Results of efforts to maximize federal matching funds, wherever possible; and

(g) Plans for sustaining outreach programs proven to be successful.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

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(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$12,986,000
General Fund--State Appropriation (FY 2009) . . .	\$14,336,000
General Fund--Federal Appropriation	\$90,886,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,793,000
Pension Funding Stabilization Account--State Appropriation	\$116,000
TOTAL APPROPRIATION . . .	\$120,117,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$51,103,000
General Fund--State Appropriation (FY 2009) . . .	\$54,219,000
TOTAL APPROPRIATION . . .	\$105,322,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$35,438,000
General Fund--State Appropriation (FY 2009) . . .	\$36,504,000
General Fund--Federal Appropriation	\$64,730,000

General Fund--Private/Local Appropriation	\$810,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,226,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,226,000
Pension Funding Stabilization Account--State Appropriation	\$1,408,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$913,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$926,000
TOTAL APPROPRIATION . . .	\$143,181,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) \$144,000 of the general fund--state appropriation for fiscal year 2008, \$111,000 of the general fund--state appropriation for fiscal year 2009, and \$136,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$59,460,000
General Fund--State Appropriation (FY 2009) . . .	\$59,497,000
General Fund--Federal Appropriation	\$57,255,000
TOTAL APPROPRIATION . . .	\$176,212,000

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NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2008)	\$500,000
General Fund--State Appropriation (FY 2009)	.....	\$500,000
General Fund--Federal Appropriation	.....	\$4,885,000
State Health Care Authority Administrative Account--		
State Appropriation	.....	\$56,074,000
Medical Aid Account--State Appropriation	.....	\$529,000
Health Services Account--State Appropriation (FY 2008)	.....	\$274,666,000
Health Services Account--State Appropriation (FY 2009)	.....	\$300,580,000
TOTAL APPROPRIATION	...	\$637,734,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$1,984,000 of the health services account--state appropriation for fiscal year 2008 and \$6,315,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.

(5) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(6) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(7) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$1,676,000 of the health service account--state appropriation for fiscal year 2009, \$540,000 of the general fund-- federal appropriation, and \$22,480,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(8) \$2,137,000 of the health services account--state appropriation for fiscal year 2008 and \$1,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 and \$664,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment of a family practice residency in southeastern Washington. The program will provide residency experience in rural communities and support at least five family practice medicine residents per year.

(14) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008)	....	\$3,444,000
General Fund--State Appropriation (FY 2009)	....	\$3,350,000
General Fund--Federal Appropriation	.....	\$1,345,000
TOTAL APPROPRIATION	.....	\$8,139,000

NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State		
Appropriation	.....	\$20,000
Accident Account--State Appropriation	.....	\$18,123,000
Medical Aid Account--State Appropriation	.....	\$18,124,000
TOTAL APPROPRIATION	.....	\$36,267,000

NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account--State		
Appropriation (FY 2008)	.....	\$15,537,000
Public Safety and Education Account--State		
Appropriation (FY 2009)	.....	\$14,340,000
Death Investigations Account--State Appropriation	..	\$148,000
Municipal Criminal Justice Assistance Account--		
State Appropriation	.....	\$460,000

Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$12,322,000
TOTAL APPROPRIATION	\$42,807,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$956,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and four additional basic law enforcement academies in fiscal year 2009. Continued funding for these additional academies is contingent upon the result of an office of financial management forecast for future student demand for basic law enforcement academies at the criminal justice training centers in Burien and Spokane.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$8,711,000
General Fund--State Appropriation (FY 2009)	\$8,879,000
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$15,386,000

Public Safety and Education Account--State	
Appropriation (FY 2009)	\$16,607,000
Public Safety and Education Account--Federal	
Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$923,000
Electrical License Account--State Appropriation	\$40,718,000
Farm Labor Revolving Account--Private/Local	
Appropriation	\$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$1,961,000
Public Works Administration Account--State	
Appropriation	\$3,996,000
Manufactured Home Installation Training Account--	
State Appropriation	\$192,000
Accident Account--State Appropriation	\$228,998,000
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	\$239,248,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,653,000
Pressure Systems Safety Account--State Appropriation	
.	\$3,667,000
TOTAL APPROPRIATION	\$597,875,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate

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Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2008) \$1,876,000
 General Fund--State Appropriation (FY 2009) \$1,907,000
 TOTAL APPROPRIATION \$3,783,000

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund--state appropriation for fiscal year 2009 are

provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS
 General Fund--State Appropriation (FY 2008) \$2,124,000
 General Fund--State Appropriation (FY 2009) \$2,183,000
 Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$10,000
 Veterans Innovations Program Account
 Appropriation \$1,437,000
 TOTAL APPROPRIATION \$5,754,000

(2) FIELD SERVICES
 General Fund--State Appropriation (FY 2008) \$5,126,000
 General Fund--State Appropriation (FY 2009) \$5,249,000
 General Fund--Federal Appropriation \$972,000
 General Fund--Private/Local Appropriation \$2,987,000
 Veteran Estate Management Account--Private/Local
 Appropriation \$1,062,000
 TOTAL APPROPRIATION \$15,396,000

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES
 General Fund--State Appropriation (FY 2008) \$8,340,000
 General Fund--State Appropriation (FY 2009) \$8,894,000
 General Fund--Federal Appropriation \$41,333,000
 General Fund--Private/Local Appropriation \$30,197,000
 TOTAL APPROPRIATION \$88,764,000

NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2008) \$1,721,000
 General Fund--State Appropriation (FY 2009) \$1,740,000
 TOTAL APPROPRIATION \$3,461,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008) . . . \$81,288,000
 General Fund--State Appropriation (FY 2009) . . . \$78,032,000
 General Fund--Federal Appropriation \$480,735,000
 General Fund--Private/Local Appropriation \$111,257,000
 Hospital Commission Account--State Appropriation \$1,247,000
 Health Professions Account--State Appropriation . \$62,419,000
 Aquatic Lands Enhancement Account--State
 Appropriation \$600,000
 Emergency Medical Services and Trauma Care Systems
 Trust Account--State Appropriation \$12,610,000
 Safe Drinking Water Account--State Appropriation \$3,064,000
 Drinking Water Assistance Account--Federal
 Appropriation \$16,991,000
 Waterworks Operator Certification--State
 Appropriation \$1,518,000
 Drinking Water Assistance Administrative Account--
 State Appropriation \$326,000
 Water Quality Account--State Appropriation (FY 2008) \$1,975,000
 Water Quality Account--State Appropriation (FY 2009) \$2,013,000
 State Toxics Control Account--State Appropriation \$3,415,000
 Medical Test Site Licensure Account--State
 Appropriation \$2,068,000
 Youth Tobacco Prevention Account--State Appropriation \$1,512,000
 Public Health Supplemental Account--Private/Local
 Appropriation \$2,482,000
 Accident Account--State Appropriation \$294,000
 Medical Aid Account--State Appropriation \$48,000
 Health Services Account--State

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Appropriation (FY 2008)	\$42,122,000
Health Services Account--State	
Appropriation (FY 2009)	\$46,663,000
Tobacco Prevention and Control Account--State	
Appropriation	\$52,870,000
Oyster Reserve Land Account--State Appropriation .	\$224,000
TOTAL APPROPRIATION .	\$1,005,773,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state

appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

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(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are

provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008. If Engrossed House Bill No. 1667 (health professions licensing fees) is enacted by June 30, 2007, the amounts provided in this subsection are provided solely for the purposes of that bill.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008) . . .	\$57,968,000
General Fund--State Appropriation (FY 2009) . . .	\$52,911,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,504,000
Pension Funding Stabilization Account--State Appropriation	\$1,280,000
TOTAL APPROPRIATION . . .	\$115,325,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008) . .	\$617,042,000
General Fund--State Appropriation (FY 2009) . .	\$664,710,000
General Fund--Federal Appropriation	\$3,490,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000

Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000
TOTAL APPROPRIATION .	\$1,301,364,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series

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of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008) .. \$129,063,000

General Fund--State Appropriation (FY 2009) .. \$140,462,000

Public Safety and Education Account--State

Appropriation (FY 2008) \$9,317,000

Public Safety and Education Account--State

Appropriation (FY 2009) \$9,680,000

Pension Funding Stabilization Account--State

Appropriation \$2,800,000

TOTAL APPROPRIATION ... \$291,322,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008) \$987,000

General Fund--State Appropriation (FY 2009) \$2,347,000

TOTAL APPROPRIATION \$3,334,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008) ... \$35,026,000

General Fund--State Appropriation (FY 2009) ... \$35,175,000

TOTAL APPROPRIATION ... \$70,201,000

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008) \$2,566,000

General Fund--State Appropriation (FY 2009) \$2,636,000

General Fund--Federal Appropriation \$17,702,000

General Fund--Private/Local Appropriation \$20,000

TOTAL APPROPRIATION ... \$22,924,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2008) \$937,000

General Fund--State Appropriation (FY 2009) \$959,000

TOTAL APPROPRIATION \$1,896,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2008) \$60,000

General Fund--State Appropriation (FY 2009) \$60,000

General Fund--Federal Appropriation \$265,906,000

General Fund--Private/Local Appropriation \$33,877,000

Unemployment Compensation Administration Account--

Federal Appropriation \$253,644,000

Administrative Contingency Account--State

Appropriation \$31,273,000

Employment Service Administrative Account--State

Appropriation \$32,055,000

TOTAL APPROPRIATION ... \$616,875,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp.

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sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) \$12,348,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(End of part)

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008)	\$524,000
General Fund--State Appropriation (FY 2009)	\$548,000
General Fund--Federal Appropriation	\$9,000
General Fund--Private/Local Appropriation	\$1,056,000
TOTAL APPROPRIATION	\$2,137,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008) . . .	\$50,030,000
General Fund--State Appropriation (FY 2009) . . .	\$49,941,000
General Fund--Federal Appropriation	\$83,365,000
General Fund--Private/Local Appropriation	\$13,648,000
Special Grass Seed Burning Research	
Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$4,073,000
Flood Control Assistance Account--State Appropriation	
.	\$3,961,000
State Emergency Water Projects Revolving	
Account--State Appropriation	\$390,000
Waste Reduction/Recycling/Litter	
Control--State Appropriation	\$19,701,000
State Drought Preparedness--State Appropriation . . .	\$117,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation . .	\$425,000
Vessel Response Account--State Appropriation . . .	\$1,438,000
Freshwater Aquatic Algae Control Account--State	
Appropriation	\$509,000
Site Closure Account--State Appropriation	\$702,000
Water Quality Account--State Appropriation	
(FY 2008)	\$16,490,000
Water Quality Account--State Appropriation	

(FY 2009)	\$15,894,000
Wood Stove Education and Enforcement Account--State	
Appropriation	\$373,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$2,269,000
State Toxics Control Account--State Appropriation	\$98,184,000
State Toxics Control Account--Private/Local	
Appropriation	\$381,000
Local Toxics Control Account--State Appropriation	\$19,154,000
Water Quality Permit Account--State Appropriation	\$38,900,000
Underground Storage Tank Account--State Appropriation	
.	\$3,777,000
Environmental Excellence Account--State Appropriation	
.	\$504,000
Biosolids Permit Account--State Appropriation . . .	\$1,410,000
Hazardous Waste Assistance Account--State	
Appropriation	\$5,902,000
Air Pollution Control Account--State Appropriation	\$6,328,000
Oil Spill Prevention Account--State Appropriation	\$12,614,000
Air Operating Permit Account--State Appropriation	\$3,266,000
Freshwater Aquatic Weeds Account--State Appropriation	
.	\$1,697,000
Oil Spill Response Account--State Appropriation . .	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation	\$469,000
Water Pollution Control Revolving Account--Federal	
Appropriation	\$2,297,000
TOTAL APPROPRIATION . . .	\$465,315,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

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(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$110,000 of the general fund--state appropriation for fiscal year 2008 and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to study the feasibility of a public utility district pipeline in the Bertrand watershed and \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to study water storage and augmentation in the Bertrand watershed and \$90,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for plan preparation and development in the Fishtrap watershed.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$405,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008) . . .	\$48,365,000
General Fund--State Appropriation (FY 2009) . . .	\$50,166,000
General Fund--Federal Appropriation	\$4,545,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State	
Appropriation	\$1,116,000
Off-Road Vehicle Account--State Appropriation	\$238,000
Snowmobile Account--State Appropriation	\$4,839,000
Aquatic Lands Enhancement Account--State Appropriation	
.	\$365,000
Public Safety and Education Account--State	
Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State	
Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State	

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Appropriation	\$36,606,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
TOTAL APPROPRIATION ...	\$146,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009.

(14) \$232,000 of the general fund--state appropriation for fiscal year 2008 and \$233,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for

the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2008)	\$1,557,000
General Fund--State Appropriation (FY 2009)	\$1,600,000
General Fund--Federal Appropriation	\$18,409,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$277,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$100,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation \$2,819,000	
Nonhighway and Off-Road Vehicles Activities Program	
Account--State Appropriation	\$1,004,000
Boating Activities Account--State Appropriation ..	\$2,000,000
TOTAL APPROPRIATION	\$28,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2008)	\$1,134,000
General Fund--State Appropriation (FY 2009)	\$1,161,000
TOTAL APPROPRIATION	\$2,295,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,889,000
General Fund--State Appropriation (FY 2009)	\$2,913,000
General Fund--Federal Appropriation	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$7,301,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$7,326,000
TOTAL APPROPRIATION	\$21,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.

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(2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.

(4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008) . . .	\$55,453,000
General Fund--State Appropriation (FY 2009) . . .	\$52,743,000
General Fund--Federal Appropriation	\$52,666,000
General Fund--Private/Local Appropriation	\$37,447,000
Off-Road Vehicle Account--State Appropriation	\$416,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,070,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$325,000
Recreational Fisheries Enhancement--State Appropriation	\$3,628,000
Warm Water Game Fish Account--State Appropriation	\$3,024,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$754,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	\$66,508,000
Wildlife Account--Federal Appropriation	\$34,552,000
Wildlife Account--Private/Local Appropriation . . .	\$13,288,000
Game Special Wildlife Account--State Appropriation	\$1,991,000
Game Special Wildlife Account--Federal Appropriation	\$8,923,000
Game Special Wildlife Account--Private/Local Appropriation	\$486,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Environmental Excellence Account--State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$2,751,000
Oil Spill Prevention Account--State Appropriation .	\$1,104,000
Oyster Reserve Land Account--State Appropriation .	\$417,000
Wildlife Rehabilitation Account--State Appropriation	\$352,000
TOTAL APPROPRIATION . . .	\$344,547,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) Within the amount provided for the agency, the department shall implement a joint management and collaborative enforcement agreement with the confederated tribes of the Colville and the Spokane tribe.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting

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the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(21) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(22) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property. Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site.

(23) Within existing funds, the department of fish and wildlife in coordination with department of ecology shall evaluate environmental impacts of proposed sinking vessels in Puget Sound for dive attractions.

(24) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute House Bill No. 1147 (damage to livestock). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(26) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the

legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(27) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$1,190,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(28) \$245,000 of the general fund--state appropriation for fiscal year 2008 and \$245,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(29) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(30) The department may not expend amounts appropriated in this section to enforce RCW 77.15.194 regarding (a) trapping by mole exterminators; or (b) removal of mountain beaver from forest lands.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008) . . .	\$48,497,000
General Fund--State Appropriation (FY 2009) . . .	\$50,818,000
General Fund--Federal Appropriation	\$25,235,000
General Fund--Private/Local Appropriation	\$1,413,000
Forest Development Account--State Appropriation	\$58,165,000
Off-Road Vehicle Account--State Appropriation . . .	\$4,318,000
Surveys and Maps Account--State Appropriation . .	\$2,536,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$7,773,000
Resources Management Cost Account--State	
Appropriation	\$96,177,000
Surface Mining Reclamation Account--State	
Appropriation	\$3,295,000
Disaster Response Account--State Appropriation . .	\$5,000,000
Forest and Fish Support Account--State Appropriation	
.	\$4,000,000
Water Quality Account--State Appropriation (FY 2008)	
.	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	\$1,360,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	\$1,337,000
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation . .	\$80,000
Air Pollution Control Account--State Appropriation .	\$570,000
Nonhighway and Off-Road Vehicle Activities Program	

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Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$3,652,000
Agricultural College Trust Management Account--State Appropriation	\$2,064,000
TOTAL APPROPRIATION . . .	\$318,654,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$122,000 of the general fund--state appropriation for fiscal year 2008 and \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,463,000 of the general fund--state appropriation for fiscal year 2008, \$13,792,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$2,500,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state

appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall

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coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2008) . . .	\$14,071,000
General Fund--State Appropriation (FY 2009) . . .	\$14,152,000
General Fund--Federal Appropriation	\$11,441,000
General Fund--Private/Local Appropriation	\$422,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$2,062,000
Energy Freedom Account--State Appropriation	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$604,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$618,000
State Toxics Control Account--State Appropriation	\$4,120,000
Water Quality Permit Account--State Appropriation . .	\$61,000
TOTAL APPROPRIATION	\$48,051,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account--State Appropriation \$799,000

NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008)	\$500,000
General Fund--State Appropriation (FY 2009)	\$500,000
General Fund--Federal Appropriation	\$1,155,000
General Fund--Private/Local Appropriation	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation	
.....	\$500,000
Water Quality Account--State Appropriation (FY 2008)	
.....	\$3,458,000
Water Quality Account--State Appropriation (FY 2009)	
.....	\$3,459,000
TOTAL APPROPRIATION	\$12,072,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the water quality account--state appropriation for fiscal year 2008, \$1,000,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$500,000 of the general fund--state appropriation for fiscal year

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2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(End of part)

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008)	\$1,727,000
General Fund--State Appropriation (FY 2009)	\$2,000,000
Architects' License Account--State Appropriation . . .	\$762,000
Cemetery Account--State Appropriation	\$240,000
Professional Engineers' Account--State Appropriation	\$3,484,000
Real Estate Commission Account--State Appropriation	\$8,883,000
Master License Account--State Appropriation	\$14,072,000
Uniform Commercial Code Account--State Appropriation	\$3,086,000
Real Estate Education Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State	\$1,684,000
Appropriation	\$10,190,000
Business Professions Account--State Appropriation	\$320,000
Real Estate Research Account--State Appropriation	\$597,000
Funeral Directors And Embalmers Account--State	\$57,000
Appropriation	\$29,000
Geologists' Account--State Appropriation	\$31,000
Data Processing Revolving Account--State Appropriation	\$47,438,000
Derelict Vessel Removal Account--State Appropriation	
TOTAL APPROPRIATION	

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008)	\$38,903,000
General Fund--State Appropriation (FY 2009)	\$37,102,000
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	\$5,510,000
Public Safety and Education Account--State	\$1,476,000
Appropriation (FY 2008)	\$1,532,000
Public Safety and Education Account--State	\$572,000
Appropriation (FY 2009)	\$3,155,000
Enhanced 911 Account--State Appropriation	\$1,244,000
County Criminal Justice Assistance Account--State	\$131,000
Appropriation	\$2,000
Municipal Criminal Justice Assistance	\$7,936,000
Account--State Appropriation	\$54,000
Fire Service Trust Account--State Appropriation	\$502,000
Disaster Response Account--State Appropriation	\$3,007,000
Fire Service Training Account--State Appropriation	\$4,429,000
Fire Service Training Account--State Appropriation	\$6,928,000
Aquatic Invasive Species Enforcement	\$170,000
Account--State Appropriation	\$119,505,000
State Toxics Control Account--State Appropriation	
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2008)	
Violence Reduction and Drug Enforcement	
Account--State Appropriation (FY 2009)	
Fingerprint Identification Account--State	
Appropriation	
DNA Data Base Account--State Appropriation	
TOTAL APPROPRIATION	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$250,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

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NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**(1) STATE AGENCY OPERATIONS**

General Fund--State Appropriation (FY 2008) . . . \$21,815,000
 General Fund--State Appropriation (FY 2009) . . . \$22,147,000
 General Fund--Federal Appropriation \$21,551,000
TOTAL APPROPRIATION . . . \$65,513,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and \$12,362,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (i) Develop a comprehensive set of recommendations for an accountability system; (ii) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (iii) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(c) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and \$6,033,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(i) \$930,000 in fiscal year 2008 and \$1,070,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (1)(d)(i), the professional educator standards board shall: (A) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (B) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (C) create a new professional level teacher assessment; (D) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; and (E) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and

(ii) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$4,289,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (1)(d)(ii):

(A) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas;

(C) Remaining amounts in this subsection (1)(d)(ii) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation).

(iv) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (1)(d) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(v) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(d) \$555,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for increased attorney general fees related to education litigation.

(e) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(g) \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(h) \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

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comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(i) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(j) \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(k) \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(l) \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(m) \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(n) \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(o) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

(p) \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a program to recognize the work of outstanding classified staff in school districts throughout the state.

(q) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-time director of skills centers within the office of the superintendent of public instruction.

(r) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

(i) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute

Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(ii) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

(s) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

(i) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (A) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (B) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (C) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (D) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(ii) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$14,783,000
General Fund--State Appropriation (FY 2009) . . .	\$16,459,000
General Fund--Federal Appropriation	\$55,890,000
TOTAL APPROPRIATION	\$87,132,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the

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school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (A) conduct at least one lockdown and one shelter in place safety drill each school year, and (B) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(b) TECHNOLOGY

\$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015. Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.

(ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the Cispus environmental learning center.

(iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support vocational student leadership organizations.

(iv) \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington civil liberties education program.

(v) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(vi) \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(vii) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(viii) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(ix) \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

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(x) \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

(xi) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(xii) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the communities in school program in Pierce county.

(xiii) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of superintendent of public instruction to contract with a company to develop and implement a pilot program for providing indigenous learning curriculum and standards specific online learning programs based on the recommended standards in chapter 205, Laws of 2005 (Washington's tribal history). The specific content areas covered by the pilot program will include social studies and science. The contractor selected will have experience in developing and implementing indigenous learning curricula and if possible will be affiliated with a recognized Washington state tribe. The pilot program will be implemented in a minimum of three school districts in collaboration with Washington tribes and school districts. To the extent possible and appropriate, the pilot program will involve organizations including, the University of Washington's mathematics science and engineering achievement, the digital learning commons, the virtual possibilities network, the museum of arts and culture in Spokane, Eastern Washington University, and Washington State University.

(xiv) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support and expand the mentoring advanced placement program in current operation in southwest Washington.

(xv) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement House Bill No. 1051 (expanding high school completion programs). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(xvi) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection, the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008)	\$4,448,333,000
General Fund--State Appropriation (FY 2009)	\$4,474,199,000
Education Legacy Trust Account--State Appropriation	\$9,387,000

Pension Funding Stabilization Account Appropriation	\$341,624,000
TOTAL APPROPRIATION	\$9,273,543,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time

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equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.95 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each fifty-nine average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.13 percent in the 2007-08 school year and 16.69 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.06 percent in the 2007-08 school year and 18.74 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$9,907 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,331 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$18,877 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the

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number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) The superintendent may distribute a maximum of \$16,622,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$558,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$390,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$9,387,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) \$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 5.1 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of

this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 24, 2007, at 07:29 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 19, 2007, at 06:03 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.13 percent for school year 2007-08 and 16.69 percent for school year 2008-09 for certificated staff and for classified staff 17.06 percent for school year 2007-08 and 18.74 percent for the 2008-09 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2007-08 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	32,746	33,630	34,547	35,465	38,412	40,310	39,260	42,207	44,107
1	33,187	34,083	35,011	35,970	38,948	40,836	39,696	42,674	44,560
2	33,607	34,512	35,450	36,483	39,452	41,359	40,135	43,104	45,012
3	34,039	34,953	35,901	36,967	39,930	41,884	40,552	43,513	45,468
4	34,464	35,418	36,372	37,474	40,455	42,423	40,988	43,969	45,938
5	34,902	35,861	36,824	37,988	40,958	42,965	41,432	44,403	46,410
6	35,353	36,291	37,287	38,508	41,464	43,482	41,887	44,843	46,860
7	36,145	37,097	38,106	39,394	42,393	44,467	42,739	45,737	47,812
8	37,304	38,308	39,340	40,735	43,775	45,925	44,079	47,120	49,269
9		39,562	40,646	42,091	45,202	47,425	45,434	48,547	50,770
10			41,967	43,516	46,669	48,966	46,861	50,014	52,310
11				44,984	48,204	50,547	48,328	51,550	53,891
12				46,404	49,781	52,194	49,853	53,126	55,540
13					51,397	53,882	51,431	54,741	57,226
14					53,020	55,632	53,056	56,471	58,977
15					54,400	57,080	54,435	57,939	60,511
16 or more					55,487	58,220	55,523	59,097	61,720

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2008-09 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	33,898	34,814	35,762	36,713	39,763	41,728	40,641	43,691	45,658
1	34,354	35,282	36,243	37,236	40,318	42,272	41,093	44,175	46,128
2	34,789	35,726	36,697	37,766	40,840	42,814	41,547	44,621	46,596
3	35,237	36,183	37,164	38,267	41,335	43,357	41,979	45,044	47,067
4	35,676	36,664	37,651	38,793	41,878	43,915	42,430	45,516	47,554
5	36,130	37,123	38,120	39,324	42,399	44,476	42,890	45,965	48,043
6	36,597	37,567	38,598	39,863	42,923	45,011	43,361	46,421	48,508
7	37,416	38,402	39,446	40,780	43,885	46,031	44,243	47,346	49,494
8	38,616	39,655	40,724	42,168	45,315	47,541	45,630	48,778	51,002
9		40,954	42,076	43,572	46,792	49,093	47,032	50,255	52,556
10			43,443	45,047	48,310	50,688	48,509	51,773	54,150
11				46,566	49,900	52,326	50,028	53,363	55,787
12				48,036	51,533	54,030	51,606	54,995	57,493
13					53,205	55,777	53,240	56,667	59,239
14					54,885	57,589	54,922	58,457	61,052
15					56,313	59,088	56,350	59,977	62,639

16 or more

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2) and subsection (7) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2008) ..	\$161,665,000
General Fund--State Appropriation (FY 2009) ..	\$348,871,000
General Fund--Federal Appropriation	\$243,000
TOTAL APPROPRIATION	\$510,779,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$444,366,000 is provided solely for the following:

(a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another 2.8 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided

57,439 60,269 57,476 61,176 63,892

to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule. These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to thirteen in the 2008-09 school year.

(c) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and \$57,097 in the 2008-09 school year.

(d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$30,111 in the 2007-08 school year and \$31,376 in the 2008-09 school year.

(e) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.49 percent for the 2007-08 school year and 16.05 percent for the 2008-09 school year for certificated staff and 13.56 percent for the 2007-08 school year and 15.24 percent for the 2008-09 school year for classified staff.

(f) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(g) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$1.08	\$2.04
Highly Capable (per formula student)	\$11.13	\$20.98
Transitional Bilingual Education (per eligible bilingual student)	\$29.81	\$56.19
Learning Assistance (per formula student)	\$7.00	\$13.20

(h) The appropriations in this section include \$925,000 for fiscal year 2008 and \$1,940,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) \$66,415,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The

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adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.49	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.97	\$8.01
Learning Assistance (per formula student)	\$0.86	\$1.75

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2008) ..	\$262,728,000
General Fund--State Appropriation (FY 2009) ..	\$264,700,000
Education Legacy Trust Account--State Appropriation	\$25,000,000
TOTAL APPROPRIATION	\$552,428,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$866,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and \$45.48 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only

after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2008)	\$3,159,000
General Fund--State Appropriation (FY 2009)	\$3,159,000
General Fund--Federal Appropriation	\$280,398,000
TOTAL APPROPRIATION	\$286,716,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the 2009 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2008 and \$59,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008) ..	\$532,192,000
General Fund--State Appropriation (FY 2009) ..	\$566,174,000
General Fund--Federal Appropriation	\$435,735,000
Education Legacy Trust Account--State Appropriation	\$14,561,000
TOTAL APPROPRIATION	\$1,548,662,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

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(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$30,690,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from

federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional

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special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2008)	\$7,520,000
General Fund--State Appropriation (FY 2009)	\$8,527,000
TOTAL APPROPRIATION	\$16,047,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2008) . .	\$202,394,000
General Fund--State Appropriation (FY 2009) . .	\$212,310,000
TOTAL APPROPRIATION	\$414,704,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$18,301,000
General Fund--State Appropriation (FY 2009) . . .	\$18,513,000
TOTAL APPROPRIATION	\$36,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2008 and \$196,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2008)	\$8,396,000
General Fund--State Appropriation (FY 2009)	\$8,779,000
TOTAL APPROPRIATION	\$17,175,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$372.19 per funded student for the 2007-08 school year and \$378.17 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	\$43,450,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$66,278,000
General Fund--State Appropriation (FY 2009) . . .	\$73,567,000
Education Legacy Trust Account--State	
Appropriation	\$125,325,000
General Fund--Federal Appropriation	\$152,616,000

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TOTAL APPROPRIATION . . . \$417,786,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,966,000 of the general fund--state appropriation for fiscal year 2008, \$19,946,000 of the general fund--state appropriation for fiscal year 2009, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$10,750,000 of the education legacy trust account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments), including section 2 and section 5 of that act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Additionally, the funding provided in this subsection is subject to the following conditions and limitations:

(a) The funding may be spent on reviewing, developing, and implementing approved alternative assessments authorized in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(b) The funding may also be used for reviewing, developing, and implementing end-of-course examinations pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(c) The funding may be used for increased costs associated with additional full-time equivalent students directly resulting from additional course-taking requirements specified in Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments).

(d) \$4,900,000 of the funds provided in this subsection are provided solely for allocations for school districts to purchase diagnostic assessments as specified in Engrossed Substitute Senate Bill No. 6023. By September 1, 2007, the office of the superintendent of public instruction shall: (i) Negotiate an agreement with an assessment vendor or vendors to secure competitive pricing for school districts for high quality diagnostic assessment tools, and (ii) provide quality comparison information to school districts regarding various diagnostic assessment tools available. Of the funding provided, a maximum of \$100,000 may be spent by the office of the superintendent of public instruction for administrative support.

(e) Beginning on September 1, 2007, the office of the superintendent of public instruction shall submit quarterly reports to the office of financial management and the appropriate policy and fiscal committees of the legislature detailing the actions taken pursuant to Engrossed Substitute Senate Bill No. 6023 (regarding alternative assessments) and amounts spent of each aspect of the legislation.

(3) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the second grade assessments.

(4) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and \$1,414,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together;

(iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(5) \$2,267,000 of the general fund--state appropriation for fiscal year 2009 and \$2,367,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(6) \$8,950,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction

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in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(7) \$13,058,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(8) \$17,491,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(9) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional

development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(10) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(11) \$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(12) \$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(13) \$675,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support state college readiness assessment fees for eleventh grade students. The office of the superintendent of public instruction shall allocate funds for this purpose to school districts based on the number of eleventh grade students who complete the college readiness exam. School districts shall use these funds to reimburse institutions of higher education for the assessments students take and report to the office of the superintendent of public instruction on the number of assessments provided.

(14) \$51,236,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20

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percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(15) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) \$3,047,000 of the education legacy trust account--state appropriation is provided solely for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) \$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) \$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) \$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mentor

teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) \$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(22) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23)(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations

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have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(29) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(b) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(c) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(d) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(31) \$1,629,000 of the general fund--state appropriation for fiscal year 2008 and \$1,638,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(32) \$400,000 of the education legacy trust account--state appropriation is provided solely for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and \$5,222,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state

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support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(40) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(41)(a) \$9,150,000 of the general fund--state appropriation for fiscal year 2008 and \$12,447,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009;

(ii) For national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. The annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "schools where at least 70 percent of the student headcount enrollment is eligible for the federal free or reduced price lunch program" shall be defined as:

(i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program was at least 70 percent; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2008) . . .	\$65,320,000
General Fund--State Appropriation (FY 2009) . . .	\$69,217,000
General Fund--Federal Appropriation	\$45,243,000
TOTAL APPROPRIATION . . .	\$179,780,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$824.24 per eligible bilingual student in the 2007-08 school year and \$840.25 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008) . . .	\$70,792,000
General Fund--State Appropriation (FY 2009) . . .	\$73,156,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	45,953,000
TOTAL APPROPRIATION . . .	\$550,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.37 per funded student for the 2007-08 school year and \$224.73 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or

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reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS

General Fund--State Appropriation (FY 2008) . . .	\$23,820,000
General Fund--State Appropriation (FY 2009) . . .	\$25,177,000
TOTAL APPROPRIATION . . .	\$48,997,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the Washington assessment of student learning in the spring of their tenth grade year or on a subsequent retake. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out- of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) Allocations shall be made to districts only for students actually served in a promoting academic success program.

(b) A portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were more than one standard error of measurement from meeting standard on the WASL in their most recent attempt to pass the WASL.

(c) The other portion of the district's annual student units shall be the number of content area assessments (reading, writing, and mathematics) on which eleventh and twelfth grade students were less than one standard error of measurement from meeting standard but did not meet standard on the WASL in their most recent attempt to pass the WASL.

(d) Districts with at least one but less than 20 student units combining the student units generated from (b) and (c) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (e) and (f)(i) of this subsection.

(e) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(f) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

(i) \$12.80 in school year 2007-08 and \$13.07 in school year 2008-09 for maintenance, operations, and transportation;

(ii) \$12.29 in school year 2007-08 and \$12.55 in school year 2008-09 for pre- and post-remediation assessments;

(iii) \$17.41 in school year 2007-08 and \$17.77 in school year 2008-09 per reading remediation student unit;

(iv) \$8.19 in school year 2007-08 and \$8.36 in school year 2008-09 per mathematics remediation student unit; and

(v) \$8.19 in school year 2007-08 and \$8.36 in school year 2008-09 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) By November 15th of each year, the office of the superintendent of public instruction shall report to the appropriate committees of the legislature and to the office of financial management on the use of these funds in the prior school year, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs.

NEW SECTION. Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation (FY 2008)	\$423,414,000
Student Achievement Account--State Appropriation (FY 2009)	\$446,357,000

TOTAL APPROPRIATION . . .	\$869,771,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$459.45 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction

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is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 518. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 519. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

(End of part)

PART VI HIGHER EDUCATION

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection and described in section 603 and part IX of this act shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent

of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(e) By January 1, 2008, the office of financial management shall work with the institutions of higher education, and with staff from the legislative fiscal committees and the legislative evaluation and accountability program, to identify ways in which the office's "compensation impact model" should be revised or replaced to make the system less costly for institutions to maintain, and more transparent, informative, and useful to the legislature and institutions, while providing information needed to accurately and efficiently negotiate and budget employee compensation changes.

(3) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(4) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2007-08 and 2008-09 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2007-08 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2006-07 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2006-07 academic year.

For the 2008-09 academic year, the governing boards of the research universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The regional universities and The Evergreen State College may implement an increase no greater than five percent over tuition fees charged to full-time resident undergraduate students for the 2007-08 academic year. The state board for community and technical colleges may implement an increase no greater than two percent over tuition and fees charged to full-time resident students for the 2007-08 academic year.

In addition to the tuition authorization provided under this subsection, amounts appropriated in this budget provide an amount approximately equal to a one percent tuition increase per academic year for the state board for community and technical colleges.

(5) For the 2007-09 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2007-09 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2007-09 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) From within the appropriations in sections 603 through 609 of this act, institutions of higher education shall increase compensation for nonrepresented employees in accordance with the following:

(a) Across the Board Adjustments.

(i) Appropriations are provided for a 3.2 percent salary increase effective July 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(ii) Appropriations are provided for a 2.0 percent salary increase effective July 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(b) Salary Survey.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

(c) Classification Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

(d) Agency Request Consolidation.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v State*.

(e) Additional Pay Step.

For state employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, funding is provided for a new pay step L for those who have been in step K for at least one year.

(f) Retain Fiscal Year 2007 Pay Increase.

For all classified state employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and

technical colleges covered by the provisions of Initiative Measure No. 732, funding is provided for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

(g) The appropriations are also sufficient for the research and the regional higher education institutions to (i) continue the 1.6 percent salary increase that was provided during fiscal year 2007; and (ii) provide average salary increases of 3.2 percent effective July 1, 2007, and of 2.0 percent effective July 1, 2008, for faculty, exempt administrative and professional staff, graduate assistants, and for all other nonclassified employees.

NEW SECTION. **Sec. 602.** (1) The appropriations in sections 603 through 609 of this act provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
University of Washington		
Main campus	33,782	34,197
Bothell campus	1,760	1,980
Tacoma campus	2,109	2,349
Washington State University		
Main campus	19,112	19,272
Tri-Cities campus	800	865
Vancouver campus	1,888	2,113
Central Washington University	8,952	9,322
Eastern Washington University	8,996	9,184
The Evergreen State College	4,165	4,213
Western Washington University	12,022	12,175
State Board for Community and Technical Colleges	136,022	138,977

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and

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reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2008) ..	\$638,521,000
General Fund--State Appropriation (FY 2009) ..	\$654,446,000
Education Legacy Trust Account--State	
Appropriation	\$105,432,000
Pension Funding Stabilization Account	
Appropriation	\$49,800,000
TOTAL APPROPRIATION .	\$1,448,199,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the

establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

(10) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for

administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry-defined occupations with a need for skilled employees.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of 2.8 percent effective July 1, 2008.

(19) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective July 1, 2007, and by an average of 2.0 percent effective July 1, 2008.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008) . . .	\$373,680,000
General Fund--State Appropriation (FY 2009) . . .	\$390,058,000
General Fund--Private/Local Appropriation	\$300,000
Education Legacy Trust Account--State	
Appropriation	\$43,181,000
Accident Account--State Appropriation	\$6,621,000
Medical Aid Account--State Appropriation	\$6,448,000
TOTAL APPROPRIATION	\$820,288,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;

(d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;

(f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

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(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

(i) Variable costs such as fuel, etc;

(ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational

programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty-two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2008) ..	\$231,382,000
General Fund--State Appropriation (FY 2009) ..	\$240,898,000
Education Legacy Trust Account--State Appropriation	\$33,884,000

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Pension Funding Stabilization Account

Appropriation \$2,450,000
 TOTAL APPROPRIATION . . . \$508,614,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the William D.

Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;

(d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;

(f) Improve the freshman retention rate to 84.8 percent;

(g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

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(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . .	\$48,907,000
General Fund--State Appropriation (FY 2009) . . .	\$50,736,000
Education Legacy Trust Account--State	
Appropriation	\$14,753,000
Pension Funding Stabilization Account	
Appropriation	\$4,758,000
TOTAL APPROPRIATION . . .	\$119,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in

the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2035;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;

(c) Increase the number of advanced degrees conferred per year at all campuses to 550;

(d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;

(f) Improve the freshman retention rate to 76.0 percent;

(g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . .	\$47,326,000
General Fund--State Appropriation (FY 2009) . . .	\$49,539,000
Education Legacy Trust Account--State	
Appropriation	\$16,219,000
Pension Funding Stabilization Account	
Appropriation	\$4,330,000
TOTAL APPROPRIATION . . .	\$117,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2008) . . .	\$29,744,000
General Fund--State Appropriation (FY 2009) . . .	\$30,057,000
Education Legacy Trust Account--State Appropriation	\$4,758,000
TOTAL APPROPRIATION	\$64,559,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.
- (2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.
- (3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO

eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;
- (e) Improve the freshman retention rate to 73.9 percent;
- (f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state

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appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008) . . . \$66,716,000
 General Fund--State Appropriation (FY 2009) . . . \$69,917,000
 Education Legacy Trust Account--State

Appropriation \$11,845,000
 TOTAL APPROPRIATION . . . \$148,478,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in

the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

(a) Increase the number of baccalaureate degrees conferred per year to 2,968;

(b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;

(c) Increase the number of advanced degrees conferred per year at all campuses to 375;

(d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;

(f) Improve the freshman retention rate to 85.0 percent;

(g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008) \$6,922,000
 General Fund--State Appropriation (FY 2009) \$6,954,000
 General Fund--Federal Appropriation \$4,342,000

TOTAL APPROPRIATION \$18,218,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by

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June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The joint legislative audit and review committee shall:

(a) Develop the study in collaboration with the state board for community and technical colleges, the higher education coordinating board, four-year universities and the Washington independent colleges;

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

(c) Estimate operational and capital costs of the additional capacity; and

(d) Report findings to the legislature on October 1, 2008.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008) ..	\$163,286,000
General Fund--State Appropriation (FY 2009) ..	\$187,252,000
General Fund--Federal Appropriation	\$13,122,000
Education Legacy Trust Account--State Appropriation	\$108,188,000
TOTAL APPROPRIATION ..	\$471,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,837,000 of the general fund--state appropriation for fiscal year 2008, \$177,863,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound

scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2008)	\$1,757,000
General Fund--State Appropriation (FY 2009)	\$1,772,000
General Fund--Federal Appropriation	\$54,011,000
TOTAL APPROPRIATION	\$57,540,000

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The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2008) \$1,718,000
 General Fund--State Appropriation (FY 2009) \$1,789,000
 TOTAL APPROPRIATION \$3,507,000

NEW SECTION. Sec. 614. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008) . . . \$61,780,000
 General Fund--State Appropriation (FY 2009) . . . \$72,707,000
 General Fund--Federal Appropriation \$192,360,000
 General Fund--Private/Local Appropriation \$6,000
 TOTAL APPROPRIATION . . . \$326,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$4,225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008) \$5,958,000
 General Fund--State Appropriation (FY 2009) \$6,186,000
 General Fund--Private/Local Appropriation \$1,600,000
 TOTAL APPROPRIATION \$13,744,000

NEW SECTION. Sec. 616. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008) \$8,731,000
 General Fund--State Appropriation (FY 2009) \$9,015,000
 General Fund--Private/Local Appropriation \$232,000
 TOTAL APPROPRIATION \$17,978,000

NEW SECTION. Sec. 617. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008) \$2,548,000
 General Fund--State Appropriation (FY 2009) \$2,578,000
 General Fund--Federal Appropriation \$1,382,000
 General Fund--Private/Local Appropriation \$154,000
 TOTAL APPROPRIATION \$6,662,000

NEW SECTION. Sec. 618. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008) \$3,558,000
 General Fund--State Appropriation (FY 2009) \$3,609,000
 TOTAL APPROPRIATION \$7,167,000

NEW SECTION. Sec. 619. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008) \$1,918,000
 General Fund--State Appropriation (FY 2009) \$2,046,000

TOTAL APPROPRIATION \$3,964,000

TOTAL APPROPRIATION \$4,854,000

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2008) . . \$724,362,000
General Fund--State Appropriation (FY 2009) . . \$764,561,000
State Building Construction Account--State
Appropriation \$8,970,000
Columbia River Basin Water Supply Development
Account--State Appropriation \$148,000
Hood Canal Aquatic Rehabilitation Bond
Account--State Appropriation \$23,000
State Taxable Building Construction
Account--State Appropriation \$168,000
Gardner-Evans Higher Education Construction
Account--State Appropriation \$1,790,000
Debt-Limit Reimbursable Bond Retire
Account--State Appropriation \$2,624,000
TOTAL APPROPRIATION . \$1,502,646,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State
Appropriation \$22,553,000
Accident Account--State Appropriation \$5,204,000
Medical Aid Account--State Appropriation \$5,204,000
TOTAL APPROPRIATION . . . \$32,961,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2008) . . . \$27,068,000
General Fund--State Appropriation (FY 2009) . . . \$27,825,000
Nondebt-Limit Reimbursable Bond Retirement
Account--State Appropriation \$136,332,000
TOTAL APPROPRIATION . . . \$191,225,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2008) \$1,357,000
General Fund--State Appropriation (FY 2009) \$1,357,000
State Building Construction Account--State
Appropriation \$1,546,000
Columbia River Basin Water Supply Development
Account--State Appropriation \$17,000
Hood Canal Aquatic Rehabilitation Bond
Account--State Appropriation \$3,000
State Taxable Building Construction
Account--State Appropriation \$122,000
Gardner-Evans Higher Education Construction
Account--State Appropriation \$452,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation . . \$4,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2008) \$2,000,000
General Fund--State Appropriation (FY 2009) \$2,000,000
TOTAL APPROPRIATION \$4,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2008) \$6,729,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2008) \$850,000
General Fund--State Appropriation (FY 2009) \$850,000
TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2008) \$1,188,000
General Fund--State Appropriation (FY 2009) \$1,509,000
TOTAL APPROPRIATION \$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation (FY 2008)
. \$24,000,000
Health Services Account--State Appropriation (FY 2009)
. \$24,000,000
TOTAL APPROPRIATION . . . \$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2008	FY 2009	FY 2007-09 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428

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Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224	Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522	Lewis County Health Department	\$105,801	\$105,801	\$211,602
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504	Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946	Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Columbia County Health District	\$40,529	\$40,529	\$81,058	Okanogan County Health District	\$63,458	\$63,458	\$126,916
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120	Pacific County Health Department	\$77,427	\$77,427	\$154,854
Garfield County Health District	\$15,028	\$15,028	\$30,056	Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
Grant County Health District	\$118,595	\$118,595	\$237,191	San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740	Skagit County Health Department	\$223,927	\$223,927	\$447,854
Island County Health Department	\$91,892	\$91,892	\$183,784	Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564	Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494	Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338	Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Kittitas County Health Department	\$92,499	\$92,499	\$184,998	Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
				Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124

Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRI ATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:
 General Fund--State Appropriation (FY 2008) . . . \$46,200,000
 General Fund--State Appropriation (FY 2009) . . . \$50,400,000
TOTAL APPROPRIATION . . . \$96,600,000

(2) There is appropriated for contributions to the judicial retirement system:
 General Fund--State Appropriation (FY 2008) . . . \$9,600,000
 General Fund--State Appropriation (FY 2009) . . . \$10,200,000
TOTAL APPROPRIATION . . . \$19,800,000

NEW SECTION. Sec. 713. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2008)	\$405,000
General Fund--State Appropriation (FY 2009)	\$405,000
Health Services Account--State Appropriation (FY 2008)	\$3,000
Health Services Account--State Appropriation (FY 2009)	\$3,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$6,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$6,000
Water Quality Account--State Appropriation (FY 2008)	\$1,000
Water Quality Account--State Appropriation (FY 2009)	\$1,000
General Fund--Federal Appropriation	\$198,000
General Fund--Private/Local Appropriation	\$18,000
Special Account Retirement Contribution Increase Revolving Appropriation	\$484,000
TOTAL APPROPRIATION	\$1,530,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations to reflect increased employer contributions to the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system as a result of modifications to benefit eligibility pursuant to Senate Bill No. 5175 (annual increases in certain retirement allowances).

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account

retirement contribution increase revolving account in accordance with LEAP document S01-2007 dated April 19, 2007.

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2008) . . .	\$10,097,000
General Fund--State Appropriation (FY 2009) . . .	\$10,098,000
TOTAL APPROPRIATION	\$20,195,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT

General Fund--State Appropriation (FY 2008)	\$525,000
General Fund--State Appropriation (FY 2009)	\$525,000
TOTAL APPROPRIATION	\$1,050,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reading achievement account.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	\$25,135,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the water quality capital account. If House Bill No. 1137 (water quality capital account) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER POLLUTION CONTROL REVOLVING ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	\$7,027,000
Water Quality Account--State Appropriation (FY 2009)	\$7,027,000
TOTAL APPROPRIATION	\$14,054,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

NEW SECTION. Sec. 718. INCENTIVE SAVINGS--FY 2008. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2008, from the total amount of unspent fiscal year 2008 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 719. INCENTIVE SAVINGS--FY 2009. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2009, from the total amount of unspent fiscal year 2009 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed

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twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2008) \$908,000

The appropriation in this section is subject to the following conditions and limitations: Of the amount in this section the director of financial management shall distribute \$746,000 to Yakima county and \$162,000 to Grant county for extraordinary criminal justice costs.

NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FERRY COUNTY PUBLIC UTILITY DISTRICT

General Fund--State Appropriation (FY 2008) \$25,000

General Fund--State Appropriation (FY 2009) \$25,000

TOTAL APPROPRIATION \$50,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to the Ferry county public utility district to provide a demand-responsive special needs transportation program that is compliant with the federal Americans with disabilities act.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COUNTY SUBSTANCE ABUSE PROGRAMS

General Fund--State Appropriation (FY 2008) \$600,000

General Fund--State Appropriation (FY 2009) \$600,000

TOTAL APPROPRIATION \$1,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REINVESTING IN YOUTH ACCOUNT

General Fund--State Appropriation (FY 2008) \$707,000

General Fund--State Appropriation (FY 2009) \$707,000

TOTAL APPROPRIATION \$1,414,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the reinvesting in youth account.

NEW SECTION. Sec. 724. FOR THE LEGISLATIVE GIFT CENTER ACCOUNT

General Fund--State Appropriation (FY 2008) \$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the legislative gift center account. If Second Substitute House Bill No. 1896 (legislative gift center) is not enacted by June 30, 2007, the appropriations in this section shall lapse.

NEW SECTION. Sec. 725. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGIONAL FISHERIES ENHANCEMENT GROUP ACCOUNT

General Fund--State Appropriation (FY 2008) \$500,000

The appropriation in this section is subject to the following condition and limitation: The appropriations are provided solely for expenditure into the regional fisheries enhancement group account.

NEW SECTION. Sec. 726. FOR THE OFFICE OF FINANCIAL MANAGEMENT--OUTDOOR EDUCATION AND RECREATION ACCOUNT

General Fund--State Appropriation (FY 2008) \$1,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the outdoor education and recreation

account. If Second Substitute House Bill No. 1677 (outdoor education and recreation program) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT--INDEPENDENT YOUTH HOUSING ACCOUNT

General Fund--State Appropriation (FY 2008) \$1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the independent youth housing account. If Second Substitute House Bill No. 1922 (youth housing program) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 728. FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMMUNITY PRESERVATION ACCOUNT

General Fund--State Appropriation (FY 2008) \$350,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation account. If Substitute Senate Bill No. 6156 (community preservation authorities) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT--GEODUCK AQUACULTURE RESEARCH ACCOUNT

General Fund--State Appropriation (FY 2008) \$750,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the geoduck aquaculture research account. If Second Substitute House Bill No. 2220 (shellfish) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 730. FOR THE OFFICE OF FINANCIAL MANAGEMENT--JOINT FIREFIGHTER APPRENTICE PROGRAM

General Fund--State Appropriation (FY 2008) \$250,000

The appropriation in this section is subject to the following conditions and limitations. The general fund appropriation is for expenditure into the fire service training account for the purposes of the joint firefighter apprenticeship program.

NEW SECTION. Sec. 731. FOR THE DEPARTMENT OF NATURAL RESOURCES--DERELICT VESSEL REMOVAL ACCOUNT

General Fund--State Appropriation (FY 2008) \$2,000,000

The appropriation provided in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the derelict vessel removal account. If Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels) is not enacted by June 30, 2007, the appropriation in this section shall lapse.

NEW SECTION. Sec. 732. FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE AGENCY GREEN ENERGY

General Fund--State Appropriation (FY 2008) \$1,000,000

General Fund--State Appropriation (FY 2009) \$1,000,000

TOTAL APPROPRIATION \$2,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the office of financial management to provide grants to state agencies to purchase green power.

(End of part)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance

premium distributions \$7,325,000

General Fund Appropriation for public utility

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district excise tax distributions	\$49,656,000
General Fund Appropriation for prosecuting attorney distributions	\$3,999,000
General Fund Appropriation for boating safety and education distributions	\$4,833,000
General Fund Appropriation for other tax distributions	\$42,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$2,192,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . . .	\$148,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$89,346,000
County Criminal Justice Assistance Appropriation	\$58,906,000
Municipal Criminal Justice Assistance Appropriation	\$23,359,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$45,472,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$93,399,000
City-County Assistance Account Appropriation for local government financial assistance distribution . .	\$31,272,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	\$31,600,000
TOTAL APPROPRIATION	\$441,549,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . . \$2,174,000
The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation . . . \$1,449,000
The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	\$2,950,000
General Fund Appropriation for federal flood control funds distribution	\$74,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000
TOTAL APPROPRIATION	\$87,524,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and \$10,000,000 for fiscal year 2009	\$20,000,000
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009	\$24,401,000
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	\$25,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$3,600,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009	\$7,200,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009	\$50,000,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account	\$165,915,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account	\$70,000,000
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,226,552 for fiscal year 2008 and \$10,109,109 for fiscal year 2009	\$20,336,000
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009 . .	\$31,600,000
If Substitute Senate Bill No. 5089 (streamlined sales tax) is not enacted by June 30, 2009, this transfer shall lapse.	

(End of part)

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and

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not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2005-07 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;

(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;

(c) Assessment of overall information processing performance, resources, and capabilities;

(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful

completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. INFORMATION TECHNOLOGY ENTERPRISE SERVICES. Agencies may make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education,

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including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 907. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by June 30, 2009.

NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES. Agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2009, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2007-09 biennium.

NEW SECTION. Sec. 910. COMPENSATION--NONREPRESENTED EMPLOYEES--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 911. COMPENSATION--REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION--INSURANCE BENEFITS. The appropriations for state agencies, including institutions of higher education are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, for represented employees outside the super coalition under chapter 41.80 RCW, shall not exceed \$707 per eligible employee for fiscal year 2008. For fiscal year 2009 the monthly employer funding rate shall not exceed \$732 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065, but in no case to increase the actuarial value of the plans offered as compared to the comparable plans offered to enrollees in calendar year 2007.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for

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health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2008, through December 31, 2008, the subsidy shall be \$164.08. Starting January 1, 2009, the subsidy shall be \$182.89 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$57.71 per month beginning September 1, 2007, and \$65.97 beginning September 1, 2008;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$57.71 each month beginning September 1, 2007, and \$65.97 beginning September 1, 2008, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 912. COMPENSATION--REPRESENTED EMPLOYEES--SUPER COALITION. Collective bargaining agreements negotiated as part of the super coalition under chapter 41.80 RCW include employer contributions to health insurance premiums at 88% of the cost. Funding rates at this level are currently \$707 per month for fiscal year 2008 and \$732 per month for fiscal year 2009. The agreements also include a one-time payment of \$756 for each employee who is eligible for insurance for the month of June 2007 and is covered by a 2007-2009 collective bargaining agreement negotiated pursuant to chapter 41.80 RCW, and the continuation of the salary increases that were negotiated for the twelve-month period beginning July 1, 2006, and scheduled to terminate June 30, 2007.

NEW SECTION. Sec. 913. ACROSS THE BOARD SALARY ADJUSTMENTS. Appropriations for state agency nonrepresented employee compensation adjustments in this act are sufficient for across the board adjustments.

(1) Appropriations are for a 3.2 percent salary increase effective September 1, 2007, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel.

The appropriations are also sufficient to fund a 3.2 percent salary increase effective September 1, 2007, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(2) Appropriations are for a 2.0 percent salary increase effective September 1, 2008, for all classified employees, except those represented by a collective bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to fund a 2.0 percent salary increase effective September 1, 2008, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. Sec. 914. SALARY SURVEY--NONREPRESENTED EMPLOYEES. For state agency

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employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for implementation of the department of personnel's 2006 salary survey, for job classes more than 25 percent below market rates and affected classes.

NEW SECTION. Sec. 915. AGENCY REQUEST CONSOLIDATION--NONREPRESENTED EMPLOYEES. For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are provided solely for implementation of the department of personnel's agency request job class consolidation and reclassification plan. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v State/Shroll v. State*.

NEW SECTION. Sec. 916. CLASSIFICATION CONSOLIDATION--NONREPRESENTED EMPLOYEES. For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for implementation of the department of personnel's phase 4 job class consolidation and revisions under chapter 41.80 RCW.

NEW SECTION. Sec. 917. ADDITIONAL PAY STEP--NONREPRESENTED EMPLOYEES. For state agency employees, except those represented by a bargaining unit under chapters 41.80, 41.56, and 47.64 RCW, the appropriations in this act are sufficient for a new pay step L for those who have been in step K for at least one year.

NEW SECTION. Sec. 918. SHIFT DIFFERENTIAL--NONREPRESENTED EMPLOYEES. For all classified state agency employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this act are sufficient for shift differential pay.

NEW SECTION. Sec. 919. RETAIN FISCAL YEAR 2007 PAY INCREASE--NONREPRESENTED EMPLOYEES. For all classified state agency employees, except those represented by a bargaining unit under chapter 41.80, 41.56, and 47.64 RCW, and except for the certificated employees of the state schools of the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732, the appropriations in this act are sufficient for continuation of the 1.6 percent salary increase that was provided during fiscal year 2007. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the director of personnel. The appropriations are also sufficient to continue a 1.6 percent salary increase for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

NEW SECTION. Sec. 920. COLLECTIVE BARGAINING AGREEMENTS. (1) Provisions of collective bargaining agreements contained in this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. The collective bargaining agreements contained in Part IX of this act may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided.

(2) Some contracts contain implementation of the department of personnel's phase 4 classification consolidation. This implementation fully satisfies the conditions specified in the settlement agreement of *WPEA v. State/Shroll v. State*.

NEW SECTION. Sec. 921. COLLECTIVE BARGAINING AGREEMENT--WFSE. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a

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1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

NEW SECTION. Sec. 922. COLLECTIVE BARGAINING AGREEMENT--WPEA. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

NEW SECTION. Sec. 923. COLLECTIVE BARGAINING AGREEMENT--TEAMSTERS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 2.9 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007.

Also effective July 1, 2007, corrections and custody officers 1s, 2s, and 3s in Franklin, Snohomish, and Walla Walla counties will receive 5 percent geographic pay. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 924. COLLECTIVE BARGAINING AGREEMENT--UFCW. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the united food and commercial workers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 925. COLLECTIVE BARGAINING AGREEMENT--IFPTE LOCAL 17. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that

went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 926. COLLECTIVE BARGAINING AGREEMENT--SEIU 1199. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union, local 1199 NW under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified to the state agencies specified in LEAP document number H15 - 2007, and adjust appropriations schedules accordingly.

NEW SECTION. Sec. 927. COLLECTIVE BARGAINING AGREEMENT--COALITION. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the coalition under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project, the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates, and agency request packages meeting the specified criteria outlined in RCW 41.06.152. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007. These increases will be effective July 1, 2007.

NEW SECTION. Sec. 928. COLLECTIVE BARGAINING AGREEMENT--WFSE HIGHER EDUCATION. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 929. COLLECTIVE BARGAINING AGREEMENT--WPEA HIGHER EDUCATION. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the

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Washington public employees association in higher education under the provisions of chapter 41.80 RCW. For employees covered under this agreement, provisions include a 1.6 percent salary increase effective July 1, 2007, which continues the increase that went into effect July 1, 2006, and is set to terminate June 30, 2007. Also included is a 3.2 percent salary increase effective July 1, 2007, and a 2 percent salary increase effective July 1, 2008. Select classifications will receive wage increases due to phase four of the department of personnel's class consolidation project and the implementation of the department of personnel's 2006 salary survey for classes more than 25 percent below market rates. These increases will be effective July 1, 2007. All employees covered under the agreement that have been at the top step of their range for a year or longer will progress to a new step L effective July 1, 2007.

NEW SECTION. Sec. 930. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--WFSE. Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining units A, B, and E. For employees covered under this agreement, provisions include a 3.2 percent pay increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and movement of all classified staff at or below pay range 30 to step G of their range, effective July 1, 2007.

NEW SECTION. Sec. 931. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT PTE. Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit PTE. For employees covered under this agreement, the provisions include a 3.2 percent increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

NEW SECTION. Sec. 932. COLLECTIVE BARGAINING AGREEMENT--WESTERN WASHINGTON UNIVERSITY--PSE BARGAINING UNIT D. Appropriations in this act reflect the collective bargaining agreement reached between the Western Washington University and the public school employees bargaining unit D. For employees covered under this agreement, the provisions include a 3.2 percent increase effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the department of personnel's salary survey for classes more than 25 percent below market rate; a new 2.5 percent step L on the salary grid; and implementation of phase four of the department of personnel's class consolidation project.

NEW SECTION. Sec. 933. COLLECTIVE BARGAINING AGREEMENT--CENTRAL WASHINGTON UNIVERSITY--WFSE. Appropriations in this act reflect the collective bargaining agreement reached between the Central Washington University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

NEW SECTION. Sec. 934. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 1. Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University

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and the Washington federation of state employees bargaining unit 1. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; a new 2.5 percent step L on the salary grid; and the potential for two \$200 one-time payments.

NEW SECTION. Sec. 935. COLLECTIVE BARGAINING AGREEMENT--EASTERN WASHINGTON UNIVERSITY--WFSE BU 2. Appropriations in this act reflect the collective bargaining agreement reached between the Eastern Washington University and the Washington federation of state employees bargaining unit 2. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; phase four of the department of personnel's class consolidation project; a new 2.5 percent step L on the salary grid; and the potential for two \$200 one-time payments.

NEW SECTION. Sec. 936. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WSU POLICE GUILD. Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington State University police guild. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

NEW SECTION. Sec. 937. COLLECTIVE BARGAINING AGREEMENT--WASHINGTON STATE UNIVERSITY--WFSE. Appropriations in this act reflect the collective bargaining agreement reached between the Washington State University and the Washington federation of state employees. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; and a new 2.5 percent step L on the salary grid.

NEW SECTION. Sec. 938. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE CAMPUS-WIDE BARGAINING UNIT. Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees campus-wide bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; recruitment and retention adjustments for specific classes; increases for classes more than 80 percent below market according to a survey by the University of Washington; and an additional pay step in fiscal year 2009.

NEW SECTION. Sec. 939. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--WFSE POLICE MANAGEMENT BARGAINING UNIT. Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the Washington federation of state employees police management bargaining unit. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second increase of 2.0 percent effective July 1, 2008; longevity pay for those with service of 5 years (1%), 10 years (2%), 15 years (3%), 20 years (4%), and 25 years (5%); and a new top step effective fiscal year 2009.

NEW SECTION. Sec. 940. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--UWPOA. Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the University of Washington police officers association. For employees covered under this

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agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second pay increase of 2.0 percent effective July 1, 2008; an additional top step on the pay grid effective fiscal year 2009; and increases in midcareer pay increments.

NEW SECTION. Sec. 941. COLLECTIVE BARGAINING AGREEMENT--UNIVERSITY OF WASHINGTON--SEIU 925. Appropriations in this act reflect the collective bargaining agreement reached between the University of Washington and the service employees' international union 925. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; a second pay increase of 3.0 percent effective July 1, 2008; and market rate adjustments for specific job classes.

NEW SECTION. Sec. 942. COLLECTIVE BARGAINING AGREEMENT--YAKIMA VALLEY COMMUNITY COLLEGE--WPEA/UFCW. Appropriations in this act reflect the collective bargaining agreement reached between the Yakima Valley community college and the Washington public employees' association/united food and commercial workers union local 365. For employees covered under this agreement, the provisions include a pay increase of 3.2 percent effective July 1, 2007; an increase of 2.0 percent effective July 1, 2008; implementation of the 2006 department of personnel's salary survey for classes more than 25 percent below market rate; phase four of the department of personnel's class consolidation project; agency requests for reclassification that meet the criteria outlined in RCW 41.06.152; and a new 2.5 percent step L on the salary grid.

NEW SECTION. Sec. 943. COLLECTIVE BARGAINING AGREEMENT--WSP TROOPERS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol trooper's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0 percent salary increase effective July 1, 2007, and a 4.0 percent salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

NEW SECTION. Sec. 944. COLLECTIVE BARGAINING AGREEMENT--WSP LIEUTENANTS ASSOCIATION. Appropriations in this act reflect funding for the collective bargaining agreement reached between the governor and the Washington state patrol lieutenant's association under the provisions of chapter 41.56 RCW. For employees covered under this agreement, provisions include a 4.0 percent salary increase effective July 1, 2007, and a 4.0 percent salary increase effective July 1, 2008. Also effective July 1, 2007, positions located in King (10%), Snohomish (5%), or Pierce (3%) counties will receive geographic pay.

NEW SECTION. Sec. 945. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 775 HOMECARE WORKERS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local 775 under the provisions of chapter 74.39 RCW. For those covered under this agreement, provisions include a base wage increase of \$.30 per hour effective July 1, 2007, a base wage increase of \$.30 per hour effective July 1, 2008, an additional step to the wage grid for providers with over 14,000 hours, an additional \$1.00 per hour for mentor and trainer pay, implementation of mileage reimbursement by July 1, 2008, and state payment of the provider's share of workers compensation. In addition, the state will increase the contribution to health care by 10 percent on July 1, 2008, to \$550 per month, and implement an agreed upon approach to shared living.

NEW SECTION. Sec. 946. COLLECTIVE BARGAINING AGREEMENT--SEIU LOCAL 925 CHILDCARE WORKERS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the service employee's international union local

925 under the provisions of chapter 74.15 RCW. For those covered under this agreement, provisions include a subsidy rate increase of 7 percent for licensed homes and 4 percent for exempt providers effective July 1, 2007, a subsidy rate increase of 3 percent for both licensed and exempt providers on July 1, 2008, elimination of a reduced rate for additional children per family on July 1, 2007, for exempt providers, additional incentive pay for nonstandard hours and infant care, training for providers on licensing requirements, and health care for eligible licensed home providers.

Sec. 947. RCW 15.64.050 and 2001 2nd sp.s. c 3 s 2 are each amended to read as follows:

- (1) The small farm direct marketing assistance program is created.
- (2) The director shall employ a small farm direct marketing assistant.
- (3) The small farm direct marketing assistance program shall assist small farms in their direct marketing efforts. In carrying out this duty the program shall:
 - (a) Assist small farms in complying with federal, state, and local rules and regulations as they apply to direct marketing of agricultural products;
 - (b) Assist in developing infrastructure to increase direct marketing opportunities for small farms;
 - (c) Provide information on direct marketing opportunities for small farms;
 - (d) Promote localized food production systems;
 - (e) Increase access to information for farmers wishing to sell farm products directly to consumers;
 - (f) Identify and help reduce market barriers facing small farms in direct marketing;
 - (g) Assist in developing and submitting proposals to grant programs to assist small farm direct marketing efforts; and
 - (h) Perform other functions that will assist small farms in directly marketing their products.

~~((4) This section expires July 1, 2007.))~~

Sec. 948. RCW 28B.15.910 and 2007 c . . . s 1 (ESHB 1497) are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- | | |
|-----------------------------------|-----------------------------|
| (a) University of Washington | 21 percent |
| (b) Washington State University | 20 percent |
| (c) Eastern Washington University | 11 percent |
| (d) Central Washington University | 10 percent |
| (e) Western Washington University | 10 percent |
| (f) The Evergreen State College | ((6)) 10 percent |
| (g) Community colleges as a whole | 35 percent |

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;

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- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.621(2);
- (n) RCW 28B.15.730;
- (o) RCW 28B.15.740;
- (p) RCW 28B.15.750;
- (q) RCW 28B.15.756;
- (r) RCW 28B.50.259; and
- (s) RCW 28B.70.050.

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

(5) The institutions of higher education will participate in outreach activities to increase the number of veterans who receive tuition waivers. Colleges and universities shall revise the application for admissions so that all applicants shall have the opportunity to advise the institution that they are veterans who need assistance. If a person indicates on the application for admissions that the person is a veteran who is in need of assistance, then the institution of higher education shall ask the person whether they have any funds disbursed in accordance with the Montgomery GI Bill available to them. Each institution shall encourage veterans to utilize funds available to them in accordance with the Montgomery GI Bill prior to providing the veteran a tuition waiver.

Sec. 949. RCW 41.05.065 and 2006 c 299 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

- (a) Methods of maximizing cost containment while ensuring access to quality health care;
- (b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;
- (c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;
- (d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;
- (e) Effective coordination of benefits;
- (f) Minimum standards for insuring entities; and
- (g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To maintain the comprehensive nature of

employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits or the administration of a high deductible health plan in conjunction with a health savings account.

(h) During the 2007-2009 fiscal biennium, the board may not make changes to the benefit plans offered to enrollees that increase the net actuarial cost of the plans as compared to the same, or most similar plans, offered for calendar year 2007.

(3) The board shall design benefits and determine the terms and conditions of employee and retired employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) The board shall develop a health savings account option for employees that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall comply with all applicable federal standards related to the establishment of health savings accounts.

(6) Notwithstanding any other provision of this chapter, the board shall develop a high deductible health plan to be offered in conjunction with a health savings account developed under subsection (5) of this section.

(7) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(8) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(9) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable

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underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

Sec. 950. RCW 43.08.250 and 2005 c 518 s 926, 2005 c 457 s 8, and 2005 c 282 s 44 are each reenacted and amended to read as follows:

(1) The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons under RCW 2.53.030, winter recreation parking, drug court operations, and state game programs. ~~(During)~~ Through the fiscal biennium ending June 30, ~~(2007)~~ 2009, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients,

sexual assault treatment, operations of the administrative office of the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

(2)(a) The equal justice subaccount is created as a subaccount of the public safety and education account. The money received by the state treasurer from the increase in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter 457, Laws of 2005 shall be deposited in the equal justice subaccount and shall be appropriated only for:

(i) Criminal indigent defense assistance and enhancement at the trial court level, including a criminal indigent defense pilot program;

(ii) Representation of parents in dependency and termination proceedings;

(iii) Civil legal representation of indigent persons; and

(iv) Contribution to district court judges' salaries and to eligible elected municipal court judges' salaries.

(b) For the 2005-07 fiscal biennium, an amount equal to twenty-five percent of revenues to the equal justice subaccount, less one million dollars, shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection. For the 2007-09 fiscal biennium and subsequent fiscal biennia, an amount equal to fifty percent of revenues to the equal justice subaccount shall be appropriated from the equal justice subaccount to the administrator for the courts for the purposes of (a)(iv) of this subsection.

Sec. 951. RCW 43.10.180 and 2005 c 518 s 927 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ~~(2005-)~~ 2007-2009 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 952. RCW 43.60A.165 and 2006 c 343 s 4 are each amended to read as follows:

The defenders' fund is created to provide assistance to members of the Washington national guard and reservists who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and who are experiencing financial hardships in employment, education, housing, and health care due to the significant period of time away from home serving our country. The program shall be administered by the department. Eligibility determinations shall be made by the department. Eligible veterans may receive a one-time grant of no more than five hundred dollars, except that for the 2007-2009 biennium, the one-time grant may not exceed one thousand dollars.

Sec. 953. RCW 46.09.170 and 2004 c 105 s 6 are each amended to read as follows:

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(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the committee receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The committee may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the committee's project evaluation. Funds remaining after such a waiver must be allocated in accordance with committee policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2003-05))~~ 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to ~~((the interagency committee for outdoor recreation;))~~ the department of natural resources ~~(; the department of fish and wildlife, and the state parks and recreation commission))~~ for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities on department-managed lands in the Reiter block and Ahtanum

state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 954. RCW 70.105D.070 and 2005 c 488 s 926 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching

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requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2005-2007 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus capital budget bill. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

~~((8) During the 2005-2007 fiscal biennium, the legislature may transfer from the state toxics control account to the water quality account such amounts as reflect the excess fund balance of the fund.))~~

Sec. 955. RCW 70.146.030 and 2005 c 518 s 940 and 2005 c 514 s 1108 are each reenacted and amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.24.026(2)(d), ~~((82.26.025,))~~ and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ~~((2005))~~ 2007, to June 30, ~~((2007))~~ 2009, moneys in the account may be

used to process applications received by the department that seek to make changes to or transfer existing water rights and for other water resources and water quality activities, for water conveyance projects, shoreline technical assistance. Puget Sound education and outreach and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31st of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 956. RCW 70.146.080 and 2005 c 518 s 941 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 of the preceding fiscal year.

Sec. 957. RCW 74.08A.340 and 2006 c 265 s 209 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 74.13.0903 and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the

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working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the 1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

Sec. 958. RCW 79.64.040 and 2005 c 518 s 945 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the ~~((2005-2007))~~ 2007-2009 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board ~~((. If so increased, the department must provide a report by January 9, 2006, to the appropriate committees of the legislature on the use of the increased amount))~~, provided the total amount deducted does not exceed the total appropriations in the operating and capital budgets for the fiscal period. At the end of the fiscal period, any amounts deducted in excess of the appropriations shall be transferred to the appropriate beneficiary distribution accounts.

NEW SECTION. Sec. 959. A new section is added to chapter 28A.630 RCW to read as follows:

(1)(a) Research has shown that early, intensive interventions can significantly improve reading, written language, and mathematics skills for children who are struggling academically. This early research-based assistance has been successful in reducing the number of children who require specialized programs. Research further suggests that the disabilities of many students with mild and moderate disabilities are correctable through strategic early intervention and the students do not necessitate special education eligibility. However, by being effective in reducing the number of students eligible for these programs, school district funding is reduced.

(b) The purpose of the program in this section is to continue support to the existing pilot districts and to encourage other school districts to participate as pilot districts to improve the implementation of high quality general education research-based core instructional programs to meet the needs of students struggling academically, while reducing the number of students inappropriately referred and placed in special education under the specific learning disability eligibility category because of ineffective instructional practices. This will allow special education programs to concentrate specially designed instruction on students who truly require special education services. The goal of this assistance is to effectively address reading, written language, and mathematics difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

(c) The participating pilot districts implementing the special services pilot program have met the goals of the pilot program resulting in (i) a substantial number of underachieving students meeting the progressively increasing reading performance standards and (ii) a reduction in the number of children who require special education.

(2) Seven school districts may participate in the special services pilot program, including two school districts already participating and five additional school districts. The special services pilot program shall begin in the 2007-08 school year and conclude in the 2010-11 school year.

(3) School districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds. The separate appropriation shall be: (a) The school district's estimated state special education funding for the current year based on the school district's average percentage of students age three through twenty-one who were eligible for special education services for the school year before participation as a pilot program as reported to the office of the superintendent of public instruction; minus (b) the school district's actual state special education funding based on the district's current percentage of students age three through twenty-one eligible for special education services as reported to the superintendent of public instruction.

The superintendent shall adjust the factors in (a) of this subsection for one or more participating school districts, where legislative changes to the special education funding formula impact the funding mechanism of this program.

(4) Participation in the pilot program shall not increase or decrease a district's ability to access the safety net for high-cost students by virtue of the district's participation in the program. Districts participating in the pilot program shall have access to the special education safety net using a modified application approach for the office of the superintendent of public instruction demonstration of financial need. The superintendent shall create a modified application to include all special education revenues received by the district, all pilot program funding, expenditures for students with individual education programs, and expenditures for students generating pilot program revenue. Districts participating in the pilot program that seek safety net funding shall convincingly demonstrate to

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the safety net committee that any change in demonstrated need is not attributable to their participation in this pilot program.

(5) School districts participating in the program must agree to:

(a) Implement the program as part of the school district's general education curriculum for all students;

(b) Use a multitiered service delivery system to provide scientific research-based instructional interventions addressing individual student needs in the areas of reading, written language, or mathematics;

(c) Develop and implement an assessment system to conduct universal screening, progress monitoring, targeted assessments, and outcome assessments to identify the reading, written language, or mathematics needs of each student and to monitor student progress;

(d) Incorporate student-specific data obtained through the pilot program when conducting an evaluation to determine if the student has a disability;

(e) Assure that parents are informed of: The amount and nature of student performance data that is collected and the general education services that are provided; the strategies for increasing the student's rate of learning; the parents' right to make a referral for special education evaluation if they suspect the student has a disability; and the parents' right to have input into designed interventions;

(f) Assure that parents are provided assessments of achievement at reasonable intervals addressing student progress during instruction;

(g) Actively engage parents as partners in the learning process;

(h) Comply with state special education requirements; and

(i) Participate and provide staff expertise in the design and implementation of an evaluation of the program as determined by the superintendent of public instruction. Districts shall annually review and report progress, including objective measures or indicators that show the progress towards achieving the purpose and goal of the program, to the office of the superintendent of public instruction.

(6) By December 15, 2010, the superintendent of public instruction shall submit a report to the governor and appropriate committees of the legislature that summarizes the effectiveness of the pilot program in this section. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

(7) This section expires June 30, 2011.

NEW SECTION. Sec. 960. The governor's committee on disability issues and employment is supported through resources provided by state agencies. Within appropriations contained in this act, the office of financial management shall direct agencies that report directly to the governor to enter into contracts with the governor's committee on disability issues and employment for a total level not to exceed \$377,000 for fiscal year 2008 and \$398,000 for fiscal year 2009.

NEW SECTION. Sec. 961. A legislative task force on laws related to community custody and community supervision is created as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism).

(1) The task force shall be composed of fifteen members appointed in the following manner:

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate;

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives;

(c) The governor shall appoint the chair of the task force and the following members:

(i) A superior court judge;

(ii) A representative of a prosecutor's association;

(iii) A defense attorney or representative of an organization of defense attorneys;

(iv) A representative of local elected officials;

(v) A sheriff or representative of an organization of sheriffs;

(vi) A police chief or representative of an organization of police chiefs;

(vii) A community corrections officer;

(viii) A crime victim or advocate; and

(d) The following agencies shall also be represented on the committee:

(i) The attorney general, or the attorney general's designee; and

(ii) The secretary of the department of corrections, or the secretary's designee.

(2) The task force shall, with input from the public and other interested organizations, review and analyze statutes related to community custody and community supervision of offenders and make specific recommendations, if any, for modifications to those statutes that would reduce ambiguity in the law and enable the department of corrections and its community corrections officers to more easily identify statutory requirements associated with an offender's sentence and an offender's term of community custody or supervision; and more effectively respond to an offender's behavior by imposing appropriate and timely sanctions when necessary. Whenever possible, recommendations in the report shall site to specific evidence-based or promising programs to support the recommendation, or to sources such as the Washington institute for public policy, the national institute for justice, or the bureau of justice assistance.

(3) The task force shall submit its report and recommendations to the governor and the legislature by November 1, 2007.

(4) Staff support shall be provided by the office of financial management, senate committee services, and the house of representatives office of program research. The Washington state institute for public policy, the department of corrections, and the sentencing guidelines commission shall cooperate with the task force and provide information and support reasonably requested by the task force. Nonlegislative members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

NEW SECTION. Sec. 962. (1) The legislature intends to improve the administration and coordination of state information technology. The legislature finds that opportunities are being missed to use the expertise in the department of information services and to leverage the purchasing power of the department to drive down the cost of securing information services.

(2) The office of financial management, the department of information services, and the legislature shall form a 2007 interim workgroup on improving state strategies, administration, and coordination of information technology. The workgroup shall consist of:

(a) The director or designee of the department of information services, and the director or designee of the office of financial management;

(b) A member of the information services board;

(c) Two members of the senate, appointed by the president of the senate, one member from each of the two largest caucuses of the senate;

(d) Two members of the house of representatives, appointed by the speaker of the house, one member from each of the two largest caucuses of the house of representatives;

(e) The workgroup shall invite representatives of the following to participate:

(i) One large state agency;

(ii) One small agency;

(iii) The state board for community and technical colleges;

(iv) The state library;

(v) A research university;

(vi) A regional university; and

(vii) Two members of the public.

(f) The workgroup shall choose its cochair from among its legislative membership.

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- (3) The workgroup shall review the following issues:
 - (a) A statewide information services strategy;
 - (b) The approval and oversight process of information technology projects;
 - (c) Leveraging the expertise and purchasing power of the department of information services;
 - (d) Strengthening the role of the information services board in enhancing the utilization of services offered by the department of information services; and
 - (e) Opportunities to provide cost efficient and equitable access to digital resources, including online databases, for faculty and students at public institutions of higher education, state employees, and the public.
- (4) As part of its review, the workgroup shall consider approaches used in other states to achieve its goals.
- (5) Staff support for the workgroup shall be provided by the senate committee services, the house of representatives office of program research, the office of financial management, and the department of information services.
- (6) Legislative members of the workgroup shall be reimbursed for travel expenses in accordance with RCW 44.04.120.
- (7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2007.
- (8) This section expires December 31, 2007.

(End of part)

**PART X
GENERAL GOVERNMENT**

Sec. 1001. 2006 c 372 s 108 (uncodified) is amended to read as follows: **FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2006)	...	\$6,095,000
General Fund--State Appropriation (FY 2007)		(\$6,397,000)
		<u>\$6,401,000</u>
Pension Funding Stabilization Account Appropriation		\$37,000
TOTAL APPROPRIATION		(\$12,529,000)
		<u>\$12,533,000</u>

Sec. 1002. 2006 c 372 s 111 (uncodified) is amended to read as follows: **FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2006)	...	\$13,916,000
General Fund--State Appropriation (FY 2007)		(\$14,393,000)
		<u>\$14,447,000</u>
Pension Funding Stabilization Account Appropriation		\$80,000
TOTAL APPROPRIATION		(\$28,389,000)
		<u>\$28,443,000</u>

Sec. 1003. 2006 c 372 s 112 (uncodified) is amended to read as follows: **FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2006)	...	\$19,834,000
General Fund--State Appropriation (FY 2007)		(\$21,298,000)
		<u>\$21,340,000</u>
Public Safety and Education Account--State Appropriation		(\$50,277,000)
		<u>\$50,300,000</u>
Judicial Information Systems Account--State Appropriation		\$26,051,000
Pension Funding Stabilization Account Appropriation		\$96,000
TOTAL APPROPRIATION		(\$117,556,000)
		<u>\$117,621,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$900,000 of the general fund--state appropriation for fiscal year 2006 and \$900,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of

funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(4) The distributions made under subsection (3) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

(8) \$569,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the juror pay pilot and research project.

(9) Any contract committing judicial information systems account moneys in the 2007-2009 biennium for replacement of the core case management system shall be agreed to only to meet the conditions specified in section 113 of this act. If the conditions have been met, additional contracts may be signed.

Sec. 1004. 2006 c 372 s 114 (uncodified) is amended to read as follows: **FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund--State Appropriation (FY 2006)	...	\$3,083,000
General Fund--State Appropriation (FY 2007)	...	\$3,232,000
Public Safety and Education Account--State Appropriation		\$4,705,000
Violence Reduction and Drug Enforcement Account-- State Appropriation		\$2,987,000
TOTAL APPROPRIATION	...	\$14,007,000

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The appropriations in this section are subject to the following conditions and limitations: An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2007 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

Sec. 1005. 2006 c 372 s 118 (uncodified) is amended to read as follows: **FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2006)	...	\$21,593,000
General Fund--State Appropriation (FY 2007)	...	(\$18,473,000)
		<u>\$19,028,000</u>
General Fund--Federal Appropriation	.....	\$7,099,000
General Fund--Private/Local Appropriation	.....	\$207,000
Archives and Records Management Account--State		
Appropriation	.....	\$8,210,000
Department of Personnel Services Account--State		
Appropriation	.....	\$721,000
Local Government Archives Account--State		
Appropriation	.....	\$12,398,000
Election Account--Federal Appropriation	.....	\$53,010,000
Pension Funding Stabilization Account Appropriation	.....	\$66,000
TOTAL APPROPRIATION	.....	(\$121,777,000)
		<u>\$122,332,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,472,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,441,000 of the general fund--state appropriation for fiscal year 2006 and \$2,403,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$118,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund--state appropriation for fiscal year 2006 and \$2,382,772 of the general fund--state appropriation for fiscal year 2007 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of

any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$196,000 of the general fund--state appropriation for fiscal year 2006 and \$173,000 of the general fund--state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$110,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all claims in *Washington State Democratic Party, et al. v. Sam S. Reed, et al.*, United States District Court Western District of Washington at Tacoma Cause No. C00-5419FDB and related appeal. The expenditure of this appropriation is contingent on the release of all claims in the case and related appeal, and total settlement costs shall not exceed the appropriation in this subsection.

(7) \$131,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 1006. 2006 c 372 s 122 (uncodified) is amended to read as follows: **FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2006)	....	\$1,258,000
General Fund--State Appropriation (FY 2007)	....	(\$351,000)
		<u>\$748,000</u>
State Auditing Services Revolving Account--State		
Appropriation	.....	\$14,011,000
Pension Funding Stabilization Account Appropriation	.....	\$4,000
TOTAL APPROPRIATION	.....	(\$15,624,000)
		<u>\$16,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$731,000 of the general fund--state appropriation for fiscal year 2006 and \$727,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance).

(5) \$16,000 of the general fund--state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint

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legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

Sec. 1007. 2006 c 372 s 124 (uncodified) is amended to read as follows: **FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2006)	....	\$5,724,000
General Fund--State Appropriation (FY 2007)	....	\$5,844,000
General Fund--Federal Appropriation	.....	\$3,428,000
Public Safety and Education Account--State		
Appropriation	.....	\$2,307,000
New Motor Vehicle Arbitration Account--State		
Appropriation	.....	\$1,315,000
Legal Services Revolving Account--State		
Appropriation	.....	(\$191,627,000)
		<u>\$195,307,000</u>
Tobacco Prevention and Control Account--State		
Appropriation	.....	\$270,000
Pension Funding Stabilization Account Appropriation		\$21,000
TOTAL APPROPRIATION		(\$210,536,000)
		<u>\$214,216,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

Sec. 1008. 2006 c 372 s 126 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

General Fund--State Appropriation (FY 2006)	...	\$67,758,000
General Fund--State Appropriation (FY 2007)	(\$60,229,000)	
		<u>\$60,992,000</u>
General Fund--Federal Appropriation	.....	(\$258,085,000)
		<u>\$257,888,000</u>
General Fund--Private/Local Appropriation	.....	\$12,422,000
Public Safety and Education Account--State		
Appropriation	.....	\$5,443,000
Public Works Assistance Account--State		
Appropriation	.....	\$3,430,000
Tourism Development and Promotion Account		
Appropriation	.....	\$300,000
Drinking Water Assistance Administrative Account--		
State Appropriation	.....	\$345,000
Lead Paint Account--State Appropriation	.....	\$6,000
Building Code Council Account--State Appropriation	.....	\$1,133,000
Administrative Contingency Account--State		
Appropriation	.....	\$1,809,000
Low-Income Weatherization Assistance Account--State		
Appropriation	.....	\$8,362,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	\$7,234,000
Manufactured Home Installation Training Account--State		
Appropriation	.....	\$240,000

Community and Economic Development Fee Account--State		
Appropriation	.....	\$1,570,000
Washington Housing Trust Account--State		
Appropriation	.....	\$33,536,000
Homeless Families Services Account--State		
Appropriation	.....	\$300,000
Public Facility Construction Loan Revolving		
Account--State Appropriation	.....	\$616,000
Pension Funding Stabilization Account Appropriation		\$87,000
TOTAL APPROPRIATION		(\$462,905,000)
		<u>\$463,471,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2006 and \$2,838,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$5,902,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any justice assistance grant funds.

(3) \$3,600,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2007 as follows:

(a) \$2,013,000 to local units of government to continue multijurisdictional narcotics task forces;

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(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces;

(d) \$110,000 to the department to support the governor's council on substance abuse;

(e) \$97,000 to the department to continue evaluation of the justice assistance grant program;

(f) \$360,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(g) \$15,000 to the department for a tribal and local law enforcement statewide summit.

(4) \$1,658,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for multijurisdictional drug task forces. The funding for this amount, and the amounts provided in subsection (3)(a) and (b) of this section, will be distributed in a manner so that all drug task forces funded in fiscal year 2004 will receive funding in fiscal year 2007 at amounts similar to the amounts received in fiscal year 2004.

(5) \$170,000 of the general fund--state appropriation for fiscal year 2006 and \$700,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(6) \$28,848,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education, and \$1,052,000 is provided solely for a targeted vendor rate increase.

(7) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(8) \$1,288,000 of the Washington housing trust account--state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(9) \$725,000 of the general fund--state appropriation for fiscal year 2006 and \$725,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(10) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(11) \$215,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(12) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of

housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(15) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(16) \$50,000 of the general fund--state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(17) \$287,000 of the general fund--state appropriation for fiscal year 2006 and \$288,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(18) \$50,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(19) \$140,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(20) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(21) \$235,000 of the general fund--state appropriation for fiscal year 2006 and \$235,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(22) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(24) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for

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Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

(25) \$250,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific Science Center to host the dead sea scrolls exhibition in September 2006.

(26) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing statewide sexual assault services.

(27) \$96,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Olympic loop of the great Washington state birding trail.

(28) \$529,000 of the general fund--federal appropriation is provided solely for the department to provide to the department of archeology and historic preservation through an interagency agreement. The full amount of federal funding shall be transferred. The department of community, trade, and economic development shall not retain any portion for administrative purposes.

(29) \$150,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to assist the suburban cities association, King county, and the cities of Seattle and Bellevue to comply with the most acute buildable lands needs countywide. Of this amount, \$50,000 is provided solely to the suburban cities association to fully fund a buildable lands program manager position.

(30) \$116,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an increase to the statewide coordination of the volunteer programs for court-appointed special advocates.

(31) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the energy facilities siting and evaluation council to make rules related to RCW 80.70.070, the carbon dioxide mitigation statute.

(32) \$712,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to provide each county with an additional 0.5 FTE for prosecutors' victim/witness units.

(33) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement two demonstration pilot projects related to transfer of development rights in cooperation with Snohomish and Pierce county legislative authorities. Projects may receive no more than \$100,000.

(34) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Seattle police department, and is to be divided evenly between the weed and seed programs in southeast Seattle and South Delridge/White Center to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in these areas.

(35) \$125,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Thurston county prosecutor's office, for the Rochester weed and seed program to mitigate a one-year funding lapse from the federal department of justice. This appropriation is for the continuation of community police work and community building in Rochester.

(36) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the city of Poulsbo for the reopening of the Poulsbo marine science center as an educational facility on the Puget Sound marine environment.

(37) \$544,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an upgrade to discovery park's daybreak star cultural center electrical system.

(38) \$670,000 of the housing trust account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2418 (affordable housing program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(39) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Second Substitute House Bill No. 2498 (cluster-based economic

development). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(40) \$186,000 of the general fund--local appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2402 (energy facilities). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(41) \$118,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 3156 (low income persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((43))~~ (42) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

~~((44))~~ (43) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the developmental disabilities council to contract for legal services for individuals with developmental disabilities who are served or are entering the community protection program in the department of social and health services division of developmental disabilities. Funding shall be prioritized for those individuals who do not have paid legal guardians, but is available to all community protection clients, subject to available funds.

~~((45))~~ (44) \$100,000 of the fiscal year 2006 general fund--state appropriation is provided solely for tourism branding and marketing associated with the January 2007 United States figure skating championships in Spokane. It is the intent of the legislature to provide an additional \$500,000 during the 2007-09 fiscal biennium for the payment of one-half of the hosting fee if Spokane is designated as the host city of the 2009 world figure skating championships. The funds provided under this section are contingent on an equal amount of matching funds from nonstate sources.

~~((46))~~ (45) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the Pacific northwest economic region as matching funds for use in the development and operation of a regional tourism initiative in coordination with the department and consistent with the governor's initiatives on marketing, tourism, and trade. The department and the Pacific northwest economic region will jointly establish appropriate deliverables. The first \$25,000 of this amount will be released when the Pacific northwest economic region has secured at least \$75,000 in funding from other public and private sources. The final \$25,000 of this amount will be released when the Pacific northwest economic region has secured an additional \$75,000 in funding from other public and private sources. A minimum of 25 percent of the matching funds raised by the Pacific northwest economic region for the initiative shall be from private sources.

~~((47))~~ (46) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to the international trade alliance of Spokane to partnership with other regional governments to strengthen and diversify the regional economy.

~~((48))~~ (47) \$75,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to contract for a study that will provide recommendations on a small harbor dredging cooperative among the port districts of Pacific County and Wahkiakum County. The recommendations shall include options for an organizational framework, as well as the long-term financing of the cooperative.

~~((49))~~ (48) \$20,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the Pacific-Algona senior center, a nonprofit food program serving low-income seniors.

~~((50))~~ (49) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to the northwest Korean sports and cultural festival.

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~~((51))~~ (50) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to allow Washington state tribes to continue participation in the *Forest and Fish Report* currently out for public comment as a habitat conservation plan under the endangered species act. In the event federal funding is reinstated, the amount provided in this subsection shall lapse.

~~((52))~~ (51) \$5,000 of the general fund--state appropriation for fiscal year 2006 is provided for Tacoma's international music festival.

~~((53))~~ (52) \$200,000 of the general fund--state appropriation for fiscal year 2006 ~~((is))~~ and \$113,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Mimms Academy in Tacoma to facilitate a pilot project concerning expelled and suspended students.

~~((54))~~ (53) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the King county sexual assault resource center to provide for a Spanish-speaking therapist position, parent/child victim education, and prevention education.

~~((55))~~ (54) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a study of methamphetamine action teams and drug task forces as provided by Engrossed Substitute Senate Bill No. 6239, sections 110 and 204 (controlled substances). The department shall report findings and recommendations to the legislature by November 1, 2006. If the bill is not enacted by June 30, 2006, the amount provided in this section shall lapse.

~~((56))~~ (55) \$84,000 of the general fund--state appropriation for fiscal year 2006 and \$84,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for distribution to Benton and Franklin counties to continue the Benton-Franklin juvenile drug court program. The counties shall provide an equivalent amount of matching funds.

~~((57))~~ (56) \$7,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the owners of the following minor league baseball facilities for major and minor restoration and repair of facilities projects: Tacoma Rainiers (\$2,500,000); Spokane Indians (\$2,000,000); Tri-Cities Dust Devils (\$1,000,000); Yakima Bears (\$750,000); and Everett AquaSox (\$750,000). The department shall not retain any portion for administrative purposes.

~~((58))~~ (57) \$40,000 of the fiscal year 2006 general fund--state appropriation and \$1,510,000 of the fiscal year 2007 general fund--state appropriation are provided solely for the department to enter into funding agreements with the mountains to sound greenway trust to accomplish the following projects: Squak mountain trail upgrades; Tiger mountain trailhead and trails upgrades; Rattlesnake mountain trail and trailhead construction; greenway legacy planning; Snoqualmie point view park construction; and state route 18/interstate 90 interchange protection.

~~((59))~~ (58) \$149,000 of the general fund--state appropriation in fiscal year 2007 is provided solely to implement a human trafficking task force as described in section 1 of Substitute Senate Bill No. 6652 (human trafficking), authorizing a task force through June 30, 2011, to provide guidance in responding to the crime of human trafficking, and in providing services to human trafficking victims.

~~((60))~~ (59) \$140,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5330 (economic development grants). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((61))~~ (60) \$200,000 of the general fund--state appropriation for fiscal year 2007 ~~((and \$197,000 of the general fund--federal appropriation for fiscal year 2007 are))~~ is provided solely for the long-term care ombudsman program within the department of community, trade, and economic development to recruit and train volunteers to serve in the adult family home setting.

~~((62))~~ (61) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Enumclaw loggers monument.

(62) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Grays Harbor county to conclude activities related to the investigation and demonstration of projects related to coastal erosion.

(63) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to Peninsula community health services to satisfy the debt associated with improvements at the Bremerton clinic.

Sec. 1009. 2006 c 372 s 127 (uncodified) is amended to read as follows: **FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2006)	\$579,000
General Fund--State Appropriation (FY 2007)	((523,000))
	<u>\$546,000</u>
Pension Funding Stabilization Account Appropriation	\$3,000
TOTAL APPROPRIATION	((1,105,000))
	<u>\$1,128,000</u>

Sec. 1010. 2006 c 372 s 128 (uncodified) is amended to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2006)	\$17,775,000
General Fund--State Appropriation (FY 2007) ((20,080,000))	
	<u>\$20,140,000</u>
General Fund--Federal Appropriation	\$23,555,000
General Fund--Private/Local Appropriation	\$1,216,000
Public Works Assistance Account--State Appropriation	\$200,000
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$246,000
State Auditing Services Revolving Account--State	
Appropriation	\$25,000
Pension Funding Stabilization Account Appropriation	\$100,000
TOTAL APPROPRIATION	((63,197,000))
	<u>\$63,257,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$62,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office

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of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund--state appropriation for fiscal year 2006 and \$706,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund--state appropriation for fiscal year 2006 and \$255,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242 (budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided to the office of financial management for the purpose of contracting with the Washington State University and University of Washington policy consensus center to provide project coordination for the office of financial management, the department of agriculture, the conservation commission, and the department of community, trade, and economic development to work with farmers, ranchers, and other interested parties to identify potential agricultural pilot

projects that both enhance farm income and improve protection of natural resources.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the office of regulatory assistance to implement activities supporting the governor's regulatory improvement program including deployment of interagency permit teams, a business portal, programmatic permits, and an alternative mitigation program.

~~((++))~~ (10) \$46,000 of the general fund--state appropriation for fiscal year 2006 and \$131,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2353 (family child care providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

~~((+2))~~ (11) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the Washington state quality award program to assist state agencies in obtaining the goals of the Washington state quality award.

~~((+3))~~ (12) \$66,000 of the general fund--state appropriation for fiscal year 2006 and \$134,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish and provide staff support and technical assistance to the blue ribbon commission on health care costs and access. The commission shall consist of the governor or a designee, who shall serve as chair; two members from each of the four caucuses of the legislature; the insurance commissioner or a designee; the secretary of health; the administrator of the health care authority; the assistant secretary for health and recovery services in the department of social and health services; and the assistant director for insurance services in the department of labor and industries. By December 1, 2006, the commission shall recommend to the governor and legislature a sustainable five-year plan for substantially improving access to affordable health care for all Washington residents.

Sec. 1011. 2006 c 372 s 129 (uncodified) is amended to read as follows: **FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State
 Appropriation ~~(\$29,595,000)~~
 \$29,702,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account--state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

Sec. 1012. 2006 c 372 s 135 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State
 Appropriation \$413,000
 Department of Retirement Systems Expense Account--
 State Appropriation ~~(\$46,176,000)~~
 \$46,384,000
TOTAL APPROPRIATION ~~(\$46,589,000)~~
\$46,797,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).

(2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).

(3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters'

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retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$80,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 6453 (minimum monthly retirement). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$230,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2932 (catastrophic disability benefit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(11) \$78,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2684 (plan 3 five-year vesting). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$117,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 2690 (service credit purchase). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$111,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2680 (TRS out-of-state service credit). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$375,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 2691 (retirement for justices). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$93,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 2391 (gain sharing revisions).

Sec. 1013. 2006 c 372 s 137 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF REVENUE**
 General Fund--State Appropriation (FY 2006) . . . \$90,302,000
 General Fund--State Appropriation (FY 2007) ~~((92,647,000))~~
 \$92,471,000

Timber Tax Distribution Account--State
 Appropriation ~~((5,627,000))~~
 \$5,377,000

Real Estate Excise Tax Grant Account--State
 Appropriation \$3,900,000

Waste Reduction/Recycling/Litter Control--State
 Appropriation \$108,000

State Toxics Control Account--State Appropriation . . \$73,000
 Oil Spill Prevention Account--State Appropriation . . . \$14,000
 Pension Funding Stabilization Account Appropriation \$447,000
 TOTAL APPROPRIATION ~~((193,118,000))~~
 \$192,692,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund--state appropriation for fiscal year 2006, and \$93,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund--state appropriation for fiscal year 2006 and \$2,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$114,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties).

(4) \$1,390,000 of the general fund--state appropriation for fiscal year 2006, and \$1,240,000 of the general fund--state appropriation for fiscal year 2007 are for the department to employ strategies to enhance current revenue enforcement activities.

(5) \$5,121 of the general fund--state appropriation for fiscal year 2006 is provided solely to satisfy two claims to estate property, pursuant to RCW 11.76.245.

(6) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$89,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2673 (local infrastructure). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(7) \$147,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2457 (tax relief/farm machinery). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$29,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2466 (tax relief for aerospace) or for Second Substitute Senate Bill No. 6604 (tax relief for aerospace). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(9) \$193,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of House Bill No. 2671 (excise tax relief) or Substitute Senate Bill No. 6385 (excise tax relief). If neither of these bills are enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(10) \$33,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 2640 (biotechnology product). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(11) \$176,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute House Bill No. 2670 (hospital benefit zones). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1014. 2006 c 372 s 138 (uncodified) is amended to read as follows: **FOR THE BOARD OF TAX APPEALS**
 General Fund--State Appropriation (FY 2006) . . . \$1,362,000
 General Fund--State Appropriation (FY 2007) ~~((1,213,000))~~
 \$1,218,000

Pension Funding Stabilization Account Appropriation . \$6,000

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TOTAL APPROPRIATION .. ~~(\$2,581,000)~~
\$2,586,000

Sec. 1015. 2006 c 372 s 147 (uncodified) is amended to read as follows: **FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2006) \$1,739,000
 General Fund--State Appropriation (FY 2007) . ~~(\$1,720,000)~~
\$1,723,000

Liquor Control Board Construction and Maintenance
 Account--State Appropriation \$12,832,000
 Liquor Revolving Account--State Appropriation
 ~~(\$159,863,000)~~
\$160,072,000

Pension Funding Stabilization Account Appropriation . \$7,000
 TOTAL APPROPRIATION ~~(\$176,161,000)~~
\$176,373,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account--state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account--state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account--state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account--state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account--state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account--state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account--state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund--state appropriation for fiscal year 2006 and \$122,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the

implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$1,864,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Second Substitute Senate Bill No. 6823 (distribution of beer and wine). If Second Substitute Senate Bill No. 6823 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$575,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6537 (direct wine sales). If Engrossed Senate Bill No. 6537 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1016. 2006 c 372 s 150 (uncodified) is amended to read as follows: **FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2006) . . . \$10,137,000
 General Fund--State Appropriation (FY 2007) ~~(\$15,037,000)~~
\$16,249,000

General Fund--Federal Appropriation ~~(\$214,322,000)~~
\$193,846,000

General Fund--Private/Local Appropriation \$2,000
 Enhanced 911 Account--State Appropriation \$34,812,000
 Disaster Response Account--State Appropriation ~~(\$1,664,000)~~
\$4,611,000

Disaster Response Account--Federal Appropriation
 ~~(\$6,297,000)~~
\$17,239,000

Worker and Community Right-to-Know Account--State
 Appropriation \$315,000
 Nisqually Earthquake Account--State Appropriation
 ~~(\$6,531,000)~~
\$5,350,000

Nisqually Earthquake Account--Federal Appropriation
 ~~(\$27,075,000)~~
\$23,066,000

Military Department Rental and Lease Account--State
 Appropriation ~~(\$378,000)~~
\$593,000

Pension Funding Stabilization Account Appropriation \$44,000
 TOTAL APPROPRIATION ~~(\$316,614,000)~~
\$306,264,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,664,000)~~ \$4,611,000 of the disaster response account--state appropriation and ~~(\$6,297,000)~~ \$17,239,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. Expenditures from the disaster response account--federal appropriation in this section may be made only for items FEMA has approved as eligible to receive federal funding. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) the amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(2) ~~(\$6,531,000)~~ \$5,350,000 of the Nisqually earthquake account--state appropriation and ~~(\$27,075,000)~~ \$23,066,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c)

actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2005-07 biennium based on current revenue and expenditure patterns.

(3) (~~(\$173,613,000)~~) \$152,033,573 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

(6) \$41,000 of the enhanced 911 account appropriation is provided solely to implement Substitute House Bill No. 2543 (911 advisory committee). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7)(a) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department for administration of competitive grants detailed in (b) of this subsection and for implementation of one or more of the following activities regarding emergency management: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; and administrating periodic joint emergency management training exercises involving the military department and other state agencies. In addition, the military department will study the feasibility of having regional disaster medical assistance teams and urban search and rescue teams available within the state to be deployed by the governor. The military department will report the findings and recommendations to the legislature by December 1, 2006.

(b) \$1,600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to

allocate grants to regional agencies, local governments, tribal governments, regional incident management teams, and private organizations. The grants shall be for one or more of the following purposes and distributed on a competitive basis: Development and coordination of comprehensive emergency management plans; training of elected and appointed officials on state laws, ordinances, disaster command and response structures, and the roles and responsibilities of officials before, during, and after a disaster; administration of periodic joint emergency management training exercises; and implementation of projects that will strengthen emergency response, mitigation, preparation, and coordination.

(8)(a) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the military department to: (i) Initiate a health registry for veterans and military personnel returning from Afghanistan, Iraq, or other countries in which depleted uranium or other hazardous materials may be found; (ii) develop a plan for outreach to and follow-up of military personnel; (iii) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; (iv) submit a report by October 1, 2006, to the joint veterans and military affairs committee on the scope and adequacy of training received by members of the Washington national guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium, including an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances; and (v) study the health effects of hazardous materials exposure including, but not limited to, depleted uranium, as they relate to military service and submit a report and recommendations to the joint veterans and military affairs committee.

(b) By January 31, 2007, the joint veterans and military affairs committee shall submit its recommendations, if any, to the appropriate committees of the legislature.

Sec. 1017. 2006 c 372 s 152 (uncodified) is amended to read as follows: **FOR THE GROWTH MANAGEMENT HEARINGS BOARD**

General Fund--State Appropriation (FY 2006)	....	\$1,571,000
General Fund--State Appropriation (FY 2007)	..	(\$1,590,000)
		<u>\$1,605,000</u>
Pension Funding Stabilization Account Appropriation	.	\$8,000
TOTAL APPROPRIATION	..	(\$3,169,000)
		<u>\$3,184,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations:))~~

Sec. 1018. 2006 c 372 s 154 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund--State Appropriation (FY 2006)	.....	\$745,000
General Fund--State Appropriation (FY 2007)	... ..	(\$728,000)
		<u>\$845,000</u>
General Fund--Federal Appropriation	.....	\$1,037,000
General Fund--Private/Local Appropriation	.....	\$14,000
Pension Funding Stabilization Account Appropriation	.	\$3,000
TOTAL APPROPRIATION	..	(\$2,527,000)
		<u>\$2,644,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$117,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to contract with the department of information services for information technology operation and maintenance costs.

(End of part)

**PART XI
HUMAN SERVICES**

Sec. 1101. 2006 c 372 s 201 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL**

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AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2006))~~ 2007, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2006))~~ 2007 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2006))~~ 2007 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose, other than family support appropriations for the developmental disabilities program in section 205(1)(e) of this act and family reconciliation services appropriations for the children and family services program in section 202(20) of this act, after approval by the director of financial management.

(c) The department shall not transfer funds, ~~((and the director of financial management shall not approve the transfer))~~ unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds ~~((and not federal funds))~~. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(4) The department is authorized to expend up to \$4,700,000 of its general fund--state appropriation for fiscal year 2007 for any reductions in federal funding in fiscal year 2006 for targeted case management services for children who are in the care of the state. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications under this subsection.

(5) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington Medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections

204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the Medicaid and Medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(6) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

Sec. 1102. 2006 c 372 s 202 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	..	\$257,266,000
General Fund--State Appropriation (FY 2007)	((287,602,000))	\$284,560,000
General Fund--Federal Appropriation	.....	((433,829,000))
		\$434,495,000
General Fund--Private/Local Appropriation	.....	\$400,000
Domestic Violence Prevention Account--State		
Appropriation	.....	((1,345,000))
		\$1,000,000
Public Safety and Education Account--State		
Appropriation	.....	\$6,405,000
Violence Reduction and Drug Enforcement Account--State		
Appropriation	.....	\$5,860,000
Pension Funding Stabilization Account--State		
Appropriation	.....	((699,000))
		\$711,000
TOTAL APPROPRIATION		((993,406,000))
		\$990,697,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund--state appropriation for fiscal year 2006, \$2,271,000 of the general fund--state appropriation for fiscal year 2007, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state appropriation for fiscal year 2006 and \$701,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2006, \$375,000 of the general fund--state

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appropriation for fiscal year 2007, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$4,661,000 of the general fund--state appropriation for fiscal year 2006, \$12,666,000 of the general fund--state appropriation for fiscal year 2007, and \$7,443,000 of the general fund--federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including improvement in achieving face-to-face contact for children every 30 days, improved timeliness of child protective services investigations, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2006 and \$50,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund--state appropriation for fiscal year 2006 and \$4,672,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund--state appropriation for fiscal year 2006 and \$1,144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for section

305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) ~~(\$3,500,000)~~ \$3,386,000 of the general fund--state appropriation for fiscal year 2007 and ~~(\$1,500,000)~~ \$1,449,000 of the general fund--federal appropriation are provided solely for ~~(Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.)~~ chapter 512, Laws of 2005.

(14) ~~(\$1,345,000)~~ \$1,000,000 of the domestic violence prevention account appropriation is provided solely for the implementation of chapter 374, Laws of 2005.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the supervised visitation and safe exchange center in Kent. The department shall not retain any portion for administrative purposes.

(16) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$521,000 of the general fund--state appropriation for fiscal year 2007 and \$223,000 of the general fund--federal appropriation are provided solely for a statewide foster parent recruitment and retention program pursuant to Second Substitute House Bill No. 3115 (foster care critical support). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) The department shall evaluate integrating a family assessment component into its practice model for working with lower risk families involved with child protective services. The department shall report its findings to the joint task force on child safety for children in child protective services or child welfare services by July 1, 2007.

(19) \$3,700,000 of the general fund--state appropriation for fiscal year 2006, \$3,700,000 of the general fund--state appropriation for fiscal year 2007, and \$6,200,000 of the general fund--federal appropriation are provided solely for the medicaid treatment child care (MTCC) program. The department shall contract for MTCC services. In addition to referrals made by children's administration case workers, the department shall authorize children referred to the MTCC program by local public health nurses and case workers from the temporary assistance for needy families (TANF) program, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC program. Starting in June 2006, the department shall report quarterly to the appropriate policy committees of the legislature on the MTCC program and include monthly statewide and regional information on: (a) The number of referrals; (b) the number of authorized referrals and child enrollments; and (c) program expenditure levels.

(20) \$540,000 of the general fund--state appropriation for fiscal year 2006, \$540,000 of the general fund--state appropriation for fiscal year 2007, and \$2,476,000 of the general fund--federal appropriation are provided solely for the category of services titled "family reconciliation services."

(21) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for continuum of care in Region 1.

Sec. 1103. 2006 c 372 s 203 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- JUVENILE REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006) . . .	\$79,031,000
General Fund--State Appropriation (FY 2007) (\$80,615,000)	<u>\$82,301,000</u>
General Fund--Federal Appropriation	(\$5,668,000)
	<u>\$6,459,000</u>
General Fund--Private/Local Appropriation . . .	(\$1,098,000)
	<u>\$2,068,000</u>
Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$38,385,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$5,516,000

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Pension Funding Stabilization Account--State Appropriation	((\$449,000))
	\$451,000
TOTAL APPROPRIATION ((\$210,762,000))	\$214,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,156,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,020,000 of the general fund--state appropriation for fiscal year 2006, \$1,030,000 of the general fund--state appropriation for fiscal year 2007, and \$5,345,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,997,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund--state appropriation for fiscal year 2006 and \$678,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(7) \$602,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purposes of settling all claims in *Brown, et. al v. State of Washington, Pierce County Superior Court Cause No. 04-2-11093-4*. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not executed by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 1104. 2006 c 372 s 204 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2006)	\$260,292,000
General Fund--State Appropriation (FY 2007) ((\$283,039,000))	\$278,724,000
General Fund--Federal Appropriation	((\$344,331,000))
	\$338,013,000
General Fund--Private/Local Appropriation	((\$1,970,000))
	\$6,100,000
TOTAL APPROPRIATION ((\$889,632,000))	\$883,129,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,400,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for persons and services not covered by the medicaid program. The department shall distribute this amount among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The formula shall also ensure that each regional support network's combined state and federal allocation is no less than the amount it was due under the fiscal year 2005 allocation methodology. The remaining

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amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population.

(b) \$100,959,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for persons and services not covered by the medicaid program. Consistent with RCW 71.24.035(13), these funds shall be distributed proportional to each regional support network's percentage of the total state population.

(c) (~~(\$10,882,000)~~) \$10,512,000 of the general fund--state appropriation for fiscal year 2007 and (~~(\$10,922,000)~~) \$10,550,000 of the general fund--federal appropriation are provided solely to increase medicaid capitation rates (i) by three and one-half percent, for regional support networks whose fiscal year 2006 capitation rates are above the statewide population-weighted average; and (ii) to the statewide population-weighted average, for regional support networks whose fiscal year 2006 capitation rates are below that level. Regional support networks may elect to receive all or a portion of the general fund--state share of the funding for which they qualify under this subsection (1)(c) as an increase in nonmedicaid rather than medicaid funding. Regional support networks choosing to obtain funding in this way must notify the department of their decision no later than June 1, 2006.

(d) (~~(\$359,000)~~) \$2,175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to ensure that no regional support network's combined state and federal allocation is less than the amount it was due under the fiscal year 2006 allocation methodology.

(e) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for grants to hospitals that are unable to receive disproportionate share hospital funding due to the federal funding restrictions on "institutions for mental disease." These funds shall be allocated among eligible hospitals proportional to the amount the hospital would have received from the disproportionate share hospital grants funded under section 209 of this 2006 act if the federal funding restriction were not in effect.

(f) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a contract with the national alliance for the mentally ill of greater Seattle to assist people who are recovering from a major mental illness to participate in development of a group residence for women.

(g) \$2,825,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to refund to regional support networks fifty percent of the "liquidated damages" amount that was withheld from payments to the regional support network during fiscal years 2002 through 2005 because the regional support network used more than its allocated number of state hospital days of care. The payments directed in this subsection (1)(g) are contingent upon agreement by the regional support network that the funds shall be used only for mental health services. The payments directed in this subsection do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this 2006 act.

(h) The department shall refund to the regional support networks 100 percent of the "liquidated damages" that have been withheld from payments to the regional support network during fiscal year 2006 for periods prior to the effective date of this act. The payments directed in this subsection (1)(h) do not apply to regional support networks to which such refunds have been directed by court order prior to the effective date of this act.

(i) \$3,238,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches which the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the

regional support network would otherwise need to use at the state hospitals.

(j) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall average 222 per day throughout fiscal year 2007. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall average 727 during the first quarter of fiscal year 2007, 757 during the second quarter of fiscal year 2007, and 777 during the third and fourth quarters of fiscal year 2007. During fiscal year 2007, the department shall not separately charge regional support networks for use of state hospital beds for short-term commitments, or for persons served in the program for adaptive living skills (PALS), but the days of care provided for such commitments and in the PALS program shall count against the regional support network's state hospital allocation. The legislature intends to authorize separate charges for the PALS program beginning in January 2008.

(k) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(l) Within amounts appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services shall be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the required nonfederal share of the increased medicaid payment provided for operation of this project.

(m) \$3,100,000 of the general fund--state appropriation for fiscal year 2006 and \$3,375,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(n) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(o) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$5,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund--state appropriation for fiscal year 2006 and \$418,000 of the general fund--state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health)

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related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(p) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(q) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(r) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(s) \$2,250,000 of the general fund--state appropriation for fiscal year 2006, \$2,250,000 of the general fund--state appropriation for fiscal year 2007, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(t) \$750,000 of the general fund--state appropriation for fiscal year 2006 and \$750,000 of the general fund--state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(u) \$539,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(v) \$550,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for enhancing rates to a facility that (i) is a licensed nursing home; (ii) is considered to be an "Institution for Mental Diseases" under centers for medicare and medicaid services criteria; (iii) specializes in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised; and (iv) provides services to a minimum of 48 consumers funded by a regional support network. These amounts shall be provided in coordination with and under the auspices of a regional support network and shall enhance, and not supplant, other funding or in-kind resources currently being used for these purposes. These funds shall be used to cover costs incurred throughout fiscal year 2006 and fiscal year 2007 and ensure adequate compensation for extra medical care services, personal care services, and other incidental costs that are not fully covered in the current rate paid to the facility.

(w) \$450,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the mental health

division, in collaboration with the children's administration and the juvenile rehabilitation services administration, to establish a pilot program to provide evidence-based mental health services to children. The mental health service or services to be provided under the pilot program must be selected from a list of evidence-based service options developed by the department, in consultation with a broadly representative group of individuals with expertise in children's mental health.

(i) The program site shall be selected through a request for proposal (RFP) process, open to counties or groups of counties, and shall be operational by December 2006.

(ii) Pilot site proposals shall be required to include: A designated lead agency and a commitment to work with community partners, including consumer/family representatives and representatives of the local mental health, juvenile justice, and child welfare systems and, at the applicant's discretion, may also include representatives of other child-serving systems such as health care and education; identification of areas of potential need based upon input from community partners; identification of the service or services that the pilot site would implement based upon community needs and resources; and demonstration of a commitment to participate in efforts that will ensure adherence to the chosen evidence-based practices and evaluate outcomes of implementation of the evidence-based practices.

(iii) The department shall contract with the University of Washington school of medicine's department of psychiatry and behavioral sciences division of public behavioral health and justice to provide support and assistance in all phases of the pilot program, including initiating, implementing, training providers, providing quality assurance, and monitoring implementation and outcomes.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	..	\$115,706,000
General Fund--State Appropriation (FY 2007)	((	\$137,445,000)
		<u>\$130,211,000</u>
General Fund--Federal Appropriation	.....	((\$143,693,000)
		<u>\$144,509,000</u>
General Fund--Private/Local Appropriation	...	((\$30,994,000)
		<u>\$37,514,000</u>
Pension Funding Stabilization Account--State		
Appropriation	.....	\$965,000
		TOTAL APPROPRIATION ((<u>\$428,905,000</u>))

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$3,725,000 of the general fund--state appropriation for fiscal year 2006 and \$3,675,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2006 and \$45,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(d) \$6,770,000 of the general fund--state appropriation for fiscal year 2006 and \$19,850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to open on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals. To the extent that the department and regional support networks are able to develop and implement cost-effective approaches during fiscal year 2007 that would avert the

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need to open one or more of the additional wards, the department is authorized to use funds appropriated in this subsection for implementation of those approaches. The department shall seek review and comment from the legislative fiscal committees at least thirty days prior to proceeding with implementation of any such alternative approach.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2006) . . .	\$40,499,000
General Fund--State Appropriation (FY 2007) . . .	(\$45,276,000)
	<u>\$42,481,000</u>
Pension Funding Stabilization Account--State	
Appropriation	\$129,000
TOTAL APPROPRIATION	(\$85,904,000)
	<u>\$83,109,000</u>

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	\$643,000
General Fund--State Appropriation (FY 2007)	\$1,726,000
General Fund--Federal Appropriation	\$3,395,000
Pension Funding Stabilization Account--State	
Appropriation	\$1,000
TOTAL APPROPRIATION	\$5,765,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund--state appropriation for fiscal year 2006, \$75,000 of the general fund--state appropriation for fiscal year 2007, and \$40,000 of the general fund--federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund--state appropriation for fiscal year 2006 and \$221,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(c) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	\$6,577,000
General Fund--State Appropriation (FY 2007)	(\$4,183,000)
	<u>\$4,473,000</u>
General Fund--Federal Appropriation	(\$5,881,000)
	<u>\$6,179,000</u>
Pension Funding Stabilization Account--State	
Appropriation	(\$19,000)
	<u>\$21,000</u>
TOTAL APPROPRIATION	(\$16,660,000)
	<u>\$17,250,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2006, \$125,000 of the general fund--state appropriation for fiscal year 2007, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

(b) \$2,032,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of complying with and satisfaction of a final court order and judgment in *Pierce County, et al v. State of Washington and State of Washington Department of Social and Health Services, et al*, Thurston County Superior Court Cause No. 03-2-00918-8.

(c) \$520,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the purposes of settling all

claims in *County of Spokane, a Washington municipal entity v. State of Washington Department of Social and Health Services and Dennis Braaddock, the Secretary of the Department of Social and Health Services, in his official capacity*, Thurston County Superior Court Cause No. 03-2-01268-5. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If the settlement is not executed by June 30, 2006, the amount provided in this subsection shall lapse.

(d) Funds provided in this subsection may be used to issue a request for proposals in accordance with RCW 71.24.320(2) only if Engrossed Substitute Senate Bill No. 6793 is enacted by June 30, 2006.

Sec. 1105. 2006 c 372 s 205 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$296,430,000
General Fund--State Appropriation (FY 2007) . . .	(\$312,856,000)
	<u>\$318,403,000</u>
General Fund--Federal Appropriation	(\$503,419,000)
	<u>\$513,612,000</u>
Health Services Account--State Appropriation	\$904,000
Pension Funding Stabilization Account--State	
Appropriation	\$138,000
TOTAL APPROPRIATION	(\$1,113,747,000)
	<u>\$1,129,487,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$151,000 of the general fund--state appropriation for fiscal year 2006, \$427,000 of the general fund--state appropriation for fiscal year 2007, and \$1,482,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$1,917,000)~~ \$3,432,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$2,433,000)~~ \$3,954,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the

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actual expenditures for all community services to support these clients.

(d) \$579,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$1,735,000)~~) \$2,015,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$2,315,000)~~) \$2,597,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed (~~(\$300)~~) \$340. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$12,902,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$13,802,000)~~) \$12,502,000 of the general fund--state appropriation for fiscal year 2007, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities.

(~~(f)~~) The amounts provided in this subsection (~~((e)~~, ~~\$900,000~~ of the general fund--state appropriation for fiscal year 2006 and ~~\$1,600,000~~ of the general fund--state appropriation for fiscal year 2007 are provided solely) are sufficient for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200

percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$300,000 of the general fund--state appropriation for fiscal year 2007 are provided (~~(solely)~~) for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund--state appropriation for fiscal year 2006, \$3,060,000 of the general fund--state appropriation for fiscal year 2007, and \$1,500,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund--state appropriation for fiscal year 2006, \$1,000,000 of the general fund--state appropriation for fiscal year 2007, and \$2,000,000 of the general fund--federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund--state appropriation for fiscal year 2006 and \$65,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

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(j) \$12,000 of the general fund--state appropriation for fiscal year 2007 and \$12,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(k) \$134,000 of the general fund--state appropriation for fiscal year 2007 and \$134,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(l) \$955,000 of the general fund--state appropriation for fiscal year 2007 and \$958,000 of the general fund--federal appropriation are provided solely for a rate increase for supported living providers of 15 cents per hour for King county, and 12 cents per hour for all other counties.

(m) \$778,000 of the general fund--state appropriation for fiscal year 2007 and \$580,000 of the general fund--federal appropriation are provided solely for additional case managers and support staff. The department shall dedicate half of the amount provided in this subsection to accelerate the implementation of the mini-assessment tool on clients not currently receiving paid services.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	...	\$76,623,000
General Fund--State Appropriation (FY 2007)		(\$78,826,000)
		<u>\$78,142,000</u>
General Fund--Federal Appropriation	.....	(\$153,807,000)
		<u>\$158,868,000</u>
General Fund--Private/Local Appropriation	...	(\$11,237,000)
		<u>\$13,674,000</u>
Pension Funding Stabilization Account--State		
Appropriation	.....	\$457,000
TOTAL APPROPRIATION		(\$320,950,000)
		<u>\$327,764,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2006)	....	\$2,312,000
General Fund--State Appropriation (FY 2007)		(\$1,924,000)
		<u>\$1,915,000</u>
General Fund--Federal Appropriation	.....	(\$3,014,000)
		<u>\$3,490,000</u>
Pension Funding Stabilization Account--State		
Appropriation	.....	(\$17,000)
		<u>\$19,000</u>
TOTAL APPROPRIATION	..	(\$7,267,000)
		<u>\$7,736,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund--state appropriation for fiscal year 2006 and \$578,000 of the general fund--federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2006)	.....	\$11,000
General Fund--State Appropriation (FY 2007)	....	\$17,000
General Fund--Federal Appropriation	.....	(\$17,238,000)
		<u>\$17,227,000</u>
Pension Funding Stabilization Account--State		
Appropriation	.....	\$2,000
TOTAL APPROPRIATION	..	(\$17,268,000)
		<u>\$17,240,000</u>

Sec. 1106. 2006 c 372 s 206 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL**

AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2006)	..	\$610,082,000
General Fund--State Appropriation (FY 2007)		(\$663,865,000)
		<u>\$661,277,000</u>
General Fund--Federal Appropriation	.....	(\$1,312,062,000)
		<u>\$1,310,983,000</u>
General Fund--Private/Local Appropriation	.....	\$18,949,000
Health Services Account--State Appropriation	....	\$4,888,000
Pension Funding Stabilization Account--State		
Appropriation	.....	(\$317,000)
		<u>\$319,000</u>
TOTAL APPROPRIATION		(\$2,610,163,000)
		<u>\$2,606,498,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$6,911,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$11,571,000)~~ \$9,581,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$23,251,000)~~ \$20,410,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$449.00 in fiscal year 2006 and \$532.00 per month in fiscal year 2007. The department, in consultation with the home care quality authority and the health care authority, shall examine how the state determines the appropriate level of health care costs when establishing state contribution rates for all agency and individual home care workers caring for state subsidized clients. The department shall recommend options as to how equivalent benefits can be purchased on behalf of home care workers in a more cost effective manner to the office of financial management and the appropriate fiscal committees of the legislature by October 1, 2006.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$147.57 for fiscal year 2006 and shall not exceed ~~(\$156.41)~~ \$155.99 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,604,000 of the general fund--state appropriation for fiscal year 2006, \$3,450,000 of the general fund--state appropriation for fiscal year 2007, and \$5,064,000 of the general

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fund--federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(7) \$1,786,000 of the general fund--state appropriation for fiscal year 2006 and \$1,804,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund--state appropriation for fiscal year 2006, \$8,000 of the general fund--state appropriation for fiscal year 2007, and \$101,000 of the general fund--federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund--state appropriation for fiscal year 2006 and \$377,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) \$109,000 of the general fund--state appropriation for fiscal year 2006, \$90,000 of the general fund--state appropriation for fiscal year 2007, and \$198,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(13) \$435,000 of the general fund--state appropriation for fiscal year 2006 and \$435,000 of the general fund--federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(a) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(b) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(14) \$7,500,000 of the general fund--state appropriation for fiscal year 2007 and \$7,500,000 of the general fund--federal

appropriation are provided solely for purposes of settling all claims in the class action suit commonly known as *Regency Pacific et al. v. Department of Social and Health Services*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection.

(15) \$121,000 of the general fund--state appropriation for fiscal year 2007 and \$120,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 2475 (individual providers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(16) \$57,000 of the general fund--state appropriation for fiscal year 2007 and \$57,000 of the general fund--federal appropriation are provided solely to implement Engrossed Second Substitute Senate Bill No. 6630 (threatening individuals). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(17) \$4,493,000 of the general fund--state appropriation for fiscal year 2007 and \$4,478,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 2333 (agency home care workers). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(18) \$183,000 of the general fund--state appropriation for fiscal year 2006 and \$184,000 of the general fund--federal appropriation are provided solely for payments to a boarding home licensed under chapter 18.20 RCW on January 25, 2002, which contracts with the department to provide assisted living services and which serves 20 or more clients participating in the program for all-inclusive care.

(19) \$10,090,000 of the general fund--state appropriation for fiscal year 2007 and \$10,090,000 of the general fund--federal appropriation are provided solely for the implementation of House Bill No. 2716 (nursing facility payment). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

(20) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services through the kinship caregiver support program for grandparents and other informal kinship caregivers of children throughout the state.

(21) \$732,000 of the general fund--state appropriation for fiscal year 2007 and \$715,000 of the general fund--federal appropriation are provided solely to increase boarding home provider payment rates by 1.0 percent, effective July 1, 2006.

(22) \$443,000 of the general fund--state appropriation for fiscal year 2007 and \$437,000 of the general fund--federal appropriation are provided solely to increase adult family home provider payment rates by 1.0 percent, effective July 1, 2006.

(23) \$125,000 of the general fund--state appropriation for fiscal year 2007 and \$125,000 of the general fund--federal appropriation are provided solely for the department to contract with an outside entity to review the current payment methodology for nursing facilities in preparation for the joint legislative task force on long-term care residential payment systems authorized by the 2007-09 biennial appropriations act. The department shall contract for the study as soon as practicable and report on the results of the study by October 1, 2007.

Sec. 1107. 2006 c 372 s 207 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006)	(\$514,027,000)
	\$513,976,000
General Fund--State Appropriation (FY 2007)	(\$531,957,000)
	\$537,966,000
General Fund--Federal Appropriation	(\$1,245,673,000)
	\$1,225,905,000
General Fund--Private/Local Appropriation	\$27,535,000

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Pension Funding Stabilization Account--State	
Appropriation	(\$1,138,000)
	\$1,169,000
TOTAL APPROPRIATION	(\$2,320,330,000)
	\$2,306,551,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,247,000 of the general fund--state appropriation for fiscal year 2006, \$307,273,000 of the general fund--state appropriation for fiscal year 2007, and \$905,232,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$72,526,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$77,880,000)~~ \$82,259,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance(~~unemployable~~) program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month beginning in fiscal year 2006, and by an additional \$2.06 per month beginning in fiscal year 2007, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

(5) \$32,000 of the general fund--state appropriation for fiscal year 2007 and \$61,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 1108. 2006 c 372 s 208 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$55,136,000
General Fund--State Appropriation (FY 2007) (\$67,345,000)	
	\$58,973,000

General Fund--Federal Appropriation	(\$136,750,000)
	\$156,481,000

General Fund--Private/Local Appropriation	\$634,000
Criminal Justice Treatment Account--State	
Appropriation	(\$16,500,000)
	\$16,745,000

Violence Reduction and Drug Enforcement Account--State	
Appropriation	\$48,842,000

Problem Gambling Account--State	
Appropriation	\$1,350,000

Public Safety and Education Account--State	
Appropriation	\$2,081,000

Pension Funding Stabilization Account--State	
Appropriation	\$39,000

TOTAL APPROPRIATION	(\$328,677,000)
	\$340,281,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2006, \$50,000 of the general fund--state appropriation for fiscal year 2007, and \$1,350,000 of the problem gambling account appropriation are provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund--state appropriation for fiscal year 2006 and \$1,713,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington and Skagit county. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, Skagit county, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund--state appropriation for fiscal year 2006, \$934,000 of the general fund--state appropriation for fiscal year 2007, \$1,319,000 of the general fund--federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund--state appropriation for fiscal year 2006 and \$4,278,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of

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Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund--state appropriation for fiscal year 2006 and \$244,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund--state appropriation for fiscal year 2006, \$140,000 of the general fund--state appropriation for fiscal year 2007, and \$161,000 of the general fund--federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$5,475,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,124,000)~~ \$6,727,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$10,669,000)~~ \$6,997,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable clients. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(9) \$1,967,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$2,523,000)~~ \$469,000 of the general fund--state appropriation for fiscal year 2007, and ~~(\$1,496,000)~~ \$655,000 of the general fund--federal appropriation are provided solely to increase capacity of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

Sec. 1109. 2006 c 372 s 209 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006)	\$1,462,447,000
General Fund--State Appropriation (FY 2007)	(\$1,550,541,000)
	<u>\$1,535,463,000</u>
General Fund--Federal Appropriation	(\$4,001,987,000)
	<u>\$3,902,112,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,000,000
Health Services Account--State Appropriation (\$677,288,000)	<u>\$663,077,000</u>
Pension Funding Stabilization Account--State	
Appropriation	(\$123,000)
	<u>\$124,000</u>
TOTAL APPROPRIATION (\$7,709,386,000)	<u>\$7,580,223,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.
- (2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.
- (3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by

Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$2,221,000 of the health services account appropriation, \$5,402,000 of the general fund--federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2006, and \$1,591,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$21,092,000 of the health services account appropriation and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts specified in this subsection, to hospitals whose total payments under the

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program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. Payments under these new state grant and upper payment limit programs shall not exceed \$54,054,000 from general fund--state appropriations in fiscal year 2006, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; (~~(\$47,474,000)~~) \$64,417,000 from general fund--state appropriations in fiscal year 2007, of which \$5,600,000 is appropriated in section 204(1) of this 2006 act and the balance in this section; and (~~(\$11,328,000)~~) \$7,386,000 from the general fund--federal appropriations in this section.

(10) \$4,077,000 of the general fund--state appropriation for fiscal year 2006, (~~(\$4,847,000)~~) \$3,294,000 of the general fund--state appropriation for fiscal year 2007, and (~~(\$70,100,000)~~) \$57,565,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$188,000 of the general fund--state appropriation for fiscal year 2006, \$37,000 of the general fund--state appropriation for fiscal year 2007, and \$225,000 of the general fund--federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

(22) The department is directed to pursue all available administrative remedies to dispute and reverse recent large retroactive charges by the federal medicare program for payment of medicare part B premiums on behalf of medicaid recipients, to the extent that such premiums are for periods when medicare coverage was in fact never provided the beneficiaries, and their care was instead fully covered by the state medicaid program. The department shall report to the fiscal committees of the legislature by December 1, 2006, on the actions it has taken to dispute and reverse these charges.

(23) \$66,000 of the general fund--state appropriation for fiscal year 2007 and \$66,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 2002 (foster care support services). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(24) \$255,000 of the general fund--state appropriation for fiscal year 2007 and \$2,107,000 of the general fund--federal appropriation are provided solely to increase the availability of family planning services at the department of social and health services' community service offices. Resources will be prioritized for those offices where pregnancy rates are higher than the statewide average.

(25) \$17,000 of the general fund--state appropriation for fiscal year 2006, \$53,000 of the general fund--state appropriation for fiscal year 2007, and \$70,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079 (health care services). If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

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Sec. 1110. 2006 c 372 s 210 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2006) . . .	\$10,694,000
General Fund--State Appropriation (FY 2007) ((\$11,014,000))	
	<u>\$10,946,000</u>
General Fund--Federal Appropriation	((\$89,472,000))
	<u>\$89,471,000</u>

Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,792,000
Pension Funding Stabilization Account--State Appropriation	((\$31,000))
	<u>\$33,000</u>

TOTAL APPROPRIATION ((~~\$113,003,000~~))
\$112,936,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

Sec. 1111. 2006 c 372 s 211 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2006) . . .	\$34,675,000
General Fund--State Appropriation (FY 2007) ((\$36,860,000))	
	<u>\$41,279,000</u>
General Fund--Federal Appropriation	((\$62,376,000))
	<u>\$61,788,000</u>
General Fund--Private/Local Appropriation	((\$810,000))
	<u>\$836,000</u>

Public Safety and Education Account--State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$1,793,000
Pension Funding Stabilization Account--State Appropriation	((\$300,000))
	<u>\$246,000</u>

TOTAL APPROPRIATION ((~~\$139,266,000~~))
\$143,069,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account--state appropriation, \$1,500,000 of the general fund--state appropriation for fiscal year 2007, and \$1,791,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for the family policy council.

(3) \$2,245,000 of the general fund--state appropriation for fiscal year 2006, \$1,589,000 of the general fund--state appropriation for fiscal year 2007, and \$3,834,000 of the general--fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

Sec. 1112. 2006 c 372 s 212 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund--State Appropriation (FY 2006) . . .	\$48,755,000
General Fund--State Appropriation (FY 2007) ((\$49,277,000))	
	<u>\$50,970,000</u>
General Fund--Federal Appropriation	((\$47,248,000))
	<u>\$49,938,000</u>

TOTAL APPROPRIATION ((~~\$145,280,000~~))
\$149,663,000

The appropriations in this section are subject to the following conditions and limitations: \$114,000 of the general fund--state appropriation for fiscal year 2007 and \$51,000 of the

general fund--federal appropriation are provided solely for chapter 512, Laws of 2005.

Sec. 1113. 2006 c 372 s 213 (uncodified) is amended to read as follows: **FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--Federal Appropriation	\$3,710,000
State Health Care Authority Administrative Account--State Appropriation	((\$33,279,000))
	<u>\$34,034,000</u>

Medical Aid Account--State Appropriation	\$345,000
Health Services Account--State Appropriation ((\$468,286,000))	
	<u>\$464,247,000</u>

TOTAL APPROPRIATION ((~~\$505,620,000~~))
\$502,336,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$21,108,000 of the health services account--state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing

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project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account--state appropriation and \$15,000 of the general fund--federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) \$458,000 of the health services account appropriation, \$401,000 of the general fund--federal appropriation, \$205,000 of the state health care authority administrative account--state appropriation, and \$174,000 of the medical aid account--state appropriation are provided solely for establishment of a centralized evidence-based health technology assessment system as defined in Engrossed Second Substitute House Bill No. 2575 (health technology assessment), for supporting the activities of the health technology clinical committee, or other activities required to implement Engrossed Second Substitute House Bill No. 2575. Participating agencies will be the medical assistance administration in the department of social and health services, the department of labor and industries, the health care authority's uniform medical plan, the department of corrections, and the department of veterans affairs. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) As provided in Engrossed Second Substitute Senate Bill No. 6459 (community-based health care solutions), the authority shall make grants of up to \$250,000 from the community health collaborative account to assist community-based organizations increase access to appropriate, affordable health care for Washington residents, particularly low-income working individuals and their families. State grant funds may be used to collect federal matching funds available through medicaid or through the state children's health insurance (SCHIP) program, to the extent allowed by federal rules, and to the extent funds are available in the state's SCHIP allotment in excess of those required for services funded in section 209 of this 2006 act.

(13) \$625,000 of the health services account appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2572 (small business health insurance assistance program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(14) \$450,000 of the state health care authority administrative account--state appropriation is provided solely for an on-line employee health assessment tool.

(15) \$499,000 of the health services account appropriation and \$65,000 of the general fund--federal appropriation are provided solely for conducting a study of the employment status of enrollees in the basic health plan and the medical assistance program, pursuant to Engrossed Substitute House Bill No. 3079.

If the bill is not enacted by June 30, 2006, the amounts provided in this subsection shall lapse.

Sec. 1114. 2006 c 372 s 214 (uncodified) is amended to read as follows: **FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2006)	\$2,779,000
General Fund--State Appropriation (FY 2007)	(\$3,032,000)
	<u>\$3,067,000</u>
General Fund--Federal Appropriation	\$1,321,000
Pension Funding Stabilization Account--State	
Appropriation	\$13,000
TOTAL APPROPRIATION	(\$7,145,000)
	<u>\$7,180,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

(2) \$34,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a human rights commission investigator to travel to Vancouver once a week to provide complaint intake, outreach, and conduct investigations.

Sec. 1115. 2006 c 372 s 216 (uncodified) is amended to read as follows: **FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Public Safety and Education Account--State	
Appropriation	(\$22,231,000)
	<u>\$22,246,000</u>
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
TOTAL APPROPRIATION	(\$22,839,000)
	<u>\$22,854,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account--state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

(4) \$163,000 of the public safety and education account--state appropriation is provided solely for the implementation of section 4 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) The commission shall conduct a survey of local law enforcement and state agencies to collect data projecting future cadet enrollments for the 2007-2009 biennium. The commission shall report the findings to the legislature by October 1, 2006.

(6)(a) \$411,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6502 (victim information system). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely for a contract with the Washington association of sheriffs and police chiefs to implement a statewide automated victim information and notification system. This system shall be added to the city and

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county jail booking and reporting system. The statewide automated victim information and notification system shall:

(i) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when any of the following events affect an offender housed in any Washington state city or county jail or department of corrections facility: (A) Is transferred or assigned to another facility; (B) is transferred to the custody of another agency outside the state; (C) is given a different security classification; (D) is released on temporary leave or otherwise; (E) is discharged; (F) has escaped; or (G) has been served with a protective order that was requested by the victim;

(ii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when an offender has: (A) An upcoming court event where the victim is entitled to be present, if the court information is made available to the statewide automated victim information and notification system administrator at the Washington association of sheriffs and police chiefs; (B) an upcoming parole, pardon, or community supervision hearing; or (C) a change in the offender's parole, probation, or community supervision status including a change in the offender's supervision status or a change in the offender's address;

(iii) Automatically notify a registered victim via the victim's choice of telephone, letter, or e-mail when a sex offender has: (A) Updated his or her profile information with the state sex offender registry; or (B) become noncompliant with the state sex offender registry;

(iv) Permit a registered victim to receive the most recent status report for an offender in any Washington state city and county jail, department of corrections, or sex offender registry by calling the statewide automated victim information and notification system on a toll-free telephone number or by accessing the statewide automated victim information and notification system via a public web site. All registered victims calling the statewide automated victim information and notification system will be given the option to have live operator assistance to help use the program on a twenty-four hour, three hundred sixty-five day per year basis;

(v) Permit a crime victim to register, or registered victim to update, the victim's registration information for the statewide automated victim information and notification system by calling a toll-free telephone number or by accessing a public web site; and

(vi) Ensure that the offender information contained within the statewide automated victim information and notification system is updated frequently to timely notify a crime victim that an offender has been released or discharged or has escaped.

(b) The purpose of the victim information and notification system is to protect the public health, safety, and welfare generally. Creation and implementation of the victim information and notification system does not create a private right of action.

(c) The Washington association of sheriffs and police chiefs will not require automated victim information and notification systems in existence and operational as of the effective date of this act to participate in the statewide system.

(d) Any vendor that the association contracts with to provide the statewide automated victim notification service must deliver the service with a minimum of 99.95-percent availability and with less than an average of one-percent notification errors as a result of the vendor's technology.

(e) The Washington association of sheriffs and police chiefs shall report to the appropriate fiscal and policy committees of the legislature by December 1, 2006, on the availability of federal grant funds to operate the victim information system.

(7) \$132,000 of the public safety and education account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6320 (sex offender information). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(8) \$1,575,000 of the public safety and education account--state appropriation is provided solely for the implementation of

sections 103, 104, and 105 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1116. 2006 c 372 s 217 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2006)	\$7,561,000
General Fund--State Appropriation (FY 2007)	(\$7,681,000)
	<u>\$7,671,000</u>
Public Safety and Education Account--State	
Appropriation	\$29,519,000
Public Safety and Education Account--Federal	
Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$810,000
Electrical License Account--State Appropriation	(\$35,995,000)
	<u>\$36,303,000</u>
Farm Labor Revolving Account--Private/Local	
Appropriation	\$28,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$1,827,000
Public Works Administration Account--State	
Appropriation	\$2,673,000
Accident Account--State Appropriation	(\$211,084,000)
	<u>\$210,804,000</u>
Accident Account--Federal Appropriation	\$13,621,000
Medical Aid Account--State Appropriation	(\$208,033,000)
	<u>\$208,036,000</u>
Medical Aid Account--Federal Appropriation	\$3,185,000
Plumbing Certificate Account--State Appropriation	\$1,730,000
Pressure Systems Safety Account--State	
Appropriation	\$3,357,000
Pension Funding Stabilization Account--State	
Appropriation	\$31,000
	<u>\$537,156,000</u>
	(\$537,135,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account--state appropriation and \$699,000 of the medical aid account--state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$29,283,000 of the public safety and education account--state appropriation, and \$10,000,000 of the public safety and education account--federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates;

(b) Reimbursement shall be provided throughout fiscal year 2007 for full reimbursement of mental health care at workers' compensation rates; and

(c) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account--state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account--state appropriation and \$71,000 of the accident account--state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

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(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund--state appropriation for fiscal year 2006 and \$8,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account--state appropriation and \$623,000 of the medical aid account--state appropriation are provided solely to (a) expand services in the centers of occupational health and education (COHE) in Spokane and Renton; (b) add two additional COHE locations in the state; and (c) include Yakima county in the Spokane COHE.

(9) \$158,000 of the accident account--state appropriation and \$158,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

(11) \$236,000 of the public safety and education account--state is provided solely for fiscal year 2007 to implement House Bill No. 2612 (failure to secure a load). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$83,000 of the electrical license account--state is provided solely for fiscal year 2007 to implement Substitute House Bill No. 1841 (electrical trainees). If the bill is not enacted by June 30, 2006 the amount provided in this subsection shall lapse.

~~((14))~~ (13) The department shall prepare a report identifying programs funded either directly or indirectly from state workers' compensation funds. The report shall describe the amounts and percentages of funds used to administer identified programs, as well as the criteria used to make funding decisions. In consultation with the workers' compensation advisory committee, the department shall also develop recommendations for equitable, adequate, and stable funding sources for identified programs. The department shall submit the report and the recommendations to the house of representatives committees on appropriations and commerce and labor, or their successor committees, and the senate committees on ways and means and labor, commerce, research and development, or their successor committees, by December 1, 2006.

~~((15))~~ (14) \$61,000 of the electrical license account--state appropriation and \$55,000 of the plumbing certificate account--state appropriation are provided solely to implement Substitute Senate Bill No. 6225 (domestic water pumping systems). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((16))~~ (15) \$26,000 of the accident account--state appropriation and \$5,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 6185 (family and medical leave act). If the bill not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

Sec. 1117. 2006 c 372 s 219 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2006)	\$1,917,000
General Fund--State Appropriation (FY 2007)	(\$1,982,000)
	<u>\$2,058,000</u>
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation	\$10,000
Pension Funding Stabilization Account--State	
Appropriation	\$10,000
	<u>TOTAL APPROPRIATION</u>
	<u>\$3,995,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund--state appropriation for fiscal year 2006 and \$70,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2006)	\$2,811,000
General Fund--State Appropriation (FY 2007)	(\$3,317,000)
	<u>\$3,359,000</u>
General Fund--Federal Appropriation	(\$343,000)
	<u>\$350,000</u>
General Fund--Private/Local Appropriation	(\$1,367,000)
	<u>\$1,893,000</u>
Veterans Estate Management Account--Local	
Appropriation	\$651,000
Veterans' Innovations Program Account--State	
Appropriation	\$2,000,000
Pension Funding Stabilization Account--State	
Appropriation	\$11,000
	<u>TOTAL APPROPRIATION</u>
	<u>\$11,075,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$95,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(c) \$2,000,000 of the veterans' innovations program account--state appropriation for fiscal year 2007 is provided solely to implement Second Substitute House Bill No. 2754 (veterans' innovations program). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(d) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to facilitate an immediate program of outreach to Washington soldiers and their families, recognizing a need to support severely wounded and ill soldiers returning from duty in Iraq and Afghanistan. It is expected that the veterans' innovations program will also administer funds and in-kind services contributed by Washington citizens, businesses, and community organizations.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2006)	\$5,283,000
General Fund--State Appropriation (FY 2007)	(\$5,946,000)
	<u>\$6,490,000</u>
General Fund--Federal Appropriation	(\$36,114,000)
	<u>\$36,507,000</u>
General Fund--Private/Local Appropriation	\$28,830,000
Pension Funding Stabilization Account--State	
Appropriation	\$187,000
	<u>TOTAL APPROPRIATION</u>
	<u>\$77,297,000</u>

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Sec. 1118. 2006 c 372 s 221 (uncodified) is amended to

read as follows: **FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2006) . . . \$62,835,000

General Fund--State Appropriation (FY 2007) (~~(\$70,954,000)~~)

\$71,290,000

General Fund--Federal Appropriation (~~(\$477,467,000)~~)

\$466,007,000

General Fund--Private/Local Appropriation . . (~~(\$104,867,000)~~)

\$106,083,000

Hospital Commission Account--State Appropriation

..... (~~(\$1,521,000)~~)

\$1,522,000

Health Professions Account--State Appropriation

..... (~~(\$53,975,000)~~)

\$54,695,000

Aquatic Lands Enhancement Account--State

Appropriation \$600,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$12,579,000

Safe Drinking Water Account--State Appropriation

..... (~~(\$2,917,000)~~)

\$2,918,000

Drinking Water Assistance Account--Federal

Appropriation (~~(\$16,179,000)~~)

\$16,182,000

Waterworks Operator Certification--State

Appropriation \$1,099,000

Drinking Water Assistance Administrative Account--

State Appropriation \$326,000

Water Quality Account--State Appropriation . . (~~(\$3,693,000)~~)

\$3,694,000

State Toxics Control Account--State Appropriation \$2,852,000

Medical Test Site Licensure Account--State

Appropriation (~~(\$1,798,000)~~)

\$1,951,000

Youth Tobacco Prevention Account--State Appropriation

..... (~~(\$1,806,000)~~)

\$1,606,000

Public Health Supplemental Account--Private/Local

Appropriation \$3,306,000

Accident Account--State Appropriation \$277,000

Medical Aid Account--State Appropriation \$46,000

Health Services Account--State Appropriation (~~(\$41,942,000)~~)

\$43,344,000

Tobacco Prevention and Control Account--State

Appropriation (~~(\$52,684,000)~~)

\$52,685,000

Pension Funding Stabilization Account--State

Appropriation \$144,000

TOTAL APPROPRIATION (~~(\$913,867,000)~~)

\$906,041,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium and from July 1, 2006, through June 30, 2007, the annual fees for new or renewed licenses shall be no greater than \$450.

(2) \$1,363,000 of the general fund--state fiscal year 2006 appropriation, \$1,363,000 of the general fund--state fiscal year 2007 appropriation, and \$676,000 of the general fund--local appropriation are provided solely for the implementation of the

Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$383,000 of the general fund--state appropriation for fiscal year 2006, \$317,000 of the general fund--state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$620,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant, Okanogan, Skagit, and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve over 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(9) \$462,000 of the general fund--private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(10) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(11) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the

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infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(12) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(13) \$25,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(14) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(15) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$24,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$43,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$12,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

(23) \$750,000 of the health services account--state appropriation is provided solely to add one or more combination vaccines to the universal access to childhood immunizations

program. The vaccine or vaccines to be added shall be selected by the department after a clinical and cost-effectiveness review by the state vaccine advisory committee. The review shall consider at least the following criteria: (a) The likelihood that use of the combination vaccine will increase childhood immunization rates; (b) the vaccine's relative effectiveness, and the prevalence and seriousness of the conditions it prevents; (c) the relative cost of the vaccine, after accounting for the extent to which it would replace some single injection antigens; and (d) the extent to which the vaccine is mercury-free. The projected 2007-09 state cost of the combination vaccine or vaccines added pursuant to this review shall not exceed \$3,000,000.

(24) \$151,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a grant to the Kitsap county health district. The funding shall be used to increase the number of women who receive professional support after delivery through a home visit or telephone call by the county health district. In order to receive the funds, Kitsap county health district must provide an equal amount of matching funds.

~~((26))~~ (25) \$324,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute House Bill No. 2342 (health care declarations). If Second Substitute House Bill No. 2342 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((27))~~ (26) \$432,000 of the general fund--state appropriation for fiscal year 2007 and \$21,000 of the health professions account appropriation are provided solely for implementation of Second Substitute House Bill No. 2292 (health care liability reform) including sections 105 through 112 of the bill. If Second Substitute House Bill No. 2292 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$96,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 2974 (health professions discipline). If Substitute House Bill No. 2974 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((29))~~ (28) The department of health shall evaluate alternative models for funding the regulation of the health professions, including charging an equivalent fee for all licensed, certified, and registered health professions. The department will provide a report to the appropriate committees of the legislature on the potential fiscal and programmatic benefits and challenges of such alternative models by December 1, 2006.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 2985 (foster care health unit). If Substitute House Bill No. 2985 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$54,000 of the general fund--state appropriation for fiscal year 2007 and \$183,000 of the health professions account appropriation are provided solely for implementation of Engrossed Senate Bill No. 6194 (multicultural education/health). If Engrossed Senate Bill No. 6194 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((32))~~ (31) \$118,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1850. If Engrossed Substitute House Bill No. 1850 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((33))~~ (32) \$173,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to provide staff support to the governor's interagency committee on health disparities, as provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((34))~~ (33) \$119,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the state board of health to conduct health impact assessments, as

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provided in Senate Bill No. 6197. If Senate Bill No. 6197 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((35))~~ (34) \$327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to conduct a survey of health professional demographics and practice patterns, as provided in Senate Bill No. 6193. If Senate Bill No. 6193 is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((36))~~ (35) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop and maintain a database showing the statewide incidence and provenance of hepatitis C infections, and to conduct a public information campaign on transmission, prevention, detection, and treatment of the disease.

~~((37))~~ (36) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to implement a prostate cancer public awareness and education campaign. The campaign shall place special emphasis on early education for men over forty, African- American men, and men who are at high risk for prostate cancer according to the guidelines of the American cancer society.

~~((38))~~ (37) \$130,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances) including sections 201 through 203 of the bill. If Engrossed Second Substitute Senate Bill No. 6239 is not enacted by June 30, 2006, the amount provide in this subsection shall lapse.

~~((39))~~ (38) Appropriations in this section assume savings attributable to House Bill No. 2632 (HIV insurance coverage program).

~~((40))~~ (39) \$27,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, these funds shall be used solely for the department to coordinate with the department of ecology or development and adoption of rules relating to reclaimed water.

Sec. 1119. 2006 c 372 s 222 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF CORRECTIONS.** The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~(2006)~~ 2007, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~(2006)~~ 2007 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2006) . . .	\$46,867,000
General Fund--State Appropriation (FY 2007) ((\$59,681,000))	<u>\$50,815,000</u>
General Fund--Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$26,000
Public Safety and Education Account--State	
Appropriation	\$2,774,000
Pension Funding Stabilization Account--State	
Appropriation	\$245,000
TOTAL APPROPRIATION ((\$110,615,000))	<u>\$101,749,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$5,250,000 of the general fund--state appropriation for fiscal year 2006 and ~~(\$17,250,000)~~ \$7,861,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2006 and \$44,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$35,000 of the general fund--state appropriation for the fiscal year 2007 is provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2006) . .	\$524,561,000
General Fund--State Appropriation (FY 2007) ((\$555,895,000))	<u>\$559,488,000</u>
General Fund--Federal Appropriation	\$3,447,000
Violence Reduction and Drug Enforcement Account--	
State Appropriation	\$2,984,000
Pension Funding Stabilization Account--State	
Appropriation	\$2,269,000
TOTAL APPROPRIATION ((\$1,089,156,000))	<u>\$1,092,749,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(b) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(c) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(d) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(e) During the 2005-07 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient

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revenues for the activities funded from the institutional welfare betterment account.

(f) The department shall ~~((participation))~~ participate in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(h) \$1,060,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 3 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(i) \$384,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Second Substitute Senate Bill No. 6460 (crimes with sexual motivation). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(j) \$91,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 2 of Second Substitute Senate Bill No. 6172 (possession of child pornography). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(k) \$763,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of sections 102, 301, and 302 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2006) . . . \$89,217,000
 General Fund--State Appropriation (FY 2007) ~~((\$92,477,000))~~
\$99,901,000

Public Safety and Education Account--State
 Appropriation ~~((\$16,796,000))~~
\$16,833,000

Pension Funding Stabilization Account--State
 Appropriation \$449,000
 TOTAL APPROPRIATION ~~((\$198,939,000))~~
\$206,400,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$268,000 of the general fund--state appropriation for fiscal year 2006 and \$484,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund--state appropriation for fiscal year 2006 and \$82,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(d) \$59,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Second Substitute Senate Bill No. 6319 (failure to register). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(e) \$666,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 303 of Engrossed Second Substitute Senate Bill No. 6239 (controlled substances). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2006) \$838,000
 General Fund--State Appropriation (FY 2007) . . . ~~((\$882,000))~~
\$887,000

Pension Funding Stabilization Account--State
 Appropriation \$3,000
 TOTAL APPROPRIATION . . ~~((\$1,723,000))~~
\$1,728,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2006) . . . \$37,289,000
 General Fund--State Appropriation (FY 2007) ~~((\$38,662,000))~~
\$39,095,000
 TOTAL APPROPRIATION . . ~~((\$75,951,000))~~
\$76,384,000

The appropriations in this subsection are subject to the following conditions and limitations: \$130,000 of the general fund--state appropriation for fiscal year 2006 and \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 1120. 2006 c 372 s 225 (uncodified) is amended to read as follows: **FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--State Appropriation (FY 2006) \$60,000
 General Fund--State Appropriation (FY 2007) \$60,000
 General Fund--Federal Appropriation ~~((\$260,228,000))~~
\$260,256,000

General Fund--Private/Local Appropriation . . . ~~((\$31,966,000))~~
\$31,974,000

Unemployment Compensation Administration Account--
 Federal Appropriation ~~((\$200,541,000))~~
\$200,625,000

Administrative Contingency Account--State
 Appropriation ~~((\$16,866,000))~~
\$16,869,000

Employment Service Administrative Account--State
 Appropriation ~~((\$24,491,000))~~
\$24,497,000

TOTAL APPROPRIATION ~~((\$534,212,000))~~
\$534,341,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to

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continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(End of part)

**PART XII
NATURAL RESOURCES**

Sec. 1201. 2006 c 372 s 302 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2006)	...	\$40,744,000
General Fund--State Appropriation (FY 2007)	...	(\$44,131,000)
		<u>\$45,836,000</u>
General Fund--Federal Appropriation	.....	\$74,678,000
General Fund--Private/Local Appropriation	.....	\$13,290,000
Special Grass Seed Burning Research		
Account--State Appropriation	.....	\$14,000
Reclamation Account--State Appropriation	.....	\$2,778,000
Flood Control Assistance Account--State		
Appropriation	.....	\$3,422,000
State Emergency Water Projects Revolving		
Account--State Appropriation	.....	\$1,312,000
Waste Reduction/Recycling/Litter Control--State		
Appropriation	.....	\$15,081,000
State Drought Preparedness Account--State		
Appropriation	.....	\$225,000
State and Local Improvements Revolving		
Account (Water Supply Facilities)--State		
Appropriation	.....	\$386,000
Vessel Response Account--State Appropriation	...	\$2,876,000
Site Closure Account--State Appropriation	.....	\$656,000
Water Quality Account--State Appropriation	.....	\$28,085,000
Wood Stove Education and Enforcement		
Account--State Appropriation	.....	\$357,000
Worker and Community Right-to-Know		
Account--State Appropriation	.....	\$2,153,000
State Toxics Control Account--State Appropriation	.....	(\$84,319,000)
		<u>\$84,426,000</u>
State Toxics Control Account--Private/Local		
Appropriation	.....	\$380,000
Local Toxics Control Account--State Appropriation	.....	\$5,424,000
Water Quality Permit Account--State Appropriation	.....	\$32,468,000
Underground Storage Tank Account--State Appropriation	.....	\$2,889,000
Environmental Excellence Account--State Appropriation	.....	\$504,000
Biosolids Permit Account--State Appropriation	.....	\$853,000
Hazardous Waste Assistance Account--State		
Appropriation	.....	\$5,171,000
Air Pollution Control Account--State Appropriation	.....	\$11,206,000
Oil Spill Prevention Account--State Appropriation	.....	\$11,078,000
Air Operating Permit Account--State Appropriation	.....	\$2,922,000
Freshwater Aquatic Weeds Account--State		
Appropriation	.....	\$2,144,000
Oil Spill Response Account--State Appropriation	.....	\$7,079,000
Metals Mining Account--State Appropriation	.....	\$14,000
Water Pollution Control Revolving Account--State		
Appropriation	.....	\$485,000
Water Pollution Control Revolving Account--Federal		
Appropriation	.....	\$2,357,000
Freshwater Aquatic Algae Control Account--State		
Appropriation	.....	\$509,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$186,000
TOTAL APPROPRIATION		(\$400,176,000)

\$401,988,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund--state appropriation for fiscal year 2006, \$2,526,195 of the general fund--state appropriation for fiscal year 2007, \$366,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$540,806 of the water quality account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities and for the clean up of toxic waste, focusing on clean up within and around Puget Sound.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) ~~(\$2,500,000)~~ \$1,567,552 of the general fund--state appropriation for fiscal year 2006 and ~~(\$2,000,000)~~ \$2,932,448 of the general fund--state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund--state appropriation for fiscal year 2006 and \$144,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$509,000 of the freshwater aquatic algae control account--state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$250,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(11) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

(12) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

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(13) \$196,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute House Bill No. 2884 (reclaimed water). If the bill is not enacted by June 30, 2006, the amount provided in this subsection is provided solely to adopt rules in coordination with the department of health for all aspects of reclaimed water including: Industrial and commercial uses, land applications, direct recharge, wetland discharge, surface percolation, constructed wetlands, stream flow augmentation, and graywater use. The department must adopt the rules in a phased approach: The first phase shall be proposed for adoption by June 1, 2007, and shall include the uses of constructed treatment wetlands; and the second phase shall be adopted by December 31, 2010.

(14) \$820,000 of the oil spill prevention account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6244 (oil spill prevention). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(15) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Second Substitute House Bill No. 2860 (Columbia river basin). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

((+7)) (16) \$340,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support development of a wetland mitigation program in Clark county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region.

((+8)) (17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to develop a pilot water management process that will include three federally recognized treaty Indian tribes.

((+9)) (18) \$130,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

((+0)) (19) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to Walla Walla county and Columbia county conservation district for habitat conservation planning and related endangered species act assurances for small irrigators and landowners.

((+1)) (20) To maximize the use of amounts appropriated during this biennium for the clean up of toxic waste, focusing on clean up within and around Puget Sound, the department shall prioritize for this purpose the use of existing staff, additional FTEs added this biennium, temporary project staff, and contracted services.

((+2)) (21) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to the department to collaborate with the Wenatchee watershed planning unit and Chelan county for development of a regulatory strategy, as required by the federal clean water act, to control total maximum daily loads of phosphorous to the Wenatchee river. A technically sound plan for managing phosphorous and restoring water quality in the Wenatchee river shall be provided to the appropriate committees of the legislature by July 1, 2008.

((+3)) (22) \$55,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to address air quality issues for the Columbia river gorge in cooperation with the state of Oregon.

((+4)) (23) \$67,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Senate Bill No. 6861 (domestic water users). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

((+5)) (24) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the restoration of Long lake located in Kitsap county in accordance with the plan approved by the Kitsap county weed control

board, the county commissioners, the citizens for improving Long lake, and the department of ecology.

((+6)) (25) \$150,000 of the local toxics control account--state appropriation is provided solely for the contracting and production of the second phase report for establishing sustainable statewide regional CBRNE/Hazmat response capability. The report will, at a minimum include, a cost-benefit analysis, analysis of sustainable funding options, regional alignment and mutual aid agreements, and administration requirements.

((+7)) (26) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot project that demonstrates the value of long-term management plans for small forest landowners.

(27) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a loan to the Washington materials management and financing authority for necessary start-up costs pursuant to RCW 70.95N.310. The department shall execute an agreement with the authority for repayment of the loan.

Sec. 1202. 2006 c 372 s 303 (uncodified) is amended to read as follows: **FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2006) . . .	\$35,687,000
General Fund--State Appropriation (FY 2007) ((+38,334,000))	(\$38,334,000)
	\$38,986,000
General Fund--Federal Appropriation	(\$2,738,000)
	\$2,918,000
General Fund--Private/Local Appropriation	\$71,000
Winter Recreation Program Account--State	
Appropriation	\$1,109,000
Off-Road Vehicle Account--State Appropriation	\$220,000
Snowmobile Account--State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$345,000
Parks Renewal and Stewardship Account--State	
Appropriation	(\$38,702,000)
	\$35,425,000
Public Safety and Education Account--State	
Appropriation	\$47,000
Parks Renewal and Stewardship Account--Private/Local	
Appropriation	\$300,000
Pension Funding Stabilization Account--State	
Appropriation	\$191,000
	TOTAL APPROPRIATION ((+122,549,000))
	\$120,104,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2006 and \$79,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account--state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

(5) Until July 1, 2007, the commission may not charge fees for general park access or parking. Funding of \$500,000 of the general fund--state appropriation for fiscal year 2006 and \$2,636,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the state parks and recreation commission for lost revenue from general park access or parking fees.

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(6) \$750,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for repair and maintenance costs at state parks.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for employee retirement buyout costs.

(8) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for computer network hardware and software, and for backup drives and tapes.

Sec. 1203. 2006 c 372 s 306 (uncodified) is amended to read as follows: **FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2006)	....	\$2,235,000
General Fund--State Appropriation (FY 2007)	..	(\$2,256,000)
		<u>\$2,745,000</u>
General Fund--Federal Appropriation	.....	\$250,000
Water Quality Account--State Appropriation	.....	\$4,178,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$3,000
TOTAL APPROPRIATION	..	(\$8,922,000)
		<u>\$9,411,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund--state appropriation for fiscal year 2006 and \$197,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 1204. 2006 c 372 s 307 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2006)	...	\$46,692,000
General Fund--State Appropriation (FY 2007)	(\$46,856,000)	
		<u>\$48,282,000</u>
General Fund--Federal Appropriation	.....	(\$49,100,000)
		<u>\$50,400,000</u>
General Fund--Private/Local Appropriation	.....	\$36,089,000
Off-Road Vehicle Account--State Appropriation	....	\$392,000
Aquatic Lands Enhancement Account--State		
Appropriation	.....	\$5,820,000
Recreational Fisheries Enhancement--State		
Appropriation	.....	\$3,753,000
Warm Water Game Fish Account--State Appropriation	.....	\$2,904,000
Eastern Washington Pheasant Enhancement		
Account--State Appropriation	.....	\$750,000
Wildlife Account--State Appropriation	.....	(\$61,946,000)
		<u>\$62,406,000</u>
Wildlife Account--Federal Appropriation	.....	\$33,029,000
Wildlife Account--Private/Local Appropriation	(\$10,386,000)	
		<u>\$11,586,000</u>
Game Special Wildlife Account--State Appropriation	\$2,883,000	
Game Special Wildlife Account--Federal Appropriation	.....	\$8,863,000
Game Special Wildlife Account--Private/Local		
Appropriation	.....	\$469,000
Public Safety and Education Account--State		
Appropriation	.....	\$588,000
Environmental Excellence Account--State Appropriation	.....	\$15,000
Regional Fisheries Salmonid Recovery		
Account--Federal Appropriation	.....	\$2,755,000
Oil Spill Prevention Account--State Appropriation	..	\$1,043,000
Oyster Reserve Land Account--State Appropriation	..	\$411,000

Aquatic Invasive Species Prevention Account--State	
Appropriation	..... \$528,000
Pension Funding Stabilization Account--State	
Appropriation	..... \$248,000
TOTAL APPROPRIATION	(\$315,520,000)
	<u>\$319,906,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$1,556,714 of the general fund--state appropriation for fiscal year 2006 and \$1,556,713 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.

(3) \$225,000 of the general fund--state appropriation for fiscal year 2006 and \$225,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(4) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(5) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(6) \$180,000 of the wildlife account--state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$700,000 of the general fund--federal appropriation is provided solely for environmental data quality and access projects in support of state salmon recovery efforts. The department shall coordinate planning and implementation of all activities with the department of information services and the governor's salmon recovery office. The department shall make certain that any activity using these funds is consistent with recommendations to be submitted (per section 405, chapter 488, Laws of 2005) in the joint report to the legislature and office of financial management on December 1, 2006.

(10) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$400,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. Army Corps of Engineers.

(11) \$72,000 of the state wildlife account--state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

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(12) \$528,000 of the aquatic invasive species prevention account--state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$10,000 of the general fund--state appropriation for fiscal year 2006 and \$10,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(15) \$45,000 of the general fund--federal appropriation for fiscal year 2006 and \$45,000 of the general fund--federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(16) \$46,000 of the wildlife account--state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(17) \$481,000 of the wildlife account--state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07 biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(18) \$223,000 of the wildlife account--state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for federal match funding for the control of predators that damage livestock, crops, and property.

(20) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to produce educational materials discouraging activities that harm or disturb the spawning beds of salmon and steelhead. Discouraged activities include, but are not limited to, wading on spawning beds, driving motor vehicles on spawning beds, use of high-powered jet or propeller-driven boats across spawning beds, dragging anchors through spawning beds, digging or removing gravel from spawning beds, or any other physical disturbance capable of disturbing spawning fish or damaging or destroying nests of incubating eggs.

(a) The educational materials produced by the department in accordance with this subsection must include, at a minimum, brochures that are to be disseminated to persons applying for fishing and boating licenses statewide. The department must also distribute the brochures widely to retail outlets that cater to outdoor recreation.

(b) The department shall work cooperatively with the tribal fishery comanagers in the development of the educational materials under this section.

(c) The department shall report to the legislature concerning the effectiveness of this subsection after at least two spawning cycles of salmon and steelhead have occurred.

(21) Within the amounts appropriated in this section, by December 1, 2006, the department shall:

(a) Submit a report detailing the reductions required by omnibus appropriations acts since 1997 for activities supported by the state wildlife fund; and

(b) Submit quarterly revenue and expenditure reports for the state wildlife account based on current revenue forecasts to the office of financial management and the fiscal committees of the legislature(~~(-and)~~).

(22) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and

simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(23) \$408,000 of the general fund--state appropriation for fiscal year 2006 (~~(is)~~) and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for fire suppression and remediation activities on department lands and facilities that were impacted during the 2005 and 2006 fire season. Funding shall be used for fire suppression, winter feeding, seeding, planting vegetation, fertilizing, weed control, and the establishment of water bars and other erosion control measures.

(24) \$266,000 of the general fund--state appropriation for fiscal year 2006 and \$214,000 of the state wildlife account--state appropriation are provided solely for the continued operation of the Nemah, Mossyrock, Omak, Colville, Arlington, and Columbia Basin hatcheries during the 2005-07 biennium. Funding shall be used to offset the increased cost of utilities, fuel, fish feed, and mitigation obligations previously funded from local sources. The department shall consult with the appropriate natural resource and fiscal committees of the legislature prior to submitting a 2007-09 budget proposal that changes current hatchery operations, production, and/or maintenance to the office of financial management. Unless specifically authorized by the legislature, the department shall not close any hatchery facility currently in operation.

(25) \$43,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(26) \$76,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for the added level of fishery sampling and monitoring in the upper Columbia river area as required under the endangered species act and federal court orders.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an interagency working group scoping of a study of the sinking of ships as dive attractions. The department of fish and wildlife shall, as approved by the office of financial management, enter into an interagency agreement with the department of natural resources, the state parks and recreation commission, the department of ecology, and the department of community, trade, and economic development to delineate elements of this study. The department of fish and wildlife shall report to the office of financial management and the appropriate committees of the legislature no later than November 15, 2006.

(28) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase fish production levels on a statewide basis at state-operated fish hatcheries. By July 31, 2006, the department shall submit to the appropriate policy and fiscal committees of the legislature an implementation plan that outlines in specific detail how the amount provided in this subsection will be spent in order to increase fish production. The plan will include production implementation timelines, increased production goals, by species, at identified hatcheries that will receive financial assistance, and the amount to be retained by the department for administration and overhead costs, including the purchase of any new equipment. By July 31, 2007, the department shall submit to the appropriate policy and fiscal committees of the legislature a report documenting the increased production levels, using fiscal year 2006 as the base year for comparison purposes. If the department is unable to produce the implementation plan by July 31, 2006, the amount provided in this subsection shall lapse.

(29) \$75,000 of the general fund--state appropriation in fiscal year 2007 is provided solely for the department to prevent impacts to native species by controlling the nonnative nutria population in Skagit county.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the northwest straits

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commission to remove lost and abandoned fishing nets and crab and shrimp pots that may be dangerous to humans and that unintentionally trap and kill endangered salmon and other aquatic species.

(31) \$4,000 of the wildlife account--state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(32) Within existing appropriations and utilizing all available federal moneys allocated for the crab buy-back program, the department shall develop and implement a crab buy-back program that allows commercial crab fishers the opportunity to sell their licenses back to the state and exit from the crabbing fishery. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature its detailed implementation plan no later than December 1, 2006.

(33) \$660,000 of the general fund--federal appropriation is provided solely to initiate a review of the hydraulic project approval permit rules and to undergo a public process for adoption of new or revised rules that may be needed. Upon completion, the department shall complete a habitat conservation plan for the hydraulic project approval program, and shall seek legislative review prior to adoption of new or revised rules.

(34) \$125,000 of the state wildlife account--state appropriation is provided to implement Engrossed Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(35) \$634,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

Sec. 1205. 2006 c 372 s 308 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund--State Appropriation (FY 2006)	...	\$40,473,000
General Fund--State Appropriation (FY 2007)		(\$53,999,000)
		<u>\$89,221,000</u>
General Fund--Federal Appropriation	.....	(\$15,215,000)
		<u>\$25,525,000</u>
General Fund--Private/Local Appropriation	.....	\$1,276,000
Forest Development Account--State Appropriation	.....	(\$54,697,000)
		<u>\$54,842,000</u>
Off-Road Vehicle Account--State Appropriation		(\$4,001,000)
		<u>\$4,026,000</u>
Surveys and Maps Account--State Appropriation		(\$2,447,000)
		<u>\$2,450,000</u>
Aquatic Lands Enhancement Account--State		
Appropriation	.....	(\$8,451,000)
		<u>\$8,966,000</u>
Resources Management Cost Account--State		
Appropriation	.....	(\$86,332,000)
		<u>\$86,537,000</u>
Surface Mining Reclamation Account--State		
Appropriation	.....	(\$2,828,000)
		<u>\$2,830,000</u>
Disaster Response Account--State		
Appropriation	.....	\$5,000,000
Water Quality Account--State Appropriation	...	(\$2,636,000)
		<u>\$2,645,000</u>
Aquatic Land Dredged Material Disposal Site		
Account--State Appropriation	.....	\$1,321,000
Natural Resources Conservation Areas Stewardship		
Account--State Appropriation	.....	\$34,000
State Toxics Control Account--State Appropriation		\$2,155,000
Air Pollution Control Account--State Appropriation		\$556,000
Derelict Vessel Removal Account--State Appropriation	.....	\$1,138,000
Agricultural College Trust Management		
Account--State Appropriation	.....	(\$1,966,000)
		<u>\$1,972,000</u>
Pension Funding Stabilization Account--State		

Appropriation	.....	\$136,000
TOTAL APPROPRIATION		(\$284,661,000)
		<u>\$331,103,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund--state appropriation for fiscal year 2006, \$18,000 of the general fund--state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$972,000 of the general fund--state appropriation for fiscal year 2006 and \$994,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(5) \$10,689,000 of the general fund--state appropriation for fiscal year 2006, ~~(\$13,635,000)~~ \$48,571,000 of the general fund--state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund--state appropriation for fiscal year 2007 and \$2,000,000 of the aquatic lands enhancement account--state appropriation are provided solely for the purposes of settling those claims identified in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on a settlement agreement that includes the state of Washington as a party to the agreement which is fully executed by June 29, 2007, and a consent decree entered by June 29, 2007, by the United States District Court for the Western District of Washington settling and releasing the identified treaty claims to harvest shellfish previously negotiated in the settlement agreement. By June 29, 2007, the release of claims associated with the settlement agreement and consent decree must be fully effective and there must be no unfulfilled contingencies that could cause the settlement agreement or consent decree to be vacated at some future date if not fulfilled. In the event that these contingencies are not met, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would collocate

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marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2006, \$250,000 of the general fund--state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account--state appropriation are provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund--state appropriation for fiscal year 2006 and \$4,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to compensate the forest board trust for a portion of the lease to the

Crescent television improvement district consistent with RCW 79.13.520.

(13) The department shall develop a multiyear work plan and schedule for mapping all applicable areas of the state for landslide hazards and earthquake hazards. The work plan and schedule shall be based on a carryforward funding level, and shall be submitted to the office of financial management and to the fiscal committees of the legislature by June 30, 2006.

(14) \$654,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for geologic hazard research, activities, and mapping, including earthquake, landslide, and tsunami hazards.

(15) \$397,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forest, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

~~((+7))~~ (16) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a work group to study existing legislation affecting the oil and natural gas industry, and to make recommendations to that legal framework to improve the regulatory, technical, environmental, and financial framework of the oil and gas industry. The department shall report its recommendations to the legislature by December 30, 2006.

~~((+8))~~ (17) \$35,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Senate Bill No. 5179 (forest health). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

~~((+9))~~ (18) \$719,000 of the surface mining reclamation account--state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6175 (surface mining). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(19) \$504,000 of the aquatic lands enhancement account--state appropriation is provided solely for expenses related to removing the hull of the S.S. Catala, shipwrecked on state-owned aquatic lands at Damon Point State Park.

Sec. 1206. 2006 c 372 s 309 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2006)	\$10,979,000
General Fund--State Appropriation (FY 2007)	(\$12,271,000)
	\$12,771,000
General Fund--Federal Appropriation	\$10,634,000
General Fund--Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$1,990,000
Water Quality Account--State Appropriation	\$972,000
State Toxics Control Account--State Appropriation	\$3,555,000
Water Quality Permit Account--State Appropriation	\$238,000
Pension Funding Stabilization Account--State	
Appropriation	\$39,000
TOTAL APPROPRIATION	(\$41,091,000)
	\$41,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

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(End of part)

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund--state appropriation for fiscal year 2006 and \$37,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund--state appropriation for fiscal year 2006 and \$13,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) \$306,000 of the general fund--state appropriation for fiscal year 2006 and \$160,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund--state appropriation for fiscal year 2006 and \$150,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

(11) \$85,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute House Bill No. 3033 (animal identification). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(12) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$110,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute Senate Bill No. 6508 (renewable fuel). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to support noxious weed boards.

(14) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the purchase of agricultural products equipment. The department shall negotiate an appropriate agreement with the agriculture industry for the use of the equipment.

(15) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for spartina eradication efforts.

(16) \$26,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Engrossed Substitute Senate Bill No. 5385 (invasive species council). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement Substitute Senate Bill No. 6377 (milk and milk products). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(18) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement the wine commission marketing campaign.

**PART XIII
TRANSPORTATION**

Sec. 1301. 2006 c 372 s 402 (uncodified) is amended to read as follows: **FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2006) . . .	\$37,601,000
General Fund--State Appropriation (FY 2007) ((\$32,753,000))	
	<u>\$36,220,000</u>
General Fund--Federal Appropriation	((\$4,364,000))
	<u>\$4,872,000</u>
General Fund--Private/Local Appropriation	\$596,000
Death Investigations Account--State Appropriation	((\$4,628,000))
	<u>\$4,591,000</u>
Public Safety and Education Account--State Appropriation	((\$3,388,000))
	<u>\$3,438,000</u>
Enhanced 911 Account--State Appropriation	\$573,000
County Criminal Justice Assistance Account--State Appropriation	((\$2,895,000))
	<u>\$2,923,000</u>
Municipal Criminal Justice Assistance Account--State Appropriation	((\$1,157,000))
	<u>\$1,171,000</u>
Fire Service Trust Account--State Appropriation	\$131,000
Fire Service Training Account--State Appropriation	\$7,560,000
State Toxics Control Account--State Appropriation . .	\$469,000
Violence Reduction and Drug Enforcement Account--State Appropriation	\$313,000
Fingerprint Identification Account--State Appropriation	((\$6,270,000))
	<u>\$6,271,000</u>
Disaster Response Account--State Appropriation	\$2,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$145,000
Pension Funding Stabilization Account--State Appropriation	\$102,000
TOTAL APPROPRIATION ((\$102,947,000))	
	<u>\$106,978,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) \$145,000 of the aquatic invasive species enforcement account--state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2006 and \$240,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$395,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 5 of Second Substitute House Bill No. 2805 (missing persons). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(5) If funding is provided through a federal grant or through a memorandum of understanding with a local government, the Washington state patrol's automatic fingerprint identification system shall be capable of instantly accepting electronic latent search records from any Washington state local law enforcement agency, to be implemented on a timeline agreed to by the patrol and the agency granting the fund source. The Washington state

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patrol shall notify the appropriate fiscal and policy committees of the legislature in writing upon the receipt of such federal moneys or upon the effective date of a memorandum of understanding with a local government.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6519 (sex offender registration). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(7) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of the criminal history and background check activities. Pursuant to RCW 43.135.055, during the 2005-2007 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of criminal history and background check activities.

(End of part)

**PART XIV
EDUCATION**

Sec. 1401. 2006 c 372 s 501 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2006) . . .	\$13,452,000
General Fund--State Appropriation (FY 2007) ((\$17,151,000))	\$17,376,000
	<u>\$17,376,000</u>
General Fund--Federal Appropriation	((\$23,090,000))
	<u>\$23,090,000</u>
<u>Pension Funding Stabilization Account Appropriation</u>	<u>\$165,000</u>
TOTAL APPROPRIATION . ((\$53,693,000))	<u>\$54,083,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,835,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$10,980,000)~~) \$10,990,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$547,000)~~) \$597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$504,000)~~) \$554,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of

teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$607,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$592,000)~~) \$92,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7 and other education funding lawsuits.

(e) (~~(\$1,900,000)~~) \$1,615,000 of the general fund--state appropriation is for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund--state appropriation for fiscal year 2006 and \$228,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided for deposit in the Washington natural science, wildlife, and environmental education partnership account for grants pursuant to RCW 28A.300.440. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(h) \$2,896,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902, chapter 518, Laws of 2005.

(i) \$325,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and

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input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(j) \$50,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Senate Bill No. 6219 (financial literacy). If the bill is not enacted by June 30, 2006, the amount in this section is provided solely for additional efforts at promoting financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(k) \$64,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to conduct further evaluation of issues raised in the recently completed joint legislative audit and review committee report on the accounting of special education excess costs. Within the amounts provided in this subsection, the office of the superintendent of public instruction will convene a work group to evaluate modifying or replacing the current 1077 methodology. This work group will deliver a report to the appropriate committees of the legislature, including the joint legislative audit and review committee, and the office of financial management, by January 1, 2007. The work group will take into consideration recommendations of the Washington learns steering committee.

(l) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2910 (environmental education). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2006) . . .	\$12,341,000
General Fund--State Appropriation (FY 2007) . . .	\$18,884,000
General Fund--Federal Appropriation	(\$58,112,000)
	<u>\$67,358,000</u>
TOTAL APPROPRIATION	(\$89,337,000)
	<u>\$98,583,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2007 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school

administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$40,000 of the general fund--state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$10,344,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies and \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time backfill of the federal reductions to the safe and drug free schools and communities grant program.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(vii) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies at preventing youth suicide.

(viii) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Substitute Senate Bill No. 6580 (school notification about sex and kidnapping offenders), including section 2 of that act.

(ix) \$45,000 of the general fund state--state appropriation for fiscal year 2007 is provided solely for the development of safe school plan standards. By December 1, 2006, the Washington state school safety center advisory committee, in consultation with the superintendent of public instruction shall prepare a report with: (1) The recommended standards; (2) a potential implementation plan for those standards statewide; and (3) detailed information on the costs and other impacts on school districts from implementing the standards. The development of standards shall address requirements for school mapping and shall include a review of current research regarding safe school planning.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2007 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$1,059,000 of the general fund--state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to

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create new alternative-route programs in regions of the state with service shortages. Of this amount, \$511,000 of the general fund--state appropriation for fiscal year 2007 is provided for additional conditional scholarships to candidates seeking an endorsement in special education, math, science, and bilingual education.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of (~~(\$1,224,000)~~) \$2,448,000 of the general fund--state appropriation (~~(for fiscal year 2006 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2007 are)~~) is provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of (~~(\$1,079,000)~~) \$2,158,000 of the general fund--state appropriation (~~(for fiscal year 2006 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2007 are)~~) is provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) (~~(\$1,911,000)~~) \$2,119,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$5,532,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) (~~(\$24,490,000)~~) \$33,526,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund--state appropriation for fiscal year 2006 and \$294,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(xiv) \$175,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for incentive grants for districts to develop preapprenticeship programs. Grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(xv) \$3,980,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the dissemination of the Navigation 101 curriculum to all districts, including the development and dissemination of electronic student planning

tools and the development of a software package to use to analyze the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

(xvi) \$2,148,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for one-time grants to school districts to offset extraordinary rate increases for natural gas and heating oil.

(xvii) \$22,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the implementation of Engrossed House Bill No. 2579 (educational assessments). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(xviii) \$1,500,000 of the general fund--state appropriation for fiscal year 2006 and \$1,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a pilot grant program related to serving students in staffed residential homes and other students as specified below. The pilot grant program will be established in at least five school districts. The districts eligible for the pilot grant program shall be limited to school districts with a concentration of students residing in staffed residential homes greater than or equal to 1.3 full time equivalent students per 1,000 K-12 public students, including students who resided in staffed residential homes during the 2005-2006 school year, and transferred to another residential facility in that district as a result of a closure of one or more staffed residential homes in that district in the current or preceding school year. The amount of funding for each pilot grant district shall be in proportion to the degree of concentration of staffed residential home students residing and served in each respective district or serving high school district, and other criteria as determined by the office of the superintendent of public instruction. Funding in the pilot grant program shall not be considered part of the basic education program.

(A) The pilot grant program is intended to: (I) Identify the fiscal and educational challenges posed to districts that serve staffed residential homes students; (II) provide resources to assist school districts in developing best practices for addressing these challenges; (III) address costs resulting from high concentrations of staffed residential home students in some school districts; (IV) develop models of collaboration between school districts and staffed residential homes; and (V) gain additional information on the variety of circumstances and needs present in the staffed residential home population, including both special education and nonspecial education eligible students.

(B) As a condition of the pilot grant program, the selected school districts must meet the following criteria: (I) Jointly develop, with staffed residential homes in their community, a model policy and plan for collaboration and information sharing, which includes an agreed upon routine of regular communication regarding each child's progress, including for special education students the development and regular updating of individualized education programs; (II) provide an annual progress report regarding the implementation of the model policy and plan and measured progress toward meeting the educational needs of students in staffed residential homes; and (III) provide information and data to the office of the superintendent of public instruction as required for the study detailed in (D) of this subsection (c)(xviii).

(C) \$40,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction, with the assistance of the department of social and health services, to prepare a report to the appropriate policy and fiscal committees of the legislature and the office of financial management on: (I) The number of students residing at each staffed residential home by school district; (II) the specific types of needs of students residing at

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each staffed residential home; and (III) an overview of the differences in the programs being offered at staffed residential homes and the ranges of costs associated with these programs; and (IV) a summary of the current types of collaboration between school districts and staffed residential homes. This report shall be submitted by November 30, 2006.

(D) \$15,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the office of the superintendent of public instruction to report to the appropriate policy and fiscal committees of the legislature and the office of financial management on the results of the pilot grant program established in this subsection (c)(xviii), including a description of the impact on the educational services delivered to the students residing at each staffed residential home. Based on the results of the pilot grant program, the office of the superintendent of public instruction may make recommendations regarding best practices for meeting the needs of students residing in staffed residential homes, and fostering collaboration with staffed residential homes. This report shall be submitted by June 30, 2007.

(E) For those students (~~residing in staffed residential homes~~) for whom a school district receives a pilot grant application and who are special education eligible, school districts are eligible to pursue safety net funding beyond the pilot grant program amounts so that the combined basic education allocation, special education excess cost allocation, pilot grant amount, and safety net grants recognize the costs associated with serving staffed residential home students potentially concentrated in a few school districts.

(F) For purposes of this subsection (c)(xviii), "staffed residential home" means a home licensed by the department of social and health services to provide twenty-four hour care for six or fewer children or expectant mothers, which employs staff to care for them.

Sec. 1402. 2006 c 372 s 502 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2006)	\$4,193,442,000
General Fund--State Appropriation (FY 2007)	(\$4,281,807,000)
	<u>\$4,252,844,000</u>
Pension Funding Stabilization Account Appropriation	\$28,548,000
TOTAL APPROPRIATION	(\$8,503,797,000)
	<u>\$8,474,834,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2005-06 and 2006-07 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff

units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2007-08 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and

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enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2005-06 and 2006-07 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 11.21 percent in the 2005-06 school year and 13.02 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.07 percent in the 2005-06 school year and 15.99 percent in the 2006-07 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,476 per certificated staff unit in the 2006-07 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$23,272 per certificated staff unit in the 2006-07 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$18,056 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~(\$12,992,000)~~ \$12,769,000 outside the basic education formula during fiscal years 2006 and 2007 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$513,000 may be expended in fiscal year 2006 and a maximum of \$534,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,385,000 for the 2007 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$369,000 may be expended for school district emergencies;

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(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$394,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount allocated pursuant to this subsection shall be limited to \$1,244,000 for the 2005-07 biennium. Funds provided in this subsection shall first be expended to provide incentive grants to school districts increasing skills center enrollment during the school year. If funds are available after making these allocations, funds may be distributed for: (i) Increasing enrollment including allowing up to an additional .2 full time equivalent student enrollment at skills centers; (ii) increasing enrollment and capacity of summer vocational programs at the skills centers.

(f) ~~(\$4,943,000)~~ \$4,719,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for one-time allocations for equipment replacement in vocational programs and skills centers. The funding shall be allocated based on \$75 per full time equivalent vocational student and \$125 per full time equivalent skills center student.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 5.2 percent from the 2005-06 school year to the 2006-07 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 1403. 2006 c 372 s 504 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2006)	...	\$74,336,000
General Fund--State Appropriation (FY 2007)	(\$241,576,000)	
		<u>\$239,233,000</u>
Education Legacy Trust Account--State Appropriation		\$470,000
Pension Funding Stabilization Account Appropriation		\$1,543,000
General Fund--Federal Appropriation	(\$1,043,000)	
		<u>\$1,034,000</u>
TOTAL APPROPRIATION	(\$318,968,000)	<u>\$316,616,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$190,375,000)~~ \$187,442,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 3.3 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.57 percent

for the 2005-06 school year and 12.38 percent for the 2006-07 school year for certificated staff and 10.57 percent for the 2005-06 school year and 12.49 percent for the 2006-07 school year for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(b) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.27	\$1.06
Highly Capable (per formula student)	\$2.96	\$11.40
Transitional Bilingual Education (per eligible bilingual student)	\$7.94	\$30.52
Learning Assistance (per formula student)	\$1.69	\$6.50

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and ~~(\$1,022,000)~~ \$1,015,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) ~~(\$129,905,000)~~ \$129,173,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$682.54 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.91
Highly Capable (per formula student)	\$2.88	\$6.16
Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$16.20
Learning Assistance (per formula student)	\$1.49	\$3.21

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1404. 2006 c 372 s 505 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2006)	..	\$247,541,000
General Fund--State Appropriation (FY 2007)	(\$252,607,000)	
		<u>\$251,831,000</u>
Pension Funding Stabilization Account Appropriation		\$755,000
TOTAL APPROPRIATION	(\$500,903,000)	<u>\$500,127,000</u>

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The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$828,000 of the fiscal year 2007 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$42.30 per weighted mile in the 2005-06 school year and (~~(\$42.30)~~) \$43.57 per weighted mile in the 2006-07 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Included in the 2005-06 school year rate is (~~(a one-time)~~) an increase of \$1.12 and included in the 2006-07 school year rate is an increase of \$1.27 to offset extraordinary increases in the price of diesel fuel. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

Sec. 1405. 2006 c 372 s 506 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS**

General Fund--State Appropriation (FY 2006) . . . \$3,147,000
General Fund--State Appropriation (FY 2007) . . . \$3,159,000
General Fund--Federal Appropriation (~~(\$270,423,000)~~)

\$313,038,000
TOTAL APPROPRIATION (~~(\$276,729,000)~~)
\$319,344,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2006 and \$3,000,000 of the general fund--state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$47,000 of the general fund--state appropriation for fiscal year 2006 and \$59,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

Sec. 1406. 2006 c 372 s 507 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2006) . . \$464,812,000
General Fund--State Appropriation (FY 2007) (~~(\$478,191,000)~~)
\$470,395,000
General Fund--Federal Appropriation (~~(\$435,664,000)~~)
\$436,409,000
Pension Funding Stabilization Account Appropriation
..... \$3,234,000
TOTAL APPROPRIATION (~~(\$1,381,901,000)~~)
\$1,374,850,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

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(5)(a) For the 2005-06 and 2006-07 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$18,940,000 of the general fund--state appropriation and \$28,698,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) A maximum of \$100,000 of the general fund--federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(15) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(16) \$1,400,000 of the general fund--federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

Sec. 1407. 2006 c 372 s 509 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**

General Fund--State Appropriation (FY 2006) .. \$173,153,000

General Fund--State Appropriation (FY 2007) (~~(\$190,957,000)~~)

\$188,092,000

TOTAL APPROPRIATION (~~(\$364,110,000)~~)

	<u>\$361,245,000</u>
Sec. 1408. 2006 c 372 s 510 (uncodified) is amended to read as follows: FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS	
General Fund--State Appropriation (FY 2006) . . .	\$18,078,000
General Fund--State Appropriation (FY 2007) ((\$18,237,000))	<u>\$17,551,000</u>
Pension Funding Stabilization Account Appropriation	\$117,000
TOTAL APPROPRIATION . ((\$36,432,000))	<u>\$35,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$236,000 of the general fund--state appropriation for fiscal year 2006 and ((~~\$236,000~~)) \$196,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1409. 2006 c 372 s 511 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund--State Appropriation (FY 2006)	\$6,900,000
General Fund--State Appropriation (FY 2007) . ((\$6,974,000))	<u>\$6,918,000</u>
Pension Funding Stabilization Account Appropriation	\$44,000
TOTAL APPROPRIATION . ((\$13,918,000))	<u>\$13,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$347.93 per funded student for the 2005-06 school year and \$351.98 per funded student for the 2006-07 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 1410. 2006 c 372 s 512 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**

General Fund--State Appropriation (FY 2006) . . .	\$45,382,000
General Fund--State Appropriation (FY 2007) ((\$51,297,000))	<u>\$51,536,000</u>
General Fund--Federal Appropriation	\$147,799,000
TOTAL APPROPRIATION ((\$244,478,000))	<u>\$244,717,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

(a) \$21,946,000 of the general fund--state appropriation for fiscal year 2006, \$21,491,000 of the general fund--state appropriation for fiscal year 2007, and \$18,560,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to: (i) Investigate the use of existing mathematics assessments in languages other than English as possible means of measuring tenth grade essential academic learnings and standards, including examining the content and rigor of the assessments as well as their reliability and validity; (ii) estimate the cost of translating the tenth grade mathematics WASL into other languages and scoring these assessments should they be implemented; and (iii) develop recommendations for (i) and (ii) of this subsection (a). Funds provided in this section are sufficient to implement section 5 of Engrossed Substitute Senate Bill No. 6475 (alternative assessment options).

(b) \$1,327,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of Engrossed Substitute House Bill No. 3127 (education), including section 2 of that act. If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for implementation of section 4 of Engrossed Substitute Senate Bill No. 6255 (student-centered planning) regarding reimbursement of diagnostic assessments.

(2) MATH REMEDIATION

The purpose of this subsection (2) is to strengthen high school student performance in meeting the state standards in mathematics.

(a) Included in the general fund--state amounts provided in subsection (1) of this section is \$2,350,000 which is provided solely for the development of a new tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level.

(b) \$110,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the development of WASL knowledge and skill learning modules to assist students performing at tenth grade Level 1 in mathematics.

(c) \$330,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students. The

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office of the superintendent of public instruction shall develop materials for classroom use and for tutorial learning activities.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for development of web-based applications of the curriculum and materials produced under (b) and (c) of this subsection as well as mathematics knowledge and skill modules and materials previously developed by the office of the superintendent of public instruction. The products are to be designed as on-line courses for students needing Level 1 instruction; learning modules accessible to classroom teachers for incorporation into classroom instruction; tutorials that can be used as WASL assessment skill refreshers and as tutor-guided and parent-guided learning modules; and on-line practice WASLs with supporting item scoring information and student response examples.

(3) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund--state appropriation and \$548,000 of the fiscal year 2007 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(b) \$2,348,000 of the general fund--state appropriation for fiscal year 2006 and \$2,348,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(c) \$705,000 of the general fund--state appropriation for fiscal year 2006 and \$705,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,180,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$4,358,000))~~ \$4,597,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for salary bonuses, and mandatory fringe benefits, for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(e) \$98,761,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(4) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund--state appropriation for fiscal year 2006 and \$488,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund--state appropriation for fiscal year 2006 and \$3,046,000 of the general fund--state

appropriation for fiscal year 2007 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(c) \$1,000,000 of the general fund--state appropriation for fiscal year 2006 and \$1,000,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund--state appropriation for fiscal year 2006 and \$515,000 of the general fund--state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund--state appropriation for fiscal year 2006 and \$1,764,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(C) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the

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Washington assessment of student learning, and meets the needs of diverse learners;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$30,401,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(i) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates. The office of the superintendent of public instruction shall develop and publish the criteria for awarding grants by July 2006.

(i) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(ii) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(iii) The office of the superintendent of public instruction shall issue a report to the legislature in the 2007 session on the progress of each of the pilot programs.

(5) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund--state appropriation for fiscal year 2006 and \$4,500,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for: (i) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (ii) to eliminate the co-pay for students eligible for reduced price lunch eating breakfast; and (iii) for additional assistance for school districts initiating a summer food service program.

(b) \$125,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund--state appropriation for fiscal year 2006 and \$850,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund--state appropriation for fiscal year 2006 and \$3,594,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(6) TECHNOLOGY

(a) \$1,959,000 of the general fund--state appropriation for fiscal year 2006 and \$1,959,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(b) \$126,000 of the general fund--state appropriation for fiscal year 2006 and \$126,000 of the general fund--state appropriation for fiscal year 2007 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

Sec. 1411. 2006 c 372 s 513 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2006) . . . \$58,205,000
General Fund--State Appropriation (FY 2007) (~~(\$61,608,000)~~)

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	<u>\$58,181,000</u>
General Fund--Federal Appropriation	\$51,741,000
Pension Funding Stabilization Account Appropriation	\$504,000
TOTAL APPROPRIATION ((\$172,058,000))	<u>\$168,631,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$759.58 per eligible bilingual student in the 2005-06 school year and \$770.40 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 1412. 2006 c 372 s 514 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2006) . . .	\$65,018,000
General Fund--State Appropriation (FY 2007) ((\$64,626,000))	<u>\$64,353,000</u>

Education Legacy Trust Account--State Appropriation	\$24,605,000
Pension Funding Stabilization Account Appropriation	\$553,000
General Fund--Federal Appropriation	\$348,351,000
TOTAL APPROPRIATION ((\$503,153,000))	<u>\$502,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.69 per funded student for the 2005-06 school year and \$187.97 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through ten for the 2006-07 school year.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

Sec. 1413. 2006 c 372 s 515 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--PROMOTING ACADEMIC SUCCESS**

General Fund--State Appropriation (FY 2006) . . .	\$3,842,000
General Fund--State Appropriation (FY 2007) ((\$23,879,000))	<u>\$19,067,000</u>
Pension Funding Stabilization Account Appropriation	\$189,000
TOTAL APPROPRIATION ((\$27,910,000))	<u>\$23,098,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts appropriated in this section are provided solely for remediation for students who have not met standard in one or more content areas of the WASL in the spring of their tenth grade year and on each retake thereafter. The funds may be used for extended learning activities, including summer school, before and after school, Saturday classes, skill seminars, assessment preparation, and in-school or out-of-school tutoring. Extended learning activities may occur on the school campus, via the internet, or at other locations and times that meet student needs. Funds allocated under this section shall not be considered basic education funding. Amounts allocated under this section shall fund new extended learning opportunities, and shall not supplant funding for existing programs and services.

(2) School district allocations for promoting academic success programs shall be calculated as follows:

(a) A portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were more than one standard error of measurement from meeting standard on the Washington assessment of student learning for the current class of eleventh grade students.

(b) The other portion of the district's student units shall be the number of content area assessments (reading, writing, and mathematics) on which students were less than one standard error of measurement from meeting standard but did not meet standard on the Washington assessment of student learning for the current class of eleventh grade students. Districts with at least one but less than 20 student units combining the student units generated from this subsection and (a) of this subsection shall be counted as having 20 student units for the purposes of the allocations in (d) and (e)(i) of this subsection.

(c) The legislature recognizes that professional development and planning for teachers is an important component of high quality extended learning activities. Accordingly, a one-time funding amount equal to 12 hours of certificated instructional staff units per 13.0 student units, as calculated in (a) and (b) of this subsection, is provided in this section to ensure that

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extended learning activities are of high quality and aligned to the state's essential academic learning requirements.

(d) Allocations for certificated instructional staff salaries and benefits shall be determined using formula-generated staff units calculated pursuant to this subsection. Ninety-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (a) of this subsection and thirty-four hours of certificated instructional staff units are allocated per 13.0 student units as calculated under (b) of this subsection. Allocations for salaries and benefits for the staff units calculated under this subsection shall be calculated in the same manner as provided under section 503 of this act. Salary and benefit increase funding for staff units generated under this section is included in section 504 of this act.

(e) The following additional allocations are provided per student unit, as calculated in (a) and (b) of this subsection:

- (i) \$12.50 for maintenance, operations, and transportation;
- (ii) \$12.00 for pre- and post-remediation assessments;
- (iii) \$17.00 per reading remediation student unit;
- (iv) \$8.00 per mathematics remediation student unit; and
- (v) \$8.00 per writing remediation student unit.

(f) The superintendent of public instruction shall distribute school year allocations according to the monthly apportionment schedule defined in RCW 28A.510.250.

(3) School districts shall report annually to the office of the superintendent of public instruction on the use of these funds, including the types of assistance selected by students, the number of students receiving each type of assistance, and the impact on WASL test scores.

(4) \$708,000 of the general fund--state appropriation for fiscal year 2006 and (~~(\$3,408,000)~~) \$1,300,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for additional one-time allocations to offer remedial programs for students in the class of 2007 or other students who have not achieved success on the tenth grade WASL. The formula for distributing the allocations to school districts shall include amounts for students in the class of 2007 who register to retake the WASL and want remedial assistance, and other factors as determined by the office of the superintendent of public instruction. Before making the allocations from the funding provided in this subsection, the office of the superintendent of public instruction shall consult with the office of financial management to ensure that the proposed allocations will achieve efficient and effective program delivery and that they are one-time in nature.

(5) \$1,500,000 of the general fund--state appropriation for fiscal year 2007 is provided for competitive innovation grants awarded to schools and school districts for implementing high school remediation programs that are unique in program delivery, program accessibility, program content, or a combination of these factors and that serve students who have not achieved success on the tenth grade WASL.

(6) School districts may carry over from one year to the next up to 20 percent of funds allocated under this program; however, carryover funds shall be expended for promoting academic success programs, and may be used to provide extended learning programs for students beyond their eleventh grade year who want continued remedial assistance to pass the WASL.

Sec. 1414. 2006 c 372 s 516 (uncodified) is amended to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Account--State
Appropriation (~~(\$630,537,000)~~)
\$630,313,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes of this section, FTE student refers to the annual average full-time

equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

Sec. 1415. 2006 c 372 s 518 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund--State Appropriation (FY 2006)	\$100,000
General Fund--State Appropriation (FY 2007) ((\$32,504,000))	
	\$32,799,000
General Fund--Federal Appropriation	\$180,000
TOTAL APPROPRIATION	((\$32,784,000))
	\$33,079,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$29,941,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for providing early childhood education assistance. Of this amount, \$1,497,000 is provided solely to increase the number of children receiving education and \$2,146,000 is provided solely for a targeted vendor rate increase.

(2) \$525,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. If Substitute House Bill No. 2836 (reading achievement account) is enacted by June 30, 2006, this amount shall be deposited in the reading achievement account. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(a) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(b) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

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(c) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(d) Measurable goals and evaluation methodology to determine impact;

(e) Integration of reading strategies from the Washington state early learning and development benchmarks;

(f) A plan for marketing and public relations;

(g) Strategies for sustaining the program when grant funding is no longer available; and

(h) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the child care career and wage ladder program created by chapter 507, Laws of 2005.

NEW SECTION. Sec. 1416. A new section is added to 2006 c 372 (uncodified) to read as follows: **FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2007, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2007 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

**PART XV
HIGHER EDUCATION**

Sec. 1501. 2006 c 372 s 603 (uncodified) is amended to read as follows: **FOR THE UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2006)	..	\$337,629,000
General Fund--State Appropriation (FY 2007)	((	\$352,714,000)
		<u>\$352,614,000</u>
General Fund--Private/Local Appropriation	.....	\$300,000
Accident Account--State Appropriation	.....	\$6,209,000
Medical Aid Account--State Appropriation	.....	\$6,143,000
Education Legacy Trust--State Appropriation	....	\$10,748,000
Pension Funding Stabilization Account--State		
Appropriation	.....	\$604,000
TOTAL APPROPRIATION	((	\$714,347,000)
		<u>\$714,247,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund--state appropriation for fiscal year 2006 and \$165,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3)(a) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$2,500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 150 additional high-demand student enrollments. The university shall make it a priority to expand access to baccalaureate programs in engineering, math, and science. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund--state appropriation for fiscal year 2006 and \$30,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund--state appropriation for fiscal year 2006 and \$296,000 of the general fund--state

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appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2006 and \$125,000 of the general fund--state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2006 and \$75,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund--state appropriation for fiscal year 2006 and \$450,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

(12) \$2,400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to increase the university's capacity to conduct research in the life science fields.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for improvements to the Pacific Northwest seismic network.

(14) \$1,008,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(15) \$500,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to implement a department of global health. The school of medicine and the school of public health and community medicine will jointly form and operate the department. The focus will be establishing sustainable improvements in global health through public health policy, practice, and medical care.

(16) \$2,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to pay for operations and maintenance costs of the bioengineering and genome sciences buildings that will come on line during the 2005-07 biennium.

(17) \$150,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to expand the Washington search for young scholars program at the Robinson center at the University of Washington.

~~((+9))~~ (18) \$300,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for math engineering science achievement (MESA) Washington to establish centers throughout the state.

(19) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

Sec. 1502. 2006 c 372 s 604 (uncodified) is amended to read as follows: **FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2006)	..	\$206,511,000
General Fund--State Appropriation (FY 2007)	((\$213,500,000))	
		\$213,520,000
Education Legacy Trust--State Appropriation	...	\$11,162,000
Pension Funding Stabilization Account--State Appropriation	.....	\$293,000
TOTAL APPROPRIATION	((\$431,466,000))	<u>\$431,486,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--state appropriation for fiscal year 2006 and \$210,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2)(a) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(b) \$1,174,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for 80 additional high demand student enrollments. The university shall make it a priority to expand baccalaureate and graduate level access to nursing programs and to expand baccalaureate programs in engineering and construction management. By December 15, 2006, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;
- (e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and
- (f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund--state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus

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servicing only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2006 and \$25,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund--state appropriation for fiscal year 2006 and \$43,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

(10) \$716,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to assist the Washington State University (WSU) Tri-Cities in planning the transition from a branch campus serving upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. WSU Tri-Cities may begin enrolling lower-division students beginning in Fall 2007.

(12) \$800,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the university to operate the AgWeatherNet system.

(13) \$400,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the center for sustaining agriculture and natural resources to create a biologically intensive and organic agriculture program.

~~(+5)~~ (14) \$1,000,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for allocation to a private nonprofit medical and scientific research institute to be located in Spokane for the purposes of developing and implementing new medical treatment therapies involving systems biology, genomics, and nanotechnology. The allocation shall be matched by the nonprofit institute by an equal amount of funds from nonstate sources. The university shall not retain any of these funds for administrative purposes.

~~(+6)~~ (15) \$98,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to establish a biofuels consumer education and outreach program at the Washington State University extension energy program.

(16) \$25,000 of the general fund--state appropriation for fiscal year 2007 is provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict.

Sec. 1503. 2006 c 372 s 606 (uncodified) is amended to read as follows: **FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2006) ~~((45,671,000))~~
 \$45,586,000

General Fund--State Appropriation (FY 2007)	((47,006,000))
	\$46,980,000
Education Legacy Trust--State Appropriation	\$6,461,000
Pension Funding Stabilization Account--State	
Appropriation	\$103,000
TOTAL APPROPRIATION	((99,241,000))
	\$99,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before November 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to December 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

(4) \$206,000 of the general fund--state appropriation for fiscal year 2006 is provided solely for extraordinary natural gas cost expenses.

Sec. 1504. 2006 c 372 s 616 (uncodified) is amended to read as follows: **FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2006)	\$5,149,000
General Fund--State Appropriation (FY 2007)	((5,285,000))
	\$5,354,000
General Fund--Private/Local Appropriation	\$1,335,000
Pension Funding Stabilization Account--State	
Appropriation	\$38,000
TOTAL APPROPRIATION	((11,807,000))
	\$11,876,000

(End of part)

PART XVI
SPECIAL APPROPRIATIONS

Disaster Response Account--State Appropriation ((~~\$8,000,000~~) \$9,000,000)

Sec. 1601. 2006 c 372 s 701 (uncodified) is amended to read as follows: FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2006) .. \$640,544,000
General Fund--State Appropriation (FY 2007) ((~~\$683,019,000~~) \$679,329,000)

State Building Construction Account--State Appropriation .. ((~~\$5,924,000~~) \$6,500,000)

State Taxable Building Construction Account--State Appropriation .. \$539,000

Gardner-Evans Higher Education Construction Account--State Appropriation .. \$1,395,000

Debt-Limit Reimbursable Bond Retirement Account--State Appropriation .. \$2,583,000

Columbia River Basin Water Supply Development Account--State Appropriation .. \$24,000

Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation .. \$21,000

TOTAL APPROPRIATION ((~~\$1,334,004,000~~) \$1,330,935,000)

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

Sec. 1602. 2006 c 372 s 703 (uncodified) is amended to read as follows: FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2006) ... \$24,588,000
General Fund--State Appropriation (FY 2007) ... \$26,743,000

Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation .. ((~~\$130,909,000~~) \$131,001,000)

TOTAL APPROPRIATION ((~~\$182,240,000~~) \$182,332,000)

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 1603. 2006 c 372 s 704 (uncodified) is amended to read as follows: FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2006) \$1,357,000
General Fund--State Appropriation (FY 2007) . ((~~\$1,357,000~~) \$957,000)

State Building Construction Account--State Appropriation .. \$1,080,000

State Taxable Building Construction Account--State Appropriation .. ((~~\$78,000~~) \$86,000)

Gardner-Evans Higher Education Construction Account--State Appropriation .. \$452,000

Columbia River Basin Water Supply Development Account--State Appropriation .. \$2,000

Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation .. \$2,000

TOTAL APPROPRIATION .. ((~~\$4,324,000~~) \$3,936,000)

Sec. 1604. 2006 c 372 s 705 (uncodified) is amended to read as follows: FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

The sum of ((~~\$8,000,000~~) \$9,000,000 is appropriated for the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

Sec. 1605. 2006 c 372 s 706 (uncodified) is amended to read as follows: FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2006) \$1,600,000
General Fund--State Appropriation (FY 2007) \$1,000,000

TOTAL APPROPRIATION .. \$2,600,000

The appropriations in this section ((~~is~~) are) subject to the following conditions and limitations: The appropriations ((~~is~~) are) provided solely for deposit into the disaster response account for the purposes specified in section 705 of this act.

Sec. 1606. 2006 c 372 s 707 (uncodified) is amended to read as follows: FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
(a) Kirk F. Schultz, claim number SCJ 2006-01 .. \$12,312
(b) Scott A. King, claim number SCJ 2006-02 \$9,922
(c) Mark D. Huckaba, claim number SCJ 2006-03 .. \$10,000
(d) James D. Brittain, claim number SCJ 2006-02 . \$20,000
(e) Jain E. Johnson, claim number SCJ 2007-01 .. \$7,250
(f) Sandra J. Ciske, claim number SCJ 2007-02 .. \$10,168
(g) Matthew R. Young, claim number SCJ 2007-03 .. \$40,185
(h) Kevin J. Flockhart, claim number SCJ 2007-04 .. \$38,209
(i) James J. O'Hagan, claim number SCJ 2007-05 .. \$25,207
(j) Claude G. Lindsey, Jr., claim number SCJ 2007-08 .. \$10,701
(k) Cary Youngstrom, claim number SCJ 2007-08 .. \$5,089

(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:

- (a) For deposit into the self-insurance liability account for reimbursement of payment made to Circle S Landscape, claim number SCG 2004-05 .. \$21,926
(b) ((~~Venture Farms, claim number SCG 2005-03.~~)) \$57,448
(c) Patrick O'Hagen, claim number SCG 2006-02 . \$1,673
((~~+~~)) (c) Patrick O'Hagen, claim number SCG 2006-03 .. \$2,389
((~~+~~)) (d) Swampapple Enterprises, Inc., claim number SCG 2006-04 .. \$3,574
((~~+~~)) (e) Wilbur H. Mundy, claim number SCG 2006-05 .. \$10,307
((~~+~~)) (f) Sam Kayser, claim number SCG 2006-08 .. \$1,108
((~~+~~)) (g) Richard Cordell, claim number SCG 2006-09 .. \$4,076

(h) Ralland L. Wallace, claim number SCG 2006-06 .. \$23,393

(i) Sulfur Creek Ranches, claim number SCG 2007-01 .. \$4,602

(j) Venture Farms, claim number SCG 2007-04 .. \$5,254

(3) Payment for reinterment of human remains from historic graves pursuant to RCW 68.60.050:

Darrin Erdahl, claim number SCO 2006-01 .. \$3,000

Sec. 1607. 2005 c 518 s 707 (uncodified) is amended to read as follows: FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2006) \$45,000
General Fund--State Appropriation (FY 2007) ... ((~~\$792,000~~) \$604,000)

TOTAL APPROPRIATION .. ((~~\$837,000~~) \$649,000)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs

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of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

TOTAL APPROPRIATION . ((~~\$22,502,000~~))
\$20,994,000

Sec. 1608. 2006 c 372 s 708 (uncodified) is amended to read as follows: **FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2005, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

The appropriations in this section are subject to the following conditions and limitations:

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2006) . . . \$32,450,000
General Fund--State Appropriation (FY 2007) ((~~\$38,750,000~~))
\$38,650,000

(1) The entire appropriation is provided solely for the purposes of offunding the retrospective payments for the settlement of litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the ((state treasurer)) office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the special personnel litigation revolving account in accordance with ((LEAP)) OFM document number ((2006-S11)) 2007-S01 dated ((March 3,)) December 19, 2006. Agencies and institutions of higher education with local funds will deposit sufficient money to the special personnel litigation revolving account from their local funds as directed by the office of financial management. The office of financial management will direct the transfer of funds in the amount of the settlement to the administrator of the settlement on the date required by the court order.

(a) \$100,000 of the general fund--state appropriations for fiscal year 2006 and \$200,000 of the general fund--state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

NEW SECTION. Sec. 1611. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--PROSPECTIVE PAYMENTS**

General Fund--State Appropriation (FY 2007) \$793,000
Special Personnel Litigation Revolving Account
Appropriation \$666,000
TOTAL APPROPRIATION \$1,459,000

(b) \$950,000 of the general fund--state appropriation for fiscal year 2006 and \$950,000 of the general fund--state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire appropriation is provided solely for the purposes of funding the prospective provisions in the settlement agreement, settling all claims in the litigation involving compensation differentials among personnel classes, *W.P.E.A. v. State of Washington*.

(2) Appropriations or spending authority is provided to agencies in accordance with OFM document number 2007-S02 dated December 19, 2006. This funding is to be used in each agency's payroll process to pay the increased salaries for specified job classes as required in the settlement agreement.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2007 is provided solely to implement House Bill No. 2932 (catastrophic disability). If the bill is not enacted by June 30, 2006, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 1612. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--EQUAL JUSTICE SUBACCOUNT**

General Fund--State Appropriation (FY 2007) \$4,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the equal justice subaccount.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2006) \$6,601,000
General Fund--State Appropriation (FY 2007) \$9,539,000

NEW SECTION. Sec. 1613. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--DISASTER RESPONSE ACCOUNT**

General Fund--State Appropriation (FY 2007) \$9,700,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the disaster response account.

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2006) \$300,000
General Fund--State Appropriation (FY 2007) \$300,000

NEW SECTION. Sec. 1614. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--TOBACCO PREVENTION AND CONTROL ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$50,000,000
The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the tobacco prevention and control account.

(4) There is appropriated for the state contributions required under Senate Bill No. 6453 (minimum monthly retirement):

General Fund--State Appropriation (FY 2007) \$500,000
Special Account Retirement Contribution Increase

NEW SECTION. Sec. 1615. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION FUNDING STABILIZATION ACCOUNT**

General Fund--State Appropriation (FY 2007) . . \$115,000,000

Revolving Account Appropriation \$200,000

(5) There is appropriated for the state contributions required under Substitute House Bill No. 2684 (plan 3 five-year vesting):

General Fund--State Appropriation (FY 2007) \$600,000
TOTAL APPROPRIATION . ((~~\$87,940,000~~))
\$89,140,000

Sec. 1609. 2006 c 372 s 712 (uncodified) is amended to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--ENERGY FREEDOM ACCOUNT**

General Fund--State Appropriation (FY 2007) ((~~\$23,000,000~~))
\$20,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for ((deposit)) expenditure into the energy freedom account. If Engrossed Third Substitute House Bill No. 2939 (energy freedom) is not enacted by June 30, 2006, the appropriation in this section shall lapse.

Sec. 1610. 2006 c 372 s 715 (uncodified) is amended to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--PERSONNEL LITIGATION SETTLEMENT--RETROSPECTIVE PAYMENTS**

General Fund--State Appropriation (FY 2007) ((~~\$11,813,000~~))
\$11,039,976

Special Personnel Litigation Revolving
Account Appropriation ((~~\$10,689,000~~))
\$9,954,024

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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the pension funding stabilization account.

NEW SECTION. Sec. 1616. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION LEGACY TRUST ACCOUNT**

General Fund--State Appropriation (FY 2007) . . \$215,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education legacy trust account.

NEW SECTION. Sec. 1617. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--MOBILE HOME PARK RELOCATION ACCOUNT**

General Fund--State Appropriation (FY 2007) \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the mobile home park relocation account.

NEW SECTION. Sec. 1618. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH SERVICES ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$50,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the health services account.

NEW SECTION. Sec. 1619. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--VIOLENCE REDUCTION AND DRUG ENFORCEMENT ACCOUNT**

General Fund--State Appropriation (FY 2007) \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the violence reduction and drug enforcement account.

Sec. 1620. 2005 c 518 s 729 (uncodified) is amended to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM**

~~((General Fund--State Appropriation (FY 2007) . . \$4,400,000))~~

Special Account Retirement Contribution Increase

Revolving Account Appropriation ~~(((\$3,900,000))~~

~~-\$73,000~~

~~((TOTAL APPROPRIATION . . . \$500,000))~~

The appropriation~~(s)~~ in this section ~~((are))~~ is subject to the following conditions and limitations:

(1) The appropriation~~(s)~~ in this section ~~((are))~~ is provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 1621. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--TECHNOLOGY FUNDING**

General Fund--State Appropriation (FY 2007) . . . \$26,277,000

Special Technology Funding Revolving Account

Appropriation (FY 2008) \$37,964,000

TOTAL APPROPRIATION . . . \$64,241,000

The appropriations in this section are provided solely for deposit to and expenditure from the data processing revolving account and are subject to the following conditions and limitations:

(1) The appropriations in this section, for expenditure to the data processing revolving account, are to be known as the

"information technology funding pool" and are under the joint control of the department of information services and the office of financial management. The department of information services shall review information technology proposals and work jointly with the office of financial management to determine the projects to be funded and the amounts and timing of release of funds. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special technology funding revolving account, hereby created in the state treasury, in accordance with schedules provided by the office of financial management pursuant to LEAP Document ITA-2007 as developed by the legislative evaluation and program committee on April 20, 2007, at 13:01 hours.

(2) In exercising this authority, the department of information services and the office of financial management shall:

(a) Seek opportunities to reduce costs and achieve economies of scale by leveraging statewide investments in systems and data and other common or enterprise-wide solutions within and across state agencies that include standard software, hardware, and other information technology systems infrastructure, and common data definitions and data stores that promote the sharing of information across agencies whenever possible;

(b) Ensure agencies incorporate project management best practices and consider lessons learned from other information technology projects; and

(c) Develop criteria for the evaluation of information technology project funding proposals to include the determination of where common or coordinated technology or data solutions may be established, and identification of projects that cross fiscal biennia or are dependent on other prior, current, or future related investments.

(3) In allocating funds for the routine replacement of software and hardware, the information services board and office of financial management shall presume that agencies should have sufficient funding in their base allocation to pay for such replacement and that any allocations out of these funds are for extraordinary maintenance costs.

(4) Funds appropriated in this section shall not be released for information technology projects with a risk-severity assessment level two or greater under the policies of the information services board until a feasibility study has been completed and approved by the information services board. If the feasibility study indicates a need for funding exceeding that allocated for the current biennium, justification of increased project costs shall be incorporated in an annual report from the department of information services to the information services board, the office of financial management, and the legislative evaluation and accountability program committee. Implementation funds shall not be released until the project is approved by the legislature.

(5) Funds in the 2007-09 biennium may only be expended on the projects listed on LEAP Document IT-2007, as generated by the legislative evaluation and accountability program committee on April 20, 2007, at 13:01 hours. Future biennia allocations from the information technology funding pool shall be determined jointly by the department of information services and the office of financial management.

(6) Beginning December 1, 2008, and every biennium thereafter, the department of information services shall submit a statewide information technology plan to the office of financial management and the legislative evaluation and accountability program committee that supports a consolidated funding request. In alternate years, a plan addendum shall be submitted that reflects any modified funding pool request requiring action in the ensuing supplemental budget session.

(7) The department of information services shall report to the office of financial management and the legislative evaluation and accountability program committee by October 1, 2007, and

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annually thereafter, the status of planned allocations from funds appropriated in this section.

(8) State agencies shall report project performance in consistent and comparable terms using common methodologies to calculate project performance by measuring work accomplished (scope and schedule) against work planned and project cost against planned budget. The department of information services shall provide implementation guidelines and oversight of project performance reporting.

(9) The information services board shall require all agencies receiving funds appropriated in this section to account for project expenses included in an information technology portfolio report submitted annually to the department of information services, the office of financial management, and the legislative evaluation and accountability program committee by October 1st of each year. The department of information services, with the advice and approval of the office of financial management, shall establish criteria for complete and consistent reporting of expenditures from these funds and project staffing levels.

(10) In consultation with the legislative evaluation and accountability program committee, the department of information services shall develop criteria for evaluating requests for these funds and shall report annually to the office of financial management and the legislative evaluation and accountability program committee by November 1st the status of distributions and expenditures from this pool.

NEW SECTION. Sec. 1622. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION CONSTRUCTION ACCOUNT**

General Fund--State Appropriation (FY 2007) . . . \$20,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the education construction account.

NEW SECTION. Sec. 1623. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT**

General Fund--State Appropriation (FY 2007) \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the reading achievement account. The amounts provided shall be used: (1) To implement an early reading grant program for evidence-based or promising community-based initiatives that develop early literacy skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts; and (2) to provide statewide support to community-based reading initiatives.

NEW SECTION. Sec. 1624. A new section is added to 2005 c 518 (uncodified) to read as follows: **FOR THE OFFICE OF FINANCIAL MANAGEMENT--BOATING ACTIVITIES ACCOUNT**

General Fund--State Appropriation (FY 2007) \$2,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the boating activities account under Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the appropriation in this section shall lapse.

(End of part)

**PART XVII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1701. 2006 c 372 s 801 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions ~~(\$6,561,000)~~
\$6,644,000

General Fund Appropriation for public utility district excise tax distributions	(\$44,292,000)
	<u>\$44,282,000</u>
General Fund Appropriation for prosecuting attorney distributions	(\$3,568,000)
	<u>\$3,757,000</u>
General Fund Appropriation for boating safety and education distributions	(\$4,252,000)
	<u>\$3,979,000</u>
General Fund Appropriation for other tax distributions	(\$38,000)
	<u>\$41,000</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	(\$1,969,000)
	<u>\$2,044,000</u>
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	(\$147,000)
	<u>\$133,000</u>
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	(\$83,325,000)
	<u>\$77,023,000</u>
County Criminal Justice Assistance Appropriation	(\$53,650,000)
	<u>\$53,953,000</u>
Municipal Criminal Justice Assistance Appropriation	(\$21,315,000)
	<u>\$21,381,000</u>
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	(\$40,512,000)
	<u>\$41,525,000</u>
Liquor Revolving Account Appropriation for liquor profits distribution	(\$88,818,000)
	<u>\$68,911,000</u>
City-County Assistance Account Appropriation for local government financial assistance distribution	(\$20,100,000)
	<u>\$26,020,000</u>
	TOTAL APPROPRIATION (\$368,547,000)
	<u>\$349,693,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1702. 2006 c 372 s 802 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation ~~(\$2,050,000)~~
\$2,173,601

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1703. 2006 c 372 s 803 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driving Safety Account Appropriation ~~(\$1,367,000)~~
\$1,499,068

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07

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biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1704. 2006 c 372 s 804 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER-- FEDERAL REVENUES FOR DISTRIBUTION**

General Fund Appropriation for federal grazing fees distribution ((~~\$1,644,000~~)) \$2,292,000

General Fund Appropriation for federal flood control funds distribution ((~~\$68,000~~)) \$67,000

Forest Reserve Fund Appropriation for federal forest reserve fund distribution ((~~\$84,500,000~~)) \$84,071,000

TOTAL APPROPRIATION ((~~\$86,212,000~~)) \$86,430,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1705. 2006 c 372 s 805 (uncodified) is amended to read as follows: **FOR THE STATE TREASURER-- TRANSFERS.** For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account: For transfer to the state general fund, \$5,150,000 for fiscal year 2006 and \$5,150,000 for fiscal year 2007 \$10,300,000

General Fund: For transfer to the tourism development and promotion account, \$150,000 for fiscal year 2006 and \$150,000 for fiscal year 2007 \$300,000

Financial Services Regulation Account: For transfer to the state general fund, \$778,000 for fiscal year 2006 and \$779,000 for fiscal year 2007 \$1,557,000

Public Works Assistance Account: For transfer to the drinking water assistance account, \$8,400,000 for fiscal year 2006 \$8,400,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account ((~~\$185,823,000~~)) \$166,070,000

Health Services Account: For transfer to the state general fund, \$45,000,000 for fiscal year 2006 \$45,000,000

Health Services Account: For transfer to the tobacco prevention and control account ((~~\$25,086,000~~)) \$21,257,000

Health Services Account: For transfer to the water quality account \$7,885,000

Health Services Account: For transfer to the violence reduction and drug enforcement account \$6,932,000

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$40,000,000 for fiscal year 2006 and \$45,000,000 for fiscal year 2007 \$85,000,000

Department of Retirement Systems Expense Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2006 \$2,000,000

Secretary of State's Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer to the state general fund, \$9,500,000 for fiscal year 2006 and \$7,000,000 for fiscal year 2007 \$16,500,000

General Fund: For transfer to the water quality account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007 \$637,000

State Toxics Control Account: For transfer to the water quality account \$12,500,000

Water Quality Account: For transfer to the water pollution control revolving account ((~~\$16,534,000~~)) \$11,034,000

Pollution Liability Insurance Trust Account: For transfer to the state general fund \$3,750,000

Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed \$21,800,000

Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007 \$2,000,000

Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006 \$4,500,000

Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006 \$3,000,000

Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006 \$1,000,000

General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007 \$3,000,000

Education Legacy Trust Account: For transfer to the student achievement account, \$35,555,000 for fiscal year 2006 and \$103,046,000 for fiscal year 2007 \$138,601,000

(End of part)

PART XVIII MISCELLANEOUS

NEW SECTION. **Sec. 1801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of part)

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On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 15.64.050, 28B.15.910, 41.05.065, 43.10.180, 43.60A.165, 46.09.170, 70.105D.070, 70.146.080, 74.08A.340, and 79.64.040;

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reenacting and amending RCW 43.08.250 and 70.146.030; amending 2006 c 372 ss 108, 111, 112, 114, 118, 122, 124, 126, 127, 128, 129, 135, 137, 138, 147, 150, 152, 154, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 217, 219, 221, 222, 225, 302, 303, 306, 307, 308, 309, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 603, 604, 606, 616, 701, 703, 704, 705, 706, 707, 708, 712, 715, 801, 802, 803, 804, and 805 (uncodified); amending 2005 c 518 ss 707 and 729 (uncodified); adding a new section to chapter 28A.630 RCW; adding a new section to 2006 c 372 (uncodified); adding new sections to 2005 c 518 (uncodified); creating new sections; making appropriations; providing expiration dates; and declaring an emergency."

On page 210, line 6, after "effective" strike "July 1" and insert "September 1"

On page 210, line 15, after "effective" strike "July 1" and insert "September 1"

Page 211, line 21, after "effective" strike "July 1" and insert "September 1"

Page 211, line 22, after "effective" strike "July 1" and insert "September 1"

Page 217, line 2, after "effective" strike "July 1" and insert "September 1"

Page 217, line 3, after "effective" strike "July 1" and insert "September 1"

And the bill do pass as recommended by the conference committee.

Signed by Senators Prentice and Pridemore; Representatives Dunshee and Sommers.

MOTION

Senator Prentice moved that the Report of the Conference Committee on Substitute House Bill No. 1128 be adopted.

Senator Prentice spoke in favor of the motion.

Senator Zarelli spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Prentice that the Report of the Conference Committee on Substitute House Bill No. 1128 be adopted.

The motion by Senator Prentice carried and the Report of the Conference Committee was adopted by voice vote.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1128, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Shin, Spanel, Tom and Weinstein - 31

Voting nay: Senators Benton, Brandland, Carrell, Clements, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Pflug, Schoesler, Sheldon, Stevens, Swecker and Zarelli - 17

Excused: Senator Roach - 1

SUBSTITUTE HOUSE BILL NO. 1128, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators Eide and Schoesler

Returning bills to their house of origin.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8408 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8408.

SENATE CONCURRENT RESOLUTION No. 8408 was adopted by voice vote.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8409, by Senators Brown and Hewitt

Adjourning SINE DIE.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Concurrent Resolution No. 8409 was advanced to third reading, the second reading considered the third and the resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8409.

SENATE CONCURRENT RESOLUTION NO. 8409 was adopted by voice vote.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Spanel moved adoption of the following resolution:

SENATE RESOLUTION
8690

By Senators Spanel and Parlette

WHEREAS, The 2007 Regular Session of the Sixtieth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2007 Regular Session of the Sixtieth Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may

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receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he or she hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2007 Regular Session of the Sixtieth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8690.

The motion by Senator Spanel carried and the resolution was adopted by voice vote.

APPOINTMENT OF INTERIM COMMITTEES

The President announced the following appointments to the following committees:

JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Senator Jeanne Kohl-Welles, Senator Eric Oemig, Senator Craig Pridemore, Senator Phil Rockefeller and Senator Bob McCaslin

LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT & INTERNATIONAL RELATIONS

Senator Tracey Eide, Senator Jim Kastama, Senator Derek Kilmer, Senator Paull Shin (Alternate), Senator Mike Hewitt, Senator Cheryl Pflug and Senator Jerome Delvin

LEGISLATIVE EVALUATION & ACCOUNTABILITY PROGRAM

Senator Mary Margaret Haugen, Senator Chris Marr and Senator Dan Swecker

MOTION

On motion of Senator Eide, the appointments to the interim committees were confirmed.

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MOTION

At 5:52 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 7:17 p.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The House had adopted the report of Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092, and has passed the bill as recommended by the Conference Committee.

and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

The House concurred in Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 1051,

And the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2007

MR. PRESIDENT:

Under suspension of rules SENATE BILL NO. 5272 was returned to second reading for purpose of an amendment: 5272 AMH CLIB H3670.1, and passed the bill as amended by the House.

Beginning on page 1, after line 2 of the amendment, strike the remainder of the amendment and insert the following:

"Sec. 1. RCW 82.36.010 and 2001 c 270 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blended fuel" means a mixture of motor vehicle fuel and another liquid, other than a de minimis amount of the liquid, that can be used as a fuel to propel a motor vehicle.

(2) "Bond" means a bond duly executed with a corporate surety qualified under chapter 48.28 RCW, which bond is payable to the state of Washington conditioned upon faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter.

(3) "Bulk transfer" means a transfer of motor vehicle fuel by pipeline or vessel.

(4) "Bulk transfer-terminal system" means the motor vehicle fuel distribution system consisting of refineries, pipelines,

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vessels, and terminals. Motor vehicle fuel in a refinery, pipeline, vessel, or terminal is in the bulk transfer-terminal system. Motor vehicle fuel in the fuel tank of an engine, motor vehicle, or in a railcar, trailer, truck, or other equipment suitable for ground transportation is not in the bulk transfer-terminal system.

~~((5))~~ ~~("Dealer" means a person engaged in the retail sale of motor vehicle fuel.~~

~~((6))~~ "Department" means the department of licensing.

~~((7))~~ ~~((6))~~ "Director" means the director of licensing.

~~((8))~~ ~~((7))~~ "Evasion" or "evade" means to diminish or avoid the computation, assessment, or payment of authorized taxes or fees through:

(a) A knowing: False statement; misrepresentation of fact; or other act of deception; or

(b) An intentional: Omission; failure to file a return or report; or other act of deception.

~~((9))~~ ~~((8))~~ "Export" means to obtain motor vehicle fuel in this state for sales or distribution outside the state.

~~((10))~~ ~~((9))~~ "Highway" means every way or place open to the use of the public, as a matter of right, for the purpose of vehicular travel.

~~((11))~~ ~~((10))~~ "Import" means to bring motor vehicle fuel into this state by a means of conveyance other than the fuel supply tank of a motor vehicle.

~~((12))~~ ~~("International fuel tax agreement licensee" means a motor vehicle fuel user operating qualified motor vehicles in interstate commerce and licensed by the department under the international fuel tax agreement.~~

~~((13))~~ ~~"Licensee" means a person holding a motor vehicle fuel supplier, motor vehicle fuel importer, motor vehicle fuel exporter, motor vehicle fuel blender, motor vehicle distributor, or international fuel tax agreement license issued under this chapter.~~

~~((14))~~ ~~("Marine fuel dealer" means a person engaged in the retail sale of motor vehicle fuel whose place of business and/or sale outlet is located upon a navigable waterway.~~

~~((15))~~ ~~((14))~~ "Motor vehicle fuel blender" means a person who produces blended motor fuel outside the bulk transfer-terminal system.

~~((16))~~ ~~((15))~~ ~~((14))~~ "Motor vehicle fuel distributor" means a person who acquires motor vehicle fuel from a supplier, distributor, or licensee for subsequent sale and distribution.

~~((17))~~ ~~((16))~~ ~~((15))~~ "Motor vehicle fuel exporter" means a person who purchases motor vehicle fuel in this state and directly exports the fuel by a means other than the bulk transfer-terminal system to a destination outside of the state. If the exporter of record is acting as an agent, the person for whom the agent is acting is the exporter. If there is no exporter of record, the owner of the motor fuel at the time of exportation is the exporter.

~~((18))~~ ~~((17))~~ ~~((16))~~ "Motor vehicle fuel importer" means a person who imports motor vehicle fuel into the state by a means other than the bulk transfer-terminal system. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record, the owner of the motor vehicle fuel at the time of importation is the importer.

~~((19))~~ ~~((18))~~ ~~((17))~~ "Motor vehicle fuel supplier" means a person who holds a federal certificate of registry that is issued under the internal revenue code and authorizes the person to enter into federal tax-free transactions on motor vehicle fuel in the bulk transfer-terminal system.

~~((20))~~ ~~((19))~~ ~~((18))~~ "Motor vehicle" means a self-propelled vehicle designed for operation upon land utilizing motor vehicle fuel as the means of propulsion.

~~((21))~~ ~~((20))~~ ~~((19))~~ "Motor vehicle fuel" means gasoline and any other inflammable gas or liquid, by whatsoever name the gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats.

~~((22))~~ ~~((21))~~ ~~((20))~~ "Person" means a natural person, fiduciary, association, or corporation. The term "person" as applied to an

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association means and includes the partners or members thereof, and as applied to corporations, the officers thereof.

~~((23))~~ ~~((22))~~ ~~((21))~~ "Position holder" means a person who holds the inventory position in motor vehicle fuel, as reflected by the records of the terminal operator. A person holds the inventory position in motor vehicle fuel if the person has a contractual agreement with the terminal for the use of storage facilities and terminating services at a terminal with respect to motor vehicle fuel. "Position holder" includes a terminal operator that owns motor vehicle fuel in their terminal.

~~((24))~~ ~~((23))~~ ~~((22))~~ "Rack" means a mechanism for delivering motor vehicle fuel from a refinery or terminal into a truck, trailer, railcar, or other means of nonbulk transfer.

~~((25))~~ ~~((24))~~ ~~((23))~~ "Refiner" means a person who owns, operates, or otherwise controls a refinery.

~~((26))~~ ~~((25))~~ ~~((24))~~ "Removal" means a physical transfer of motor vehicle fuel other than by evaporation, loss, or destruction.

~~((27))~~ ~~((26))~~ ~~((25))~~ "Terminal" means a motor vehicle fuel storage and distribution facility that has been assigned a terminal control number by the internal revenue service, is supplied by pipeline or vessel, and from which reportable motor vehicle fuel is removed at a rack.

~~((28))~~ ~~((27))~~ ~~((26))~~ "Terminal operator" means a person who owns, operates, or otherwise controls a terminal.

~~((29))~~ ~~((28))~~ ~~((27))~~ "Two-party exchange" or "buy-sell agreement" means a transaction in which taxable motor vehicle fuel is transferred from one licensed supplier to another licensed supplier under an exchange or buy-sell agreement whereby the supplier that is the position holder agrees to deliver taxable motor vehicle fuel to the other supplier or the other supplier's customer at the rack of the terminal at which the delivering supplier is the position holder.

Sec. 2. RCW 82.36.020 and 2001 c 270 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon motor vehicle fuel ~~((users))~~ ~~licensees, other than motor vehicle fuel distributors,~~ a tax at the rate computed in the manner provided in RCW 82.36.025 on each gallon of motor vehicle fuel.

(2) The tax imposed by subsection (1) of this section is imposed when any of the following occurs:

(a) Motor vehicle fuel is removed in this state from a terminal if the motor vehicle fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(b) Motor vehicle fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the motor vehicle fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state;

(c) Motor vehicle fuel enters into this state ~~((for sale, consumption, use, or storage))~~ if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Motor vehicle fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the motor vehicle fuel;

(e) Blended motor vehicle fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended motor vehicle fuel subject to the tax is the difference between the total number of gallons of blended motor vehicle fuel removed or sold and the number of gallons of previously taxed motor vehicle fuel used to produce the blended motor vehicle fuel;

(f) Motor vehicle fuel is sold by a licensed motor vehicle fuel supplier to a motor vehicle fuel distributor, motor vehicle fuel importer, ~~((or))~~ motor vehicle fuel blender, or international

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fuel tax agreement licensee and the motor vehicle fuel is not removed from the bulk transfer-terminal system.

(3) The proceeds of the motor vehicle fuel excise tax shall be distributed as provided in RCW 46.68.090.

Sec. 3. RCW 82.36.025 and 2005 c 314 s 101 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative motor vehicle fuel tax rate of one and one-half cents per gallon (~~applies to the sale, distribution, or use of~~) on motor vehicle fuel shall be imposed on motor vehicle fuel licensees, other than motor vehicle fuel distributors.

Sec. 4. RCW 82.36.026 and 2001 c 270 s 3 are each amended to read as follows:

(1) A licensed supplier shall (~~remit~~) be liable for and pay tax to the department as provided in RCW 82.36.020. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer (~~who~~) shall (~~buyer shall remit~~) be liable for and pay the tax.

(2) A refiner shall (~~remit~~) be liable for and pay tax to the department on motor vehicle fuel removed from a refinery as provided in RCW 82.36.020(2)(b).

(3) ~~An~~ A licensed importer shall (~~remit~~) be liable for and pay tax to the department on motor vehicle fuel imported into this state as provided in RCW 82.36.020(2)(c).

(4) A licensed blender shall (~~remit~~) be liable for and pay tax to the department on the removal or sale of blended motor vehicle fuel as provided in RCW 82.36.020(2)(e).

(5) Nothing in this chapter shall prohibit the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to the tax.

NEW SECTION. Sec. 5. A new section is added to chapter 82.36 RCW to read as follows:

International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.36.020 to the department on motor vehicle fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.36.020 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.

Sec. 6. RCW 82.36.027 and 1998 c 176 s 9 are each amended to read as follows:

A terminal operator is jointly and severally liable for (~~remitting~~) payment of the tax imposed under RCW 82.36.020(1) if, at the time of removal:

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(1) The position holder with respect to the motor vehicle fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under 26 C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 7. RCW 82.36.029 and 1998 c 176 s 10 are each amended to read as follows:

Upon the taxable removal of motor vehicle fuel by a licensed supplier and upon importation by a licensed importer, the licensee who acquired or removed the motor vehicle fuel, other than a motor vehicle fuel exporter, shall be entitled to a deduction from the tax liability on the gallonage of taxable motor vehicle fuel removed or imported in order to account for handling losses, as follows: For a motor vehicle fuel supplier (~~acting as a distributor~~), one-quarter of one percent; and for (~~all other licensees~~) a licensed importer, thirty one-hundredths of one percent. For those licensees required to file tax reports, the handling loss deduction shall be reported on tax reports filed with the department. (~~For motor vehicle fuel distributors, the handling loss deduction shall be shown on the invoice provided to the motor vehicle fuel distributor by the seller.~~)

Sec. 8. RCW 82.36.031 and 1998 c 176 s 11 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax imposed under this chapter, and to periodically update license information, each licensee, other than a motor vehicle fuel distributor or an international fuel tax agreement licensee, shall file monthly tax reports with the department, on a form prescribed by the department. An international fuel tax licensee shall file quarterly tax reports with the department, on a form prescribed by the department.

A report shall be filed with the department even though no motor vehicle fuel tax is due for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and made under penalties of perjury, which declaration has the same force and effect as a verification of the report and is in lieu of the verification. The report shall show information as the department may require for the proper administration and enforcement of this chapter. Tax reports shall be filed on or before the twenty-fifth day of the next succeeding calendar month following the period to which the reports relate. If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date.

The department, if it deems it necessary in order to ensure payment of the tax imposed under this chapter, or to facilitate the administration of this chapter, may require the filing of reports and tax remittances at shorter intervals than one month.

Sec. 9. RCW 82.36.045 and 1998 c 176 s 16 are each amended to read as follows:

(1) If the department determines that the tax reported by a licensee is deficient, the department shall assess the deficiency on the basis of information available to it, and shall add a penalty of two percent of the amount of the deficiency.

(2) If a licensee, or person acting as such, fails, neglects, or refuses to file a motor vehicle fuel tax report the department shall, on the basis of information available to it, determine the tax liability of the licensee or person for the period during which no report was filed. The department shall add the penalty provided in subsection (1) of this section to the tax. An assessment made by the department under this subsection or subsection (1) of this section is presumed to be correct. In any case, where the validity of the assessment is questioned, the burden is on the person who challenges the assessment to establish by a fair preponderance of evidence that it is erroneous or excessive, as the case may be.

(3) If a licensee or person acting as such files a false or fraudulent report with intent to evade the tax imposed by this

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chapter, the department shall add to the amount of deficiency a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsections (1) and (2) of this section and all other penalties prescribed by law.

(4) Motor vehicle fuel tax, penalties, and interest payable under this chapter bears interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion of it should have been paid until the date of payment. If a licensee or person acting as such establishes by a fair preponderance of evidence that the failure to pay the amount of tax due was attributable to reasonable cause and was not intentional or willful, the department may waive the penalty. The department may waive the interest when it determines the cost of processing or collection of the interest exceeds the amount of interest due.

(5) Except in the case of a fraudulent report, neglect or refusal to make a report, or failure to pay or to pay the proper amount, the department shall assess the deficiency under subsection (1) or (2) of this section within five years from the last day of the succeeding calendar month after the reporting period for which the amount is proposed to be determined or within five years after the return is filed, whichever period expires later.

(6) Except in the case of violations of filing a false or fraudulent report, if the department deems mitigation of penalties and interest to be reasonable and in the best interest of carrying out the purpose of this chapter, it may mitigate such assessments upon whatever terms the department deems proper, giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

(7) A licensee or person acting as such against whom an assessment is made under subsection (1) or (2) of this section may petition for a reassessment within thirty days after service upon the licensee of notice of the assessment. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in its petition, shall grant the petitioner an oral hearing and give the petitioner twenty days' notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service of notice upon the petitioner.

An assessment made by the department becomes due and payable when it becomes final. If it is not paid to the department when due and payable, the department shall add a penalty of ten percent of the amount of the tax.

(8) In a suit brought to enforce the rights of the state under this chapter, the assessment showing the amount of taxes, penalties, interest, and cost unpaid to the state is prima facie evidence of the facts as shown.

(9) A notice of assessment required by this section must be served personally or by certified or registered mail. If it is served by mail, service shall be made by deposit of the notice in the United States mail, postage prepaid, addressed to the respondent at the most current address furnished to the department.

~~((10) The tax imposed by this chapter, if required to be collected by the seller, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to~~

~~pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.))~~

Sec. 10. RCW 82.36.060 and 2001 c 270 s 5 are each amended to read as follows:

(1) An application for a license issued under this chapter shall be made to the department on forms to be furnished by the department and shall contain such information as the department deems necessary.

(2) Every application for a license must contain the following information to the extent it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his or her fingerprints or those of the officers of a corporation making the application;

(b) The applicant's form and place of organization including proof that the individual, partnership, or corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant and any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has an unsatisfied judgment in a federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime that directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered a judgment within the preceding five years in a civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners.

(3) An applicant for a license as a motor vehicle fuel importer must list on the application each state, province, or country from which the applicant intends to import motor vehicle fuel and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(4) An applicant for a license as a motor vehicle fuel exporter must list on the application each state, province, or country to which the exporter intends to export motor vehicle fuel received in this state by means of a transfer outside of the bulk transfer-terminal system and, if required by the state, province, or country listed, must be licensed or registered for motor vehicle fuel tax purposes in that state, province, or country.

(5) An applicant for a license as a motor vehicle fuel supplier must have a federal certificate of registry that is issued under the internal revenue code and authorizes the applicant to enter into federal tax-free transactions on motor vehicle fuel in the terminal transfer system.

(6) After receipt of an application for a license, the director may conduct an investigation to determine whether the facts set forth are true. The director shall require a fingerprint record check of the applicant through the Washington state patrol criminal identification system and the federal bureau of investigation before issuance of a license. The results of the background investigation including criminal history information may be released to authorized department personnel as the director deems necessary. The department shall charge a license holder or license applicant a fee of fifty dollars for each background investigation conducted.

An applicant who makes a false statement of a material fact on the application may be prosecuted for false swearing as defined by RCW 9A.72.040.

(7) Except as provided by subsection (8) of this section, before granting any license issued under this chapter, the department shall require applicant to file with the department, in such form as shall be prescribed by the department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes,

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penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds shall be fixed by the department and may be increased or reduced by the department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds, the department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the department may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

The total amount of the bond or bonds required of any licensee shall never be less than five thousand dollars nor more than one hundred thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a licensee may deposit with the state treasurer, under such terms and conditions as the department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the department.

Any surety on a bond furnished by a licensee as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond; and unless the licensee, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the department shall forthwith cancel the license. Whenever a new bond is furnished by a licensee, the department shall cancel the old bond as soon as the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The department may require a licensee to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in its opinion, the security of the surety bond theretofore filed by such licensee, or the market value of the properties deposited as security by the licensee, shall become impaired or inadequate; and upon the failure of the licensee to give such new or additional surety bond or to deposit additional securities within thirty days after being requested so to do by the department, the department shall forthwith cancel his or her license.

(8) The department may waive the requirements of subsection (7) of this section for licensed distributors if, upon determination by the department, the licensed distributor has sufficient resources, assets, other financial instruments, or other means, to adequately make payments on the estimated monthly motor vehicle fuel tax payments, penalties, and interest arising out of this chapter. The department shall adopt rules to administer this subsection. An application for an international fuel tax agreement license must be made to the department. The application must be filed upon a form prescribed by the department and contain such information as the department may require. The department shall charge a fee of ten dollars per set of international fuel tax agreement decals issued to each applicant or licensee. The department shall transmit the fee to the state treasurer for deposit in the motor vehicle fund.

Sec. 11. RCW 82.36.080 and 1998 c 176 s 20 are each amended to read as follows:

(1) It shall be unlawful for any person to engage in business in this state as any of the following unless the person is the holder of an uncanceled license issued by the department authorizing the person to engage in that business:

- (a) Motor vehicle fuel supplier;
- (b) Motor vehicle fuel distributor;
- (c) Motor vehicle fuel exporter;
- (d) Motor vehicle fuel importer; ((or))
- (e) Motor vehicle fuel blender; or
- (f) International fuel tax agreement licensee.

(2) A person engaged in more than one activity for which a license is required must have a separate license classification for each activity, but a motor vehicle fuel supplier is not required to obtain a separate license classification for any other activity for which a license is required.

(3) If any person acts as a licensee without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by the person. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and the director shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make a certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

Sec. 12. RCW 82.36.160 and 1998 c 176 s 27 are each amended to read as follows:

Every licensee shall maintain in the office of his or her principal place of business in this state, for a period of five years, records of motor vehicle fuel received, sold, distributed, or used by the licensee, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

~~((Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the licensee as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require.))~~

Sec. 13. RCW 82.36.180 and 1998 c 176 s 30 are each amended to read as follows:

The director, or duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of any licensee, ~~((and service stations;))~~ and make such other investigations as deemed necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of licensees theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax ~~((accruing))~~ liability thereon, the director may make such changes in subsequent reports and payments of such licensees as deemed necessary to correct the errors disclosed.

Every such licensee or such other person not maintaining records in this state so that an audit of such records may be made by the director or a duly authorized representative shall be required to make the necessary records available to the director upon request and at a designated office within this state; or, in lieu thereof, the director or a duly authorized representative shall

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proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

NEW SECTION. Sec. 14. A new section is added to chapter 82.36 RCW to read as follows:

Motor vehicle fuel that is used exclusively for racing and is illegal for use on the public highways of this state under state or federal law is exempt from the tax imposed under this chapter.

Sec. 15. RCW 82.36.320 and 1961 c 15 s 82.36.320 are each amended to read as follows:

Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided (~~and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305~~) may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported for which no refund is claimed.

Sec. 16. RCW 82.36.340 and 1961 c 15 s 82.36.340 are each amended to read as follows:

The director may in order to establish the validity of any claim for refund require the claimant (~~or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold,~~) to furnish such additional proof of the validity of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

Sec. 17. RCW 82.36.370 and 1998 c 176 s 42 are each amended to read as follows:

(1) A refund shall be made in the manner provided in this chapter or a credit given to a licensee allowing for the excise tax paid or accrued on all motor vehicle fuel which is lost or destroyed, while (~~applicant shall be the owner thereof~~) the licensee was the owner, through fire, lightning, flood, wind storm, or explosion.

(2) A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel of five hundred gallons or more which is lost or destroyed, while (~~applicant shall be~~) the licensee was the owner thereof, through leakage or other casualty except evaporation, shrinkage or unknown causes: PROVIDED, That the director shall be notified in writing as to the full circumstances surrounding such loss or destruction and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction.

(3) Recovery for such loss or destruction under either subsection (1) or (2) must be susceptible to positive proof thereby enabling the director to conduct such investigation and require such information as the director may deem necessary.

In the event that the director is not satisfied that the fuel was lost or destroyed as claimed, wherefore required information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, the director may deem as sufficient cause the denial of all right relating to the refund or credit for the excise tax on motor vehicle fuel alleged to be lost or destroyed.

Sec. 18. RCW 82.36.380 and 2003 c 358 s 13 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an uncanceled motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(3) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 19. RCW 82.36.450 and 1995 c 320 s 2 are each amended to read as follows:

~~(The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's motor vehicle fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. *CY-92-248-JLO.*)~~

(1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding motor vehicle fuel taxes included in the price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state motor vehicle fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all motor vehicle fuel only from persons or companies operating lawfully in accordance with this chapter as a motor vehicle fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of motor vehicle fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes

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identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed to be personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

NEW SECTION. Sec. 20. A new section is added to chapter 82.36 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.36.020 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

Sec. 21. RCW 82.38.030 and 2005 c 314 s 102 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel ~~((users))~~ licensees, other than special fuel distributors, a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(5) Beginning July 1, 2007, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(6) Beginning July 1, 2008, an additional and cumulative tax rate of one and one-half cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel ~~((users))~~ licensees, other than special fuel distributors.

(7) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is ~~((to))~~ by a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside

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of the state, or the removal is to a special fuel ~~((distributor))~~ supplier for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage, unless the fuel enters this state for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320, if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((8)) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.)~~

Sec. 22. RCW 82.38.032 and 1998 c 176 s 52 are each amended to read as follows:

~~((The tax under RCW 82.38.030, if not previously imposed and paid, must be paid over to the department by special fuel users and persons licensed under the international fuel tax agreement or other fuel tax reciprocity agreements entered into with the state of Washington, on the use of special fuel to operate motor vehicles on the highways of this state, unless the use is exempt from the tax under this chapter.)) International fuel tax agreement licensees, or persons operating motor vehicles under other reciprocity agreements entered into with the state of Washington, are liable for and must pay the tax under RCW 82.38.030 to the department on special fuel used to operate motor vehicles on the highways of this state. This provision does not apply if the tax under RCW 82.38.030 has previously been imposed and paid by the international fuel tax agreement licensee or if the use of such fuel is exempt from the tax under this chapter.~~

Sec. 23. RCW 82.38.035 and 2005 c 314 s 107 are each amended to read as follows:

(1) A licensed supplier shall ~~((remit))~~ be liable for and pay tax on special fuel to the department as provided in RCW 82.38.030(7)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall ~~((remit))~~ be liable for and pay the tax.

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(2) A refiner shall ~~((remit)) be liable for and pay~~ tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(7)(b).

(3) ~~((Am))~~ A licensed importer shall ~~((remit)) be liable for and pay~~ tax to the department on special fuel imported into this state as provided in RCW 82.38.030(7)(c).

(4) A licensed blender shall ~~((remit)) be liable for and pay~~ tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(7)(e).

(5) A licensed dyed special fuel user shall ~~((remit)) be liable for and pay~~ tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(7)(f).

(6) Nothing in this chapter prohibits the licensee liable for payment of the tax under this chapter from including as a part of the selling price an amount equal to such tax.

Sec. 24. RCW 82.38.050 and 1990 c 250 s 82 are each amended to read as follows:

~~((Except as otherwise provided in this chapter, every special fuel user shall be liable for the tax on special fuel used in motor vehicles leased to the user for thirty days or more and operated on the highways of this state to the same extent and in the same manner as special fuel used in his own motor vehicles and operated on the highways of this state. PROVIDED, That))~~ A lessor who is engaged regularly in the business of leasing or renting for compensation motor vehicles and equipment he owns without drivers to carriers or other lessees for interstate operation, may be deemed to be the special fuel user when he supplies or pays for the special fuel consumed in such vehicles, and such lessor may be issued ~~((a))~~ an international fuel tax agreement license ((as a special fuel user)) when application and bond have been properly filed with and approved by the department for such license. Any lessee may exclude motor vehicles of which he or she is the lessee from reports and liabilities pursuant to this chapter, but only if the motor vehicles in question have been leased from a lessor holding a valid ~~((special fuel user's))~~ international fuel tax agreement license.

~~((Every such lessor shall file with the application for a special fuel user's license one copy of the lease form or service contract the lessor enters into with the various lessees of the lessor's motor vehicles.))~~ When the ~~((special fuel user's))~~ license has been secured, such lessor shall make and assign to each motor vehicle leased for interstate operation a photocopy of such license to be carried in the cab compartment of the motor vehicle and on which shall be typed or printed on the back the unit or motor number of the motor vehicle to which it is assigned and the name of the lessee. Such lessor shall be responsible for the proper use of such photocopy of the license issued and its return to the lessor with the motor vehicle to which it is assigned.

The lessor shall be responsible for fuel tax licensing and reporting, as required by this chapter, on the operation of all motor vehicles leased to others for less than thirty days.

Sec. 25. RCW 82.38.100 and 1999 c 270 s 2 are each amended to read as follows:

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit that shall be good for a period of three consecutive days beginning and ending on the dates specified on the face of the permit issued, and only for the vehicle for which it is issued.

(2) Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of ten dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit

holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Blank permits may be obtained from field offices of the department of transportation, ~~((Washington state patrol,))~~ department of licensing, or other agents appointed by the department. The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.

Sec. 26. RCW 82.38.130 and 1998 c 176 s 65 are each amended to read as follows:

The department may revoke the license of any licensee for any of the grounds constituting cause for denial of a license set forth in RCW 82.38.120 or for other reasonable cause. Before revoking such license the department shall notify the licensee to show cause within twenty days of the date of the notice why the license should not be revoked: PROVIDED, That at any time prior to and pending such hearing the department may, in the exercise of reasonable discretion, suspend such license.

The department shall cancel any special fuel license immediately upon surrender thereof by the holder.

Any surety on a bond furnished by a licensee as provided in this chapter shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of forty-five days from the date which such surety shall have lodged with the department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the forty-five day period. The department shall promptly, upon receiving any such request, notify the licensee who furnished the bond, and unless the licensee, on or before the expiration of the forty-five day period, files a new bond, in accordance with this section, the department ~~((forthwith))~~ shall cancel the ~~((special fuel dealer's or special fuel user's))~~ license.

The department may require a new or additional surety bond of the character specified in RCW 82.38.020(3) if, in its opinion, the security of the surety bond therefor filed by such licensee, shall become impaired or inadequate. Upon failure of the licensee to give such new or additional surety bond within forty-five days after being requested to do so by the department, or after he or she shall fail or refuse to file reports and remit or pay taxes at the intervals fixed by the department, the department forthwith shall cancel his or her license.

Sec. 27. RCW 82.38.140 and 1998 c 176 s 66 are each amended to read as follows:

(1) Every licensee and every person importing, manufacturing, refining, ~~((dealing in,))~~ transporting, blending, or storing special fuel in this state shall keep for a period of not less than five years open to inspection at all times during the business hours of the day to the department or its authorized representatives, a complete record of all special fuel purchased or received and all of such products sold, delivered, or used by them. Such records shall show:

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- (a) The date of each receipt;
- (b) The name and address of the person from whom purchased or received;
- (c) The number of gallons received at each place of business or place of storage in the state of Washington;
- (d) The date of each sale or delivery;
- (e) The number of gallons sold, delivered, or used for taxable purposes;
- (f) The number of gallons sold, delivered, or used for any purpose not subject to the tax imposed in this chapter;
- (g) The name, address, and special fuel license number of the purchaser if the special fuel tax is not collected on the sale or delivery;
- (h) The inventories of special fuel on hand at each place of business at the end of each month.

(2)(a) All international fuel tax agreement licensees and dyed special fuel users authorized to use dyed special fuel on highway in vehicles licensed for highway operation shall maintain detailed mileage records on an individual vehicle basis.

(b) Such operating records shall show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle.

(c) In the absence of operating records that show both on-highway and off-highway usage of special fuel on a daily basis for each vehicle, fuel consumption must be computed under RCW 82.38.060.

(3) The department may require a person other than a licensee engaged in the business of selling, purchasing, distributing, storing, transporting, or delivering special fuel to submit periodic reports to the department regarding the disposition of the fuel. The reports must be on forms prescribed by the department and must contain such information as the department may require.

(4) Every person operating any conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk shall have and possess during the entire time the person is hauling special fuel, an invoice, bill of sale, or other statement showing the name, address, and license number of the seller or consigner, the destination, name, and address of the purchaser or consignee, license number, if applicable, and the number of gallons. The person hauling such special fuel shall at the request of any law enforcement officer or authorized representative of the department, or other person authorized by law to inquire into, or investigate those types of matters, produce for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle.

Sec. 28. RCW 82.38.150 and 1998 c 176 s 67 are each amended to read as follows:

For the purpose of determining the amount of liability for the tax herein imposed, and to periodically update license information, each licensee, other than a special fuel distributor, an international fuel tax agreement licensee, or a dyed special fuel user, shall file monthly tax reports with the department, on forms prescribed by the department.

Dyed special fuel users whose estimated yearly tax liability is two hundred fifty dollars or less, shall file a report yearly, and dyed special fuel users whose estimated yearly tax liability is more than two hundred fifty dollars, shall file reports quarterly. Special fuel users licensed under the international fuel tax agreement shall file reports quarterly. ~~((Special fuel distributors))~~ Heating oil dealers subject to the pollution liability insurance agency fee and reporting requirements shall remit pollution liability insurance agency returns and any associated payment due to the department annually.

The department shall establish the reporting frequency for each applicant at the time the special fuel license is issued. If it becomes apparent that any licensee is not reporting in accordance with the above schedule, the department shall change the licensee's reporting frequency by giving thirty days' notice to the licensee by mail to the licensee's address of record.

A report shall be filed with the department even though no special fuel was used, or tax is due, for the reporting period. Each tax report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and is in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter. ~~((For counties within which an additional excise tax on special fuel has been levied by that jurisdiction under RCW 82.80.010, the report must show the quantities of special fuel sold, distributed, or withdrawn from bulk storage by the reporting dealer or user within the county's boundaries and the tax liability from its levy.))~~ A licensee shall file a tax report on or before the twenty-fifth day of the next succeeding calendar month following the period to which it relates.

Subject to the written approval of the department, tax reports may cover a period ending on a day other than the last day of the calendar month. Taxpayers granted approval to file reports in this manner will file such reports on or before the twenty-fifth day following the end of the reporting period. No change to this reporting period will be made without the written authorization of the department.

If the final filing date falls on a Saturday, Sunday, or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, has the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

Sec. 29. RCW 82.38.180 and 1998 c 176 s 71 are each amended to read as follows:

Any person who has purchased special fuel on which tax has been paid ~~((a special fuel tax either directly or to the vendor from whom it was purchased))~~ may file a claim with the department for a refund of the tax ~~((so paid and shall be reimbursed and repaid the amount of))~~ for:

(1) ~~((Any))~~ Taxes previously paid on special fuel used for purposes other than for the propulsion of motor vehicles upon the public highways in this state.

(2) ~~((Any))~~ Taxes previously paid on special fuel exported for use outside of this state. Special fuel carried from this state in the fuel tank of a motor vehicle is deemed to be exported from this state. Special fuel distributed to a federally recognized Indian tribal reservation located within the state of Washington is not considered exported outside this state.

(3) ~~((Any))~~ Tax, penalty, or interest erroneously or illegally collected or paid.

(4) ~~((Any))~~ Taxes previously paid on all special fuel which is lost or destroyed, while ~~((applicant))~~ the licensee shall be the owner thereof, through fire, lightning, flood, wind storm, or explosion.

(5) ~~((Any))~~ Taxes previously paid on all special fuel of five hundred gallons or more which is lost or destroyed while ~~((applicant))~~ the licensee shall be the owner thereof, through leakage or other casualty except evaporation, shrinkage, or unknown causes.

(6) ~~((Any))~~ Taxes previously paid on special fuel that is inadvertently mixed with dyed special fuel.

Recovery for such loss or destruction under either subsection (4), (5), or (6) of this section must be susceptible to positive proof thereby enabling the department to conduct such investigation and require such information as ~~((they))~~ it may deem necessary. In the event that the department is not satisfied

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that the fuel was lost, destroyed, or contaminated as claimed because information or proof as required hereunder is not sufficient to substantiate the accuracy of the claim, ~~((they))~~ it may deem such as sufficient cause to deny all right relating to the refund or credit for the excise tax paid on special fuel alleged to be lost or destroyed.

No refund or claim for credit shall be approved by the department unless the gallons of special fuel claimed as nontaxable satisfy the conditions specifically set forth in this section and the nontaxable event or use occurred during the period covered by the refund claim. Refunds or claims for credit ~~((by sellers or users of special fuel))~~ shall not be allowed for anticipated nontaxable use or events.

Sec. 30. RCW 82.38.270 and 2003 c 358 s 14 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an uncanceled dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an uncanceled special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2)(a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsection (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multimodal transportation account of the state.

(4) The tax imposed by this chapter is held in trust by the licensee until paid to the department, and a licensee who appropriates the tax to his or her own use or to any use other than the payment of the tax on the due date as prescribed in this chapter is guilty of a felony or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to pay to the department the tax imposed by this chapter is personally liable to the state for the amount of the tax.

Sec. 31. RCW 82.38.310 and 1995 c 320 s 3 are each amended to read as follows:

~~((The department of licensing may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding the imposition, collection, and use of this state's special fuel tax, or the budgeting or use of moneys in lieu thereof, upon terms substantially the same as those in the consent decree entered by the federal district court (Eastern District of Washington) in *Confederated Tribes of the Colville Reservation v. DOL, et al.*, District Court No. CY 92-248 JLO.))~~ (1) The governor may enter into an agreement with any federally recognized Indian tribe located on a reservation within this state regarding special fuel taxes included in the

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price of fuel delivered to a retail station wholly owned and operated by a tribe, tribal enterprise, or tribal member licensed by the tribe to operate a retail station located on reservation or trust property. The agreement may provide mutually agreeable means to address any tribal immunities or any preemption of the state special fuel tax.

(2) The provisions of this section do not repeal existing state/tribal fuel tax agreements or consent decrees in existence on the effective date of this act. The state and the tribe may agree to substitute an agreement negotiated under this section for an existing agreement or consent decree, or to enter into an agreement using a methodology similar to the state/tribal fuel tax agreements in effect on the effective date of this act.

(3) If a new agreement is negotiated, the agreement must:

(a) Require that the tribe or the tribal retailer acquire all special fuel only from persons or companies operating lawfully in accordance with this chapter as a special fuel distributor, supplier, importer, or blender, or from a tribal distributor, supplier, importer, or blender lawfully doing business according to all applicable laws;

(b) Provide that the tribe will expend fuel tax proceeds or equivalent amounts on: Planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning; police services; and other highway-related purposes;

(c) Include provisions for audits or other means of ensuring compliance to certify the number of gallons of special fuel purchased by the tribe for resale at tribal retail stations, and the use of fuel tax proceeds or their equivalent for the purposes identified in (b) of this subsection. Compliance reports must be delivered to the director of the department of licensing.

(4) Information from the tribe or tribal retailers received by the state or open to state review under the terms of an agreement shall be deemed personal information under RCW 42.56.230(3)(b) and exempt from public inspection and copying.

(5) The governor may delegate the power to negotiate fuel tax agreements to the department of licensing.

(6) The department of licensing shall prepare and submit an annual report to the legislature on the status of existing agreements and any ongoing negotiations with tribes.

Sec. 32. RCW 82.38.320 and 1998 c 176 s 83 are each amended to read as follows:

(1) An international fuel tax agreement licensee who meets the qualifications in subsection (2) of this section may be given special authorization by the department to purchase special fuel delivered into bulk storage without payment of the special fuel tax at the time the fuel is purchased. The special authorization applies only to full truck-trailer loads filled at a terminal rack and delivered directly to the bulk storage facilities of the special authorization holder. The licensee shall pay special fuel tax on the fuel at the time the licensee files their international fuel tax agreement tax return and accompanying schedule with the department. The accompanying schedule shall be provided in a form and manner determined by the department and shall contain information on purchases and usage of all nondyed special fuel purchased during the reporting period. In addition, by the fifteenth day of the month following the month in which fuel under the special authorization was purchased, the licensee must report to the department, the name of the seller and the number of gallons purchased for each purchase of such fuel, and any other information as the department may require.

(2) To receive or maintain special authorization under subsection (1) of this section, the following conditions regarding the international fuel tax agreement licensee must apply:

(a) During the period encompassing the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year, the number of gallons consumed outside the state of Washington as reported on the licensee's international fuel tax agreement tax returns must have been equal to at least twenty percent of the nondyed special fuel

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gallons, including fuel used on-road and off-road, purchased by the licensee in the state of Washington, as reported on the accompanying schedules required under subsection (1) of this section;

(b) The licensee must have been licensed under the provisions of the international fuel tax agreement during each of the four consecutive calendar quarters immediately preceding the fourth calendar quarter of the previous year; and

(c) The licensee has not violated the reporting requirements of this section.

(3) Only a licensed special fuel supplier or special fuel importer may sell special fuel to a special authorization holder in the manner prescribed by this section.

~~(4) A special fuel ((distributor)) supplier or importer who sells special fuel under the special authorization provisions of this section is not liable for the special fuel tax on the fuel. ((By the fifteenth day of the month following the month in which the fuel was sold, the special fuel distributor shall report to the department, the name and special authorization number of the purchaser and the number of gallons sold for each purchase of such special fuel, and any other information as the department may require.))~~ The special fuel supplier or importer will report such sales, in a manner prescribed by the department, at the time the special fuel supplier or importer submits the monthly tax report.

~~((4) A supplier selling special fuel under the provisions of this section shall not be responsible for taxes due for special fuel purchased under the provisions of this section.~~

~~(5) An international fuel tax agreement licensee who qualifies for a special authorization under this section for calendar year 1999 is not subject to the special fuel user requirements of RCW 82.38.289.)~~

NEW SECTION. Sec. 33. A new section is added to chapter 82.38 RCW to read as follows:

It is the intent and purpose of this chapter that the tax shall be imposed at the time and place of the first taxable event and upon the first taxable person within this state. Any person whose activities would otherwise require payment of the tax imposed by RCW 82.38.030 but who is exempt from the tax nevertheless has a precollection obligation for the tax that must be imposed on the first taxable event within this state. Failure to pay the tax with respect to a taxable event shall not prevent tax liability from arising by reason of a subsequent taxable event.

NEW SECTION. Sec. 34. The following acts or parts of acts are each repealed:

(1) RCW 82.36.042 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 14;

(2) RCW 82.36.273 (Refunds to licensee for fuel purchased by exempt person--Exception--Invoice or proof) and 1998 c 176 s 35;

(3) RCW 82.36.305 (Refunds to dealer delivering fuel exclusively for marine use--Limitations--Supporting certificate) and 1965 ex.s. c 79 s 12 & 1961 c 15 s 82.36.305;

(4) RCW 82.36.360 (Separate invoices for nontaxed fuel) and 1961 c 15 s 82.36.360;

(5) RCW 82.36.373 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 43;

(6) RCW 82.36.407 (Tax liability of user--Payment--Exceptions) and 1998 c 176 s 48;

(7) RCW 82.38.070 (Credit for sales for which no consideration was received--Report--Adjustment) and 1998 c 176 s 58, 1990 c 250 s 83, & 1971 ex.s. c 175 s 8;

(8) RCW 82.38.071 (Refund for worthless accounts receivable--Rules--Apportionment after receipt) and 1998 c 176 s 59;

(9) RCW 82.38.081 (Exemptions--Motor vehicle fuel used for racing) and 1998 c 115 s 6;

(10) RCW 82.38.185 (Refunds--Tax paid purchased by exempt person--Application) and 1998 c 176 s 73;

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(11) RCW 82.38.285 (Tax liability of user--Exceptions) and 1998 c 176 s 81; and

(12) RCW 82.38.165 (Notice by supplier of distributor's failure to pay tax--License suspension--Notice to suppliers--Revocation or suspension upon continued noncompliance) and 1998 c 176 s 69.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 36. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Senate Bill No. 5272.

MOTION

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Senate Bill No. 5272.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5272 by voice vote.

MOTION

On motion of Senator Regala, Senator Hargrove was excused.

MOTION

On motion of Senator Schoesler, Senators Benton, Brandland, Carrell, Delvin, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Stevens and Zarelli were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5272, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5272, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 2; Absent, 0; Excused, 14.

Voting yea: Senators Berkey, Brown, Clements, Eide, Fairley, Franklin, Fraser, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, Murray, Oemig, Pflug, Poulsen, Prentice, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Swecker, Tom and Weinstein - 33

Voting nay: Senators Pridemore and Schoesler - 2

Excused: Senators Benton, Brandland, Carrell, Delvin, Hargrove, Hewitt, Holmquist, Honeyford, McCaslin, Morton, Parlette, Roach, Stevens and Zarelli - 14

SENATE BILL NO. 5272, as amended by the House, having received the constitutional majority, was declared

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passed. There being no objection, the title of the bill was
ordered to stand as the title of the act.

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SUBSTITUTE SENATE BILL NO. 5174,

SIGNED BY THE PRESIDENT

MESSAGE FROM THE HOUSE

April 22, 2007

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,

MR. PRESIDENT:
The Speaker has signed:
HOUSE BILL NO. 1051,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092
and the same are herewith transmitted.

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:
The Speaker has signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,
and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

RICHARD NAFZIGER, Chief Clerk

The President signed:
HOUSE BILL NO. 1051,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1092,

SIGNED BY THE PRESIDENT

MESSAGE FROM THE HOUSE

April 22, 2007

The President signed:
SENATE BILL NO. 5272,

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:
The House has passed the following bills:
SENATE CONCURRENT RESOLUTION NO. 8408,
SENATE CONCURRENT RESOLUTION NO. 8409,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MR. PRESIDENT:
The Speaker has signed:
SENATE BILL NO. 5272,
and the same is herewith transmitted.

SIGNED BY THE PRESIDENT

RICHARD NAFZIGER, Chief Clerk

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8408,
SENATE CONCURRENT RESOLUTION NO. 8409,

MESSAGE FROM THE HOUSE

April 22, 2007

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:
The House has adopted the report of Conference Committee
on SUBSTITUTE HOUSE BILL NO. 1128, and has passed the
bill as recommended by the Conference Committee.
and the same is herewith transmitted.

MR. PRESIDENT:
The Speaker has signed:
SENATE CONCURRENT RESOLUTION NO. 8408,
SENATE CONCURRENT RESOLUTION NO. 8409,
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1128,
and the same is herewith transmitted.

MR. PRESIDENT:
Under the provisions of SENATE CONCURRENT
RESOLUTION NO. 8408, the following bills were returned to
the Senate:

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

SUBSTITUTE SENATE BILL NO. 5010
SUBSTITUTE SENATE BILL NO. 5027,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5040,
SENATE BILL NO. 5058,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5100,
SUBSTITUTE SENATE BILL NO. 5104,
ENGROSSED SECOND SUBSTITUTE SENATE BILL
NO. 5115,
SUBSTITUTE SENATE BILL NO. 5116,

The President signed:
SUBSTITUTE HOUSE BILL NO. 1128,

SIGNED BY THE PRESIDENT

The President signed:

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SUBSTITUTE SENATE BILL NO. 5145,
 SUBSTITUTE SENATE BILL NO. 5153,
 SUBSTITUTE SENATE BILL NO. 5171,
 SUBSTITUTE SENATE BILL NO. 5183,
 SUBSTITUTE SENATE BILL NO. 5184,
 SENATE BILL NO. 5208,
 SUBSTITUTE SENATE BILL NO. 5221,
 SENATE BILL NO. 5260,
 SENATE BILL NO. 5304,
 SUBSTITUTE SENATE BILL NO. 5305,
 SUBSTITUTE SENATE BILL NO. 5318,
 SUBSTITUTE SENATE BILL NO. 5366,
 SENATE BILL NO. 5383,
 SUBSTITUTE SENATE BILL NO. 5387,
 SENATE BILL NO. 5399,
 SENATE BILL NO. 5407,
 SENATE BILL NO. 5444,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5450,
 SENATE BILL NO. 5451,
 SENATE BILL NO. 5454,
 SECOND SUBSTITUTE SENATE BILL NO. 5455,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5456,
 SENATE BILL NO. 5469,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5497,
 SECOND SUBSTITUTE SENATE BILL NO. 5509,
 SUBSTITUTE HOUSE BILL NO. 5517,
 SUBSTITUTE SENATE BILL NO. 5542,
 SUBSTITUTE SENATE BILL NO. 5585,
 SUBSTITUTE SENATE BILL NO. 5619,
 SUBSTITUTE SENATE BILL NO. 5691,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5712,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,
 ENGROSSED SENATE BILL NO. 5723,
 SUBSTITUTE SENATE BILL NO. 5733,
 SECOND SUBSTITUTE SENATE BILL NO. 5743,
 SUBSTITUTE SENATE BILL NO. 5745,
 SUBSTITUTE SENATE BILL NO. 5754,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5797,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5805,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5813,
 SUBSTITUTE SENATE BILL NO. 5844,
 SUBSTITUTE SENATE BILL NO. 5855,
 SUBSTITUTE SENATE BILL NO. 5869,
 SENATE BILL NO. 5902,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5905,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,
 SUBSTITUTE SENATE BILL NO. 5964,
 SENATE BILL NO. 5969,
 ENGROSSED SENATE BILL NO. 5983,
 SENATE BILL NO. 6107,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6127,
 SUBSTITUTE SENATE BILL NO. 6168,
 ENGROSSED SUBSTITUTE SENATE CONCURRENT
 RESOLUTION NO. 8407,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2007

MR. PRESIDENT:

Under the provisions of SENATE CONCURRENT
 RESOLUTION NO. 8408, the following bills were returned to
 the Senate:

SENATE BILL NO. 5026,

ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5070,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5080,
 SECOND SUBSTITUTE SENATE BILL NO. 5090,
 SUBSTITUTE SENATE BILL NO. 5137,
 SENATE BILL NO. 5142,
 SENATE BILL NO. 5149,
 ENGROSSED SENATE BILL NO. 5261,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5267,
 SUBSTITUTE SENATE BILL NO. 5358,
 SENATE BILL NO. 5384,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5452,
 SENATE BILL NO. 5526,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5528,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5550,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5558,
 SUBSTITUTE SENATE BILL NO. 5560,
 SENATE BILL NO. 5561,
 SUBSTITUTE SENATE BILL NO. 5566,
 SENATE BILL NO. 5685,
 ENGROSSED SENATE BILL NO. 5738,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL
 NO. 5799,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5803,
 SENATE BILL NO. 5927,
 SUBSTITUTE SENATE BILL NO. 5967,
 SUBSTITUTE SENATE BILL NO. 6011,
 SUBSTITUTE SENATE BILL NO. 6053,
 SUBSTITUTE SENATE BILL NO. 6081,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6120,
 SUBSTITUTE SENATE CONCURRENT RESOLUTION
 NO. 8405,
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

April 22, 2007

Under provisions of SENATE CONCURRENT RESOLUTION
 NO. 8408, the following House Bills were returned to the House
 of Representatives:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1030,
 SUBSTITUTE HOUSE BILL NO. 1032,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1035,
 SUBSTITUTE HOUSE BILL NO. 1045,
 HOUSE BILL NO. 1049,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1055,
 HOUSE BILL NO. 1057,
 SUBSTITUTE HOUSE BILL NO. 1067,
 HOUSE BILL NO. 1068,
 SECOND SUBSTITUTE HOUSE BILL NO. 1076,
 HOUSE BILL NO. 1085,
 HOUSE BILL NO. 1086,
 SUBSTITUTE HOUSE BILL NO. 1102,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1103,
 HOUSE BILL NO. 1116,
 SUBSTITUTE HOUSE BILL NO. 1117,
 SUBSTITUTE HOUSE BILL NO. 1122,
 HOUSE BILL NO. 1123,
 HOUSE BILL NO. 1126,
 HOUSE BILL NO. 1127,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1139,
 SUBSTITUTE HOUSE BILL NO. 1141,
 HOUSE BILL NO. 1142,
 HOUSE BILL NO. 1143,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1147,
 SUBSTITUTE HOUSE BILL NO. 1148,

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HOUSE BILL NO. 1149,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
 SECOND SUBSTITUTE HOUSE BILL NO. 1178,
 SUBSTITUTE HOUSE BILL NO. 1182,
 HOUSE BILL NO. 1187,
 ENGROSSED HOUSE BILL NO. 1189,
 SUBSTITUTE HOUSE BILL NO. 1192,
 HOUSE BILL NO. 1196,
 SUBSTITUTE HOUSE BILL NO. 1200,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211,
 SUBSTITUTE HOUSE BILL NO. 1215,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1226,
 HOUSE BILL NO. 1229,
 HOUSE BILL NO. 1230,
 SUBSTITUTE HOUSE BILL NO. 1237,
 SUBSTITUTE HOUSE BILL NO. 1238,
 SECOND SUBSTITUTE HOUSE BILL NO. 1242,
 SUBSTITUTE HOUSE BILL NO. 1246,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1251,
 SUBSTITUTE HOUSE BILL NO. 1268,
 HOUSE BILL NO. 1269,
 ENGROSSED HOUSE BILL NO. 1283,
 HOUSE BILL NO. 1285,
 SUBSTITUTE HOUSE BILL NO. 1295,
 HOUSE BILL NO. 1296,
 SUBSTITUTE HOUSE BILL NO. 1300,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1307,
 HOUSE BILL NO. 1313,
 SUBSTITUTE HOUSE BILL NO. 1314,
 SUBSTITUTE HOUSE BILL NO. 1322,
 SUBSTITUTE HOUSE BILL NO. 1323,
 HOUSE BILL NO. 1326,
 HOUSE BILL NO. 1327,
 HOUSE BILL NO. 1345,
 ENGROSSED HOUSE BILL NO. 1347,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1374,
 HOUSE BILL NO. 1376,
 HOUSE BILL NO. 1378,
 HOUSE BILL NO. 1383,
 HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1392,
 SUBSTITUTE HOUSE BILL NO. 1394,
 HOUSE BILL NO. 1403,
 HOUSE BILL NO. 1404,
 HOUSE BILL NO. 1420,
 HOUSE BILL NO. 1421,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1426,
 ENGROSSED HOUSE BILL NO. 1436,
 HOUSE BILL NO. 1446,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1464,
 ENGROSSED HOUSE BILL NO. 1471,
 HOUSE BILL NO. 1480,
 SUBSTITUTE HOUSE BILL NO. 1482,
 SUBSTITUTE HOUSE BILL NO. 1492,
 SUBSTITUTE HOUSE BILL NO. 1498,
 HOUSE BILL NO. 1517,
 HOUSE BILL NO. 1537,
 SUBSTITUTE HOUSE BILL NO. 1538,
 SUBSTITUTE HOUSE BILL NO. 1561,
 SUBSTITUTE HOUSE BILL NO. 1580,
 SUBSTITUTE HOUSE BILL NO. 1588,
 SUBSTITUTE HOUSE BILL NO. 1590,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1595,

SUBSTITUTE HOUSE BILL NO. 1605,
 SUBSTITUTE HOUSE BILL NO. 1607,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,
 ENGROSSED HOUSE BILL NO. 1667,
 HOUSE BILL NO. 1672,
 SUBSTITUTE HOUSE BILL NO. 1675,
 SUBSTITUTE HOUSE BILL NO. 1682,
 SECOND SUBSTITUTE HOUSE BILL NO. 1716,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1727,
 SUBSTITUTE HOUSE BILL NO. 1734,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
 HOUSE BILL NO. 1746,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1755,
 HOUSE BILL NO. 1759,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,
 HOUSE BILL NO. 1775,
 HOUSE BILL NO. 1791,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1796,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1809,
 HOUSE BILL NO. 1824,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1825,
 HOUSE BILL NO. 1836,
 HOUSE BILL NO. 1852,
 SUBSTITUTE HOUSE BILL NO. 1865,
 SECOND SUBSTITUTE HOUSE BILL NO. 1871,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1873,
 SUBSTITUTE HOUSE BILL NO. 1876,
 SUBSTITUTE HOUSE BILL NO. 1879,
 SUBSTITUTE HOUSE BILL NO. 1880,
 HOUSE BILL NO. 1887,
 HOUSE BILL NO. 1923,
 SUBSTITUTE HOUSE BILL NO. 1955,
 ENGROSSED HOUSE BILL NO. 1956,
 ENGROSSED HOUSE BILL NO. 1967,
 SUBSTITUTE HOUSE BILL NO. 1975,
 SUBSTITUTE HOUSE BILL NO. 1977,
 SUBSTITUTE HOUSE BILL NO. 1987,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 1993,
 SUBSTITUTE HOUSE BILL NO. 2003,
 HOUSE BILL NO. 2009,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2016,
 HOUSE BILL NO. 2017,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2023,
 HOUSE BILL NO. 2026,
 SUBSTITUTE HOUSE BILL NO. 2031,
 HOUSE BILL NO. 2033,
 HOUSE BILL NO. 2048,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2053,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2073,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2082,
 HOUSE BILL NO. 2090,
 HOUSE BILL NO. 2104,
 SUBSTITUTE HOUSE BILL NO. 2107,
 HOUSE BILL NO. 2119,
 HOUSE BILL NO. 2134,
 HOUSE BILL NO. 2136,
 HOUSE BILL NO. 2137,
 HOUSE BILL NO. 2146,
 HOUSE BILL NO. 2170,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2176,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2191,
 HOUSE BILL NO. 2204,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2212,
 SUBSTITUTE HOUSE BILL NO. 2219,
 SUBSTITUTE HOUSE BILL NO. 2225,
 SUBSTITUTE HOUSE BILL NO. 2230,

April 22, 2007

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8408, the following House Bills were returned to the House of Representatives:

ONE-HUNDRED FIFTH DAY, APRIL 22, 2007

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2246,
SECOND SUBSTITUTE HOUSE BILL NO. 2256,
HOUSE BILL NO. 2263,
HOUSE BILL NO. 2283,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2292,
SUBSTITUTE HOUSE BILL NO. 2312,
SUBSTITUTE HOUSE BILL NO. 2317,
SUBSTITUTE HOUSE BILL NO. 2325,
SECOND SUBSTITUTE HOUSE BILL NO. 2327,
SUBSTITUTE HOUSE BILL NO. 2338,
HOUSE BILL NO. 2353,
ENGROSSED HOUSE BILL NO. 2373,
SUBSTITUTE HOUSE BILL NO. 2380,
HOUSE JOINT MEMORIAL NO. 4001,
HOUSE JOINT MEMORIAL NO. 4020,
HOUSE CONCURRENT RESOLUTION NO. 4404,

MOTION

On motion of Senator Eide, all measures remaining on the second and third reading calendars were returned to the Committee on Rules.

MOTION

On motion of Senator Eide, the Journal for the 105th day of the 2007 session of the 60th Legislature was approved.

MOTION

At 9:41 p.m., on motion of Senator Eide, the 2007 Senate Regular Session of the Sixtieth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

SENATE CAUCUS OFFICERS

2007

DEMOCRATIC CAUCUS

Majority Leader..... Lisa Brown
Majority Caucus ChairHarriet A. Spanel
Majority Floor Leader Tracey J. Eide
Majority WhipDebbie Regala
Majority Assistant Floor Leader.....Phil Rockefeller
Majority Vice ChairEd Murray
Majority Assistant WhipChris Marr

REPUBLICAN CAUCUS

Republican LeaderMike Hewitt
Republican Caucus ChairLinda Evans Parlette
Republican Floor LeaderMark Schoesler
Republican WhipDale Brandland
Republican Deputy LeaderCheryl Pflug
Republican Caucus Vice ChairDan Swecker
Republican Deputy Floor LeaderMike Carrell
Republican Deputy WhipJerome Delvin



Secretary of the Senate Thomas Hoemann
Deputy Secretary Brad Hendrickson
Sergeant at Arms Jim Ruble
Minute and Journal Clerk Linda Jansson
Readers Joe Anderson and Kenneth Edmonds

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SENATE JOURNAL
SIXTIETH LEGISLATURE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2007 Regular Session Convened January 8, 2007

Adjourned Sine Die April 22, 2007

Official Record of All Senate Actions Compiled, Edited, and Indexed
Pursuant to Article II, Section 11 of the Constitution of the State of
Washington, by Thomas Hoemann, Secretary of the Senate

Volume 2



Linda Jansson,
Minute and Journal Clerk

Lieutenant Governor Brad Owen, *President of the Senate*
Senator Rosa Franklin, *President Pro Tempore*
Senator Paull Shin, *Vice President Pro Tempore*

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Secretary of the Senate Thomas Hoemann
Deputy Secretary Brad Hendrickson
Sergeant at Arms Jim Ruble
Minute and Journal Clerk Linda Jansson
Readers Joe Anderson and Kenneth Edmonds

SENATE ROSTER

AND

COMMITTEE ASSIGNMENTS

2007 SENATE ROSTER

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Benton, Don	17	R	Clark (P)	PO Box 40417 Olympia, WA 98504-0417	1957 - CA	CIO - National Advtsg Conslnt	1995-1996	1997-
Berkey, Jean	38	D	Snohomish (P)	PO Box 40438 Olympia, WA 98504-0438	1938 - CA	State Senator	Appt. 1/22/01-2002	Appt. 1/5/2004
Brandland, Dale	42	R	Whatcom (P)	PO Box 40442 Olympia, WA 98504-0442	1948 - MN	Retired County Sheriff		2003-
Brown, Lisa	3	D	Spokane (P)	PO Box 40403 Olympia, WA 98504-0403	1956 - IL	Assoc. Prof. Economics	1993-1996	1997-
Carrell, Mike	28	R	Pierce (P)	10210 Lk Louise Dr SW Tacoma, WA 98498	1944 - WA	Teacher {retired}	1995-2004	Appt. 7/6/04
Clements, Jim	14	R	Yakima (P)	PO Box 548 Selah, WA 98942	1944 - WA	Orchardist	1995-2006	2007-
Delvin, Jerome	8	R	Benton (P)	PO Box 40408 Olympia, WA 98504-0408	1956 - WA	Retired	Appt. 11/28/94-2004	Appt. 5/12/04
Eide, Tracey	30	D	King (P)	PO Box 40430 Olympia, WA 98504-0430	1954 - WA	Senator	1993-1994	1999-
Fairley, Darlene	32	D	King (P), Snohomish (P)	PO Box 40432 Olympia, WA 98504-0432	1943 - WA	State Senator		1995-
Franklin, Rosa	29	D	Pierce (P)	PO Box 40429 Olympia, WA 98504-0429	1927 - SC	Registered Nurse - Retired	1991-1992	Appt. 1/25/93-
Fraser, Karen	22	D	Thurston (P)	PO Box 40422 Olympia, WA 98504-0422	1944 - WA	Senator	1989-1992	1993-
Hargrove, James	24	D	Clallam, Grays Harbor (P), Jefferson	PO Box 40424 Olympia, WA 98504-0424	1953 - OR	Forester	1985-1992	1993-
Hatfield, Brian	19	D	Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	PO Box 40419 Olympia, WA 98504-0419	1966 - WA	Ec Development Specialist	Appt. 9/26/94-2004	Appt. 11/17/06
Haugen, Mary Margaret	10	D	Island, Skagit (P), Snohomish (P)	PO Box 40410 Olympia, WA 98504-0410	1941 - WA	Legislator	1983-1992	1993-
Hewitt, Mike	16	R	Benton (P), Columbia, Franklin (P), Walla Walla	PO Box 40416 Olympia, WA 98504-0416	1946 - WA	Legislator		2001-
Hobbs, Steve	44	D	Snohomish (P)	PO Box 40444 Olympia, WA 98504-0444	1970 - WA	UW Facilities Manager		2007-

Name of Member	District	Party	County	Mailing Address	Birth Year	Place	Occupation	Previous Years Served	
								House	Senate
Holmquist, Janéa	13	R	Grant (P), Kittitas, Yakima (P)	PO Box 40413 Olympia, WA 98504-0413	1974	- AK	Self Employed	Appt. 12/7/2001- 2006	12/6/06-
Honeyford, Jim	15	R	Clark (P), Klickitat, Skamania, Yakima (P)	PO Box 40415 Olympia, WA 98504-0415	1939	- OR	Farmer/Retired Educator	1995-1998	1999-
Jacobsen, Ken	46	D	King (P)	PO Box 40446 Olympia, WA 98504-0446	1945	- NE	Self-employed	1983-1996	Appt. 1/6/97-
Kastama, Jim	25	D	Pierce (P)	PO Box 40425 Olympia, WA 98504-0425	1959	- WA	Legislator	1997-2000	2001-
Kauffman, Claudia	47	D	King (P)	PO Box 40447 Olympia, WA 98504-0447	1959	- ID	Charity Fund and Federal Liaison		2007-
Keiser, Karen	33	D	King (P)	PO Box 40433 Olympia, WA 98504-0433	1947	- IA	Ret'd Comm. Dir.	1996-2000	2001-
Kilmer, Derek	26	D	Kitsap (P), Pierce (P)	PO Box 40426 Olympia, WA 98504-0426	1974	- WA	Economic Dev. Manager	2005-2006	2007-
Kline, Adam	37	D	King (P)	PO Box 40437 Olympia, WA 98504-0437	1944	- NJ	Lawyer		Appt. 1/20/97-
Kohl-Welles, Jeanne	36	D	King (P)	PO Box 40436 Olympia, WA 98504-0436	1942	- WI	Sociologist Lecturer, UW	1992-1994	Appt. 10/14/94-
Marr, Chris	6	D	Spokane (P)	PO Box 40406 Olympia, WA 98504-0406	1954	- NJ	Retired		2007-
McAuliffe, Rosemary	1	D	King (P), Snohomish (P)	PO Box 40401 Olympia, WA 98504-0401	1940	- WA	Ownr/Mgr Hollywood Schoolhouse		1993-
McCaslin, Bob	4	R	Spokane (P)	PO Box 40404 Olympia, WA 98504-0404	1926	- OH	Retired Real Estate Broker		1981-
Morton, Bob	7	R	Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	PO Box 40407 Olympia, WA 98504-0407	1934	- NY	Legislator	1991-93	Appt. 1/5/94-
Murray, Ed	43	D	King (P)	3302 Fuhrman Ave E #103 Seattle, WA 98102	1955	- WA	Legislator	Appt. 11/4/1995, 1996-2006	2007-
Oemig, Eric	45	D	King (P)	PO Box 40445 Olympia, WA 98504-0445	1967	- WI	Software engineer		2007-
Parlette, Linda Evans	12	R	Chelan, Douglas, Grant (P), Okanogan (P)	PO Box 40412 Olympia, WA 98504-0412	1945	- WA	Pharmacist & Orchardist	1997-2000	2001-

Name of Member	District	Party	County	Mailing Address	Birth Year	Place	Occupation	Previous Years Served	
								House	Senate
Pflug, Cheryl	5	R	King (P)	PO Box 40405 Olympia, WA 98504-0405	1957	WA	Registered Nurse	1999-2004	Appt. 1/5/04
Poulsen, Erik	34	D	King (P)	PO Box 16252 Seattle, WA 98116	1964	WI	Legislator	1995-2002	2002-
Prentice, Margarita	11	D	King (P)	PO Box 40411 Olympia, WA 98504-0411	1931	CA	Registered Nurse, Retired	Appt. 5/31/88-1992	1993-
Pridemore, Craig	49	D	Clark (P)	PO Box 40449 Olympia, WA 98504-0449	1961	CA	Legislator		2005-
Rasmussen, Marilyn	2	D	Pierce (P), Thurston (P)	PO Box 40402 Olympia, WA 98504-0402	1939	WA	Self-Employed	1987-1992	1993-
Regala, Debbie	27	D	Pierce (P)	PO Box 40427 Olympia, WA 98504-0427	1945	WA	Community Volunteer	1995-2000	2001-
Roach, Pam	31	R	King (P), Pierce (P)	PO Box 40431 Olympia, WA 98504-0431	1948	CA	Self-Employed		1991-
Rockefeller, Phil	23	D	Kitsap (P)	PO Box 40423 Olympia, WA 98504-0423	1938	NY	Attorney (retired)	1999-2004	2005-
Schoesler, Mark	9	R	Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	PO Box 40409 Olympia, WA 98504-0409	1957	WA	Self-Employed Farmer	1993-2004	2005-
Sheldon, Tim	35	D	Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	PO Box 40435 Olympia, WA 98504-0435	1947	WA	Tree Farmer	1991-1997	Elected 11/4/97-
Shin, Paull	21	D	Snohomish (P)	PO Box 40421 Olympia, WA 98504-0421	1935	Korea	Professor-Retired	1993-1994	1999-
Spanel, Harriet	40	D	San Juan, Skagit (P), Whatcom (P)	PO Box 40440 Olympia, WA 98504-0440	1939	IA	Legislator	1987-1992	1993-
Stevens, Val	39	R	King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 40439 Olympia, WA 98504-0439	1939	WA	Legislator	1993-1996	1997-
Swecker, Dan	20	R	Lewis, Thurston (P)	PO Box 40420 Olympia, WA 98504-0420	1947	MT	Sec/Treas Wa. Fish Growers		Appt. 1/5/95-
Tom, Rodney	48	D	King (P)	PO Box 594 Medina, WA 98039	1963	WA	Real Estate Agent	2003-2006	2007
Weinstein, Brian	41	D	King (P)	PO Box 40441 Olympia, WA 98504-0441	1954	NY	Attorney		2005-

Name of Member	District	Party	County	Mailing Address	Birth Year Place	Occupation	Previous Years Served	
							House	Senate
Zarelli, Joseph	18	R	Clark (P), Cowlitz (P)	PO Box 40418 Olympia, WA 98504-0418	1961 - WA	Business Devlpmnt & Risk Mngt		Elected 11/7/95-
Hoemann, Thomas				PO Box 40482 Olympia, WA 98504-0482	1952 - NE	Secretary of the Senate		2005
Hendrickson, Brad				PO Box 40482 Olympia, WA 98504-0482	1960 - WA	Deputy Secretary of the Senate		(1993-1996 1999-2002) 2005
Ruble, Jim				PO Box 40482 Olympia, WA 98504-0482	1943 - WA	Sergeant At Arms		2005

**Membership of
Senate Standing Committees
2007**

Agriculture & Rural Economic Development (6) – Rasmussen, Chair; Hatfield, Vice Chair; *Schoesler; Jacobsen; Morton; Shin

Consumer Protection & Housing (9) -- Weinstein, Chair; Kauffman, Vice Chair; *Honeyford; Delvin; Haugen; Jacobsen; Kilmer; McCaslin; Tom

Early Learning & K-12 Education (13) -- McAuliffe, Chair; Tom, Vice Chair; *Holmquist; Brandland; Clements; Eide; Hewitt; Hobbs; Kauffman; Oemig; Rasmussen; Weinstein; Zarelli

Economic Development, Trade & Management (6) – Kastama, Chair; Kilmer, Vice Chair; *Zarelli; Clements; Kauffman; Shin

Financial Institutions & Insurance (8) -- Berkey, Chair; Hobbs, Vice Chair; *Benton; Franklin; Hatfield; Parlette; Prentice; Schoesler

Government Operations & Elections (7) -- Fairley, Chair; Oemig, Vice Chair; *Roach; Benton; Kline; Pridemore; Swecker

Health & Long-Term Care (9) -- Keiser, Chair; Franklin, Vice Chair; *Pflug; Carrell; Fairley; Kastama; Kohl-Welles; Marr; Parlette

Higher Education (6) -- Shin, Chair; Kilmer, Vice Chair; *Delvin; Berkey; Schoesler; Sheldon

Human Services & Corrections (7) -- Hargrove, Chair; Regala, Vice Chair; *Stevens; Brandland; Carrell; Marr; McAuliffe

Judiciary (8) -- Kline, Chair; Tom, Vice Chair; *McCaslin; Carrell; Hargrove; Murray; Roach; Weinstein

Labor, Commerce, Research & Development (8) – Kohl-Welles, Chair; Keiser, Vice Chair; *Clements; Franklin; Hewitt; Holmquist; Murray; Prentice

Natural Resources, Ocean & Recreation (9) -- Jacobsen, Chair; Rockefeller, Vice Chair; *Morton; Fraser; Hargrove; Poulsen; Spanel; Stevens; Swecker

Rules (19) --Lieutenant Governor, Chair; Franklin, Vice Chair; *Hewitt; Brown; Eide; Fraser; Haugen; Kline; Kohl-Welles; McAuliffe; Murray; Parlette; Pflug; Poulsen; Regala; Schoesler; Spanel; Stevens; Zarelli

Transportation (17) -- Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; *Swecker; Benton; Berkey; Clements; Delvin; Eide; Holmquist; Jacobsen; Kastama; Kauffman; Kilmer; Pflug; Sheldon; Spanel

Water, Energy & Telecommunications (11) -- Poulsen, Chair; Rockefeller, Vice Chair; *Honeyford; Delvin; Fraser; Holmquist; Marr; Morton; Oemig; Pridemore; Regala

Ways & Means (21) -- Prentice, Chair; Fraser, Vice Chair Capital Budget; Pridemore, Vice Chair Operating Budget; *Zarelli; Brandland; Carrell; Fairley; Hatfield; Hewitt; Hobbs; Honeyford; Keiser; Kohl-Welles; Oemig; Parlette; Rasmussen; Regala; Roach; Rockefeller; Schoesler; Tom

* Ranking Minority Member

**Member Assignments to
Senate Standing Committees**

2007

Benton, Don	*Financial Institutions & Insurance; Government Operations & Election; Transportation
Berkey, Jean	Financial Institutions & Insurance, Chair; Higher Education; Transportation
Brandland, Dale	Early Learning & K-12 Education; Human Services & Corrections; Ways & Means
Brown, Lisa	Rules
Carrell, Mike	Health & Long-Term Care; Human Services & Corrections; Judiciary; Ways & Means
Clements, Jim	*Labor, Commerce, Research & Development; Early Learning & K-12 Education; Economic Development, Trade & Management; Transportation
Delvin, Jerome	*Higher Education; Consumer Protection & Housing; Transportation; Water, Energy & Telecommunications
Eide, Tracey	Early Learning & K-12 Education; Rules; Transportation
Fairley, Darlene	Government Operations & Elections, Chair; Health & Long-Term Care; Ways & Means
Franklin, Rosa	Health & Long-Term Care, Vice Chair; Rules, Vice Chair; Financial Institutions & Insurance; Labor, Commerce, Research & Development
Fraser, Karen	Ways & Means, Vice Chair Capital Budget; Natural Resources, Ocean & Recreation; Rules; Water, Energy & Telecommunications
Hargrove, James	Human Services & Corrections, Chair; Judiciary; Natural Resources, Ocean & Recreation
Hatfield, Brian	Agriculture & Economic Rural Development, Vice Chair; Financial Institutions & Insurance; Ways & Means
Haugen, Mary Margaret	Transportation, Chair; Consumer Protection & Housing; Rules
Hewitt, Mike	*Rules; Early Learning & K-12 Education; Labor, Commerce, Research & Development; Ways & Means
Hobbs, Steve	Financial Institutions & Insurance, Vice Chair; Early Learning & K-12 Education; Ways & Means
Holmquist, Janéa	*Early Learning & K-12 Education; Labor, Commerce, Research & Development; Transportation; Water, Energy & Telecommunications
Honeyford, Jim	*Consumer Protection & Housing; *Water, Energy & Telecommunications; Ways & Means
Jacobsen, Ken	Natural Resources, Ocean & Recreation, Chair; Agriculture & Rural Economic Development; Consumer Protection & Housing; Transportation
Kastama, Jim	Economic Development, Trade & Management, Chair; Health & Long-Term Care; Transportation
Kauffman, Claudia	Consumer Protection & Housing, Vice Chair; Early Learning & K-12 Education; Economic Development, Trade & Management; Transportation
Keiser, Karen	Health & Long-Term Care, Chair; Labor, Commerce, Research & Development, Vice Chair; Ways & Means
Kilmer, Derek	Economic Development, Trade & Management, Vice Chair; Higher Education, Vice Chair; Consumer Protection & Housing; Transportation
Kline, Adam	Judiciary, Chair; Government Operations & Elections; Rules
Kohl-Welles, Jeanne	Labor, Commerce, Research & Development, Chair; Health & Long-Term Care; Rules; Ways & Means
Marr, Chris	Transportation, Vice Chair; Health & Long-Term Care; Human Services & Corrections; Water, Energy & Telecommunications
McAuliffe, Rosemary	Early Learning & K-12 Education, Chair; Human Services & Corrections; Rules
McCaslin, Bob	*Judiciary; Consumer Protection & Housing
Morton, Bob	*Natural Resources, Ocean & Recreation; Agriculture & Economic Rural Development; Water, Energy & Telecommunications
Murray, Ed	Transportation, Vice Chair; Judiciary; Labor, Commerce, Research & Development; Rules

Oemig, Eric	Government Operations & Elections, Vice Chair; Early Learning & K-12 Education; Water, Energy & Telecommunications; Ways & Means
Parlette, Linda Evans	Financial Institutions & Insurance; Health & Long-Term Care; Rules; Ways & Means
Pflug, Cheryl	*Health & Long-Term Care; Rules; Transportation
Poulsen, Erik	Water, Energy & Telecommunications, Chair; Natural Resources, Ocean & Recreation; Rules
Prentice, Margarita	Ways & Means, Chair; Financial Institutions & Insurance; Labor, Commerce, Research and Development
Pridemore, Craig	Ways & Means, Vice Chair Operating Budget; Government Operations & Elections; Water, Energy & Telecommunications
Rasmussen, Marilyn	Agriculture & Rural Economic Development, Chair; Early Learning & K-12 Education; Ways & Means
Regala, Debbie	Human Services & Corrections, Vice Chair; Rules; Water, Energy & Telecommunications; Ways & Means
Roach, Pam	*Government Operations & Elections; Judiciary; Ways & Means
Rockefeller, Phil	Natural Resources, Ocean & Recreation, Vice Chair; Water, Energy & Telecommunications, Vice Chair; Ways & Means
Schoesler, Mark	*Agriculture & Rural Economic Development; Financial Institutions & Insurance; Higher Education; Rules; Ways & Means
Sheldon, Tim	Higher Education, Transportation
Shin, Paull	Higher Education, Chair; Agriculture & Rural Economic Development; Economic Development, Trade & Management
Spanel, Harriet	Natural Resources, Ocean & Recreation; Rules; Transportation
Stevens, Val	*Human Services & Corrections; Natural Resources, Ocean & Recreation; Rules
Swecker, Dan	*Transportation; Government Operations & Elections; Natural Resources, Ocean & Recreation
Tom, Rodney	Early Learning & K-12 Education, Vice Chair; Judiciary, Vice Chair; Consumer Protection & Housing; Ways & Means
Weinstein, Brian	Consumer Protection & Housing, Chair; Early Learning & K-12 Education; Judiciary
Zarelli, Joseph	*Economic Development, Trade & Management; *Ways & Means; Early Learning & K-12 Education; Rules

*Ranking Minority Member

**GOVERNOR'S MESSAGE ON SENATE BILLS
SIGNED AFTER ADJOURNMENT**

MESSAGE FROM THE GOVERNOR

March 13, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 13, 2007, Governor Gregoire approved the following Senate Bill entitled:

Second Substitute Senate Bill No. 5093
Relating to health care services for children.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

March 22, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 22, 2007, Governor Gregoire approved the following Senate Bill entitled:

Substitute Senate Bill No. 5089
Relating to conforming Washington's tax structure to the streamlined sales and use tax agreement.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 9, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 9, 2007, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5011
Relating to removing the expiration date on chapter 302, Laws of 2006.

Engrossed Senate Bill No. 5166
Relating to the designation of the thirteenth day of January of each year as Korean-American day.

Substitute Senate Bill No. 5191
Relating to missing persons.

Senate Bill No. 5253
Relating to veteran-owned businesses.

Senate Bill No. 5620
Relating to the civil service commissions for sheriffs' offices.

Substitute Senate Bill No. 5625
Relating to contracts for jail services with counties and cities in adjacent states.

Senate Bill No. 5635
Relating to requiring polygraph tests.

Senate Bill No. 5759

Relating to executive state officers.

Substitute Senate Bill No. 5898

Relating to the use of a common carrier for the shipment of wine.

Substitute Senate Bill No. 5952

Relating to correcting provisions for the department of early learning.

Senate Bill No. 5957

Relating to administrative practices concerning the information processing and communications systems of the legislature overseen by the joint legislative systems committee.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 13, 2007

Ladies and Gentlemen:

I have the honor to advise you that on April 13, 2007, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5036

Relating to repealing the application of the sunset act to the intermediate driver's license program.

Senate Bill No. 5079

Relating to including supreme court and court of appeals commissioners to solemnize marriages.

Senate Bill No. 5113

Relating to barley straw for water clarification.

Substitute Senate Bill No. 5231

Relating to water-sewer districts.

Substitute Senate Bill No. 5263

Relating to medical malpractice closed claim reporting.

Senate Bill No. 5264

Relating to naming or renaming state transportation facilities.

Senate Bill No. 5351

Relating to the court of appeals.

Senate Bill No. 5382

Relating to record checks for employees and applicants for employment at bureau of Indian affairs-funded schools.

Engrossed Senate Bill No. 5385

Relating to authorizing the Washington higher education facilities authority to originate and purchase educational loans and to issue student loan revenue bonds.

Substitute Senate Bill No. 5405

Relating to judicial orders concerning distraint of personal property.

Senate Bill No. 5408

Relating to primary election ballots.

Substitute Senate Bill No. 5481

Relating to conservation measures in performance-based contracting.

Senate Bill No. 5490

Relating to adult family home advisory committees.

Engrossed Substitute Senate Bill No. 5513

Relating to establishing a state government efficiency hotline.

Senate Bill No. 5525

Relating to medical insurance for city officials.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 17, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 2007, Governor Gregoire approved the following Senate Bill entitled:

Substitute Senate Bill No. 5228

Relating to actions under chapter 19.86 RCW, the consumer protection act.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 18, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 18, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5039

Relating to the investment of scholarship endowment funds.

Senate Bill No. 5042

Relating to insurance.

Substitute Senate Bill No. 5052

Relating to auto glass repair and third party administrators.

Substitute Senate Bill No. 5078

Relating to approaching stationary emergency, roadside assistance, or police vehicles.

Senate Bill No. 5086

Relating to increasing the population threshold for state highway maintenance responsibility in cities and towns.

Substitute Senate Bill No. 5087

Relating to compliance with the federal REAL ID Act of 2005.

Substitute Senate Bill No. 5118

Relating to developing sexual harassment policies, procedures, and mandatory training for all state employees.

Second Substitute Senate Bill No. 5122

Relating to preserving the current regulatory assistance program with cost reimbursement changes.

Senate Bill No. 5134

Relating to authorizing police officers to impound vehicles operated by drivers without specially endorsed licenses.

Senate Bill No. 5175

Relating to public employees' retirement system, plan 1 and teachers' retirement system, plan 1 age and retirement requirements for receipt of the annual increase amount.

Substitute Senate Bill No. 5190

Relating to the collection of legal financial obligations.

Senate Bill No. 5199

Relating to adding enforcement provisions regarding fraud, deception, and unlicensed internet lending to the chapter governing check cashers and sellers.

Engrossed Senate Bill No. 5204

Relating to the enforcement of animal health laws.

Substitute Senate Bill No. 5242

Relating to an internship program for wounded combat veterans.

Senate Bill No. 5247

Relating to superior court judicial positions.

Substitute Senate Bill No. 5250

Relating to transferring motor vehicle ownership.

Engrossed Senate Bill No. 5251

Relating to the term of existence of a collective bargaining agreement.

Senate Bill No. 5273

Relating to motorcycle driver's license endorsement and education.

Engrossed Substitute Senate Bill No. 5292

Relating to physical therapist assistants.

Senate Bill No. 5313

Relating to establishing the retirement age for members of the Washington state patrol retirement system.

Senate Bill No. 5389

Relating to importing a simulcast race of regional or national interest on horse race days.

Substitute Senate Bill No. 5391

Relating to photo enforcement of traffic infractions.

Senate Bill No. 5398

Relating to licensing specialty hospitals.

Engrossed Substitute Senate Bill No. 5403

Relating to certifying animal massage practitioners.

Senate Bill No. 5421

Relating to environmental covenants.

Substitute Senate Bill No. 5443

Relating to the suppression of workers' compensation claims.

Substitute Senate Bill No. 5461

Relating to continuing the use of contract harvesting for improving forest health on Washington state trust lands.

Substitute Senate Bill No. 5463

Relating to forest fire protection assessments.

Senate Bill No. 5468

Relating to the administration of tax programs administered by the department of revenue.

Substitute Senate Bill No. 5511

Relating to requiring state agencies to allow volunteer firefighters to respond when called to duty.

Substitute Senate Bill No. 5554

Relating to self-service storage facilities.

Senate Bill No. 5607

Relating to exempting historical property owned by the United States government from leasehold excise taxation.

Senate Bill No. 5640

Relating to authorizing tribal governments to participate in public employees' benefits board programs.

Substitute Senate Bill No. 5688

Relating to allowing industrial insurance claimants to designate a representative to receive the claimants' notices, orders, or warrants.

Senate Bill No. 5711

Relating to the offender score for offenses concerning the influence of intoxicating liquor or any drug.

Substitute Senate Bill No. 5715

Relating to persons selling, soliciting, or negotiating insurance.

Engrossed Substitute Senate Bill No. 5717

Relating to the establishment of a program of market conduct oversight within the office of the insurance commissioner.

Substitute Senate Bill No. 5720

Relating to broadcast of legal notices.

Senate Bill No. 5732

Relating to restrictions on the county treasurer regarding receipting current year taxes.

Senate Bill No. 5775

Relating to special education.

Engrossed Substitute Senate Bill No. 5827

Relating to consumer privacy.

Substitute Senate Bill No. 5839

Relating to nonmandatory reports of child abuse or neglect.

Senate Bill No. 5879

Relating to payroll deductions for retiree organization dues.

Second Substitute Senate Bill No. 5883

Relating to the conversion of forest land to nonforestry uses.

Substitute Senate Bill No. 5895

Relating to seller disclosure of information concerning residential real property.

Substitute Senate Bill No. 5910

Relating to prefiling notice of intent to commence a medical malpractice action.

Senate Bill No. 5918

Relating to retirement benefits for judges.

Engrossed Substitute Senate Bill No. 5920

Relating to a pilot program for vocational rehabilitation services.

Senate Bill No. 5953

Relating to penalties for acts of violence by strangulation.

Engrossed Senate Bill No. 6018

Relating to detention of persons with a mental disorder or a chemical dependency.

Senate Bill No. 6059

Relating to allowing attorneys to recover actual costs for service of process.

Senate Bill No. 6075

Relating to increasing competitive bid limits for the purchase of materials, equipment, or supplies.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 21, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 21, 2007, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5123

Relating to protecting persons with veteran or military status from discrimination.

Substitute Senate Bill No. 5336

Relating to protecting individuals in domestic partnerships by granting certain rights and benefits.

Substitute Senate Bill No. 5445

Relating to cost-reimbursement agreements.

Substitute Senate Bill No. 5568

Relating to extending the date when counties east of the crest of the Cascade mountains that pledge lodging tax revenue for payment of bonds prior to June 26, 1975, must allow a credit for city lodging taxes.

Substitute Senate Bill No. 5676

Relating to temporary total disability.

Senate Bill No. 5773

Relating to treatment records.

Substitute Senate Bill No. 5972

Relating to the surface mining reclamation act.

Substitute Senate Bill No. 5984

Relating to performing engineering services on significant structures.

Senate Bill No. 6014

Relating to industrial development on reclaimed surface coal mine sites.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 27, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 27, 2007, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Senate Bill No. 5063

Relating to removing gender references.

Substitute Senate Bill No. 5193

Relating to donation of unclaimed personal property to nonprofit charitable organizations.

Substitute Senate Bill No. 5243

Relating to increasing the length of confinement for a parole violation committed by certain juvenile sex offenders under the jurisdiction of the department of social and health services, juvenile rehabilitation administration.

Substitute Senate Bill No. 5321

Relating to the sharing of child welfare information.

Senate Bill No. 5332

Relating to creating a statewide automated victim information and notification system.

Substitute Senate Bill No. 5435

Relating to the public records exemptions accountability committee.

Senate Bill No. 5551

Relating to enforcement of liquor and tobacco laws.

Substitute Senate Bill No. 5639

Relating to a caterer's endorsement for licensed microbreweries.

Engrossed Second Substitute Senate Bill No. 5862

Relating to passenger-only ferry service.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

April 30, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on April 30, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5074

Relating to water resource inventory area 29.

Second Substitute Senate Bill No. 5188

Relating to a wildlife rehabilitation program.

Substitute Senate Bill No. 5236

Relating to public lands management.

Engrossed Senate Bill No. 5508

Relating to economic development project permitting.

Substitute Senate Bill No. 5653

Relating to the establishment of a self-employment assistance program.

Second Substitute Senate Bill No. 5995

Relating to the economic development commission.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 1, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 2007, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5014

Relating to the process for adopting contribution rates for the actuarial funding of the state retirement systems.

Substitute Senate Bill No. 5053

Relating to creating the office of the ombudsman for workers of industrial insurance self-insured employers.

Engrossed Substitute Senate Bill No. 5290

Relating to industrial insurance medical and chiropractic advisory committees for the department of labor and industries.

Engrossed Substitute Senate Bill No. 5297

Relating to providing medically and scientifically accurate sexual health education in schools.

Second Substitute Senate Bill No. 5467

Relating to creating the individual and family services program for people with developmental disabilities.

Senate Bill No. 5512

Relating to financing for hospital benefit zones.

Engrossed Senate Bill No. 5675

Relating to increasing minimum industrial insurance benefits.

Engrossed Substitute Senate Bill No. 5836

Relating to the determination of boundaries for taxing districts.

Substitute Senate Bill No. 5881

Relating to water power license fees.

Engrossed Substitute Senate Bill No. 5915

Relating to unemployment and industrial insurance notices required to be posted by employers.

Senate Bill No. 5926

Relating to creating a joint legislative task force to review the underground economy in the construction industry.

Engrossed Second Substitute Senate Bill No. 5930 (PV)

Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access.

Engrossed Second Substitute Senate Bill No. 5958

Relating to innovative primary health care delivery.

Second Substitute Senate Bill No. 6016

Relating to good cause reasons for failure to participate in WorkFirst program components.

Senate Bill No. 6119

Relating to changing the distribution to and allocation of the fire service training account.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 2, 2007

To the Honorable President and Members,

The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 2, 2007, Governor Gregoire approved the following Senate Bills entitled:

Senate Bill No. 5014

Relating to the process for adopting contribution rates for the actuarial funding of the state retirement systems.

Substitute Senate Bill No. 5053

Relating to creating the office of the ombudsman for workers of industrial insurance self-insured employers.

Engrossed Substitute Senate Bill No. 5290

Relating to industrial insurance medical and chiropractic advisory committees for the department of labor and industries.

Engrossed Substitute Senate Bill No. 5297

Relating to providing medically and scientifically accurate sexual health education in schools.

Second Substitute Senate Bill No. 5467

Relating to creating the individual and family services program for people with developmental disabilities.

Senate Bill No. 5512

Relating to financing for hospital benefit zones.

Engrossed Senate Bill No. 5675

Relating to increasing minimum industrial insurance benefits.

Engrossed Substitute Senate Bill No. 5836

Relating to the determination of boundaries for taxing districts.

Substitute Senate Bill No. 5881

Relating to water power license fees.

Engrossed Substitute Senate Bill No. 5915

Relating to unemployment and industrial insurance notices required to be posted by employers.

Senate Bill No. 5926

Relating to creating a joint legislative task force to review the underground economy in the construction industry.

Engrossed Second Substitute Senate Bill No. 5958

Relating to innovative primary health care delivery.

Second Substitute Senate Bill No. 6016

Relating to good cause reasons for failure to participate in WorkFirst program components.

Senate Bill No. 6119

Relating to changing the distribution to and allocation of the fire service training account.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 4, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 3, 2007, Governor Gregoire approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5669

Relating to implementing renewable fuel standards.

Engrossed Substitute Senate Bill No. 6001 (PV)

Relating to mitigating the impacts of climate change.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 4, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 4, 2007, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5269

Relating to establishing the first peoples' language and culture teacher certification program.

Substitute Senate Bill No. 5340

Relating to the definition of disability in the Washington law against discrimination.

Engrossed Senate Bill No. 5401

Relating to Christmas tree grower licensure.

Second Substitute Senate Bill No. 5652

Relating to microenterprise development.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 7, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2007, Governor Gregoire approved the following Senate Bills entitled:

Engrossed Substitute Senate Bill No. 5372

Relating to the Puget Sound partnership.

Senate Bill No. 5552

Relating to discharges of oil.

Engrossed Substitute Senate Bill No. 5894

Relating to clarifying regulatory authority for large on-site sewage systems.

Engrossed Second Substitute Senate Bill No. 5923 (PV)

Relating to aquatic invasive species enforcement and control.

Engrossed Second Substitute Senate Bill No. 6044

Relating to derelict vessels.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 9, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 8, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5108 (PV)

Relating to farmland preservation.

Engrossed Substitute Senate Bill No. 5112

Relating to auctioning vessels.

Substitute Senate Bill No. 5202

Relating to permissible weaponry for on-duty law enforcement officers.

Substitute Senate Bill No. 5227

Relating to animal abandonment.

Substitute Senate Bill No. 5248

Relating to preserving the viability of agricultural lands.

Engrossed Substitute Senate Bill No. 5312

Relating to protecting and recovering property owned by utilities, telecommunications companies, railroads, state agencies, political subdivisions of the state, construction firms, and other parties.

Substitute Senate Bill No. 5320 (PV)

Relating to creating an office of public guardianship as an independent agency of the judiciary.

Senate Bill No. 5429

Relating to deductions from moneys received by an inmate.

Engrossed Senate Bill No. 5498

Relating to revising voter-approved funding sources for local taxing districts.

Substitute Senate Bill No. 5533

Relating to procedures for individuals who are mentally ill and engaged in acts constituting criminal behavior.

Substitute Senate Bill No. 5534

Relating to an exemption from unemployment compensation for certain small performing arts industries.

Senate Bill No. 5572

Relating to excise tax relief for certain limited purpose public corporations.

Substitute Senate Bill No. 5634

Relating to corrections personnel training.

Engrossed Second Substitute Senate Bill No. 5659

Relating to family medical leave insurance.

Substitute Senate Bill No. 5674

Relating to water district commissioner candidates.

Substitute Senate Bill No. 5702

Relating to notice to certain employees of a claim of exemption from paying unemployment insurance taxes.

Substitute Senate Bill No. 5718 (PV)

Relating to penalties for engaging in the commercial sexual abuse of minors.

Substitute Senate Bill No. 5721

Relating to allowing for financial arrangements between the holders of a sports/entertainment facility and manufacturers, importers, and distributors.

Engrossed Substitute Senate Bill No. 5774 (PV)

Relating to revising background check processes.

Engrossed Substitute Senate Bill No. 5788

Relating to the licensing of home inspectors.

Engrossed Second Substitute Senate Bill No. 5859

Relating to retail liquor licenses.

Substitute Senate Bill No. 5987

Relating to gang-related offenses.

Engrossed Substitute Senate Bill No. 6032

Relating to medical use of marijuana.

Substitute Senate Bill No. 6100

Relating to charitable donations.

Engrossed Substitute Senate Bill No. 6023 (PV)

Related to the Washington assessment of student learning.

Engrossed Senate Bill No. 6128

Relating to persons authorized to make expenditures on behalf of a candidate or committee.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 10, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 9, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5097

Relating to safe schools.

Engrossed Second Substitute Senate Bill No. 5098

Relating to the Washington college bound scholarship program.

Substitute Senate Bill No. 5288

Relating to including cyberbullying in school district harassment prevention policies.

Engrossed Second Substitute Senate Bill No. 5627

Relating to basic education funding.

Substitute Senate Bill No. 5731

Relating to educating students in high demand fields.

Engrossed Second Substitute Senate Bill No. 5828

Relating to early child development and learning.

Engrossed Second Substitute Senate Bill No. 5841 (PV)

Relating to enhancing student learning opportunities and student achievement.

Engrossed Second Substitute Senate Bill No. 5843

Relating to educational data and data systems.

Second Substitute Senate Bill No. 5955 (PV)

Relating to educator preparation, professional development, and compensation.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 11, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 11, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5009

Relating to exempting biodiesel fuel used for farm use from sales and use taxation.

Engrossed Substitute Senate Bill No. 5037

Relating to the use of a wireless communications device while operating a moving vehicle.

Substitute Senate Bill No. 5050

Relating to mileage tolling of nonconforming vehicles.

Senate Bill No. 5084

Relating to rail transit safety plans.

Senate Bill No. 5088

Relating to vehicles boarding ferries.

Substitute Senate Bill No. 5224

Relating to the salmon recovery office.

Engrossed Substitute Senate Bill No. 5317

Relating to child care safety.

Substitute Senate Bill No. 5937

Relating to the creation and distribution of funds for additional patrols along high-accident corridors.

Engrossed Second Substitute Senate Bill No. 6117 (PV)

Relating to reclaimed water.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 14, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5002

Relating to tuition waivers for veterans' families.

Substitute Senate Bill No. 5101

Relating to waiving tuition and fees for public and vocational school teachers and other certified instructional staff.

Second Substitute Senate Bill No. 5164

Relating to expanding the veterans conservation corps program.

Engrossed Substitute Senate Bill No. 5339

Relating to authorizing the acquisition and operation of tourism-related facilities by port districts.

Senate Bill No. 5402

Relating to private vocational school programs.

Senate Bill No. 5434

Relating to the excise taxation of sales of tangible personal property originating from or destined to foreign countries.

Substitute Senate Bill No. 5447

Relating to ensuring a sustainable coastal Dungeness crab fishery.

Engrossed Second Substitute Senate Bill No. 5557

Relating to public facilities for economic development purposes.

Second Substitute Senate Bill No. 5790 (PV)

Relating to skill centers.

Substitute Senate Bill No. 5830

Relating to home visitation services for families.

Substitute Senate Bill No. 6141

Relating to forest health.

Sincerely,
Marty Brown, Legislative Director

MESSAGE FROM THE GOVERNOR

May 16, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 15, 2007, Governor Gregoire approved the following Senate Bills entitled:

Substitute Senate Bill No. 5085

Relating to increasing the proportionate share of earnings from surplus balance investments that are deposited in transportation-related accounts.

Substitute Senate Bill No. 5174

Relating to corrections in the public retirement systems.

Substitute Senate Bill No. 5207

Relating to a study to evaluate the imposition of a fee on the processing of shipping containers, port-related user fees, and other funding mechanisms to improve freight corridors.

Senate Bill No. 5272

Relating to the administration of fuel taxes.

Engrossed Substitute Senate Bill No. 5311

Relating to a budget stabilization account.

Substitute Senate Bill No. 5412

Relating to clarifying goals, objectives, and responsibilities of certain transportation agencies.

Second Substitute Senate Bill No. 5470

Relating to dissolution proceedings.

Second Substitute Senate Bill No. 5597

Relating to contracts with chiropractors.

Substitute Senate Bill No. 5647

Relating to clarifying the use of existing lodging tax revenues for tourism promotion.

Engrossed Substitute Senate Bill No. 5726

Relating to creating the insurance fair conduct act.

Engrossed Substitute Senate Bill No. 5770

Relating to work performed by institutions of higher education.

Substitute Senate Bill No. 5826

Relating to consumer credit reports.

Substitute Senate Bill No. 5882

Relating to creating the Washington state heritage center account and establishing fees to be used for financing the Washington state heritage center.

Engrossed Substitute Senate Bill No. 6099 (PV)

Relating to the state route number 520 bridge replacement and HOV project.

Substitute Senate Bill No. 6156 (PV)

Relating to state government.

Engrossed Substitute Senate Bill No. 6157

Relating to reducing offender recidivism by increasing access and coordination of offender services in communities through inventories of services and community transition coordination network pilot programs.

Engrossed Substitute Senate Bill No. 6158

Relating to biennial rebasing of nursing facility medicaid payment rates.

Senate Bill No. 6167

Relating to clarifying the director's authority to determine interest in certain public retirement systems.

Sincerely,
Marty Brown, Legislative Director

**GOVERNOR'S MESSAGE ON PARTIAL VETOES OF SENATE BILLS
AFTER ADJOURNMENT**MESSAGE FROM GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5313

April 18, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning without my approval as to Section 2, Senate Bill No. 5313 entitled:

"AN ACT Relating to establishing the retirement age for members of the Washington state patrol retirement system."

This bill will help the Washington State Patrol retain its experienced troopers. When the bill was moving through the legislature, they were concerned that a trooper may turn 60 years old between July 1, 2007 the first day this bill could be effective, and the standard effective date, which is 90 days after a bill is signed into law. The Washington State Patrol has since determined that no troopers will turn 60 years old during this period of time, and that no trooper will face the mandatory retirement age prior to the effective date of this bill. The emergency clause is therefore unnecessary.

For these reasons, I have vetoed Section 2 of Senate Bill No. 5313.
With the exception of Sections 2, Senate Bill No. 5313 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, GovernorMESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5930

May 2, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 59 and 74, Engrossed Second Substitute Senate Bill No. 5930 entitled:

"AN ACT Relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access."

I am pleased to support Engrossed Second Substitute Senate Bill No. 5930, an act relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the Blue Ribbon Commission on Health Care Costs and Access.

Section 59 of the bill establishes a nine-member board charged with designing and managing the Washington Health Insurance Partnership (WHP). This section duplicates a comparable board established under Engrossed Second Substitute House Bill No. 1569, which passed during the 2007 legislative session. Section 74 of this bill is an emergency clause, and would allow certain sections of the bill to become effective on July 1. Section 74 is not essential to the proper and timely implementation of the bill.

For these reasons, I have vetoed Sections 59 and 74 of Engrossed Second Substitute Senate Bill No. 5930.
With the exception of Sections 59 and 74, Engrossed Second Substitute Senate Bill No. 5930 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, GovernorMESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6001

May 3, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 6, Engrossed Substitute Senate Bill No. 6001 entitled:

"AN ACT Relating to mitigating the impacts of climate change."

Section 6 of this bill is unnecessary. It was inserted when the bill contemplated minor adjustments to the Energy Facility Site Evaluation Council's permit process. But those adjustments were ultimately removed from the bill. The Governor currently has ample existing authority without Section 6.

For these reasons, I have vetoed Section 6 of Engrossed Substitute Senate Bill No. 6001.
With the exception of Section 6, Engrossed Substitute Senate Bill No. 6001 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5923

May 7, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 11, Engrossed Second Substitute Senate Bill No. 5923 entitled:

"AN ACT Relating to aquatic invasive species enforcement and control."

Aquatic invasive species pose significant risks to the marine and fresh waters of the state. It is imperative that we continue to prevent their introduction, as they are extremely difficult and costly to eradicate once established. This bill provides the clear policy, the compliance programs and the necessary funding to ensure our success in this effort.

However, I am vetoing Section 11 of Engrossed Second Substitute Senate Bill No. 5923 which would permanently establish the Ballast Water Work Group and significantly expand its duties. The Work Group has been an excellent source of expertise and advice but it is not currently in the position to take on all of the responsibilities outlined in the bill. In addition, we have in place the Washington Invasive Species Council to provide policy direction, planning and coordination for addressing invasive species in the state.

I appreciate the need for cooperation and support from many stakeholders and agencies in order to succeed with this program. I understand that Director Koenings will establish advisory and technical groups, as needed, to implement this bill and will work closely with the Invasive Species Council to coordinate our state response to the threat of invasive species.

For these reasons, I have vetoed Section 11 of Engrossed Second Substitute Senate Bill No. 5923.

With the exception of Section 11, Engrossed Second Substitute Senate Bill No. 5923 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SUBSTITUTE SENATE BILL NO. 5108

May 8, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Substitute Senate Bill No. 5108 entitled:

"AN ACT Relating to farmland preservation."

This bill creates the Office of Farmland Preservation. Sections 6 and 7 are overly broad and do not appear to be related to the underlying bill, as it prohibits the use of eminent domain by governmental entities for wetland mitigation purposes on agricultural land. Furthermore, if enacted, Section 6 and 7 create unintended and undesirable consequences to numerous transportation and development projects across the state, including the ability to meet state and federal permit requirements to continue dredging of the lower Columbia River.

I understand that the Army Corp of Engineers, state agencies, Port officials, local legislators and Southwest Washington families are meeting to explore alternative to condemnation for mitigation related to the Columbia Deepening Project. This is a much more productive avenue than the provisions Sections 6 and 7 provide.

For these reasons, I have vetoed Sections 6 and 7 of Substitute Senate Bill No. 5108.

With the exception of Sections 6 and 7, Substitute Senate Bill No. 5108 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
SUBSTITUTE SENATE BILL NO. 5320

May 8, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 5, Substitute Senate Bill No. 5320 entitled:

"AN ACT Relating to creating an office of public guardianship as an independent agency of the judiciary."

I am a strong proponent of government management accountability and performance. To this extent, I believe we must be judicious in the creation of new boards and commissions. This bill calls for the creation of a 17 member advisory committee to the new Office of Public Guardianship.

The creation of the Office of Public Guardianship does not necessitate creating a 17 member Advisory Committee. The Office is created within the Administrative Offices of the Courts and the director is selected by, and serves at the pleasure of, the Supreme Court. These entities are capable of providing adequate oversight of the Office and performing the duties outlined in the bill for the advisory committee.

For these reasons, I have vetoed Section 5 of Substitute Senate Bill No. 5320.

With the exception of Section 5, Substitute Senate Bill No. 5320 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
SUBSTITUTE SENATE BILL NO. 5718

May 8, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 15 and 16, Substitute Senate Bill No. 5718 entitled:

"AN ACT Relating to penalties for engaging in the commercial sexual abuse of minors."

The language establishing funding priorities for the Prostitution Prevention and Intervention Account (Account) in sections 15 and 16 could present technical challenges if funding is ever appropriated for the specific purposes. The Account was created in 1995 and has had very little historical activity. Funding is not provided in either this legislation or in the legislative budget. The Legislature could provide specific direction when or if specific funding is ever provided.

For these reasons, I have vetoed Sections 15 and 16 of Substitute Senate Bill No. 5718.

With the exception of Sections 15 and 16, Substitute Senate Bill No. 5718 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
ENGROSSED SUBSTITUTE SENATE BILL NO. 5774

May 8, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Substitute Senate Bill No. 5774 entitled:

"AN ACT Relating to revising background check processes."

Sections 6 and 7 of this bill establishes a work group, to be convened by the Department of Social and Health Services. The work group's responsibilities include reviewing current laws, rules and practices with respect to sharing confidential information, analyzing how state agencies use background check information to make employment decisions, and examining the need for and feasibility of verifying citizenship or immigration status of persons for whom background checks are required. The work group is to complete an interim report by December 1, 2007, and provide a final report to the Legislature and the Governor by July 1, 2008. The duties of this work group would be redundant with the work completed by the Joint Task Force on Criminal Background Check Processes, which ended two and a half years of work last December.

Furthermore, the 2007-2009 operating budget as passed by the Legislature does not contain funding to support the operations of the contemplated work group.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Substitute Senate Bill No. 5774.

With the exception of Sections 6 and 7, Engrossed Substitute Senate Bill No. 5774 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6023

May 8, 2007

To the Honorable President and Members
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill No. 6023 entitled:

"AN ACT Relating to the Washington assessment of student learning."

Sections 1 through 7 of this bill provide for the adjustment of high school assessment provisions related to state high school graduation requirements. These include specific changes related to mathematics and science, as well as the addition of several alternative assessments and modifications of two other alternative assessments. Section 8 expands the provision of diagnostic assessments to assist students in developing the skills required to be demonstrated on state assessments. Section 12 creates an advisory committee to identify curricula that will assist in preparing students for the state assessment system.

Section 9 of this bill directs the State Board of Education, in consultation with the Superintendent of Public Instruction, to study, examine and recommend changes to the high school assessments in mathematics and science, focusing on replacement of the current assessments with specifically identified end-of-course assessments. The study's recommendation topics and timelines are structured to point to implementing end-of-course assessments as the predetermined outcome. For this reason, I am vetoing Section 9.

However, I am well aware of the strong legislative interest in this subject, specifically related to mathematics and science assessments. I have asked the State Board of Education to conduct a broad, objective study of end-of-course assessments. In the course of this study they will examine the various end-of-course assessment systems used by other states; their purposes; the subjects assessed and how they align with state standards, curriculum, and instruction; whether the exams are used singly or in combination with other assessments for graduation decision purposes; how the exams integrate with an entire assessment system (all grades and subject); implementation issues; costs and lessons learned. Additionally, OSPI will ask potential test vendors to provide information regarding cost and technical aspects of implementing end-of-course assessments and that information will be shared with the State Board. The State Board of Education will provide recommendations based upon their study and present the study information and recommendations by January 15, 2008.

Section 10 of this bill provides for the implementation of appeals panels in each education service district for students who have not been successful in meeting state standards through the high school assessment system. The appeals criteria specified in the legislation does not relate to the student's knowledge and skill of the state standards. Therefore, I do not support this activity. Additionally, I am concerned that such a system will not yield consistent results from appeals board to appeals board.

Section 11 of this bill sets forth the threshold for student English skills required for participation in the state assessment system, with the exception that meeting standards through the state assessment system remains a requirement for high school graduation. However, in practice, the provision of excusing students from the assessments has no effect since the federal statute sets requirements for student participation for federal accountability purposes. When the federal statutes are changed, state participation requirements will be adjusted. While this provision is well-meaning, having it in statute will be confusing to students and parents.

Section 13 of this bill is an emergency clause. I am vetoing Section 13, as the issues in this legislation do not rise to the level of an emergency that requires the immediate revision of state laws.

For these reasons, I have vetoed Sections 9, 10, 11 and 13 of Engrossed Substitute Senate Bill No. 6023.

With the exception of Sections 9, 10, 11 and 13, Engrossed Substitute Senate Bill No. 6023 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5841

May 9, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 6 and 7, Engrossed Second Substitute Senate Bill No. 5841 entitled:

"AN ACT Relating to enhancing student learning opportunities and student achievement."

Sections 1 through 5 of this bill addresses changes to the basic education act goals and authorizes new programs to further student learning opportunities. Specifically, all day kindergarten, primary grade foundational programs, English language learners, and community learning opportunities are addressed. Each of the new programs are provided with implementing resources in the biennial operating budget.

Sections 6 and 7 of the bill, however, cannot be implemented. Those sections create a new career pathways program and a world languages supervisor within the Office of the Superintendent of Public Instruction (OSPI). Neither the program nor the OSPI supervisor were provided with financial support in the biennial operating budget. Additionally, a proposed duty supervisor to implement memoranda of understanding with ministries of education in other countries and conduct other related activities raises concerns about proper international relations protocol.

For these reasons, I have vetoed Sections 6 and 7 of Engrossed Second Substitute Senate Bill No. 5841.

With the exception of Section 6 and 7, Engrossed Second Substitute Senate Bill No. 5841 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5955

May 9, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 3 through 6, Second Substitute Senate Bill No. 5955 entitled:

"AN ACT Relating to educator preparation, professional development, and compensation."

Sections 3 through 6 of this bill provide for the creation of a math, science and targeted secondary reading initiative. Section 3 describes the initiative's tiered support system that provides resources and intervention to schools and districts on a grant basis depending on levels of need. Section 4 outlines specific activities. Section 5 addresses distribution of targeted assistance funds. And, Section 6 identifies certain duties of participating Education School Districts. While provisions of the initiative are well-meaning, no funding was provided for their implementation.

For these reasons, I have vetoed Sections 3 through 6 of Second Substitute Senate Bill No. 5955.

With the exception of Sections 3 through 6, Second Substitute Senate Bill No. 5955 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6117

May 11, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 4, Engrossed Second Substitute Senate Bill No. 6117 entitled:

"AN ACT Relating to reclaimed water."

Section 4 of this bill would establish procedures for determining when a water reuse project would impair existing water rights, and would change the standard for mitigating any such impairment. Based on legal advice, I believe this section could have unintended consequences to existing water rights. The remainder of Section 4 of the bill would also create a new task force to address the state's water reuse program including water right impairment issues.

I have vetoed Section 4 of Engrossed Second Substitute Senate Bill No. 6117 because of that portion of it that changes the standard for mitigating impairment of existing water rights.

Section 3 of the bill establishes new requirements for considering reclaimed water during watershed planning and land use decisions, which will eventually need to be harmonized with other statutes in order to ensure effective implementation. I believe this work is still needed and important to accomplish. Accordingly, I am directing the Department of Ecology to work with legislative leadership to address water right impairment from water reuse projects, reclaimed water planning and other issues raised in Sections 3 and 4 of the bill and to provide a report and recommendations to the Governor and appropriate standing committees of the legislature by December 31, 2007.

With the exception of Section 4, Engrossed Second Substitute Senate Bill No. 6117 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SECOND SUBSTITUTE SENATE BILL NO. 5790

May 14, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 8, Second Substitute Senate Bill No. 5790 entitled:

"AN ACT Relating to skill centers."

Sections 1 through 7 of this bill provide for further development of skill center programs, program access for additional students, state level coordination of the skill center program, and a funding formula for the programs.

Section 8 of this bill amends RCW 84.52.068, which specifies the amount of property tax revenues deposited into the Student Achievement Account. The Superintendent of Public Instruction is directed to ensure that skill centers receive moneys generated by skill center students.

The Student Achievement Fund was created by Initiative 728 in 2000. School districts receive allocations from this fund based on the number of students enrolled in the district. The amount to be allocated per student is specified in RCW 28A. 505.220. One source of funding for this allocation is a deposit of state property tax revenues. RCW 84.52.068 specifies the amount of property tax revenues per student to deposit into the Student Achievement Fund. Because the property tax deposit is less than the total per student allocation from the Student Achievement Fund, other sources of revenue are also used to ensure full funding for the allocations.

Although the intent of Section 8 is to ensure that skill centers receive their share of the total Student Achievement Fund allocation, the provision relates to the property tax deposit only. The language of the section therefore fails to accomplish its intended goal.

For this reason, I have vetoed Section 8 of Second Substitute Senate Bill No. 5790.

With the exception of Section 8, Second Substitute Senate Bill No. 5790 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON SENATE BILL NO. 5272

May 15, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 7, Senate Bill No. 5272 entitled:

"AN ACT Relating to the administration of fuel taxes."

This bill eliminates current statutory language from state motor vehicle and special fuel tax statutes declaring that motor vehicle and special fuel taxes are imposed on the end user. It also authorizes the Governor, or the gubernatorial designee, to enter into fuel tax compact agreements with federally recognized tribes operating or licensing retail stations on reservations or trust lands.

Section 7 of the bill limits the handling loss for fuel to licensed suppliers and licensed importers. Without Section 7, fuel distributors retain the handling loss that had been available to them prior to the passage of this legislation. The handling loss allowance is provided as an offset for evaporation and shrinkage that occurs in the transfer of fuel from the terminal racks to fuel tank trucks.

For these reasons, I have vetoed Section 7 of Senate Bill No. 5272.

With the exception of Section 7, Senate Bill No. 5272 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6099

May 15, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 4 and 5, Engrossed Substitute Senate Bill No. 6099 entitled:

"AN ACT Relating to the state route number 520 bridge replacement and HOV project."

This bill is an important step in making progress on the replacement of the State Route 520 bridge. The bill declares that the bridge should be replaced with four general purpose lanes and two high occupancy vehicle lanes. It also creates a mediation process for resolving concerns regarding community impact caused by the bridge replacement.

Section 4 of this bill permits the project's mediator to ask an engineering firm to conduct an independent review of tubes and tunnels under Lake Washington, a partial tunnel from Interstate 5 to the west end of the SR 520 bridge, and a proposal to move SR 520 from its current alignment through the Arboretum. The bill requires that the mediator submit a report to the Joint Transportation Committee and the Governor regarding the results of the independent review by September 1, 2007.

I have decided to veto Section 4 due to the permissive nature of the bill language and the insufficient amount of time available to conduct the independent design review. Instead, the contract for the mediator will require the mediator to ask an engineering firm to conduct an independent review of the three alternative designs for the project, rather than simply permitting the mediator to conduct the review. Additionally, the contract will require completing of the independent review by December 1, 2007. Mandating the review while providing additional time for the work will provide sufficient time for an engineering firm to perform a thorough review of the proposed alternative designs.

Section 5 of the legislation prohibits any on-site construction of the SR520 project. This section has good intentions, but could inadvertently prevent the Department of Transportation (Department) from moving forward on projects outside of the actual bridge replacement. While I have vetoed Section 5, I am directing the Department not to commence any bridge construction until the mitigation and finance plans are submitted to the Governor and Legislature by 2008.

For these reasons, I have vetoed Sections 4 and 5 of Engrossed Substitute Senate Bill No. 6099.

With the exception of Sections 4 and 5, Engrossed Substitute Senate Bill No. 6099 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

MESSAGE FROM THE GOVERNOR
SUBSTITUTE SENATE BILL NO. 6156

May 15, 2007

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1 and 2, Substitute Senate Bill No. 6156 entitled:

"AN ACT Relating to State Government."

This bill allows for the creation of Community Preservation and Development Authorities, specifically creates a Pioneer Square-International District Community Preservation and Development Authority within the city of Seattle, and establishes a method for creating additional such authorities. I strongly support the efforts of local communities to influence development of their own areas and believe this is one good way to accomplish that.

Sections 1 and 2 provide the legislative intent and findings in addition to the definitions for this act. I am concerned that these sections of the bill are overly broad and may lead to unintended consequences regarding public projects across our state. I do not believe that vetoing these sections will in any way hinder the creation of the Pioneer Square-International District Community Preservation and Development Authority provided for in Section 8. If the Legislature chooses to revisit this legislation with an eye toward expanding it beyond the Pioneer Square-International District Community Preservation and Development Authority, then I will work with interested members of the Legislature to improve this act.

For these reasons, I have vetoed Sections 1 and 2 of Substitute Senate Bill No. 6156.

With the exception of Sections 1 and 2, Substitute Senate Bill No. 6156 is approved.

Respectfully submitted,
CHRISTINE O. GREGOIRE, Governor

HISTORY OF SENATE GUBERNATORIAL APPOINTMENTS

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Laura Anderson	30		1295	SGA 9000
Sonia Arevalo-Hayes	31		80	SGA 9001
Toni M. Aspin	31		796	SGA 9002
Bernal Baca	31		78	SGA 9003
Yvonne Bianchi	31		1570	SGA 9004
Peggy Bierbaum	31		270	SGA 9005
Pamela Bradburn	50		255	SGA 9007
Amy Bragdon	31		78	SGA 9008
Bill Brumsickle	31		151	SGA 9009
Ethelda Burke	31		797	SGA 9010
Reuven Carlyle	31		79	SGA 9011
Gary Cohn	32		79	SGA 9012
Denise Colley	32		308, 309	SGA 9013
Rita Creighton	32		232	SGA 9014
James Cunningham	32		1571	SGA 9015
Edward Delmore	32		330	SGA 9016
Calhoun Dickinson	32		77	SGA 9017
Roger Erskine	32		1144	SGA 9018
Annabelle Fitts	50		308	SGA 9019
Sheila L. Fox	32		78	SGA 9020
Paul P. George	32		174	SGA 9021
Bill Grinstein	32		797	SGA 9022
Judy Guenther	32		254	SGA 9023
Alfred Hallowell	33		1621	SGA 9024
William Hanson	33		436	SGA 9025
Russell D. Hauge	33		331	SGA 9026
Chris Hedrick	33		215	SGA 9027
Arlista D. Holman	33		1792	SGA 9028
Ronald Kessler	33		331	SGA 9029
Kristine A. Klaveano	33		233	SGA 9030
Dennis Kloida	33		1170	SGA 9031
Robert Lenigan	33		1602	SGA 9032
Asbury Lockett	34		1890	SGA 9034
Dean S. Lum	34		331	SGA 9035
Mike Marave	34		1891	SGA 9036
William McDowell	34		177	SGA 9038
Karen Miller	34		1170	SGA 9039
Steve S. Miller	34		1208	SGA 9040
George Mohoric	34		254	SGA 9041
Douglas Mooney	34		256	SGA 9042
Carol Moser	34		271	SGA 9044
Don Mukai	35		1889	SGA 9045
James L. Nagel	35		331	SGA 9046
Dora Noble	35		1144	SGA 9048
Jane Noland	35		152	SGA 9049
Lenell Nussbaum	35		331	SGA 9050
Tim Otani	35		1170	SGA 9051
Teresa Pan	35		798	SGA 9052
Sherry Perry	35		308	SGA 9053
Robert C. Petersen	35		435	SGA 9054
Kris Pomianek	36		177	SGA 9055
Dolorita Reandeu	36		174	SGA 9056
Bruce Reid	36		1889	SGA 9057
Barbara Rofkar	36		1228	SGA 9058
Paul Rollins, Jr.	36		1891	SGA 9059
Mary Jean Ryan	36		78	SGA 9060
Marilyn Sayan	36		256	SGA 9061
Robert Scarbrough	36		436	SGA 9062

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Kenneth Schellberg	36		152	SGA 9063
Eliot Scull	36		435	SGA 9064
Terry Sebring	37		77	SGA 9065
Faouzi Sefrioui	37		1170	SGA 9066
James Shipman	37		255	SGA 9067
Carol Smith-Merkulov	37		1643	SGA 9068
Claire Spain-Remy	37		1891	SGA 9069
Larry E. Swift	37		232	SGA 9071
James Tiffany	37		176	SGA 9072
Yvonne Ullas	37		1144	SGA 9073
Richard Van Hollebeke	37		1920	SGA 9074
Jeff Vincent	38		79	SGA 9076
Cecilia Vogt	38		435	SGA 9077
Darlene Wilder	38		177	SGA 9079
Kay Adamson	38	227	796	SGA 9081
Steven Adelstein	38	302	1228	SGA 9082
Max D. Anderson	38	261	1312	SGA 9084
Anthony Aronica	38	303	1171	SGA 9085
Ronnie Behnke	39	186	1298	SGA 9087
Salvador Beltran, Jr.	39	146	1270	SGA 9088
Charley Bingham	39	180	797	SGA 9089
Kristianne Blake	39	146	190	SGA 9090
Allyson Brooks	39	141	1119	SGA 9091
Larry Brown	39	146	1793	SGA 9093
June Canty	39	245	1144	SGA 9094
Jay Carmony	39	303	1172	SGA 9095
Michael Ciraulo	40	261	1831	SGA 9096
Pat E. Clothier	40	228	1295	SGA 9097
Jeffrey Colliton	40	745	1644	SGA 9098
Dennis R. Colwell	40	146	1295	SGA 9099
Brian Comstock	40	745	1514	SGA 9101
Donald Cox	40	222	1144	SGA 9102
Roosevelt Currie	40	146	1359	SGA 9103
Rosemarie Duffy	41	1615		SGA 9108
Tari Eitzen	41	238	331	SGA 9110
Shannon Espinoza	41	245	1144	SGA 9111
Sharon Fairchild	41	147	1892	SGA 9112
Jennifer Faubion	41	320	811	SGA 9113
Francois Forgette	41	303	1171	SGA 9115
Elmira Forner	42	1917	1920	SGA 9116
Marc Gaspard	42	261		SGA 9118
William Gates	42	147	190	SGA 9119
Lynn Gooding	42	88, 156	1208	SGA 9121
Gary Harris	42	1615		SGA 9122
Jerry R. Hendrickson	42	186	233	SGA 9124
Mike Hudson	42	303	1890	SGA 9126
Roger K. Jackson	43	199	1513	SGA 9127
Lyle Jacobsen	43	745	1515	SGA 9128
Holly P. Jensen	43	228		SGA 9130
Dwayne Johnson	43	228	797	SGA 9131
Jeff Johnson	43	180	1892	SGA 9132
Tom Karier	43	156	1172	SGA 9135
Jo Ann Kauffman	50	147	233	SGA 9136
James L. Kemp	44	228	309	SGA 9138
Lawrence Kenney	44	156	1599	SGA 9139
Ruthann Kurose	44	745	1829	SGA 9140
Chiho Lai	44	205	1270	SGA 9141
Sheryl Lamberton	44	199	1514	SGA 9142
Janet Lewis	44	809		SGA 9144

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Bill Lynch	44	156	798	SGA 9147
Janis Machala	45	186	1889	SGA 9148
Michael Martino	45	105		SGA 9149
Patricia Mattsen Notter	45	320	1171	SGA 9150
Patrick McElligot	45	320	1270	SGA 9151
Andrea McNamara Doyle	45	156	798	SGA 9152
Neil McReynolds	45	147	1282	SGA 9153
Kris Mikkelsen	45	147	1282	SGA 9154
Mary Moss	45	205	1602	SGA 9156
Bob Myers	45	147	1515	SGA 9157
Charles P. Nelson	46	228	309	SGA 9158
Sharon Okamoto	46	245	1145	SGA 9160
Roger Olstad	46	261	1296	SGA 9161
Lisa Parker	46	147	1296	SGA 9162
Calvin Pearson	46	228	798	SGA 9163
Darlene Peters	46	222	1296	SGA 9164
Mason Petit	46	222	434	SGA 9166
Quentin Powers	46	205	1920	SGA 9167
Anne Proffitt	47	303	1172	SGA 9168
W. Stephen Rainey	47	228	309	SGA 9169
Michael V. Regeimbal	47	228	1296	SGA 9170
Dave Remington	47	156	1599	SGA 9173
Charles Robinson	47	303	1228	SGA 9174
Stephen Rushing	47	245	1145	SGA 9176
Manford Simcock	48	261	1830	SGA 9178
Kyle Smith	48	321	1171	SGA 9179
Jonathan Sprouffske	48	180	797	SGA 9180
David Stewart	48	199	1514	SGA 9181
Paul Tanaka	48	147	1282	SGA 9182
Cheryl Terry	48	200	1890	SGA 9184
John Turner	48	200	1890	SGA 9186
Jill Van Glubt	48	246	1145	SGA 9187
Brian Vance	48	186	811	SGA 9188
Thuy Vo	49	147	1359	SGA 9189
Shauna Weatherby	49	147	1603	SGA 9191
John White	49	205	1169	SGA 9193
Elizabeth A. Willis	49	180	1892	SGA 9194
Jeannette Wood	49	206	1920	SGA 9195
Michael Worthy	49	804		SGA 9196
Donna Zickuhr	49	246	1145	SGA 9197
Ines Zozaya-Geist	49	147	1283	SGA 9198
Jone Bosworth	51	148	190	SGA 9199
Mike Brasfield	51	238	332	SGA 9200
Susan Cole	51	186	1228	SGA 9201
Ellen Fair	51	238	332	SGA 9202
Leonor Fuller	51	148	812	SGA 9203
Eric Liu	51	329	1292	SGA 9204
Kristina Mayer	51	228	1292	SGA 9205
Patrick J. Oshie	51	157	1297	SGA 9206
Glenn Gorton	66	94	434	SGA 9208
David Scott	66	110	435	SGA 9209
Fred Olson	82	268	435	SGA 9210
Harold Abbe	88	268	1738	SGA 9211
John Driscoll	88	186		SGA 9216
Jane L. Jacobsen	89	268	1923	SGA 9219
Lorraine Lee	89	745	1830	SGA 9221
Richard McIver	89	329	1170	SGA 9223
Val Ogden	89	268	1423	SGA 9224
Jeff Parsons	89	268	1423	SGA 9225

Appointee	Introduction	Committee Report	Confirmed	Appointment Number
Raymond Reickers	90	329	1170	SGA 9226
Fred A. Shiosaki	90	186	434	SGA 9229
Lawton Case	95	262	1793	SGA 9233
Cecilia Deluna-Gaeta	95	262	1297	SGA 9234
Donald Root	95	262	1919	SGA 9235
Patricia Shea	95	222	1143	SGA 9236
Bill Ruckelshaus	118	268	1208	SGA 9238
Jean-Luc Devis	141	373	1143	SGA 9240
Rajiv Shah	148	262	1919	SGA 9241
Grant Pelesky	180	228	1145	SGA 9243
Gordon (Don) Piercy	180	303	1298	SGA 9245
Jeffrey J. Kochman	200	262	1571	SGA 9246
Joe Taller	206	268	435	SGA 9248
Keven Rojecki	246	1530	1655	SGA 9253
Ariele Belo	252	821		SGA 9254
Sanford Kinzer	252	810		SGA 9255
Steven Drury	268	821		SGA 9256
Don Dennis	321	789	1298	SGA 9258
Dan Connolly	341	1615		SGA 9259
Earl Hale	341	789	811	SGA 9260
Kirstin Haugen	357	804		SGA 9262
Holly Michaels	651			SGA 9265
Richard Ford	745	1917	1921	SGA 9266
Celeste Strahl	785	810		SGA 9269
Judy Schurke	844	1530	1655	SGA 9275

**SENATE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Sixtieth Legislature
2007 Regular Session**

CHPT#	BILL NO.	SUBJECT	GOVERNOR SIGNED	VETO/PV	EFFECTIVE DATES
C450 L 07	SSB 5002	Tuition waivers	5/14/2007		7/22/2007
C 443 L 07	SSB 5009	Biodiesel fuel for farm use	5/11/2007		5/11/2007
C 9 L 07	SB 5011	Beer/wine distribution bill	4/9/2007		7/22/2007
C 280 L 07	SB 5014	Contribution rates	5/2/2007		7/22/2007
C 138 L 07	SSB 5032	Vancouver historic reserve	4/20/2007		7/22/2007
C 28 L 07	SB 5036	Intermediate driver's lic	4/13/2007		7/22/2007
C 417 L 07	ESSB 5037	Cell phone use while driving	5/11/2007		7/1/2008
C 73 L 07	SSB 5039	Scholarship endowment funds	4/18/2007		7/22/2007
C 80 L 07	SB 5042	Insurance	4/18/2007		7/22/2007
C 426 L 07	SSB 5050	Motor vehicle lemon law	5/11/2007		7/22/2007
C 74 L 07	SSB 5052	Insurance claims	4/18/2007		7/22/2007
C 281 L 07	SSB 5053	Industrial insurance	5/2/2007		7/22/2007
C 218 L 07	ESB 5063	Gender references	4/27/2007		7/22/2007
C 245 L 07	SSB 5074	WRIA 29	4/30/2007		7/22/2007
C 83 L 07	SSB 5078	Approaching emrg vehicles	4/18/2007		7/22/2007
C 29 L 07	SB 5079	Marriages	4/13/2007		7/22/2007
C 422 L 07	SB 5084	Rail transit safety plans	5/11/2007		7/22/2007
C 513 L 07	SSB 5085	Transportation-related accts	5/15/2007		7/1/2009
C 84 L 07	SB 5086	State highway maintenance	4/18/2007		7/22/2007
C 85 L 07	SSB 5087	Federal REAL ID Act	4/18/2007		7/22/2007
C 423 L 07	SB 5088	Vehicles boarding ferries	5/11/2007		7/22/2007
C 6 L 07	SSB 5089	Streamlined sales & use tax	3/22/2007		7/1/2008***
C 249 L 07	2SSB 5092	Associate development org	5/1/2007		7/22/2007
C 5 L 07	2SSB 5093	Health services for children	3/13/2007		7/22/2007
C 406 L 07	SSB 5097	Safe school plans	5/9/2007		7/22/2007
C 405 L 07	E2SSB 5098	College bound scholarship	5/9/2007		7/22/2007
C 461 L 07	SSB 5101	Higher edu tuition waivers	5/14/2007		7/22/2007
C 352 L 07	SSB 5108	Farmland preservation office	5/8/2007	PV	7/22/2007
C 378 L 07	ESSB 5112	Auctioning vessels	5/8/2007		7/22/2007
C 30 L 07	SB 5113	Barley straw	4/13/2007		7/22/2007
C 139 L 07	2SSB 5114	Student transportation	4/20/2007		7/22/2007*
C 76 L 07	SSB 5118	Sexual harassment policies	4/18/2007		7/22/2007
C 94 L 07	2SSB 5122	Regulatory assistance	4/18/2007		7/22/2007*
C 187 L 07	SB 5123	Veterans/discrimination	4/21/2007		7/22/2007
C 86 L 07	SB 5134	Vehicle impound	4/18/2007		7/22/2007
C 451 L 07	2SSB 5164	Veterans conservation corps	5/14/2007		7/22/2007
C 19 L 07	ESB 5166	Korean-American day	4/9/2007		7/22/2007
C 492 L 07	SSB 5174	Public retirement system	5/15/2007		7/22/2007
C 89 L 07	SB 5175	Retirement annual increases	4/18/2007		7/1/2007
C 246 L 07	2SSB 5188	Wildlife rehabilitation	4/30/2007		7/22/2007
C 91 L 07	SSB 5190	Legal financial obligations	4/18/2007		7/22/2007
C 10 L 07	SSB 5191	Missing persons	4/9/2007		7/22/2007
C 219 L 07	SSB 5193	Unclaimed personal property	4/27/2007		7/22/2007
C 81 L 07	SB 5199	Check cashers & sellers	4/18/2007		7/22/2007
C 379 L 07	SSB 5202	Law enforcement officers	5/8/2007		7/22/2007
C 71 L 07	ESB 5204	Animal health laws	4/18/2007		7/22/2007
C 140 L 07	SB 5206	Tires with retractable studs	4/20/2007		7/22/2007
C 514 L 07	SSB 5207	Freight congestion relief	5/15/2007		7/22/2007
C 141 L 07	SSB 5219	Weather & avalanche center	4/20/2007		7/22/2007
C 444 L 07	SSB 5224	Salmon recovery office	5/11/2007		7/22/2007*
C 142 L 07	SSB 5225	Gas & liquid pipelines	4/20/2007		7/22/2007
C 376 L 07	SSB 5227	Animal abandonment	5/8/2007		7/22/2007
C 66 L 07	SSB 5228	Consumer protection act	4/17/2007		4/17/2007
C 31 L 07	SSB 5231	Water-sewer districts	4/13/2007		7/22/2007
C 247 L 07	SSB 5236	Public lands management	4/30/2007		7/22/2007
C 92 L 07	SSB 5242	Wounded combat veterans	4/18/2007		7/22/2007
C 203 L 07	SSB 5243	Juvenile sex offenders	4/27/2007		10/1/2007
C 143 L 07	SSB 5244	Deficit reduction act	4/20/2007		7/22/2007
C 95 L 07	SB 5247	Superior court judges	4/18/2007		7/22/2007
C 353 L 07	SSB 5248	Agricultural lands	5/8/2007		5/8/2007
C 96 L 07	SSB 5250	Motor vehicle ownership	4/18/2007		7/22/2007
C 75 L 07	ESB 5251	Collective bargaining	4/18/2007		7/22/2007
C 11 L 07	SB 5253	Veteran-owned businesses	4/9/2007		7/22/2007
C 144 L 07	SB 5258	Prevention of child abuse	4/20/2007		7/22/2007
C 145 L 07	SB 5259	Unneeded park land	4/20/2007		7/22/2007
C 32 L 07	SSB 5263	Medical malpractice	4/13/2007		7/22/2007
C 33 L 07	SB 5264	State trans facilities	4/13/2007		7/22/2007

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C 319 L 07	ESSB 5269	First peoples' teacher cert	5/4/2007		7/22/2007
C 515 L 07	SB 5272	Administration of fuel taxes	5/15/2007	PV	5/15/2007
C 97 L 07	SB 5273	Motorcycle driver's license	4/18/2007		7/22/2007
C 407 L 07	SSB 5288	Cyberbullying	5/9/2007		7/22/2007
C 282 L 07	ESSB 5290	Workers' comp advis comm	5/2/2007		7/22/2007
C 98 L 07	ESSB 5292	Physical therapist assistant	4/18/2007		7/1/2008*
C 265 L 07	ESSB 5297	Sexual health education	5/2/2007		7/22/2007
C 484 L 07	ESSB 5311	Budget stabilization account	5/15/2007		12/6/2007**
C 377 L 07	ESSB 5312	Stolen metal property	5/8/2007		7/22/007
C 87 L 07	SB 5313	State patrol retirement sys	4/18/2007	PV	7/22/2007
C 252 L 07	SSB 5315	Forest fires/property access	5/1/2007		7/22/2007
C 415 L 07	ESSB 5317	Child care safety	5/11/2007		7/22/2007
C 364 L 07	SSB 5320	Public guardianship office	5/8/2007	PV	7/22/2007
C 220 L 07	SSB 5321	Child welfare	4/27/2007		7/22/2007*
C 204 L 07	SB 5332	Victim information	4/27/2007		7/22/2007
C 156 L 07	SSB 5336	Domestic partnerships	4/21/2007		7/22/2007
C 476 L 07	ESSB 5339	Port districts	5/14/2007		7/22/2007
C 317 L 07	SSB 5340	Definition of disability	5/4/2007		7/22/2007
C 34 L 07	SB 5351	Court of appeals	4/13/2007		7/22/2007
C 341 L 07	ESSB 5372	Puget Sound partnership	5/7/2007		7/1/2007
C 146 L 07	ESSB 5373	Unemployment insurance prog	4/20/2007		7/22/2007*
C 35 L 07	SB 5382	Indian affairs-funded school	4/13/2007		7/22/2007
C 36 L 07	ESB 5385	Student loan revenue bonds	4/13/2007		7/22/2007
C 100 L 07	SB 5389	Horse races	4/18/2007		4/18/2007
C 101 L 07	SSB 5391	Traffic infractions	4/18/2007		7/22/2007
C 102 L 07	SB 5398	Specialty hospitals	4/18/2007		7/22/2007
C 335 L 07	ESB 5401	Christmas tree growers	5/4/2007		7/22/2007
C 462 L 07	SB 5402	Private vocational schools	5/14/2007		7/22/2007
C 70 L 07	ESSB 5403	Animal massage practitioner	4/18/2007		7/22/2007
C 37 L 07	SSB 5405	Judicial orders	4/13/2007		7/22/2007
C 38 L 07	SB 5408	Primary election ballots	4/13/2007		7/22/2007
C 516 L 07	SSB 5412	Transportation agencies	5/15/2007		7/22/2007
C 104 L 07	SB 5421	Environmental covenants	4/18/2007		7/22/2007
C 365 L 07	SB 5429	Moneys received by an inmate	5/8/2007		7/22/2007
C 477 L 07	SB 5434	Tangible personal property	5/14/2007		7/22/2007
C 198 L 07	SSB 5435	Public records exemptions	4/27/2007		7/22/2007
C 77 L 07	SSB 5443	Workers' comp claims	4/18/2007		7/22/2007
C 188 L 07	SSB 5445	Cost-reimbursement agreement	4/21/2007		7/22/2007
C 479 L 07	SSB 5447	Coastal Dungeness crab	5/14/2007		7/22/2007
C 109 L 07	SSB 5461	Forest health	4/18/2007		7/22/2007
C 110 L 07	SSB 5463	Forest fire protection	4/18/2007		7/22/2007
C 283 L 07	2SSB 5467	Developmental disabilities	5/2/2007		7/22/2007
C 111 L 07	SB 5468	Tax programs	4/18/2007		7/22/2007
C 496 L 07	2SSB 5470	Dissolution proceedings	5/15/2007		7/22/2007*
C 147 L 07	SSB 5475	Underground storage tanks	4/20/2007		7/22/2007
C 39 L 07	SSB 5481	Conservation measures	4/13/2007		7/22/2007
C 148 L 07	SSB 5483	City hardship assistance	4/20/2007		7/22/2007
C 40 L 07	SB 5490	Adult family home committee	4/13/2007		7/22/2007
C 380 L 07	ESB 5498	Local taxing districts	5/8/2007		7/22/2007
C 253 L 07	SSB 5503	Athletic trainers	5/1/2007		7/1/2008
C 231 L 07	ESB 5508	Economic development project	4/30/2007		7/22/2007
C 112 L 07	SSB 5511	Volunteer firefighters	4/18/2007		7/22/2007
C 266 L 07	SB 5512	Hospital benefit zones	5/2/2007		7/1/2007
C 41 L 07	ESB 5513	State gov efficiency hotline	4/13/2007		7/22/2007
C 42 L 07	SB 5525	City officials	4/13/2007		7/22/2007
C 375 L 07	SSB 5533	Mental illness	5/8/2007		7/22/2007
C 366 L 07	SSB 5534	Unemploy comp exemption	5/8/2007		7/22/2007
C 221 L 07	SB 5551	Liquor & tobacco laws	4/27/2007		7/22/2007
C 347 L 07	SB 5552	Discharges of oil	5/7/2007		7/22/2007
C 113 L 07	SSB 5554	Self-service storage	4/18/2007		7/22/2007
C 478 L 07	E2SSB 5557	Economic dev facilities	5/14/2007		8/1/2008
C 189 L 07	SSB 5568	City lodging taxes	4/21/2007		7/22/2007
C 381 L 07	SB 5572	Excise tax relief	5/8/2007		7/22/2007
C 502 L 07	2SSB 5597	Contracts with chiropractors	5/15/2007		1/1/2008
C 90 L 07	SB 5607	Historical property	4/18/2007		7/22/2007
C 149 L 07	SB 5613	Entrepreneurial training	4/20/2007		7/22/2007
C 12 L 07	SB 5620	Civil service commission	4/9/2007		7/22/2007
C 13 L 07	SSB 5625	Jail services	4/9/2007		7/22/2007
C 399 L 07	E2SSB 5627	Basic education funding	5/9/2007		5/9/2007
C 382 L 07	SSB 5634	Corrections personnel	5/8/2007		7/22/2007
C 14 L 07	SB 5635	Polygraph tests	4/9/2007		7/22/2007
C 222 L 07	SSB 5639	Microbreweries	4/27/2007		7/22/2007*

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C 114 L 07	SB 5640	Tribal governments	4/18/2007		1/1/2009
C 497 L 07	SSB 5647	Tourism promotion	5/15/2007		7/22/2007
C 322 L 07	2SSB 5652	Microenterprise development	5/4/2007		7/22/2007
C 248 L 07	SSB 5653	Self-employment assistance	4/30/2007		1/1/2008
C 357 L 07	E2SSB 5659	Family & medical leave ins	5/8/2007		7/22/2007*
C 308 L 07	ESB 5669	Renewable fuel standards	5/3/2007		7/22/2007
C 383 L 07	SSB 5674	Water district commissioner	5/8/2007		7/22/2007
C 284 L 07	ESB 5675	Workers' comp benefits	5/2/2007		7/1/2008
C 190 L 07	SSB 5676	Temporary total disability	4/21/2007		7/22/2007
C 78 L 07	SSB 5688	Workers' comp claimants	4/18/2007		7/22/2007
C 386 L 07	SSB 5702	Unemployment insurance	5/8/2007		7/22/2007
C 116 L 07	SB 5711	Offender score	4/18/2007		7/1/2007
C 117 L 07	SSB 5715	Selling insurance	4/18/2007		7/1/2009
C 82 L 07	ESSB 5717	Market conduct oversight	4/18/2007		7/22/2007
C 368 L 07	SSB 5718	Sexual abuse of minors	5/8/2007	PV	7/22/2007
C 103 L 07	SSB 5720	Broadcast of legal notices	4/18/2007		7/22/2007
C 369 L 07	SSB 5721	Sports/entertainment	5/8/2007		7/22/2007
C 498 L 07	ESSB 5726	Insurance fair conduct act	5/15/2007		7/22/2007
C 397 L 07	SSB 5731	Student in high demand field	5/9/2007		7/22/2007
C 105 L 07	SB 5732	County treasurer	4/18/2007		7/22/2007
C 15 L 07	SB 5759	Executive state officers	4/9/2007		7/22/2007
C 495 L 07	ESSB 5770	Higher edu public works	5/15/2007		7/22/2007
C 191 L 07	SB 5773	Treatment records	4/21/2007		7/22/2007
C 387 L 07	ESSB 5774	Background checks	5/8/2007	PV	7/22/2007
C 115 L 07	SB 5775	Special education	4/18/2007		7/22/2007*
C 150 L 07	SB 5778	Shellfish protection	4/20/2007		7/22/2007
C 388 L 07	ESSB 5788	Home inspectors	5/8/2007		7/22/2007
C 463 L 07	2SSB 5790	Skill centers	5/14/2007	PV	7/22/2007
C 152 L 07	SB 5798	Design-build construction	4/20/2007		7/22/2007
C 151 L 07	2SSB 5806	Higher education costs	4/20/2007		7/22/2007
C 499 L 07	SSB 5826	Credit reports	5/15/2007		9/1/2008
C 93 L 07	ESSB 5827	Consumer privacy	4/18/2007		7/22/2007
C 394 L 07	E2SSB 5828	Early child development	5/9/2007		7/22/2007
C 466 L 07	SSB 5830	Home visitation	5/14/2007		7/22/2007
C 285 L 07	ESSB 5836	Accrual of property tax	5/2/2007		7/22/2007
C 118 L 07	SSB 5839	Reports of child abuse	4/18/2007		7/22/2007
C 400 L 07	E2SSB 5841	Student learning	5/9/2007	PV	7/22/2007
C 401 L 07	E2SSB 5843	Educational data	5/9/2007		7/22/2007
C 370 L 07	E2SSB 5859	Retail liquor license	5/8/2007		7/22/2007*
C 223 L 07	E2SSB 5862	Passenger-only ferry service	4/27/2007		4/27/2007
C 99 L 07	SB 5879	Payroll deductions	4/18/2007		7/22/2007
C 286 L 07	SSB 5881	Water power license fees	5/2/2007		7/22/2007
C 523 L 07	SSB 5882	State heritage center	5/15/2007		7/22/2007*
C 106 L 07	2SSB 5883	Forest land	4/18/2007		7/22/2007
C 343 L 07	ESSB 5894	Large on-site sewage systems	5/7/2007		7/22/2007
C 107 L 07	SSB 5895	Seller disclosure	4/18/2007		7/22/2007
C 16 L 07	SSB 5898	Shipment of wine	4/9/2007		7/22/2007
C 119 L 07	SSB 5910	Medical malpractice action	4/18/2007		7/22/2007
C 287 L 07	ESSB 5915	Unemployment/workers' comp	5/2/2007		7/22/2007
C 108 L 07	SB 5918	Retirement for judges	4/18/2007		7/22/2007
C 153 L 07	SSB 5919	Insurance premium taxes	4/20/2007		7/22/2007
C 72 L 07	ESSB 5920	Vocational rehabilitation	4/18/2007		1/1/2008
C 350 L 07	E2SSB 5923	Aquatic invasive species	5/7/2007	PV	7/22/2007
C 288 L 07	SB 5926	Construction industry	5/2/2007		5/2/2007
C 259 L 07	E2SSB 5930	Blue ribbon comm/health care	5/2/2007	PV	7/22/2007*
C 424 L 07	SSB 5937	High-accident corridors	5/11/2007		8/1/2007
C 17 L 07	SSB 5952	Department of early learning	4/9/2007		7/22/2007
C 79 L 07	SB 5953	Violence by strangulation	4/18/2007		7/22/2007
C 402 L 07	2SSB 5955	Educator preparation	5/9/2007	PV	7/22/2007
C 18 L 07	SB 5957	Legislature	4/9/2007		7/1/2007
C 267 L 07	E2SSB 5958	Primary health care delivery	5/2/2007		7/22/2007
C 192 L 07	SSB 5972	Surface mining reclamation	4/21/2007		7/22/2007
C 193 L 07	SSB 5984	Engineering services	4/21/2007		7/1/2008
C 389 L 07	SSB 5987	Gang-related offenses	5/8/2007		7/22/2007
C 232 L 07	2SSB 5995	Economic development comm	4/30/2007		7/22/2007
C 307 L 07	ESSB 6001	Climate change	5/3/2007	PV	7/22/2007
C 194 L 07	SB 6014	Reclaimed surface coal mine	4/21/2007		7/22/2007
C 289 L 07	2SSB 6016	WorkFirst program	5/2/2007		7/22/2007
C 120 L 07	ESB 6018	Detention of persons	4/18/2007		4/18/2007
C 354 L 07	ESSB 6023	Alternative assessments	5/8/2007	PV	7/22/2007
C 371 L 07	ESSB 6032	Medical use of marijuana	5/8/2007		7/22/2007
C 342 L 07	E2SSB 6044	Derelict vessels	5/7/2007		7/22/2007*

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C 121 L 07	SB 6059	Attorneys/service of process	4/18/2007		7/22/2007
C 88 L 07	SB 6075	Competitive bid limits	4/18/2007		7/22/2007
C 154 L 07	SB 6090	Crowd management	4/20/2007		7/22/2007
C 517 L 07	ESSB 6099	State route number 520	5/15/2007	PV	5/15/2007
C 367 L 07	SSB 6100	Charitable donations	5/8/2007		7/22/2007
C 445 L 07	E2SSB 6117	Reclaimed water	5/11/2007	PV	7/22/2007
C 290 L 07	SB 6119	Fire service training acct	5/2/2007		7/22/2007
C 358 L 07	ESB 6128	Candidate or committee	5/8/2007		1/1/2008
C 155 L 07	SB 6129	State patrol highway account	4/20/2007		8/1/2007
C 480 L 07	SSB 6141	Forest health	5/14/2007		7/22/2007
C 501 L 07	SSB 6156	State government	5/15/2007	PV	7/22/2007
C 483 L 07	ESSB 6157	Offender recidivism	5/15/2007		7/22/2007
C 508 L 07	ESSB 6158	Nursing facility medicaid	5/15/2007		7/1/2007
C 493 L 07	SB 6167	Dept of retirement systems	5/15/2007		7/22/2007

**HOUSE BILLS PASSED REGULAR SESSION BY
BOTH SENATE AND HOUSE SHOWING THE ACTION BY THE GOVERNOR THEREON**

**Sixtieth Legislature
2007 Regular Session**

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C 44 L 07	HB 1000	Special parking privileges	4/17/2007	PV	7/22/2007
C 199 L 07	3SHB 1001	Auto theft	4/27/2007		7/22/2007
C 22 L 07	SHB 1002	Sales & use tax on vessels	4/10/2007		7/1/2007
C 195 L 07	HB 1005	Rental of county equipment	4/27/2007		7/22/2007
C 312 L 07	ESHB 1008	Vulnerable adults	5/3/2007		7/22/2007
C 313 L 07	2SHB 1009	Child support schedule	5/3/2007		7/22/2007
C 65 L 07	ESHB 1024	Polybrominated diphenyl	4/17/2007		7/22/2007
C 4 L 07	HB 1025	Public works board projects	3/12/2007		3/12/2007
C 309 L 07	SHB 1029	Alternative motor fuels	5/3/2007		7/22/2007
C 325 L 07	SHB 1037	Electrical transmission	5/4/2007		7/22/2007
C 326 L 07	HB 1038	Electric transmission lines	5/4/2007		7/22/2007
C 225 L 07	SHB 1039	Ecology department opinions	4/30/2007		7/22/2007
C 467 L 07	SHB 1041	Plurality voting/directors	5/14/2007		7/22/2007
C 45 L 07	HB 1042	Share aquisition time period	4/17/2007		7/22/2007
C 226 L 07	ESHB 1047	Alcohol in food and candy	4/30/2007		7/22/2007
C 318 L 07	ESHB 1050	Students with disabilities	5/4/2007		5/4/2007
C 355 L 07	HB 1051	High school completion prog	5/8/2007	PV	7/22/2007
C 291 L 07	ESHB 1052	Legislative youth advisory	5/2/2007		5/2/2007
C 158 L 07	HB 1054	Information services board	4/21/2007		7/22/2007
C 448 L 07	HB 1064	Veterans' benefits	5/14/2007		7/22/2007
C 449 L 07	HB 1065	Veterans' scoring criteria	5/14/2007		7/22/2007
C 224 L 07	HB 1069	State amphibian	4/30/2007		7/22/2007
C 292 L 07	HB 1073	Emergency workers	5/2/2007		7/22/2007
C 293 L 07	HB 1077	Fish & wildlife data	5/2/2007		7/22/2007
C 254 L 07	SHB 1079	Hunting/fishing lic fees	5/1/2007		7/22/2007
C 336 L 07	SHB 1082	Shellfish/seaweed license	5/4/2007		7/22/2007
C 351 L 07	HB 1084	Lady Washington	5/8/2007		7/22/2007
C 359 L 07	2SHB 1088	Children's mental health	5/8/2007		7/22/2007
C 227 L 07	SHB 1091	Innovation partnership zones	4/30/2007		7/22/2007
C 520 L 07	ESHB 1092	Capital budget	5/15/2007	PV	5/15/2007*
C 518 L 07	ESHB 1094	Trans budget 2007-09	5/15/2007	PV	5/15/2007
C 3 L 07	2SHB 1095	Part D drug copayment prog	2/2/2007		7/22/2007
C 277 L 07	2SHB 1096	Postsecondary opportunities	5/2/2007		7/22/2007
C 20 L 07	SHB 1097	Vulnerable adults	4/10/2007		4/10/2007
C 268 L 07	SHB 1098	Vaccines	5/2/2007		7/22/2007
C 269 L 07	SHB 1099	Dental professions	5/2/2007		7/22/2007*
C 261 L 07	2SHB 1106	Hospital acquired infections	5/2/2007		7/22/2007
C 67 L 07	ESHB 1114	Estate distribution document	4/17/2007		7/22/2007
C 294 L 07	SHB 1124	Natural resources' officers	5/2/2007		7/22/2007
C 522 L 07	SHB 1128	Operating budget	5/15/2007	PV	5/15/2007
C 314 L 07	ESHB 1131	Passport to college program	5/4/2007		7/22/2007
C 159 L 07	SHB 1135	Aquifer conservation zones	4/21/2007		7/22/2007
C 233 L 07	HB 1137	Water quality capital acct	4/30/2007		7/1/2007
C 521 L 07	SHB 1138	General obligation bonds	5/15/2007		5/15/2007
C 323 L 07	SHB 1140	Net meter aggregation	5/4/2007		7/22/2007
C 46 L 07	SHB 1144	Jurisdiction over judgments	4/17/2007		7/22/2007
C 124 L 07	HB 1145	Account receivable	4/19/2007		7/22/2007
C 295 L 07	HB 1166	County treasurers	5/2/2007		7/22/2007
C 2 L 07	HB 1168	Disorderly conduct	2/2/2007		2/2/2007
C 404 L 07	ESHB 1179	State need grant	5/9/2007		7/22/2007
C 200 L 07	HB 1181	Forensic investigations	4/27/2007		7/22/2007
C 47 L 07	HB 1185	Timber purchases	4/17/2007		7/1/2007
C 315 L 07	2SHB 1201	Foster care youth medical	5/4/2007		7/22/2007
C 416 L 07	EHB 1214	Text messaging while driving	5/11/2007		1/1/2008
C 414 L 07	EHB 1217	Clubhouse rehabilitation	5/11/2007		7/22/2007
C 206 L 07	HB 1218	Gambling commission	4/27/2007		7/22/2007
C 362 L 07	HB 1220	Sentence review board	5/8/2007		7/22/2007
C 457 L 07	HB 1224	Student course materials	5/14/2007		7/22/2007
C 125 L 07	HB 1231	Pawnbrokers	4/19/2007		7/22/2007
C 296 L 07	SHB 1233	Fixed payment insurance	5/2/2007		7/22/2007
C 126 L 07	HB 1235	Insurance comm exams	4/19/2007		7/22/2007
C 127 L 07	HB 1236	Transact insurance	4/19/2007		7/22/2007
C 297 L 07	SHB 1244	Wages for industrial ins	5/2/2007		7/22/2007
C 161 L 07	HB 1247	Long-term care services	4/21/2007		7/22/2007

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C 163 L 07	ESHB 1249	Hunter education	4/21/2007		7/22/2007
C 298 L 07	SHB 1255	Municipal officers	5/2/2007		7/22/2007
C 299 L 07	SHB 1256	Window blind cords	5/2/2007		7/22/2007
C 164 L 07	SHB 1258	Air pollution control agcy	4/21/2007		7/22/2007
C 441 L 07	SHB 1259	Park passes	5/11/2007		7/22/2007
C 300 L 07	ESHB 1260	State patrol retirement	5/2/2007		7/1/2007
C 49 L 07	SHB 1261	Service credit/disability	4/17/2007		7/22/2007
C 50 L 07	SHB 1262	Public employment/retirees	4/17/2007		7/22/2007
C 207 L 07	SHB 1264	Portability of retirement	4/27/2007		7/22/2007
C 487 L 07	SHB 1266	Death benefits	5/15/2007		7/22/2007
C 418 L 07	SHB 1267	Commercial driver's license	5/11/2007		1/15/2008
C 208 L 07	HB 1270	Consumer loan act	4/27/2007		7/22/2007
C 228 L 07	SHB 1276	Tourism partnership	4/30/2007		7/22/2007
C 229 L 07	2SHB 1277	Local infrastructure finance	4/30/2007		7/22/2007
C 51 L 07	SHB 1278	Unemployment	4/17/2007		7/22/2007
C 128 L 07	SHB 1279	Poet laureate program	4/19/2007		7/22/2007
C 129 L 07	2SHB 1280	School distr capital funds	4/19/2007		7/22/2007
C 409 L 07	SHB 1287	Foster children	5/11/2007	PV	7/1/2007
C 7 L 07	ESHB 1289	Canadian border	3/22/2007		3/23/2007
C 209 L 07	HB 1291	Advance deposit wagering	4/27/2007		7/22/2007
C 43 L 07	HB 1292	Veterans' cemetery	4/17/2007		7/22/2007
C 468 L 07	HB 1293	Regulatory assessment fees	5/14/2007		7/22/2007
C 270 L 07	SHB 1298	Dental hygienist	5/2/2007		7/22/2007
C 348 L 07	E2SHB 1303	Cleaner energy	5/7/2007	PV	7/22/2007*
C 419 L 07	SHB 1304	Comm motor vehicle carriers	5/11/2007		7/22/2007*
C 52 L 07	HB 1305	Food lockers	4/17/2007		7/22/2007
C 122 L 07	HB 1311	Small farm assistance prog	4/19/2007		7/22/2007
C 234 L 07	SHB 1312	Transportation providers	4/30/2007		7/22/2007
C 201 L 07	SHB 1319	Correctional agency employees	4/27/2007		7/22/2007
C 210 L 07	SHB 1328	Small works roster	4/27/2007		7/22/2007
C 235 L 07	HB 1331	Veterinary technicians	4/30/2007		7/22/2007
C 410 L 07	SHB 1333	Child welfare	5/11/2007		7/22/2007
C 411 L 07	2SHB 1334	Child welfare proceedings	5/11/2007		7/22/2007
C 23 L 07	SHB 1337	Colorectal cancer	4/10/2007		7/22/2007
C 211 L 07	SHB 1338	Beer commission	4/27/2007		7/22/2007
C 165 L 07	HB 1341	Regulation of massage	4/21/2007		7/22/2007
C 420 L 07	HB 1343	Certificate of ownership	5/11/2007		7/22/2007
C 168 L 07	HB 1344	Window tint exemption	4/21/2007		7/22/2007
C 53 L 07	HB 1349	Sale of alcoholic beverages	4/17/2007		7/22/2007
C 427 L 07	E2SHB 1359	Affordable housing	5/11/2007		7/22/2007
C 196 L 07	HB 1366	News media	4/27/2007		7/22/2007
C 469 L 07	ESHB 1368	Special purpose districts	5/14/2007		7/22/2007
C 169 L 07	HB 1370	Prevailing wages	4/21/2007		7/22/2007
C 372 L 07	HB 1371	Rental vehicles	5/9/2007		7/22/2007
C 412 L 07	HB 1377	Placement of children	5/11/2007		7/22/2007
C 271 L 07	EHB 1379	Hearing instrument fitter	5/2/2007		7/22/2007
C 54 L 07	SHB 1381	Laws relating to taxes	4/17/2007		7/22/2007***
C 509 L 07	SHB 1396	Trans ballot proposition	5/15/2007		5/15/2007
C 272 L 07	SHB 1397	Massage therapy definition	5/2/2007		7/22/2007
C 24 L 07	SHB 1398	U of W and WSU	4/10/2007		7/22/2007*
C 428 L 07	2SHB 1401	Land for affordable housing	5/11/2007		7/22/2007
C 327 L 07	SHB 1407	Unemployment admin	5/4/2007		7/1/2007
C 236 L 07	SHB 1409	Forest practices	4/30/2007		7/22/2007
C 170 L 07	HB 1412	Shoreline master program	4/21/2007		7/22/2007
C 328 L 07	EHB 1413	Definition of floodway	5/4/2007		7/22/2007
C 273 L 07	ESHB 1414	Ambulatory surgical fclt	5/2/2007		7/1/2009*
C 237 L 07	HB 1416	Asparagus	4/30/2007		7/22/2007
C 488 L 07	SHB 1417	State patrol benefits	5/15/2007	PV	7/22/2007
C 238 L 07	HB 1418	Dangerous wild animals	4/30/2007		7/22/2007
C 384 L 07	E2SHB 1422	Incarcerated parents	5/8/2007		7/22/2007
C 230 L 07	HB 1430	Community & economic dev	4/30/2007		7/22/2007
C 171 L 07	HB 1431	Certificates of discharge	4/21/2007		7/22/2007
C 403 L 07	E2SHB 1432	Educational staff associates	5/9/2007		7/22/2007
C 55 L 07	HB 1437	Sexual assault protection	4/17/2007		7/22/2007
C 330 L 07	HB 1443	Agricultural commodities	5/4/2007		7/22/2007
C 197 L 07	SHB 1445	Public records act	4/27/2007		7/22/2007*
C 162 L 07	HB 1447	Boarding homes	4/21/2007		7/22/2007
C 470 L 07	HB 1449	Gambling licensee info	5/14/2007		7/22/2007*
C 301 L 07	HB 1450	Low-income households	5/2/2007		7/22/2007
C 360 L 07	SHB 1456	Mental health professionals	5/8/2007		7/22/2007
C 464 L 07	HB 1457	Youth soccer referees	5/14/2007		7/22/2007
C 68 L 07	SHB 1458	Eminent domain	4/17/2007		7/22/2007

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C 8 L 07	EHB 1460	Mental health parity	3/30/2007		1/1/2008
C 431 L 07	E2SHB 1461	Manufactured/mobile home	5/11/2007	PV	7/22/2007
C 465 L 07	SHB 1472	Child welfare	5/14/2007		7/22/2007
C 56 L 07	HB 1475	Volunteer firefighters	4/17/2007		7/22/2007
C 442 L 07	HB 1476	Charter licenses	5/11/2007		5/11/2007
C 346 L 07	2SHB 1488	Oil spill program	5/7/2007		7/22/2007
C 130 L 07	ESHB 1497	CWU fee waiver	4/19/2007		7/22/2007
C 172 L 07	SHB 1500	Workers' comp disability	4/21/2007		7/22/2007
C 255 L 07	HB 1501	Workers' comp total disable	5/1/2007		7/22/2007
C 262 L 07	HB 1505	Special parking privileges	5/2/2007		7/22/2007
C 494 L 07	2SHB 1506	Alternative public works	5/15/2007		7/1/2007*
C 25 L 07	SHB 1507	Shared leave	4/10/2007		10/1/2007
C 58 L 07	SHB 1508	Resale of natural gas	4/17/2007		7/22/2007
C 500 L 07	ESHB 1512	Linked deposit program	5/15/2007		7/22/2007
C 48 L 07	SHB 1513	Forest products businesses	4/17/2007		7/1/2007
C 202 L 07	HB 1520	Polygraph/sex assault victim	4/27/2007		7/22/2007
C 239 L 07	EHB 1525	Regulatory fairness	4/30/2007		7/22/2007
C 385 L 07	HB 1526	Presidential primary ballot	5/8/2007		7/22/2007
C 157 L 07	HB 1528	Voter registration	4/21/2007		1/1/2008
C 250 L 07	HB 1543	Economic develop officer	5/1/2007		7/22/2007
C 131 L 07	HB 1549	Unprocessed milk	4/19/2007		7/22/2007
C 212 L 07	SHB 1555	Sexual assault protection	4/27/2007		7/22/2007
C 137 L 07	HB 1556	Walla Walla sweet onion	4/20/2007		7/22/2007
C 213 L 07	SHB 1565	Child in need of services	4/27/2007		7/22/2007
C 485 L 07	SHB 1566	Rural county tax credit	5/15/2007		1/1/2008
C 260 L 07	E2SHB 1569	Reforming health care systems	5/2/2007	PV	7/22/2007
C 408 L 07	2SHB 1573	Dropout prevention	5/9/2007	PV	7/22/2007
C 256 L 07	SHB 1574	Business and professions	5/1/2007		7/22/2007
C 390 L 07	SHB 1583	Automatic service charges	5/8/2007		7/22/2007
C 363 L 07	HB 1592	Sentence review board	5/8/2007		7/22/2007
C 257 L 07	HB 1598	Salmon recovery	5/1/2007		7/22/2007
C 452 L 07	HB 1599	Raffles by state employees	5/14/2007		7/22/2007
C 413 L 07	ESHB 1624	Child welfare	5/11/2007		7/22/2007
C 482 L 07	2SHB 1636	Development rights	5/15/2007		7/22/2007
C 173 L 07	SHB 1642	No-contact orders	4/21/2007		7/22/2007
C 302 L 07	HB 1644	Part-time academic employees	5/2/2007		7/22/2007
C 274 L 07	HB 1645	Health care authority	5/2/2007		7/22/2007
C 337 L 07	SHB 1646	Sampling of fish	5/4/2007		7/22/2007
C 331 L 07	EHB 1648	Agriculture	5/4/2007		7/22/2007
C 123 L 07	ESHB 1649	Judges in PERS & TRS	4/19/2007		7/22/2007
C 311 L 07	SHB 1651	Boating activities	5/3/2007		7/22/2007
C 373 L 07	SHB 1654	Canvassing of ballots	5/8/2007		7/22/2007*
C 345 L 07	2SHB 1656	Puget Sound research acct	5/7/2007	PV	7/22/2007
C 275 L 07	HB 1666	Nurse practitioners	5/2/2007		5/2/2007
C 174 L 07	SHB 1669	District & municipal court	4/21/2007		7/22/2007
C 175 L 07	HB 1670	School counselors	4/21/2007		7/22/2007
C 489 L 07	HB 1671	Salary adjustments	5/15/2007		7/22/2007
C 320 L 07	HB 1674	Cigarette tax contracts	5/4/2007		7/1/2007
C 132 L 07	HB 1676	Public utility districts	4/19/2007		7/22/2007
C 176 L 07	2SHB 1677	Outdoor education/recreation	4/21/2007		7/22/2007
C 303 L 07	SHB 1679	LEOFFRS plan 2 board	5/2/2007		7/22/2007
C 304 L 07	HB 1680	LEOFFRS service credit	5/2/2007		7/22/2007
C 177 L 07	EHB 1688	Fruits and vegetables	4/21/2007		7/22/2007
C 160 L 07	SHB 1693	State ferry employees	4/21/2007		7/22/2007
C 421 L 07	SHB 1694	Coordinated transportation	5/11/2007		7/22/2007
C 251 L 07	E2SHB 1705	Health sciences and services	5/1/2007		7/22/2007*
C 321 L 07	HB 1706	Indian gaming reg act	5/4/2007		7/22/2007
C 263 L 07	HB 1722	Physician assistants	5/2/2007		7/1/2007
C 166 L 07	HB 1747	Regional transit authorities	4/21/2007		7/22/2007
C 178 L 07	ESHB 1756	Hound hunting cougar	4/21/2007		7/22/2007
C 446 L 07	SHB 1761	Hazardous waste	5/11/2007		7/22/2007
C 471 L 07	SHB 1777	Charitable organizations	5/14/2007		7/22/2007
C 214 L 07	2SHB 1779	GET ready for math & science	4/27/2007		7/22/2007
C 215 L 07	SHB 1784	Investment of funds	4/27/2007		12/6/2007**
C 240 L 07	HB 1789	Home heating oil tanks	4/30/2007		7/22/2007
C 59 L 07	HB 1793	Indigent defense grants	4/17/2007		7/22/2007
C 276 L 07	SHB 1802	Human papillomavirus	5/2/2007		7/22/2007
C 429 L 07	SHB 1805	Homestead exemption	5/11/2007		7/22/2007
C 434 L 07	2SHB 1811	Automatic sprinkler systems	5/11/2007	PV	7/22/2007
C 241 L 07	HB 1813	Committee for outdoor rec	4/30/2007	PV	7/1/2007
C 510 L 07	HB 1820	Electric vehicles	5/15/2007		8/1/2007
C 179 L 07	SHB 1826	Medical benefits	4/21/2007		7/1/2007

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C 180 L 07	HB 1831	Election cycle	4/21/2007		7/22/2007
C 455 L 07	SHB 1832	Limitation on actions	5/14/2007		7/22/2007
C 490 L 07	ESHB 1833	Firefighters	5/15/2007	PV	7/22/2007
C 305 L 07	SHB 1837	Nonambulatory persons	5/2/2007		7/22/2007
C 436 L 07	SHB 1843	Construction contractors	5/11/2007		7/22/2007
C 60 L 07	SHB 1848	ID for health services	4/17/2007		7/22/2007
C 329 L 07	ESHB 1858	Transportation benefit dist	5/4/2007		7/22/2007
C 456 L 07	HB 1859	Statute law committee	5/14/2007		7/22/2007
C 61 L 07	HB 1870	Juneteenth	4/17/2007		7/22/2007
C 458 L 07	ESHB 1883	Higher edu coordinating brd	5/14/2007	PV	7/22/2007
C 181 L 07	HB 1888	Brassica seed production	4/21/2007		4/21/2007
C 447 L 07	SHB 1891	Sale of prescription drugs	5/11/2007		10/1/2007
C 242 L 07	SHB 1892	Impoundment of vehicles	4/30/2007		7/22/2007
C 453 L 07	2SHB 1896	Legislative gift center	5/14/2007		7/22/2007
C 391 L 07	SHB 1897	Attorney invoices	5/8/2007		7/22/2007
C 437 L 07	EHB 1898	Apprenticeship utilization	5/11/2007		7/22/2007
C 332 L 07	EHB 1902	Repairs to farm machinery	5/4/2007		7/22/2007
C 396 L 07	2SHB 1906	Math and science education	5/9/2007		7/22/2007*
C 392 L 07	SHB 1909	Specialized forest products	5/8/2007		7/22/2007
C 430 L 07	E2SHB 1910	Multi-dwelling units	5/11/2007	PV	7/22/2007
C 278 L 07	ESHB 1916	Care providers	5/2/2007		7/22/2007
C 316 L 07	2SHB 1922	Youth housing program	5/4/2007		7/22/2007
C 349 L 07	SHB 1929	Environmental mitigation	5/7/2007		7/22/2007
C 472 L 07	HB 1939	Privileged communications	5/14/2007		7/22/2007
C 62 L 07	HB 1940	Proposed land dispositions	4/17/2007		7/22/2007
C 324 L 07	HB 1949	Harvesting geoduck clams	5/4/2007		7/22/2007
C 258 L 07	SHB 1953	Insurance premium reductions	5/1/2007		7/22/2007
C 433 L 07	SHB 1965	Major industrial develop	5/11/2007		7/22/2007
C 264 L 07	HB 1966	Physician assistants	5/2/2007		7/22/2007
C 435 L 07	ESHB 1968	Sprinkler fitters	5/11/2007		1/1/2009
C 63 L 07	HB 1972	Irrigation dist foreclosure	4/17/2007		7/22/2007
C 459 L 07	2SHB 1980	Financial literacy	5/14/2007		5/14/2007
C 182 L 07	ESHB 1981	Financial information	4/21/2007		8/1/2007
C 306 L 07	SHB 1988	Security guards	5/2/2007		7/22/2007
C 183 L 07	HB 1994	Overpayments/courts	4/21/2007		7/22/2007
C 511 L 07	HB 2004	Regional trans planning orgs	5/15/2007		7/22/2007
C 310 L 07	SHB 2007	Allowable fuel blends	5/3/2007		7/22/2007
C 69 L 07	SHB 2008	Quinault Indian Reservation	4/17/2007		7/22/2007
C 133 L 07	SHB 2010	Bidder responsibility	4/19/2007		7/22/2007
C 243 L 07	HB 2032	Fruit & vegetable processing	4/30/2007		4/30/2007
C 393 L 07	HB 2034	Victims of vehicle theft	5/8/2007		7/22/2007
C 344 L 07	SHB 2049	Marine resource committees	5/7/2007		7/22/2007
C 356 L 07	2SHB 2055	Traumatic brain injury	5/8/2007		7/22/2007
C 244 L 07	SHB 2056	Recycling	4/30/2007		7/22/2007
C 205 L 07	EHB 2070	Exceptional sentences	4/27/2007		4/27/2007
C 438 L 07	HB 2079	Agency shop fees	5/11/2007		5/11/2007
C 279 L 07	SHB 2087	Health care facilities	5/2/2007		7/22/2007
C 26 L 07	SHB 2103	Telecommunications	4/10/2007		7/22/2007
C 134 L 07	EHB 2105	Workers' comp/prescriptions	4/19/2007		1/1/2008
C 184 L 07	ESHB 2111	Adult family home providers	4/21/2007		7/22/2007
C 473 L 07	EHB 2113	Issuance of liquor licenses	5/14/2007		7/22/2007
C 333 L 07	SHB 2115	Heritage barn preservation	5/4/2007		7/22/2007
C 432 L 07	SHB 2118	Mobile/manufactured homes	5/11/2007	PV	7/22/2007
C 338 L 07	SHB 2129	Geothermal resources	5/4/2007	PV	7/22/2007
C 474 L 07	SHB 2130	DUI prior offenses	5/14/2007		7/1/2007
C 425 L 07	HB 2135	Lemon law coverage	5/11/2007		7/22/2007
C 57 L 07	SHB 2147	Volunteer firefighters	4/17/2007		4/17/2007
C 374 L 07	HB 2152	Election certification	5/8/2007		7/22/2007
C 460 L 07	HB 2154	Educational service district	5/14/2007		7/22/2007
C 135 L 07	SHB 2158	Vehicle sale to nonresident	4/19/2007		7/22/2007
C 64 L 07	HB 2161	Code cities & noncode cities	4/17/2007		7/22/2007
C 507 L 07	HB 2163	Medical benefits adm account	5/15/2007		7/22/2007
C 185 L 07	ESHB 2164	Multiple-unit housing	4/21/2007		7/1/2007
C 27 L 07	ESHB 2171	Crane safety	4/10/2007		1/1/2010
C 439 L 07	SHB 2209	Autopsy reports & records	5/11/2007		7/22/2007
C 216 L 07	2SHB 2220	Shellfish	4/27/2007		7/22/2007
C 475 L 07	HB 2236	Disposition of assets	5/14/2007		7/22/2007
C 217 L 07	HB 2240	Beer and wine	4/27/2007		7/22/2007
C 339 L 07	SHB 2261	Wood smoke reduction	5/4/2007		7/22/2007
C 398 L 07	2SHB 2262	Prof teaching standards	5/9/2007		7/22/2007
C 340 L 07	SHB 2275	Funds for state parks	5/4/2007	PV	7/22/2007
C 454 L 07	HB 2281	Shared leave	5/14/2007		7/22/2007

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C 361 L 07	E2SHB 2284	Training of care providers	5/8/2007		7/22/2007*
C 167 L 07	SHB 2286	Interstate branching	4/21/2007		7/22/2007
C 186 L 07	SHB 2300	College textbooks	4/21/2007		7/22/2007
C 440 L 07	SHB 2304	Cardiac care services	5/11/2007		7/22/2007
C 395 L 07	HB 2319 f	Early learning	5/9/2007		7/22/2007
C 21 L 07	SHB 2335	Amateur radio repeaters	4/10/2007		7/22/2007
C 334 L 07	ESHB 2352	Farming & farming services	5/4/2007		8/1/2007
C 503 L 07	HB 2357	State forest revenues	5/15/2007		7/22/2007
C 512 L 07	ESHB 2358	State ferries	5/15/2007		7/22/2007
C 136 L 07	SHB 2361	Collective bargaining	4/19/2007		7/22/2007
C 506 L 07	SHB 2366	State facility planning	5/15/2007		7/22/2007
C 481 L 07	SHB 2378	State ferries	5/14/2007		5/14/2007
C 486 L 07	EHB 2388	Financing regional centers	5/15/2007		7/22/2007
C 491 L 07	EHB 2391	Retirement system/pension	5/15/2007		7/22/2007*
C 519 L 07	SHB 2394	Bonds for transportation	5/15/2007		7/22/2007
C 504 L 07	HB 2395	State lands	5/15/2007	PV	7/22/2007
C 505 L 07	HB 2396	Permanent com school fund	5/15/2007		7/22/2007

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Sixtieth Legislature
2007 Regular Session****Senate Bill No.****Status Title**

SENATE JOINT MEMORIALS

SJM 8008	Filipino veterans
SSJM 8011	No child left behind act
SSJM 8012	National guard

SENATE JOINT RESOLUTIONS

ESSJR 8206	Budget stabilization account
SJR 8212	Inmate labor

SENATE CONCURRENT RESOLUTIONS

SCR 8400	Joint rules
SCR 8404	Workforce training
SCR 8408	Bills to house of origin
SCR 8409	Adjourning

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH SENATE AND HOUSE****Sixtieth Legislature
2007 Regular Session****House Bill No.****Status Title**

HOUSE JOINT MEMORIALS

ESHJM 4011	Saddle stock animals
HJM 4016	Children's health insurance
HJM 4017	Highways 112 and 113

HOUSE JOINT RESOLUTIONS

EHJR 4204	School levies
SHJR 4215	Prohibitions on investment

HOUSE CONCURRENT RESOLUTIONS

HCR 4400	Legislature organized
HCR 4401	Cutoff dates 2007
HCR 4402	Joint sessions
HCR 4403	Deceased former members

HISTORY OF SENATE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
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5002	19	123	193			
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5009	19	123, 405	1125		123, 795	
5009-S			1125	1125	1977, 2032(P), 2280(S),	C443
5010	19	185, 362	1127			
5010-S			1127	1127	2439	
5011	19	362	646	646	972(P), 972, 1168(S)	C9
5012	19					
5013	19	315				
5014	19	219	735	735	1707, 1708, 1830(P), 1925(S),	C280
5015	19	185				
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5028	20					
5029	20	117			795	
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5032	21	117	357			
5032-S			358	358	1322, 1396(P), 1513(S)	C138
5033	21	163			795	
5034	21	117			795	
5035	21	324			795	
5036	21	315	445	445	1168, 1200(P), 1294(S)	C28
5037	21	315	462, 463			
5037-S			462, 463, 486	486	486, 1708, 1708, 1709, 1830(P), 1925(S)	C417
5038	21					
5039	21	185	476			
5039-S			476	476	1207, 1269(P), 1421(S)	C73
5040	21	123	272			
5040-S			272	273	2439	
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5042	21	110	404	404	206, 1207, 1269(P), 1421(S)	C80
5043	22	219				
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Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
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5050	52	197	402			
5050-S			402	402	1663, 1665, 1739(P), 1925(S),	C426
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5052	52	352	479			
5052-S			479	479	1207, 1269(P), 1421(S)	C74
5053	52	345	646			
5053-S			646	647	1709, 1710, 1830(P), 1925(S),	C281
5054	53	163				
5055	53	259				
5056	53	94			795	
5057	53	94			795	
5058	53	117, 141	193	193	2439	
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5060	53	244			246	
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5063	53	94	273	293	292, 1849, 1873, 1873, 1923(P), 1942(S)	C218
5064	53	301				
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5070	61	324, 406	574			
5070-S2			574, 575, 591	592	592, 2440	
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5072	61	94				
5073	61					
5074	61	259	404			C245
5074-S			404	405	1838, 1839, 1923(P), 1942(S),	C245
5075	61	363			64, 795	
5076	61	345			795	
5077	62	249				
5078	62	259	685			
5078-S			685	685	1292, 1322(P), 1421(S)	C83
5079	62	110	357	357	1168, 1200(P), 1294(S)	C29
5080	62	117	468		64	
5080-S			468, 469, 1154, 1155	1205	519, 1155, 1159, 1161, 2440	
5081	62					
5082	62	259			795	
5083	62	352			795	
5084	62	249	684	684	1710, 1711, 1830(P), 1925(S),	C422
5085	62	117, 406	673			
5085-S			673	673	2086, 2087, 2169(P), 2280(S),	C513
5086	62	236	446	446	1292, 1322(P), 1421(S)	C84
5087	62	169	404			
5087-S			404	404	1292, 1322(P), 1421(S)	C85
5088	62	169	375	375	375, 1711, 1711, 1830(P), 1925(S),	C423
5089	62	117	192			
5089-S			192	193	785(P), 785, 789(S)	C6
5090	63	345, 406	438			
5090-S2			438	438	2440	
5091	63					
5092	63	324, 406	438			
5092-S2			438	439	1711, 1712, 1713, 1917(P),	C249

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					1942(S)	
5093	63	163, 249	256			
5093-S2			256, 257, 258	258	437, 438(P), 439(S)	C5
5094	63					
5095	63					
5096	63					
5097	63	185, 406	735			
5097-S			735	736	1976, 2102, 2102, 2103, 2169(P), 2280(S)	C406
5098	63	178, 406	736			
5098-S2			736	736	1713, 1830(P), 1925(S),	C405
5099	63					
5100	63	72, 123, 352	741			
5100-S			741, 742	742	2439	
5101	63	178	419			
5101-S			419	419	1713, 1714, 1830(P), 1925(S),	C461
5102	63	352				
5103	64					
5104	64	197, 309	423			
5104-S			423	423	2439	
5105	64					
5106	64	72, 345				
5107	64					
5108	64	236, 363	482			
5108-S			482	483	1665, 1667, 1739(P), 1925(S),	C352PV
5109	64	336				
5110	64	226				
5111	64					
5112	64	197	403			
5112-S			403	403	1714, 1830(P), 1925(S),	C378
5113	64	123	483	483	1168, 1200(P), 1294(S)	C30
5114	66	226, 407	514			
5114-S2			514	515	1359, 1396(P), 1513(S)	C139
5115	66	309, 407	562			
5115-S2			562	569	569, 2439	
5116	66	324, 407	476			
5116-S			476	476	2439	
5117	66					
5118	66	156	474			
5118-S			474	474	1292, 1322(P), 1421(S)	C76
5119	66	219				
5120	67	336				
5121	67	301				
5122	67	163, 315	647		164	
5122-S2			647	648	1292, 1322(P), 1421(S)	C94
5123	67	141	599	600	600, 1513, 1551(P), 1737(S)	C187
5124	67	146				
5125	67					
5126	67					
5127	67					
5128	67	211			795	
5129	67	352				
5130	67	352				
5131	67					
5132	67					
5133	68					
5134	68	169	675	675	1292, 1322(P), 1421(S)	C86
5135	68	185				
5136	68					
5137	68	197	422		200	
5137-S			422	422	2440	

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5138	68					
5139	68					
5140	68					
5141	68	249				
5142	68	178	474	475	2440	
5143	68	249, 407			251	
5144	68					
5145	68	345	501			
5145-S			501	501	2440	
5146	69	259				
5147	69					
5148	69	249				
5149	69	163	402	402	2440	
5150	69					
5151	69	345, 407				
5152	69	310				
5153	69	315	477			
5153-S			477	478	2440	
5154	69	324				
5155	69	204, 407			795	
5156	69					
5157	69					
5158	69	117				
5159	70	399				
5160	70					
5161	70					
5162	70					
5163	70	295				
5164	70	295, 407	743			
5164-S2			743	743	1923, 2032(P), 2280(S)	C451
5165	70	352				
5166	70	129	333	333	972(P), 972, 1168(S)	C19
5167	70	123				
5168	70					
5169	70	324, 408				
5170	70	236				
5171	72	249, 399	440			
5171-S			440	440	2440	
5172	72	178				
5173	72	219				
5174	73	178	429			
5174-S			429	430	1656, 2256, 2439(P)	C492
5175	73	325	736	737	1292, 1322(P), 1421(S)	C89
5176	73	178				
5177	73	219				
5178	73					
5179	73	110				
5180	73				76	
5181	73					
5182	73	220			795	
5183	73	178	360			
5183-S			360	360	2440	
5184	73	236, 408	1125			
5184-S			1125	1126	2440	
5185	73					
5186	73					
5187	74	94, 408			795	
5188	74	352, 399	676			
5188-S2			676	678	1714, 1715, 1830(P), 1925(S),	C246
5189	74					
5190	74	197	454			

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5190-S			455	455	1292, 1322(P), 1421(S)	C91
5191	74	123	233			
5191-S			233	234	972(P), 972, 1168(S)	C10
5192	74	178, 315			180	
5193	74	141	273			
5193-S			273	273	1602, 1739(P), 1925(S)	C219
5194	74					
5195	74					
5196	74					
5197	74	363				
5198	74					
5199	74	110	440	440	1292, 1322(P), 1421(S)	C81
5200	75	197				
5201	75	94				
5202	75	259	421			
5202-S			422	422	1848, 1923(P), 1942(S),	C379
5203	75					
5204	75	211	462	462	1292, 1322(P), 1421(S)	C71
5205	75					
5206	75	310	677	678	678, 1359, 1396(P), 1513(S)	C140
5207	75	399	684			
5207-S			684	685	1682, 1977, 1979, 2032(P), 2280(S),	C514
5208	75	249	676	676	2440	
5209	75	220				
5210	75					
5211	75					
5212	75					
5213	75	156			157	
5214	75	325				
5215	76					
5216	76	250				
5217	76	310				
5218	76					
5219	76	250	738			
5219-S			738	738	1359, 1396(P), 1513(S)	C141
5220	76	301				
5221	76	244	501			
5221-S			501	502	2440	
5222	76	197, 310			795	
5223	76	163				
5224	82	295, 408	719			
5224-S			719	720	1657, 1935, 1938, 1939, 2032(P), 2280(S)	C444
5225	82	179	421			
5225-S			421	421	1359, 1396(P), 1513(S)	C142
5226	82	197				
5227	82	211	708			
5227-S			708	708	1848, 1849, 1923(P), 1942(S),	C376
5228	82	315	442			
5228-S			442	442	1207, 1269(P), 1421(S)	C66
5229	82	226				
5230	82	244, 363				
5231	83	236	476			
5231-S			476	477	1168, 1200(P), 1294(S)	C31
5232	83					
5233	83	295			795	
5234	83					
5235	83	185			186	
5236	83	310	420			C247
5236-S			420	420	1667, 1668, 1739(P), 1925(S),	C247

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5237	83	336				
5238	83	336, 408				
5239	83	198, 408			795	
5240	83					
5241	83					
5242	83	141	673			
5242-S			673	673	1292, 1322(P), 1421(S)	C92
5243	83	244	442			
5243-S			442	443	1715, 1717, 1830(P), 1925(S),	C203
5244	84	325, 408	477			
5244-S			477	477	1359, 1396(P), 1513(S)	C143
5245	84	295, 409			297	
5246	84	244, 363			246	
5247	84	118	271	271	1207, 1269(P), 1421(S)	C95
5248	84	211	756			
5248-S			756	756	1893, 1894, 1923(P), 1942(S),	C353
5249	84					
5250	84	315	675			
5250-S			675	675	1292, 1322(P), 1421(S)	C96
5251	84	179	430	430	430, 1207, 1269(P), 1421(S)	C75
5252	84					
5253	84	141	192	192	972(P), 972, 1168(S)	C11
5254	84	123, 146, 236, 310				
5255	84					
5256	84	179				
5257	84	244				
5258	85	156	423	423	1359, 1396(P), 1513(S)	C144
5259	85	185	494	494	1322, 1396(P), 1513(S)	C145
5260	85	185	442	442	2440	
5261	85	226	496	498	2440	
5262	85	185				
5263	85	186	375			
5263-S			375	376	1168, 1200(P), 1294(S)	C32
5264	85	236	441	441	1168, 1200(P), 1294(S)	C33
5265	85	353				
5266	85					
5267	85	186	293			
5267-S			293	294	2440	
5268	85					
5269	85	244	425			
5269-S			425, 426, 427	427	427, 2172, 2172, 2268(P), 2280(S)	C319
5270	86	169			795	
5271	86	259				
5272	86	211	427	427	1682, 1692, 2428, 2438, 2438, 2439(S), 2439(P)	C515PV
5273	86	169	334	334	1292, 1322(P), 1421(S)	C97
5274	86					
5275	86	198				
5276	86	259				
5277	86					
5278	86	295	424			
5278-S			424		795	
5279	86	169, 409				
5280	86	141				
5281	90	260				
5282	90	353				
5283	90	236				
5284	90	204, 250				
5285	90	163, 409				

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5286	90					
5287	91	336				
5288	91	236	394			
5288-S			394	394	1793, 2061, 2061, 2062, 2169(P), 2280(S)	C407
5289	91	336				
5290	91	220	479			
5290-S			480	480	1721, 1722, 1830(P), 1925(S),	C282
5291	91	129			795	
5292	91	250	716			
5292-S			716	719	719, 1207, 1269(P), 1421(S)	C98
5293	91					
5294	91	226				
5295	91	316				
5296	91	316				
5297	91	353	448, 450			
5297-S			448, 449, 450, 451, 452, 453	454	450, 453, 1513, 1551(P), 1737(S)	C265
5298	91	399				
5299	92					
5300	92					
5301	92	316			795	
5302	92					
5303	92	179			795	
5304	92	250	421	421	2440	
5305	92	163, 384	483			
5305-S			483	483	2440	
5306	92					
5307	92	244				
5308	92					
5309	95					
5310	95					
5311	95	220	313			
5311-S			313, 314	314	2145, 2169(P), 2280(S)	C484
5312	95	363	720			
5312-S			720, 722	725	722, 724, 1794, 1798, 1923, 1950, 1954, 2169(P), 2280(S)	C377
5313	95	220, 399	669	669	1207, 1269(P), 1421(S)	C87PV
5314	96	204				
5315	96	364	743			
5315-S			743	743	1668, 1739(P), 1925(S),	C252
5316	96	244				
5317	96	337	569			
5317-S			570	573	572, 1876, 2062, 2065, 2065, 2169(P), 2280(S)	C415
5318	96	325	737			
5318-S			737	738	738, 2440	
5319	96	250				
5320	96	220, 409	706		222	
5320-S			706	707	1839, 1841, 1923(P), 1942(S),	C364PV
5321	96	325, 409	494		329	
5321-S			494	494	1722, 1728, 1830(P), 1925(S),	C220
5322	96	204				
5323	96					
5324	96					
5325	96					
5326	96					
5327	96					
5328	96	337				
5329	97	204				

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5330	97	129				
5331	97					
5332	97	198, 310	502	502	1728, 1730, 1830(P), 1925(S),	C204
5333	97	400			795	
5334	97					
5335	97					
5336	97	198	381			
5336-S			381	382	1470, 1551(P), 1737(S)	C156
5337	97				100	
5338	97	316				
5339	97	295	714			
5339-S			714	715	2143, 2169, 2262, 2263, 2279(P), 2280(S)	C476
5340	97	345	460			
5340-S			461	461	1799, 2002, 2169(P), 2280(S),	C317
5341	97					
5342	98	345	484			
5342-S			484		795	
5343	98	337			795	
5344	98	267				
5345	98	316				
5346	98	364, 409			373	
5347	98					
5348	98					
5349	98					
5350	98	211			795	
5351	98	118, 250	441	441	118, 1168, 1200(P), 1294(S)	C34
5352	98	346				
5353	98	346			795	
5354	98					
5355	98					
5356	98					
5357	99	220				
5358	99	220	467			
5358-S			467	468	2440	
5359	99					
5360	99					
5361	99					
5362	99	295				
5363	99	353			795	
5364	99					
5365	99					
5366	99	169	419			
5366-S			419	420	2440	
5367	99	236				
5368	99				100	
5369	99	226				
5370	99					
5371	99					
5372	100	364, 409	605			
5372-S			605, 618, 619, 620	620	620, 2042, 2060, 2060, 2169(P), 2280(S)	C341
5373	105	364	688			
5373-S			689	690	689, 1322, 1396(P), 1513(S)	C146
5374	105	198				
5375	105					
5376	105	169				
5377	105					
5378	105	245				
5379	105	267				
5380	105	118			795	

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5381	105	325, 409				
5382	106	301	393	393	1168, 1200(P), 1294(S)	C35
5383	106	337	599	599	2440	
5384	106	220	446	446	2440	
5385	106	301	441	441	1168, 1200(P), 1294(S)	C36
5386	106					
5387	106	198, 310	734			
5387-S			734	734	2440	
5388	106	237				
5389	106	170	766	767	1207, 1269(P), 1421(S)	C100
5390	106	198, 410			109	
5391	106	211	334			
5391-S			334	334	1207, 1269(P), 1421(S)	C101
5392	106	220				
5393	106					
5394	106					
5395	106					
5396	107					
5397	107	211				
5398	107	316	482	482	1292, 1322(P), 1421(S)	C102
5399	107	198	420	420	2440	
5400	107	198				
5401	107	129	447	447	1669, 1739(P), 1925(S),	C335
5402	107	204	393	393	1730, 1731, 1830(P), 1925(S),	C462
5403	107	163	708			
5403-S			709	709	1292, 1322(P), 1421(S)	C70
5404	107	198			200	
5405	107	211	447		1200(P)	
5405-S			447	447	1168, 1294(S)	C37
5406	107	346			795	
5407	107	199	272	272	2440	
5408	107	204	333	333	1168, 1200(P), 1294(S)	C38
5409	108					
5410	108	316				
5411	108	204				
5412	108	400	672			
5412-S			672	672	1692, 1926, 1931, 2032(P), 2280(S),	C516
5413	108					
5414	108					
5415	108	353				
5416	108	260				
5417	108	204				
5418	108					
5419	108					
5420	108	237			795	
5421	108	250, 364	599	599	1292, 1322(P), 1421(S)	C104
5422	111					
5423	111	311				
5424	112					
5425	112	295				
5426	112					
5427	112					
5428	112					
5429	112	296	737	737	1731, 1732, 1733, 1830(P), 1925(S)	C365
5430	112	163, 325			795	
5431	112	164, 410				
5432	112	316				
5433	112					
5434	112	237, 311	1126	1126	2103, 2169(P), 2280(S)	C477
5435	112	205	332			

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5435-S			332	332	1874, 1923(P), 1942(S),	C198
5436	112	179			795	
5437	112	205			795	
5438	113	301				
5439	113					
5440	113	179, 325, 410				
5441	113	250				
5442	113	316			321	
5443	113	346	623			
5443-S			623	623	1207, 1269(P), 1421(S)	C77
5444	113	146	193	193	2440	
5445	113	353	738			
5445-S			738	738	1470, 1551(P), 1737(S)	C188
5446	113	325			795	
5447	113	364	709			
5447-S			709	709	1669, 1670, 1739(P), 1925(S),	C479
5448	113					
5449	113	337				
5450	114	301	393			
5450-S			393	394	2440	
5451	114	301	420	420	2440	
5452	114	337	738			
5452-S			738	740	739, 2440	
5453	114					
5454	114	250, 410	1128	1129	2440	
5455	114	337, 410	740			
5455-S2			740	740	2440	
5456	114	212	333			
5456-S			333	334	2440	
5457	114	316				
5458	114					
5459	114	170				
5460	114					
5461	114	267	439			
5461-S			439	439	1207, 1269(P), 1421(S)	C109
5462	114					
5463	114	267, 364	443		1269(P)	
5463-S			443	443	1207, 1421(S)	C110
5464	115	146				
5465	115	346			795	
5466	115	179				
5467	115	205, 410	715			
5467-S2			715	715	1671, 1739(P), 1925(S)	C283
5468	115	221	443	444	1207, 1269(P), 1421(S)	C111
5469	115	221	425	425	2440	
5470	115	325, 410	483			
5470-S2			483, 484	484	1879, 1979, 1989, 2032(P), 2280(S),	C496
5471	115					
5472	115	337				
5473	115	353				
5474	115	337				
5475	115	179, 364	444		180	
5475-S			444	444	1359, 1396(P), 1513(S)	C147
5476	115	226			228	
5477	118	267, 384				
5478	118	296			121	
5479	119					
5480	119					
5481	119	179	395			
5481-S			395	395	1168, 1200(P), 1294(S)	C39

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5482	119	364				
5483	119	311	443			
5483-S			443	443	1359, 1396(P), 1513(S)	C148
5484	119	365				
5485	119	212			795	
5486	119	227				
5487	119					
5488	119	325				
5489	119					
5490	119	227	477	477	1168, 1200(P), 1294(S)	C40
5491	119					
5492	119					
5493	120	410			121	
5494	120					
5495	120	337				
5496	120					
5497	120	221, 317	379			
5497-S			379	381	381, 2440	
5498	120	237, 411	1126	1127	1655, 1739(P), 1925(S)	C380
5499	120	221				
5500	120					
5501	120					
5502	120					
5503	120	221	690			
5503-S			690	690	1733, 1735, 1830(P), 1925(S),	C253
5504	121					
5505	121	346				
5506	121					
5507	121	317				
5508	121	199	376	379	379, 1735, 1736, 1736, 1830(P), 1925(S)	C231
5509	121	326, 411	740			
5509-S2			740	741	2440	
5510	121					
5511	121	346	707			
5511-S			707	707	1207, 1269(P), 1421(S)	C112
5512	121	326	461	461	1717, 1720, 1721, 1830(P), 1925(S)	C266
5513	121	199	402, 403	403	1168, 1200(P), 1294(S)	C41
5514	124					
5515	124					
5516	124					
5517	124	384	737			
5517-S			737	737	2440	
5518	124	227				
5519	124	365			795	
5520	124					
5521	124					
5522	124	317, 411			795	
5523	124					
5524	124	317				
5525	124	251	432	432	1168, 1200(P), 1294(S)	C42
5526	124	245	709	709	2440	
5527	124	164				
5528	125	337, 411	697			
5528-S2			697, 698	699	698, 2440	
5529	125					
5530	125	317				
5531	125	267				
5532	125					
5533	125	317, 411	647			
5533-S			647	647	1736, 1830(P), 1925(S),	C375

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5534	125	260	484			
5534-S			484	484	1736, 1737, 1830(P), 1925(S),	C366
5535	125					
5536	125					
5537	125	301				
5538	125					
5539	125					
5540	125	317				
5541	126					
5542	126	237, 411	478			
5542-S			478	478	2440	
5543	126					
5544	126	338			795	
5545	126					
5546	126					
5547	126	260				
5548	126	326				
5549	126					
5550	126	267	470			
5550-S			470, 471, 473	474	474, 2440	
5551	129	302	769	769	1738, 1739, 1917(P), 1942(S),	C221
5552	129	353	714	714	1894, 1898, 1923(P), 1942(S),	C347
5553	129	338				
5554	129	317	767		1421(S)	
5554-S			767	768	1292, 1322(P)	C113
5555	129	227				
5556	130					
5557	130	346, 411	1129			
5557-S2			1129	1130	2103, 2104, 2169(P), 2280(S),	C478
5558	130	365	464			
5558-S			464	467	466, 2440	
5559	130	346				
5560	130	221	430			
5560-S			431	431	2440	
5561	130	317	734	734	2440	
5562	130					
5563	130	245, 412			795	
5564	130					
5565	130					
5566	130	317	713			
5566-S			713	714	2440	
5567	130	326				
5568	131	296, 412	1127			
5568-S			1127	1127	1531, 1551(P), 1737(S)	C189
5569	131	221				
5570	131					
5571	131					
5572	131	318, 412	648	648	1841, 1842, 1923(P), 1942(S),	C381
5573	131	251			795	
5574	131					
5575	131	227			795	
5576	131					
5577	131					
5578	131					
5579	131					
5580	131				133	
5581	132	302				
5582	132	245			795	

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5583	132					
5584	132					
5585	132	346	768			
5585-S			768	768	2440	
5586	132	365, 412				
5587	132	347				
5588	132					
5589	132	412				
5590	132					
5591	132					
5592	133	365				
5593	142					
5594	142					
5595	142	347				
5596	142	326			329	
5597	142	326, 412	480		329	
5597-S2			480, 481	481	481, 1681, 1682, 1682, 1739(P), 1925(S)	C502
5598	142					
5599	142	311			795	
5600	142					
5601	142	347				
5602	142					
5603	142	365			795	
5604	142					
5605	143					
5606	143					
5607	143	251	647	647	1207, 1269(P), 1421(S)	C90
5608	143					
5609	143	260				
5610	143					
5611	143	260				
5612	143	302				
5613	143	237	477	477	1359, 1396(P), 1513(S)	C149
5614	143	338				
5615	143	365				
5616	143	347, 412				
5617	143					
5618	144	237				
5619	144	318	768			
5619-S			768	768	2440	
5620	144	260	422	423	972(P), 972, 1168(S)	C12
5621	144					
5622	144	365				
5623	144					
5624	144					
5625	144	296	494			
5625-S			494	495	972(P), 972, 1168(S)	C13
5626	144					
5627	144	221, 318	392			
5627-S2			392	393	1697, 1939, 1940, 2032(P), 2280(S),	C399
5628	144	318			795	
5629	144					
5630	149	260				
5631	149					
5632	149	311				
5633	149					
5634	149	296, 400	475		297	
5634-S			475	476	1739, 1740, 1917(P), 1942(S),	C382
5635	149	311	444	444	972(P), 972, 1168(S)	C14
5636	149					

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5637	149	260				
5638	149	338				
5639	149	260	421			
5639-S			421	421	1740, 1743, 1917(P), 1942(S),	C222
5640	149	237	573	573	151, 1207, 1269(P), 1421(S)	C114
5641	149	205, 326			795	
5642	149	347				
5643	150	326, 412			795	
5644	150	296				
5645	150					
5646	150					
5647	150	326	461			
5647-S			461	462	461, 1847, 1848, 1848, 1923(P), 1942(S)	C497
5648	150	311				
5649	150					
5650	150	338				
5651	150	221				
5652	150	237, 326	478			
5652-S2			478	478	1743, 1744, 1917(P), 1942(S),	C322
5653	150	327, 413	741			
5653-S			741	741	1744, 1745, 1917(P), 1942(S),	C248
5654	150					
5655	150					
5656	150	311				
5657	151	227				
5658	151	227				
5659	151	365, 413	750			
5659-S2			750, 751, 755	755	755, 1921, 2263, 2267, 2267, 2279(P), 2280(S)	C357
5660	151	338				
5661	151					
5662	151	318, 384			796	
5663	151					
5664	151					
5665	157	245				
5666	157	221				
5667	157	347				
5668	157					
5669	157	338	734, 735	735	735, 1904, 1904, 1923(P), 1942(S),	C308
5670	157					
5671	157	179				
5672	158					
5673	158					
5674	158	237	432			
5674-S			432	432	1745, 1917(P), 1942(S),	C383
5675	158	366	623	626	626, 1746, 1748, 1749, 1917(P), 1942(S)	C284
5676	158	366	623			
5676-S			623	623	1471, 1551(P), 1737(S)	C190
5677	158	302				
5678	158					
5679	158					
5680	158					
5681	158	179				
5682	158	318				
5683	158					
5684	158					
5685	158	222	699	699	2440	

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5686	159	338			796	
5687	159	318				
5688	159	318	707			
5688-S			707	707	1168, 1200(P), 1294(S)	C78
5689	159					
5690	159	267			162	
5691	159	327	485			
5691-S			485	485	2440	
5692	159					
5693	159					
5694	159					
5695	159					
5696	159					
5697	159					
5698	159	338			796	
5699	159					
5700	159	260				
5701	160	338				
5702	160	366	742			
5702-S			742	742	1749, 1750, 1917(P), 1942(S),	C386
5703	160					
5704	160					
5705	160					
5706	160	366			796	
5707	160	199				
5708	160	199				
5709	160	199				
5710	160					
5711	160	366	573	573	1207, 1269(P), 1421(S)	C116
5712	160	327, 413	508			
5712-S2			508	513	513, 2440	
5713	160					
5714	161	354, 413	500			
5714-S			500	500		
5715	161	354	444			
5715-S			444	445	1168, 1200(P), 1294(S)	C117
5716	161	347				
5717	161	354	445			
5717-S			445	445	1292, 1322(P), 1421(S), 2440	C82
5718	161	318	485			
5718-S			485	485	1750, 1757, 1917(P), 1942(S),	C368PV
5719	161					
5720	161	261	646			
5720-S			646	646	1168, 1200(P), 1294(S)	C103
5721	161	366	621			
5721-S			621	621	1758, 1759, 1917(P), 1942(S),	C369
5722	161	347			796	
5723	161	212, 311	768	769	769, 2440	
5724	161					
5725	162	366			796	
5726	162	268	711			
5726-S			711, 712	713	713, 1672, 1672, 1739(P), 1925(S)	C498
5727	162				162	
5728	164	366				
5729	164	327				
5730	164	318			796	
5731	164	302	687			
5731-S			687	687	1760, 1917(P), 1942(S),	C397

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5732	165	319	573	574	1207, 1269(P), 1421(S)	C105
5733	165	366	648			
5733-S			648	648	2440	
5734	165					
5735	165	245			796	
5736	165					
5737	165	199				
5738	165	319	648	650	649, 2440	
5739	165	400				
5740	165					
5741	165					
5742	165	261				
5743	165	238, 312	478			
5743-S2			478	479	2440	
5744	165					
5745	165	251	742			
5745-S			742	743	2440	
5746	166	367				
5747	166					
5748	166	367				
5749	166	212			212, 796	
5750	170	327				
5751	170	367			796	
5752	170					
5753	170					
5754	170	296	405			
5754-S			405	405	2440	
5755	170					
5756	170					
5757	170					
5758	171					
5759	171	261	482	482	972(P), 972, 1168(S)	C15
5760	171	251				
5761	171	296				
5762	171	327				
5763	171	347				
5764	171	347				
5765	171					
5766	171	312				
5767	171					
5768	171	413			173	
5769	171					
5770	171	319	682			
5770-S			683	684	683, 1760, 1761, 1761, 1917(P), 1942(S)	C495
5771	172					
5772	172	367			796	
5773	172	296	485	486	1513, 1551(P), 1737(S)	C191
5774	172	327, 413	726			
5774-S			726	731	731, 1761, 1768, 1769, 1917(P), 1942(S)	C387PV
5775	172	227	422	422	1168, 1200(P), 1294(S)	C115
5776	172	327				
5777	172					
5778	172	212, 251	467	467	1322, 1396(P), 1513(S)	C150
5779	172					
5780	172	339				
5781	172					
5782	172	302				
5783	172	367			373	
5784	173	302				
5785	173					

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5786	173	319			321	
5787	173					
5788	173	367	651			
5788-S			651	654	653, 1875, 1875, 1876, 1923(P), 1942(S)	C388
5789	173					
5790	181	339, 413	498			
5790-S2			499	499	1698, 1989, 1990, 2032(P), 2280(S),	C463PV
5791	181					
5792	181					
5793	181					
5794	181					
5795	181	319				
5796	181	302				
5797	181	400	688			
5797-S			688	725	2440	
5798	181	251	685	685	1322, 1396(P), 1513(S)	C152
5799	181	212, 1132	1645			
5799-S2			1645, 1647	1647	1647, 2440	
5800	181	339				
5801	181					
5802	181					
5803	181	400	654			
5803-S			654, 673, 674	675	674, 2440	
5804	181					
5805	182	348, 414	1312			
5805-S2			1312	1319	1318, 2440	
5806	182	302, 414	707			
5806-S2			707	707	1322, 1396(P), 1513(S)	C151
5807	182	296			297	
5808	182					
5809	182					
5810	182	319				
5811	182	238				
5812	182	354				
5813	182	319, 414	554			
5813-S2			554	555	2440	
5814	182	354				
5815	182					
5816	182					
5817	182					
5818	183					
5819	183					
5820	183					
5821	183	205, 354				
5822	183	367				
5823	188	339			796	
5824	188					
5825	188					
5826	188	319	479			
5826-S			479	479	1674, 1739(P), 1925(S),	C499
5827	188	339	690		190	
5827-S			690, 691	691	691, 1207, 1269(P), 1421(S)	C93
5828	188	327, 414	500		329	
5828-S2			501	501	1769, 1770, 1771, 1917(P), 1942(S)	C394
5829	188	348				
5830	188	327	460			
5830-S			460	460	1887, 2087, 2088, 2169(P), 2280(S),	C466
5831	188					
5832	188	319				

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5833	188	367				
5834	188					
5835	189					
5836	189	367	750		373	
5836-S			750	750	1771, 1772, 1917(P), 1942(S),	C285
5837	189	354				
5838	189	368				
5839	189	328	650			
5839-S			650	650	1207, 1269(P), 1421(S)	C118
5840	189					
5841	189	319, 414	515			
5841-S2			515, 516	517	516, 1699, 2035, 2039, 2039, 2169(P), 2280(S)	C400PV
5842	189	320	517			
5843	189	354, 414	499			
5843-S2			499, 500	500	1905, 1906, 1907, 1923(P), 1942(S)	C401
5844	189	348	734			
5844-S			734	734	2440	
5845	189	320			796	
5846	189					
5847	189	312				
5848	189					
5849	190					
5850	200					
5851	200					
5852	200					
5853	200	320			203	
5854	200	222, 339			796	
5855	200	302	495			
5855-S			495	495	2440	
5856	200	368			796	
5857	201					
5858	201					
5859	201	368, 414	627			
5859-S2			627, 638	701	700, 1772, 1784, 1784, 1917(P), 1942(S)	C370
5860	201					
5861	201	339				
5862	201	354, 415	699			
5862-S2			699	700	1784, 1786, 1917(P), 1943(S),	C223
5863	201					
5864	201	354			356	
5865	201					
5866	201	368				
5867	201					
5868	201	368			796	
5869	201	320	769			
5869-S			769	769	2440	
5870	201	368			796	
5871	202					
5872	202					
5873	202	368				
5874	202	348				
5875	202					
5876	202	328				
5877	202					
5878	202	368			796	
5879	202	368	720	720	1168, 1200(P), 1294(S)	C99
5880	202	355				
5881	202	355	599			

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5881-S			599	600	1842, 1843, 1923(P), 1943(S),	C286
5882	202	384	853			
5882-S			853	853	2145, 2169(P), 2280(S)	C523
5883	202	328, 415	691		329	
5883-S2			691	691	1168, 1200(P), 1294(S)	C106
5884	203					
5885	203					
5886	203					
5887	203					
5888	206	339			796	
5889	206	328				
5890	206				210	
5891	206					
5892	207					
5893	207					
5894	207	355, 415	475			
5894-S			475	475	1907, 1911, 1923(P), 1943(S),	C343
5895	207	328	574			
5895-S			574	574	1207, 1269(P), 1421(S)	C107
5896	207					
5897	207					
5898	207	368	621			
5898-S			621	621	972(P), 972, 1168(S)	C16
5899	207	369				
5900	207	369				
5901	207	238				
5902	207	339, 415	621	622	2440	
5903	207	245, 415				
5904	207	302				
5905	207	415	1128			
5905-S			1128	1128	2440	
5906	208	348				
5907	208					
5908	208					
5909	208	339	731			
5909-S			731	733	733, 2440	
5910	208	369	741			
5910-S			741	741	1207, 1269(P), 1421(S)	C119
5911	208					
5912	212					
5913	212					
5914	212					
5915	212	369	622			
5915-S			622	623	622, 1786, 1786, 1917(P), 1943(S),	C287
5916	213	251				
5917	213	348			796	
5918	213	385	756	756	1168, 1200(P), 1294(S)	C108
5919	213	355	480			
5919-S			480	480	1322, 1396(P), 1513(S)	C153
5920	213	340	431		341	
5920-S			431, 432	432	1207, 1269(P), 1421(S)	C72
5921	213					
5922	213					
5923	213	369, 415	756			
5923-S2			756, 761	762	762, 1681, 1681, 1739(P), 1925(S)	C350PV
5924	213					
5925	213	251, 348				
5926	213	320, 416	620	621	1786, 1787, 1917(P), 1943(S),	C288

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5927	213	369	770	770	2440	
5928	213					
5929	213	369				
5930	213	312, 416	520			
5930-S2			520, 532, 545, 546, 547, 549	554	532, 549, 553, 1800, 1947, 2145, 2168, 2172(P), 2280(S)	C259PV
5931	214					
5932	214					
5933	214					
5934	214					
5935	214					
5936	214					
5937	214	400	667			
5937-S			667	667	1846, 1923(P), 1943(S),	C424
5938	214	369				
5939	214	297				
5940	214					
5941	222					
5942	223					
5943	223					
5944	223	369			796	
5945	223					
5946	223					
5947	223	369				
5948	223					
5949	223					
5950	223					
5951	223					
5952	223	328	495			
5952-S			495	495	972(P), 972, 1168(S)	C17
5953	223	370	598	598	1168, 1200(P), 1294(S)	C79
5954	223					
5955	224	340, 416	499			
5955-S2			499, 517, 518	519	1702, 2002, 2006, 2169(P), 2280(S),	C402PV
5956	224					
5957	224	348	446	446	972(P), 972, 1168(S)	C18
5958	224	370, 416	503		373	
5958-S2			503, 505, 506, 507	507	507, 1843, 1845, 1846, 1923(P), 1943(S)	C267
5959	224	328				
5960	224					
5961	224					
5962	224					
5963	224					
5964	224	370	502			
5964-S			502	502	2440	
5965	230					
5966	230	328				
5967	230	416	740			
5967-S			740	740	2440	
5968	230					
5969	230	328	499	499	2440	
5970	230					
5971	230	340				
5972	230	370	770			
5972-S			770	770	1470, 1551(P), 1737(S)	C192
5973	230	355				
5974	230	340				
5975	230	328				
5976	230					
5977	230					

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5978	230	320				
5979	231	400	684	684		
5980	231	370, 416				
5981	240					
5982	240					
5983	241	297	424	424	2440	
5984	241	370	733			
5984-S			733	733	1470, 1551(P), 1737(S)	C193
5985	241					
5986	241	1614				
5987	241	370	574			
5987-S			574	574	1846, 1847, 1923(P), 1943(S),	C389
5988	241					
5989	241	329			329	
5990	241	370				
5991	241					
5992	241					
5993	241					
5994	241					
5995	242	329, 416	479			
5995-S2			479	479	1787, 1790, 1917(P), 1943(S),	C232
5996	242					
5997	242					
5998	242					
5999	242					
6000	242					
6001	242	370	592			
6001-S			592, 593, 597	598	598, 1898, 1902, 1902, 1923(P), 1943(S)	C307PV
6002	246					
6003	246					
6004	246	370				
6005	246	371			373	
6006	246	261				
6007	246					
6008	246					
6009	247					
6010	247	371				
6011	247	312	428			
6011-S			428	429	2440	
6012	247	312			796	
6013	247	340				
6014	252	348	678	678	1471, 1551(P), 1737(S)	C194
6015	252					
6016	252	340, 416	763			
6016-S2			763	763	1790, 1791, 1917(P), 1943(S),	C289
6017	252					
6018	252	340	726	726	1207, 1269(P), 1421(S)	C120
6019	252					
6020	252					
6021	252	348				
6022	252					
6023	252	371	692			
6023-S			692, 696	697	696, 697, 2258, 2273, 2280, 2280, 2439(S), 2439(P)	C354PV
6024	253	355			356, 796	
6025	253					
6026	253	320				
6027	253					

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6028	253					
6029	253	355				
6030	253	371	559			
6030-S			559		796	
6031	253					
6032	253	371	763			
6032-S			763	765	765, 1826, 1917, 2088, 2091, 2169(P), 2280(S)	C371
6033	253					
6034	253					
6035	253	355			254	
6036	253	371			796	
6037	254					
6038	262	329				
6039	262	320				
6040	262	355				
6041	263					
6042	263					
6043	263					
6044	263	356, 417	601			
6044-S2			601, 679, 682	682	682, 1660, 2104, 2105, 2169(P), 2280(S),	C342
6045	263					
6046	264	356				
6047	264					
6048	264					
6049	264					
6050	264					
6051	264					
6052	264	340				
6053	264	371	766			
6053-S			766	766	2440	
6054	269					
6055	269	356				
6056	269	340				
6057	269					
6058	269					
6059	269	371	767	767	1207, 1269(P), 1421(S)	C121
6060	269					
6061	269					
6062	269					
6063	269					
6064	269					
6065	269	371				
6066	269					
6067	297					
6068	297	400				
6069	297	356				
6070	297					
6071	298					
6072	298					
6073	298	340				
6074	298				299	
6075	298	372	714	714	1207, 1269(P), 1421(S)	C88
6076	298					
6077	298	329				
6078	298	372				
6079	298					
6080	298					
6081	298	417	715			
6081-S			715	716	2440	
6082	298	372			796	

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6083	298	372, 417			796	
6084	298					
6085	298					
6086	299					
6087	299					
6088	299	349				
6089	299					
6090	299	372	710	710	1322, 1396(P), 1513(S)	C154
6091	303					
6092	303					
6093	303					
6094	306	372			373	
6095	306					
6096	306					
6097	306					
6098	306					
6099	306	356	676			
6099-S			676	677	677, 1832, 1833, 1834, 1923(P), 1943(S)	C517PV
6100	306	372	770			
6100-S			770	770	1876, 1923(P), 1943(S),	C367
6101	306					
6102	306	372				
6103	307	372				
6104	307					
6105	307					
6106	307	372				
6107	321	341, 417	502	502	2440	
6108	321					
6109	321					
6110	321	356			356	
6111	321	356				
6112	321	356				
6113	322					
6114	322	356				
6115	322					
6116	330					
6117	330	373, 417	601			
6117-S2			601, 639, 640	641	639, 640, 1834, 1838, 1838, 1923(P), 1943(S)	C445PV
6118	330					
6119	330	417	733	733	1791, 1792, 1917(P), 1943(S),	C290
6120	330	401	685			
6120-S			685	687	687, 2440	
6121	330					
6122	330	373				
6123	341					
6124	342					
6125	342					
6126	342					
6127	342	401	669			
6127-S			669	672	672, 2440	
6128	342	373	708	708	1874, 1875, 1923(P), 1943(S),	C358
6129	349	401	667	667	1322, 1396(P), 1513(S)	C155
6130	349					
6131	349					
6132	350					
6133	350					
6134	350					
6135	350					
6136	350					

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
6137	350					
6138	350					
6139	357					
6140	357					
6141	357	373, 417	767			
6141-S			767	767	1322, 1396(P), 1948(S)	C480
6142	357					
6143	375					
6144	375					
6145	387					
6146	419					
6147	434					
6148	456					
6149	785					
6150	793					
6151	805					
6152	805					
6153	805					
6154	805					
6155	805					
6156	805	1941	2093			
6156-S			2093	2170	2169, 2256, 2268(P), 2280(S)	C501PV
6157	805	1941	2014			
6157-S			2014, 2029	2030	2029, 2258, 2258, 2279(P), 2280(S),	C483
6158	805	1941	2094			
6158-S			2094	2102	2102, 2257, 2268(P), 2280(S)	C508
6159	805					
6160	805					
6161	805					
6162	805					
6163	805					
6164	805					
6165	805					
6166	805					
6167	817	1130	1483	1483	1994, 2032(P), 2280(S)	C493
6168	831	1133	1604			
6168-S			1604	1605	2440	
6169	844					
6170	852					
6171	1143					
6172	1829				1829	
6173	2143					
6174	2143					

HISTORY OF SENATE JOINT MEMORIALS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8000	71	180, 329			
8001	76				
8002	108				
8003	121				
8004	126				
8005	126				
8006	126				
8007	162	349			
8008	162	205	272	272	972(P), 972, 1168(S)
8009	166				167
8010	183				
8011	183	329	470		
8011-S			470	470	1792, 1917(P), 1943(S),
8012	190	349	440		
8012-S			440	440	1359, 1396(P), 1513(S)
8013	208				
8014	242				
8015	247				
8016	265				
8017	270				
8018	330	349			
8019	350				
8020	488				
8021	789				790

HISTORY OF SENATE JOINT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8200	22				
8201	22				
8202	22				
8203	22				
8204	22				
8205	54				
8206	64	222	313		
8206-S			313	313	2145, 2169(P), 2280(S)
8207	71	110	360, 361	362	361, 362, 770, 796
8208	71	261			
8209	71				
8210	76	94, 418			796
8211	76	170			
8212	86	297	682	682	1470, 1551(P), 1737(S)
8213	92				
8214	100				
8215	100				
8216	121				
8217	144				
8218	162	199			
8219	162				
8220	173	312			
8221	307				

HISTORY OF SENATE CONCURRENT RESOLUTIONS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action
8400	22		23		23, 52, 61(P), 66(S),
8401	54				
8402	86				
8403	100	227			
8404	109	205	462	462	1602, 1739(P), 1925(S)
8405	214	401	677		2440
8405-S			677	677	
8406	299	349			
8407	419	650	1147		
8407-S			1147	1147	2440
8408	1994		2427		1994, 2427, 2439(P), 2439(S), 2439, 2439, 2440, 2441
8409	1994		2427		1994, 2427, 2439(S), 2439(P), 2439

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER	SUBJECT	ACTION
8600	Senate organized	7
8601	Permanent senate rules	18
8602	Dr. Martin Luther King Jr.	77
8603	Karen Bolin	109
8604	Women's suffrage	116
8605	Korean polytechnic colleges	127
8606	Barnyard coalition	168
8607	Potato industry	128
8608	Senator Deccio	135
8609	Walla Walla sister city comm	203
8610	Washington national guard	153
8611	Catholic schools	168
8612	Home educating families	266
8613	La Conner Lady Braves	173
8614	Independent living	436
8615	Diabetes	225
8616	Washington history day	790
8617	Josephson, Molloy, Douglass	192
8618	Floyd Standifer	183
8619	Rule 41 of senate rules	191
8621	Chambers of commerce	215
8622	Arts day	254
8623	Bob & Ruth McCausland	210
8624	Recreational boating assc	1606
8625	Transpolar flight	395
8626	Sergeant Paul D. Hickok	492
8627	Girls & women in sports day	232
8628	Senator Pat Thibaudeau	243
8629	President Reagan	487
8630	Washington scholars	248
8631	St. John-Endicott football	304
8632	Asotin football team	305
8633	Vancouver	344
8634	Senator George W. Clarke	794
8635	4-H youth development prog	299
8636	Oak Harbor H.S. football	308
8637	Civic educators	307
8638	Peace corps	351
8639	Bruce P. Crandall	1706
8640	Red hat day	383
8641	Legislature internship prog	790
8642	Commercial fishing fleet	351
8643	Steve Cox	360
8644	Student conservation assoc	402
8645	Celebrating women	424
8646	Lynn D. "Buck" Compton	437
8647	Gifted and honor students	1888
8648	Optometry profession	806
8649	Imogene Bowen	1306
8650	Skagit Valley tulip festival	645
8651	Armed forces in Afghanistan	839
8652	Joel E Ferris HS basketball	791
8653	Lewis & Clark HS basketball	791
8654	City of Toppenish	826
8655	Scots-Irish heritage month	1169
8656	School employees	750
8657	Apple blossom festival	711
8658	Lake Forest Park project	806

NUMBER	SUBJECT	ACTION
8659	KGY radio station	779
8660	Doris Brown Heritage	782
8661	White Salmon 100-year	826
8662	General Eric Shinseki	827
8663	Walt C. Crowley	825
8664	U.S. Navy and Navy Day	818
8665	Brain injury awareness	786
8666	Civilian conservation corps	817
8667	Kenneth C. Hansen	839
8668	Granges	811
8669	Alex Jonlin	838
8670	Dr. Edmund Gray	1442
8671	Foreign official reps	828
8672	Sunnyside Christian H. S.	827
8673	Walter B. Williams	838
8674	India day	840
8675	Adoptive parents	844
8676	Pediatric cancer week	852
8677	Marlyta Deck	1120
8678	Organ donor awareness month	1269
8679	Sickle cell anemia	1152
8680	Daffodil festival	1918
8681	Individuals with autism	1209
8682	Fallen servicemen and women	1530
8683	Philippine Consulate	1919
8684	Hoquiam H.S. girls wrestling	1297
8685	Christopher Navarre	1366
8686	Congressman Jack Metcalf	2273
8687	Judge James "Ben" McInturff	1995
8688	WSU men's basketball team	2144
8689	Shifty Sailors	1924
8690	Senate work	2428
8691	Lois Cotton	2031

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1000	387	800	1146	1146	374, 1294(S), 1294(P)	C44PV
1001-S3	775	844, 1133	1183	1199	765, 851, 1199, 1904, 1943(S), 1948(P)	C199
1002-S	746	800	1124	1124	702, 1168(S), 1169(P)	C22
1005	166	814	1524	1524	164, 1524, 1892, 1924(S), 1949(P)	C195
1008-S	488	845	1477	1480	456, 1480, 1904, 1943(S), 1948(P)	C312
1009-S2	746	832, 1133	1472	1472	702, 1656(S), 1669(P)	C313
1024-S	304	800	1148, 1149, 1150	1151	297, 1294(S), 1294(P)	C65
1025	126	227	405	405	123, 437(S), 437(P)	C4
1029-S	166	814	1217	1218	164, 1218, 1737, 1924(S), 1949(P)	C309
1030-S	556	845			488, 851, 2440	
1032-S	456	845			437, 2440	
1035-S2	702	845			642	
1037-S	208	845	1544, 1546	1548	206, 1546, 1548, 1904, 1943(S), 1948(P)	C325
1038	166	845, 1133	1536	1536	164, 851, 1536, 1904, 1943(S), 1948(P)	C326
1039-S	166	800	1471	1471	164, 1656(S), 1669(P)	C225
1041-S	387	828	1515, 1931, 1932	1516, 1932	374, 1516, 1931, 1994, 2257(S), 2257(P)	C467
1042	166	819	1199	1199	164, 1294(S), 1294(P)	C45
1045-S	304	800			297, 2440	
1047-S	456	800	1599	1599	437, 1738(S), 1739(P)	C226
1049	488	800, 1133			456, 805, 2440	
1050-S	556	807	1120	1120	488, 1120, 1737, 1924(S), 1949(P)	C318
1051	127	845, 1133	1375, 1379, 2268	1379, 2272	123, 1379, 1830, 2000, 2271, 2428, 2439(S), 2439(P)	C355PV
1052-S	208	828, 1133	1407, 1408, 1409	1410	206, 1408, 1410, 1892, 1925(S), 1949(P)	C291
1054	208	832	1420	1420	206, 1656(S), 1669(P)	C158
1055-S	642	814			600, 2440	
1057	166				164, 2440	
1064	162	787	1507	1507	157, 1656(S), 1669(P)	C448
1065	162	814	1603	1604	157, 1603, 1893, 1924(S), 1949(P)	C449
1067-S	208				206, 2440	
1068	387				374, 2440	
1069	322	845	1371	1372	321, 1656(S), 1669(P)	C224
1073	208	832	1423	1425	206, 1425, 1831, 1925(S), 1949(P)	C292
1076-S2	488	814			456, 2440	
1077	208	800	1355, 1356	1356	206, 1356, 1893, 1925(S), 1949(P)	C293
1079-S	166	814	1521	1523	164, 1523, 1904, 1943(S), 1948(P)	C254
1082-S	166	800	1146	1146	164, 1146, 1737, 1924(S), 1949(P)	C336
1084	247	845	1469	1469	240, 1656(S), 1669(P)	C351
1085	167	845			164, 2440	
1086	167				164, 2440	
1088-S2	457	841, 1133	1308, 1954	1311, 1958	437, 1311, 1954, 1958, 1994, 2257(S), 2257(P)	C359
1091-S	556	819, 1130	1299, 1301, 2065, 2066	1302, 2067	488, 1301, 1302, 1926, 2065, 2067, 2144, 2257(S), 2257(P)	C227

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1092-S	824	841	854, 924	924	824, 924, 1947, 2256, 2428, 2439(P), 2439	C520PV
1094-S	824	832	931, 967, 969, 970, 971	972	824, 972, 1950, 2105, 2141, 2169, 2280(S), 2280(P)	C518PV
1095-S2	127		153	153	123, 164(S), 173(P)	C3
1096-S2	556	807, 1130	1340	1343	488, 1343, 1893, 1925(S), 1949(P)	C277
1097-S	247	807	852	853	240, 1168(S), 1169(P)	C20
1098-S	208	841	1468, 1469, 1511, 1915, 1916	1511, 1916	206, 1511, 1915, 1916, 1942, 2257(S), 2257(P)	C268
1099-S	322	807	1516	1519	321, 810, 1519, 1893, 1925(S), 1949(P)	C269
1102-S	387	1130			374, 2440	
1103-S2	642	846			600, 2440	
1106-S2	556	841, 1134	1501, 1504	1506	488, 1504, 1506, 1893, 1925(S), 1949(P)	C261
1114-S	457	807	1153	1153	437, 1294(S), 1294(P)	C67
1116	247				240, 2440	
1117-S	167	261			164, 2440	
1122-S	387	832			374, 2440	
1123	209	814			206, 2440	
1124-S	209	1134	1523	1523	206, 1738(S), 1739(P)	C294
1126	247	807			240, 2440	
1127	247				240, 2440	
1128-S	825	841	972, 973, 1113, 1114, 1115, 1116, 1117, 1118	1118	824, 1115, 1118, 2103, 2427, 2439(S), 2439(P), 2439	C522PV
1131-S	457	801, 1130	1463	1466	437, 1466, 1737, 1924(S), 1949(P)	C314
1135-S	342	814	1406	1407	341, 1656(S), 1669(P)	C159
1137	489	783	1453	1453	456, 1656(S), 1669(P)	C233
1138-S	825	841	853	853	824, 1948(S), 1949(P)	C521
1139-S	775				766, 2440	
1140-S	387	846	1571, 1572	1573	374, 1572, 1573, 1904, 1943(S), 1948(P)	C323
1141-S	322	841	1538, 1540	1540	321, 1540, 2440	
1142	167	846			164, 2440	
1143	167	807			164, 2440	
1144-S	167	807	1175	1175	164, 1294(S), 1294(P)	C46
1145	167	807	1209	1209	164, 1421(S), 1422(P)	C124
1147-S	556	832, 1134			488, 2440	
1148-S	556	792			503, 2440	
1149	167	846			164, 2441	
1151-S	746				702, 2441	
1166	322	792	1385	1387	321, 1386, 1388, 1737, 1924(S), 1949(P)	C295
1168	127		153	153	123, 164(S), 173(P)	C2
1178-S2	556	819			488, 2441	
1179-S	746	819, 1941	1944	1945	702, 1945, 1994, 2257(S), 2257(P)	C404
1181	780	846	1524	1525	1738(S), 1739(P)	C200
1182-S	322				321, 2441	
1185	209	783	1157	1157	206, 1294(S), 1294(P)	C47
1187	322	832	1221		321, 2441	
1189	489				456, 2441	
1192-S	457				438, 2441	
1196	209				206, 2441	
1200-S	209				206, 2441	
1201-S2	457	808, 1130	1218, 1219	1220	438, 1219, 1737, 1924(S),	C315

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
					1949(P)	
1211-S	702	792			642, 706, 2441	
1214	775	841	1648, 1649	1650	765, 1649, 1904, 1943(S), 1948(P)	C416
1215-S	265				262, 2441	
1217	209	801	1162	1165	206, 1165, 1737, 1924(S), 1949(P)	C414
1218	342	819	1507	1507	341, 1656(S), 1669(P)	C206
1220	388	819	1605	1606	374, 1605, 1904, 1943(S), 1948(P)	C362
1224	388	787	1401	1402	374, 1401, 1737, 1924(S), 1949(P)	C457
1226-S	556	846			488, 2441	
1229	167	801			164, 2441	
1230	457	1134			438, 2441	
1231	167	828	1220	1220	164, 1421(S), 1422(P)	C125
1233-S	388	801	1224	1227	374, 1226, 1737, 1924(S), 1949(P)	C296
1235	388	829	1227	1227	374, 1421(S), 1422(P)	C126
1236	265	829	1227	1227	262, 1421(S), 1422(P)	C127
1237-S	323				321, 2441	
1238-S	265				262, 2441	
1242-S2	457	801			438, 2441	
1244-S	457	846	1175	1175	438, 1175, 1737, 1924(S), 1949(P)	C297
1246-S	388	787			374, 789, 2441	
1247	265	787	1372	1372	262, 1656(S), 1669(P)	C161
1249-S	775	832	1382	1383	766, 1656(S), 1669(P)	C163
1251-S	643				600, 2441	
1255-S	209	846	1534	1536	206, 1535, 1904, 1943(S), 1948(P)	C298
1256-S	323	780, 842, 1134	1643	1644	321, 843, 1643, 1893, 1925(S), 1949(P)	C299
1258-S	167	801	1383	1383	164, 1656(S), 1669(P)	C164
1259-S	457	832	1220	1221	438, 1221, 1737, 1924(S), 1949(P)	C441
1260-S	643	814	1288	1289	600, 1904, 1943(S), 1948(P)	C300
1261-S	265	783	1147	1147	262, 1294(S), 1294(P)	C49
1262-S	265	783	1166	1166	262, 1294(S), 1294(P)	C50
1264-S	342	783	1537	1537	341, 1738(S), 1739(P)	C207
1266-S	489	801	1176, 2067	1176, 2068	456, 1176, 2067, 2068, 2144, 2257(S), 2257(P)	C487
1267-S	775	1134	1242	1242	766, 1242, 1737, 1924(S), 1949(P)	C418
1268-S	209	808			206, 2441	
1269	388				374, 2441	
1270	388	829	1531	1587	374, 1738(S), 1739(P)	C208
1276-S	557	801, 1130	1229	1229	488, 1229, 1737, 1924(S), 1949(P)	C228
1277-S2	557	801, 1134	1260, 2006	1267, 2014	488, 1267, 2006, 2013, 2103, 2145, 2257(S), 2257(P)	C229
1278-S	489	846	1200	1200	456, 1294(S), 1294(P)	C51
1279-S	209	787	1209	1209	206, 1421(S), 1422(P)	C128
1280-S2	702	833	1212	1212	688, 1421(S), 1422(P)	C129
1283	304	829			297, 2441	
1285	643	829			600, 2441	
1287-S	457	833, 1134	1415	1416	438, 837, 1416, 1737, 1924(S), 1949(P)	C409PV
1289-S	775	787	799	799	766, 805(S), 805(P)	C7
1291	209	783	1157	1598	206, 1597, 1738(S), 1739(P)	C209
1292	248	792	1153	1153	240, 793, 1294(S), 1294(P)	C43

HISTORY OF HOUSE BILLS

Bill No.	Introduction & 1 st Reading	Committee Report	2 nd Reading Amendments	3 rd Reading Final Passage	Other Action	Action by Governor
1293	388	783	1604	1604	374, 1924(S), 1949(P)	C468
1295-S	209	846, 1135			206, 2441	
1296	323	792			321, 2441	
1298-S	557	847	1509	1510	488, 1510, 1737, 1924(S), 1949(P)	C270
1300-S	323	847			321, 2441	
1303-S2	702	847, 1135	1622, 1633, 1639, 1640	1640	642, 1633, 1640, 2000, 2103, 2145, 2257(S), 2257(P)	C348PV
1304-S	388	833	1200	1200	374, 1200, 1737, 1924(S), 1949(P)	C419
1305	265	783	1166	1166	262, 1294(S), 1294(P)	C52
1307-S	746	847			713, 2441	
1311	457	784	1256	1257	438, 1421(S), 1422(P)	C122
1312-S	458	801	1538	1538	438, 1738(S), 1739(P)	C234
1313	557	801			488, 2441	
1314-S	489	792			456, 2441	
1319-S	323	842	1462	1463	321, 1463, 1737, 1924(S), 1949(P)	C201
1322-S	643				600, 2441	
1323-S	323	787, 1130			321, 2441	
1326	209				206, 2441	
1327	209				206, 2441	
1328-S	210	833	1210	1212	206, 1212, 1893, 1924(S), 1949(P)	C210
1331	458	815	1173	1174	438, 1174, 1893, 1925(S), 1949(P)	C235
1333-S	458	842, 1135	1235, 1959	1238, 1962	438, 1238, 1958, 1962, 1994, 2257(S), 2257(P)	C410
1334-S2	458	842, 1135	1234, 1962	1234, 1963	438, 1234, 1962, 1963, 1994, 2257(S), 2257(P)	C411
1337-S	557	808	930	930	488, 1168(S), 1169(P)	C23
1338-S	342	784	1472	1473	341, 1656(S), 1669(P)	C211
1341	342	819	1396	1397	341, 1656(S), 1669(P)	C165
1343	458	802	1157	1158	438, 1158, 1904, 2257(S), 2257(P)	C420
1344	458	802	1355	1355	438, 1513(S), 1513(P)	C168
1345	210	833			206, 2441	
1347	458				437, 2441	
1349	643	802	1147	1147	600, 1294(S), 1294(P)	C53
1359-S2	703	842, 1135	1426, 2091	1541, 2093	642, 1432, 1947, 2093, 2144, 2257(S), 2257(P)	C427
1366	304	847	1339	1340	297, 1340, 1892, 1925(S), 1949(P)	C196
1368-S	388	819	1587	1593	374, 1593, 1926, 2032, 2257(S), 2257(P)	C469
1370	342	802	1381	1381	341, 1656(S), 1669(P)	C169
1371	557	802	1532	1534	503, 1534, 1893, 1924(S), 1949(P)	C372
1374-S2	643				600, 2441	
1376	775	787			766, 2441	
1377	342	802, 1131	1372, 1963, 1964	1375, 1966	341, 805, 1375, 1963, 1966, 1994, 2257(S), 2257(P)	C412
1378	342				341, 2441	
1379	388	842	1510	1511	374, 1656(S), 1669(P)	C271
1381-S	342	784	1158	1159	341, 1294(S), 1294(P)	C54
1383	776	847			766, 2441	
1391	343	787			341, 2441	
1392-S	343	847			341, 2441	
1394-S	703	788			688, 2441	
1396-S	388	1135	1396, 1397	1400	374, 1396, 1911, 1924(S),	C509

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					1949(P)	
1397-S	458	819	1621	1622	437, 1924(S), 1949(P)	C272
1398-S	343	784	1121	1121	341, 1168(S), 1169(P)	C24
1401-S2	703	833, 1135	1650	1650	642, 1924(S), 1949(P)	C428
1403	389	815			374, 2441	
1404	780				774, 2441	
1407-S	746	829, 1131	1291	1292	702, 1291, 1893, 1924(S), 1949(P)	C327
1409-S	343	833, 1135	1418	1420	341, 1419, 1893, 1925(S), 1949(P)	C236
1412	343	792	1387, 1648, 1649	1387	341, 1649, 1656(S), 1669(P)	C170
1413	643	792	1606	1607	600, 1917, 1943(S), 1948(P)	C328
1414-S	776	847, 1136	1453	1462	766, 1462, 1737, 1924(S), 1949(P)	C273
1416	343	815	1469	1470	341, 437, 1656(S), 1669(P)	C237
1417-S	265	401	667	669	262, 668, 1892, 1925(S), 1949(P)	C488PV
1418	703	792	1159, 1160, 1161	1161	642, 1161, 1792, 1925(S), 1949(P)	C238
1420	389				374, 2441	
1421	248	815			240, 2441	
1422-S2	643	815	1201	1202	600, 1202, 1893, 1924(S), 1949(P)	C384
1426-S	776				765, 2441	
1430	489	802	1284	1483	456, 1358, 1656(S), 1669(P)	C230
1431	343	802	1406	1406	341, 1656(S), 1669(P)	C171
1432-S2	746	829, 1136	1433	1433	702, 1926, 2103, 2145, 2257(S), 2258(P)	C403
1436	489				456, 2441	
1437	248	808	1202	1203	240, 1294(S), 1294(P)	C55
1443	489	788, 1131	1650	1650	456, 1924(S), 1949(P)	C330
1445-S	343	847	1648	1648	341, 1924(S), 1949(P)	C197
1446	343	847			341, 2441	
1447	458	802, 1131	1375	1375	438, 805, 1656(S), 1669(P)	C162
1449	458	833	1319	1321	437, 1321, 1904, 1943(S), 1948(P)	C470
1450	780	833, 1136	1593, 1594, 1595	1597	775, 837, 1595, 1597, 1925, 1948(S), 1949(P)	C301
1456-S	489	815, 1131	1466	1466	456, 1656(S), 1669(P)	C360
1457	389	784	1121	1122	374, 1122, 1892, 1924(S), 1949(P)	C464
1458-S	489	808	1166	1167	456, 1294(S), 1294(P)	C68
1460	389	788	812	812	374, 812, 824(S), 824(P)	C8
1461-S2	643	793	926, 929	930	600, 929, 1893, 1925(S), 1949(P)	C431PV
1464-S	389	829			374, 2441	
1471	776				765, 2441	
1472-S	389	833, 1136	1212	1214	374, 837, 1213, 1893, 1925(S), 1949(P)	C465
1475	343	788	1203	1203	341, 1294(S), 1294(P)	C56
1476	389	815	1574	1576	374, 1576, 1917, 1943(S), 1948(P)	C442
1480	343				341, 2441	
1482-S	389				374, 2441	
1488-S2	776	833, 1136	1541	1542	766, 1542, 1893, 1925(S), 1949(P)	C346
1492-S	703				642, 2441	
1497-S	746	808, 1131	1287	1287	702, 1421(S), 1422(P)	C130
1498-S	389				374, 2441	
1500-S	389	834	1306	1306	374, 1513(S), 1513(P)	C172
1501	489	834	1466	1467	456, 1656(S), 1669(P)	C255

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1505	389	802	1647	1648	374, 1925(S), 1949(P)	C262
1506-S2	746	834	1243	1256	702, 837, 1256, 1917, 1943(S), 1948(P)	C494
1507-S	248	788	1121	1121	240, 1168(S), 1169(P)	C25
1508-S	703	802	1152	1152	642, 1294(S), 1294(P)	C58
1512-S	557	829, 1136	1380	1381	488, 1380, 1942, 2257(S), 2258(P)	C500
1513-S	746	803	1152	1153	702, 1294(S), 1294(P)	C48
1517	557	829			488, 2441	
1520	389	830	1259, 1260	1260	374, 1260, 1892, 1925(S), 1949(P)	C202
1525	747	848	1383	1385	702, 851, 1384, 1904, 1943(S), 1948(P)	C239
1526	389	819	1524	1524	374, 1738(S), 1739(P)	C385
1528	390	820	1338	1339	374, 821, 1513(S), 1513(P)	C157
1537	323	848			321, 2441	
1538-S	557				2441	
1543	458	803	1153, 1154	1154	437, 1154, 1737, 1925(S), 1949(P)	C250
1549	747	788, 1131	1279	1280	702, 1421(S), 1422(P)	C131
1555-S	390	820	1542	1542	374, 1738(S), 1739(P)	C212
1556	265	784	1214	1214	262, 1421(S), 1422(P)	C137
1561-S	459	820			437, 2441	
1565-S	344	803	1467	1467	341, 1656(S), 1669(P)	C213
1566-S	557	784	1995	1995	488, 2257(S), 2258(P)	C485
1569-S2	703	848, 1136	1551, 1556, 1561, 1564, 1567, 1569	1570	642, 1556, 1564, 1567, 1569, 1570, 1892, 1925(S), 1949(P)	C260PV
1573-S2	703	834, 1136	1303, 1304, 1305, 1933	1305, 1935	688, 1305, 1932, 1935, 1994, 2257(S), 2258(P)	C408PV
1574-S	390	784	1482	1483	374, 1656(S), 1669(P)	C256
1580-S	780				775, 2441	
1583-S	747	834	1604	1604	702, 1925(S), 1949(P)	C390
1588-S	703	1137			642, 2441	
1590-S	644				600, 2441	
1592	490	820	1344	1346	456, 1346, 1737, 1925(S), 1949(P)	C363
1595-S2	747	842			713, 2441	
1598	350	842	1651	1652	349, 1652, 1925, 1948(S), 1949(P)	C257
1599	459	820	1443	1444	438, 1444, 1737, 1925(S), 1949(P)	C452
1605-S	490				456, 2441	
1607-S	390	820			374, 2441	
1624-S	747	842, 1137	1323, 1338, 1966, 2069	1338, 1976, 2078	713, 843, 1338, 1966, 1975, 2069, 2078, 2144, 2257(S), 2258(P)	C413
1636-S2	644	842, 1137	1306, 1307	1308	600, 1307, 1737, 1925(S), 1949(P)	C482
1637-S	747				702, 2441	
1642-S	390	808	1406	1406	374, 1656(S), 1669(P)	C173
1644	557	803	1537	1538	503, 1537, 1892, 1925(S), 1949(P)	C302
1645	390	803	1473	1473	374, 1656(S), 1669(P)	C274
1646-S	390	815	1473	1474	374, 1474, 1737, 1925(S), 1949(P)	C337
1648	390	820	1483, 1484	1485	374, 1484, 1485, 1737, 1925(S), 1949(P)	C331
1649-S	747	1137	1279	1279	713, 1421(S), 1422(P)	C123
1651-S	747	842, 1137	1381	1382	702, 1382, 1904, 1943(S), 1948(P)	C311
1654-S	747	848	1508	1509	702, 1509, 1737, 1925(S),	C373

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					1949(P)	
1656-S2	704	834, 1137	1599, 1600	1600	642, 837, 1600, 1904, 1943(S), 1948(P)	C345PV
1666	390	788	1472	1472	374, 1656(S), 1669(P)	C275
1667	780	843, 1137	1467, 1468	1468	775, 1467, 1468, 2441	
1669-S	644	848	1312	1312	600, 1513(S), 1513(P)	C174
1670	704	834	1387	1387	688, 1656(S), 1669(P)	C175
1671	490	820	1651	1651	456, 1925(S), 1949(P)	C489
1672	490				456, 2441	
1674	459	784	1998, 1999	1999	437, 1999, 2103, 2145, 2257(S), 2258(P)	C320
1675-S	558				503, 2441	
1676	344	793	1288	1288	341, 1421(S), 1422(P)	C132
1677-S2	558	808, 1131	1407	1407	503, 1656(S), 1669(P)	C176
1679-S	350	1131	1543	1543	349, 1543, 1904, 1943(S), 1948(P)	C303
1680	350	803	1542	1542	349, 1738(S), 1739(P)	C304
1682-S	350	843			349, 2441	
1688	776	815	1356	1356	766, 1513(S), 1513(P)	C177
1693-S	390	784	1381	1381	1656(S), 1669(P)	C160
1694-S	558	834	1177, 1912	1180, 1915	503, 1179, 1912, 1915, 1994, 2257(S), 2258(P),	C421
1705-S2	644	1132	1576, 1580, 2079	1584, 2083	600, 645, 1580, 1584, 2079, 2083, 2144, 2257(S), 2258(P)	C251
1706	490	834	1598	1598	456, 1738(S), 1739(P)	C321
1716-S2	459	848			438, 2441	
1722	459	808	1405	1405	437, 1405, 1904, 1943(S), 1948(P)	C263
1727-S	704	834	1485, 1490		642, 1490, 2441	
1733-S2	776				778	
1734-S	390	788			374, 2441	
1741-S	747	820			713, 2441	
1743	644				600	
1746	747				702, 2441	
1747	490	1137	1400	1400	456, 1656(S), 1669(P)	C166
1755-S	490				456, 2441	
1756-S	391	815	1387	1388	374, 1388, 1656(S), 1669(P)	C178
1759	391				374, 2441	
1761-S	748	848, 1138	1402	1404	702, 1404, 1737, 1925(S), 1949(P)	C446
1765-S	780				775, 2441	
1775	391	848			374, 2441	
1777-S	459	835	1271	1276	437, 837, 1276, 1917, 1943(S), 1948(P)	C471
1779-S2	748	808, 1132	1257	1259	702, 1259, 1737, 1925(S), 1949(P)	C214
1784-S	490	784	1470	1470	456, 1656(S), 1669(P)	C215
1789	490	848	1597	1597	456, 1738(S), 1739(P)	C240
1791	391	815			374, 2441	
1793	490	808	1148	1148	456, 1294(S), 1294(P)	C59
1796-S	776	820			766, 821, 2441	
1802-S	748	848	1289	1290	702, 1290, 1737, 1925(S), 1949(P)	C276
1805-S	704	849	1433	1434	642, 1433, 1434, 1904, 1943(S), 1948(P)	C429
1809-S	776				766, 2441	
1811-S2	704	820, 1138	1481	1482	1482, 1904, 1943(S), 1948(P)	C434PV
1813	344	803	1600	1600	341, 1738(S), 1739(P)	C241PV
1820	490	816	1644	1644	456, 1925(S), 1949(P)	C510

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1824	391				374, 2441	
1825-S2	776	809			766, 2441	
1826-S	704	788	1405	1405	642, 1656(S), 1669(P)	C179
1831	391	793	1420	1420	374, 1656(S), 1669(P)	C180
1832-S	490	835	1621	1621	456, 1925(S), 1949(P)	C455
1833-S	777	849	1416	1418	766, 851, 1418, 1925, 1948(S), 1949(P)	C490PV
1836	491				456, 2441	
1837-S	644	849	1268	1268	600, 1268, 1737, 1925(S), 1949(P)	C305
1843-S	748	835	1499	1500	702, 837, 1656(S), 1669(P)	C436
1848-S	459	830	1203	1203	437, 1294(S), 1294(P)	C60
1852	491	803			456, 2441	
1858-S	777	835	1425	1426	766, 1425, 1656(S), 1669(P)	C329
1859	391	849	1616	1617	374, 1617, 1892, 1925(S), 1949(P)	C456
1865-S	491	835			456, 2441	
1870	491	788	1156	1156	456, 1294(S), 1294(P)	C61
1871-S2	837				837, 2441	
1873-S	780				775, 2441	
1876-S	748	849			702, 2441	
1879-S	780	835			775, 2441	
1880-S	491	793			456, 2441	
1883-S	781	809	1277	1279	775, 1279, 1737, 1925(S), 1949(P)	C458PV
1887	558	1138			503, 2441	
1888	391	785	1406	1406	374, 1656(S), 1669(P)	C181
1891-S	777	1138	1443	1443	766, 1443, 1737, 1925(S), 1949(P)	C447
1892-S	748	835	1598	1598	702, 1738(S), 1739(P)	C242
1896-S2	781	821	1290	1291	775, 1291, 1737, 1925(S), 1949(P)	C453
1897-S	777	849	1544	1544	766, 1738(S), 1739(P)	C391
1898	748	835	1283	1284	702, 837, 1283, 1737, 1925(S), 1949(P)	C437
1902	704	816, 1941	1995	1998	642, 1997, 2103, 2145, 2257(S), 2258(P)	C332
1906-S2	837	849, 1138	1434, 1435, 1440, 1441	1442	837, 1442, 1904, 1943(S), 1948(P)	C396
1909-S	781	835	1214, 1991, 1992	1216, 1993	775, 1216, 1831, 1990, 1992, 2032, 2257(S), 2258(P)	C392
1910-S2	777	843, 1138	1346, 1350	1351	766, 1351, 1737, 1925(S), 1949(P)	C430PV
1916-S	748	835, 1138	1231	1234	702, 837, 1233, 1892, 1925(S), 1949(P)	C278
1922-S2	459	843, 1138	1369	1371	438, 1371, 1737, 1925(S), 1949(P)	C316
1923	558				503, 2441	
1925	491				456	
1929-S	391	803	1122, 1123	1123	374, 1123, 1737, 1925(S), 1949(P)	C349
1939	391	809	1471	1471	374, 1656(S), 1669(P)	C472
1940	459	803	1148	1148	438, 1294(S), 1294(P)	C62
1949	491	849	1617, 1618	1618	456, 1618, 1904, 1943(S), 1948(P)	C324
1953-S	391	830	1496	1497	374, 1656(S), 1669(P)	C258
1955-S	558				503, 2441	
1956	644				600, 2441	
1965-S	558	836	1618, 1620	1621	488, 1621, 1925, 1948(S), 1949(P)	C433
1966	391	809	1357	1357	374, 1357, 1737, 1925(S),	C264

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					1949(P)	
1967	558	849			488, 851, 2441	
1968-S	781	850	1471	1471	774, 1656(S), 1669(P)	C435
1972	459	804	1156	1157	438, 1294(S), 1294(P)	C63
1975-S	704	788			642, 2441	
1977-S	491				456, 2441	
1980-S2	777	850	1360	1361	766, 1360, 1892, 1925(S), 1949(P)	C459
1981-S	777	804	1319	1319	766, 1513(S), 1513(P)	C182
1987-S	491				456, 2441	
1988-S	491	821	1584	1585	456, 1585, 1904, 1943(S), 1948(P)	C306
1992-S2	644	804			600	
1993-S2	704	850			642, 2441	
1994	704	850	1365	1365, 1396	642, 1365, 1656(S), 1669(P)	C183
2003-S	491				456, 2441	
2004	704	1139	1481	1481	642, 1481, 1904, 1943(S), 1948(P)	C511
2007-S	558	816	1642	1643	488, 1925(S), 1949(P)	C310
2008-S	777	804	1172	1172	766, 1294(S), 1294(P)	C69
2009	704	830			642, 2441	
2010-S	644	830	1238	1238	600, 1421(S), 1422(P)	C133
2016-S	705	850	1445		642, 2441	
2017	705				642, 2441	
2023-S	777				766, 2441	
2026	558	830			488, 2441	
2031-S	705				642, 2441	
2032	558	788, 1139	1586	1586	488, 1738(S), 1739(P)	C243
2033	558				488, 2441	
2034	491	850	1260, 1280	1281	456, 1280, 1281, 1737, 1925(S), 1949(P)	C393
2048	705	1139			642, 2441	
2049-S	392	843	1239, 1240	1241	374, 1240, 1737, 1925(S), 1949(P)	C344
2053-S2	644	836, 1139			600, 2441	
2055-S2	558	816, 1139	1361	1365	1364, 1904, 1943(S), 1948(P)	C356
2056-S	781	836	1598	1598	774, 1738(S), 1739(P)	C244
2070	559	850	1410, 1411, 1414, 1902	1415, 1903	488, 1415, 1831, 1903, 1925, 1948(S), 1949(P)	C205
2073-S	559	830			488, 2441	
2079	644	850	1607, 1608, 1609	1614	600, 1613, 1925(S), 1949(P)	C438
2082-S2	748	821			702, 2441	
2087-S	777	1132	1605	1605	766, 1925(S), 1949(P)	C279
2090	459	804			438, 2441	
2097			1613		1613	
2103-S	559	804	1124	1124	488, 1168(S), 1169(P)	C26
2104	491				456, 2441	
2105	781	850	1238	1239	774, 1421(S), 1422(P)	C134
2107-S	781	836			774, 2441	
2111-S	781	850, 1139	1420	1421	775, 1656(S), 1669(P)	C184
2113	777	851	1205	1205	766, 1205, 1792, 1925(S), 1949(P)	C473
2115-S	705	816, 1132	1474	1476	642, 1476, 1904, 1943(S), 1948(P)	C333
2118-S	777	843	1497	1499	766, 843, 1499, 1904, 1943(S), 1948(P)	C432PV
2119	459				438, 2441	
2129-S	559	816	1641	1642	488, 1642, 1904, 1943(S), 1948(P)	C338PV

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2130-S	778	851	1500	1500	766, 1656(S), 1669(P)	C474
2134	644	1139			600, 2441	
2135	705	836	1343	1343	642, 1343, 1917, 1943(S), 1948(P)	C425
2136	705	851			688, 2441	
2137	559	830			488, 2441	
2146	645				600, 645, 2441	
2147-S	392	851	1180	1180	374, 1294(S), 1294(P)	C57
2152	748	836	1500	1501	702, 1656(S), 1669(P)	C374
2154	460	830	1500	1500	438, 1656(S), 1669(P)	C460
2158-S	778	804	1241	1242	766, 1422(S), 1422(P)	C135
2161	559	789	1159	1159	488, 1294(S), 1294(P)	C64
2163	559	1139	1998	1998	488, 2257(S), 2258(P)	C507
2164-S	778	1132	1401	1401	766, 1656(S), 1669(P)	C185
2170	492				456, 2441	
2171-S	492	789	930	931	456, 1168(S), 1169(P)	C27
2176-S2	748	809			702, 810, 2441	
2191-S	749	851			702, 2441	
2204	492				456, 2441	
2209-S	705	830	1586	1586	642, 1586, 1917, 1948(P)	C439
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2357	782	1140	1652	1653	775, 1653, 1904, 1943(S), 1948(P)	C503

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2366-S	782	1141	1650	1650	775, 1925(S), 1949(P)	C506
2373	706				642, 2442	
2378-S	1531		1615	1615	1513, 1531, 1925(S), 1949(P)	C481
2380-S	1269				1207, 2442	
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2394-S	825	837	924	925	824, 925, 1792, 1925(S), 1949(P)	C519
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2396	1829		1948	1949	1737, 2257(S), 2258(P)	C505

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4016	460	843	1415	1415	1656(S), 1669(P)
4017	559	816	1644	1645	488, 1925(S), 1949(P)
4020	782				775, 2442

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4215-S	559	785	1470	1470	1656(S), 1669(P)

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4401	22		23	23	18, 23, 61(S), 61(P)
4402	22		23	23	18, 23, 61(S), 61(P)
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Caregivers, program to improve quality care and recruitment and retention: SB 6123

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Field of dreams program, college tuition GET units for students working in agricultural jobs: E2SHB 2082

GET ready for math and science scholarship program: ***E2SHB 1779, CH 214 (2007)**, SB 5555

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Historically Black college fund pilot project: SB 5365

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 Brassica seed production: ***HB 1888, CH 181 (2007)**, SB 5749
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 Wildlife damage claims, big game: SB 5673
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Parent and child health services, sexually transmitted diseases: SB 5585

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Alcohol vaporizing devices, violations and penalties: SHB 1215

Counselors, chemical professional trainee credential: E2SHB 1993

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Drug overdoses, prosecution limits for person reporting: SB 5348

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Automatic service charges paid to servers, disclosure for customer: ***SHB 1583, CH 390 (2007)**, SB 5650

Beer and wine distribution, expiration date removed from 2006 bill regarding direct shipment to retailers: ***SB 5011, CH 9 (2007)**

Beer commission authority to receive gifts, grants, and endowments: ***SHB 1338, CH 211 (2007)**

Beer, activities between wineries and breweries and certificate of approval holders: ***HB 2240, CH 217 (2007)**

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Beer, grocery store warehousing and distribution: SB 6033

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Bouncers, exempt from security guard regulations: SB 5541

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Enforcement, liquor control board investigation of records and authority to issue subpoenas: ***SB 5551, CH 221 (2007)**

Food and confections, alcohol content in: ***ESHB 1047, CH 226 (2007)**

Liquor laws, review: SCR 8407

Liquor licenses, application procedures: SB 5993

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Scholarships, qualified professions conditional scholarship for math, science, and engineering: SB 5369

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Cellulosic ethanol production program: SB 5586
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 Geothermal resources, core holes: *SHB 2129, CH 338 (2007) PV
 Green highways promoted in energy freedom program, alternative fuel availability: *E2SHB 1303, CH 348 (2007) PV, SB 5586, SB 5760
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Geoduck harvesters, workers' compensation coverage: ***HB 1949, CH 324 (2007)**

Inspections and sampling of fish and wildlife, authority of fish and wildlife employees to inspect vessels and facilities: ***SHB 1646, CH 337 (2007)**, SB 5131

Puget Sound, marine resources committees: ***SHB 2049, CH 344 (2007)**

Rockfish research and stock assessment program: 2SHB 1076, ***HB 1476, CH 442 (2007)**, SB 5127

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Shellfish and food fish, management authority: SB 6053

Shellfish, aquaculture regulatory committee: ***2SHB 2220, CH 216 (2007)**, SB 5645

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Food fish and shellfish, management authority: SB 6053

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Rockfish research and stock assessment program: 2SHB 1076, ***HB 1476, CH 442 (2007)**, SB 5127

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Asparagus, exception to standards for fruits and vegetables: ***HB 1416, CH 237 (2007)**, SB 5397

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Fruits and vegetables, disclosure exemption: ***EHB 1688, CH 177 (2007)**

Milk products, wholesale sales of unprocessed milk exempted from business and occupation tax: ***HB 1549, CH 131 (2007)**, SB 5641

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Consulting foresters, board and licensing: SB 5834

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Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527

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Consulting foresters, board and licensing: SB 5834

Conversion of forest land to nonforestry uses: SB 5883

Conversion-related practices, jurisdiction transferred to local government: ***SHB 1409, CH 236 (2007)**

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Huckleberries, regulations: ***SHB 1909, CH 392 (2007)**

Nuisance laws, protection from : ***EHB 1648, CH 331 (2007)**, SB 5076

Small forest land owners, regulations: SHB 2219

Specialized forest products, huckleberries: SB 5214

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Licensing, tiered classifications: ***ESHB 1624, CH 413 (2007)**, SB 5777

Medicaid coverage for youth: ***2SHB 1201, CH 315 (2007)**, SB 5305

Passport to college promise pilot program: ***ESHB 1131, CH 314 (2007)**, SB 5155

Placement provisions, notices: ***SHB 1287, CH 409 (2007) PV**, SB 5245
 Public assistance benefits, notice prior to denial or termination: SB 5776
 Reactive child, department of social and health services requirements for disclosure: SB 5321
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 Alternative fuel, biofuel economic development grant program: SB 6170
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 Alternative fuel, definition: ***SHB 1029, CH 309 (2007)**, ESHB 1055
 Alternative fuel, green highways promoted in energy freedom program: SB 5586, SB 5760
 Alternative fuel, information on the use of: HB 1057
 Alternative fuel, tax exemptions for fuel produced in Washington: SB 5671
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 Biofuels, University of Washington to analyze availability in state: ***E2SHB 1303, CH 348 (2007) PV**
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 E85 motor fuel, definition: ***SHB 1029, CH 309 (2007)**, ESHB 1055
 E85 motor fuel, pilot program for providing fuel along interstate routes: SB 5586
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 Nonhazardous fuel, definition: ***SHB 1029, CH 309 (2007)**
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Boards and commissions, consolidation and elimination: SB 6021

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Budget, amendments to 2005 capital: SB 5156

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 Insurance, information for students: SB 5100
 Insurance, medical coverage for city elected officials: SHB 1392, ***SB 5525, CH 42 (2007)**
 Insurance, neurodevelopmental therapies: SB 5750

Insurance, options for young adults: SB 6030
 Insurance, pharmacy services: SB 5605
 Insurance, reinsurance program and account: SB 6130
 Insurance, retainer health care practices: SB 5716
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Herbicide application permit conditions for irrigation drains or wasteways: SB 6017
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 Probation and supervision services, liability: ***SHB 1669, CH 174 (2007)**

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Aquatic habitat improvement projects, authority to offer nominally valuable materials without going to auction: SHB 1879
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 Law enforcement officers, public employees retirement system: ***SHB 1124, CH 294 (2007)**, SB 5464
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Nonhighway and off-road vehicles, restrictions: SB 5544

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 Small business incubator property tax exemption: ESHB 1796
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Hazardous wastes sites, cleanup advisory boards: SB 5393
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Agricultural and beekeeping activities and forest operations, protection from nuisance laws: ***EHB 1648, CH 331 (2007)**

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Autopsy reports and records, advanced nurse practitioners allowed to obtain: ***SHB 2209, CH 439 (2007)**

Overtime, prohibitions on mandatory overtime in public sector: SB 5848

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Care providers, training and collective bargaining: ***E2SHB 2284, CH 361 (2007)**, SB 6066

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Offender status of residents or those seeking admission, notification: SB 5980

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Energy freedom program, transferred to department of community, trade, and economic development: ***E2SHB 1303, CH 348 (2007) PV**

Exploration and development, regulatory cost-reimbursement: SB 5445

Gas and hazardous liquid pipelines, safety requirements and definitions revised: SHB 1314, SB 5225

Natural gas, system benefit charge and sustainable energy trust: SHB 1032

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Spill prevention and response, compensation and penalties: ***SB 5552, CH 347 (2007)**

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Recreational access to private lands, landowner liability provisions: SB 5215

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OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR

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Recreation and conservation funding board, committee name change: ***HB 1813, CH 241 (2007) PV**, SB 5257

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Persons with disabilities, physician assistants allowed to determine eligibility for special parking privilege: ***HB 1505, CH 262 (2007)**, SB 5795
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 Preservation of historical state park resources: SB 5209
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 Moneys received by an inmate, deductions: ***SB 5429, CH 365 (2007)**
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District and municipal courts, liability for probation and supervision services: ***SHB 1669, CH 174 (2007)**
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 Child support, deficit reduction act implemented: SB 5244
 Community options program, federal income tax payments excluded from resource eligibility requirements: SB 5970
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Medical, foster care youth: ***2SHB 1201, CH 315 (2007)**
 Medical, insurers to accept medical assistance payments and share information with department: ***SHB 1826, CH 179 (2007)**, SB 5699
 Medical, mental illness treatment information required for billing and collection: HB 1852, ***SB 5773, CH 191 (2007)**
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 Medical, personal needs allowance increase: SB 5517
 Medical, pharmacy payment technical assistance program: SB 5880
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 Personal needs allowance, increase: SB 5517
 Prescription drugs, part D copayment program: ***2SHB 1095, CH 3 (2007)**, SB 5091
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 Indigent defense grants, number of cities eligible: ***HB 1793, CH 59 (2007)**

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 Campaign contributions, agency shop fees: ***HB 2079, CH 438 (2007)**, SB 5921
 Campaign contributions, persons authorized to make expenditures on behalf of candidate or committee: ***ESB 6128, CH 358 (2007)**
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 Sensitive fish and wildlife data, exemption: ***HB 1077, CH 293 (2007)**, SB 5126

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 Tribal governments authorized to participate in program: ***SB 5640, CH 114 (2007)**

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 Gain-sharing provisions: SB 5668, SB 5779
 Judges, cost to purchase past service under an optional benefit: SB 5178
 Judges, increased benefit multiplier: ***ESHB 1649, CH 123 (2007)**, SB 6145
 Military service credit: SB 6009
 Natural resources department, law enforcement officers: ***SHB 1124, CH 294 (2007)**, SB 5464
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 Retirees, public employment: ***SHB 1262, CH 50 (2007)**, SB 5173
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Stadium and exhibition centers, sales and use tax provisions: SB 5986

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 Ambulatory surgical facility account: ***ESHB 1414, CH 273 (2007)**
 American Indian endowed scholarship program, administration of funds: SB 5025
 Auto theft prevention authority account: ***E3SHB 1001, CH 199 (2007)**, SB 5038
 Ballast water management account: SB 5923
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 Budget stabilization account: SB 5311, SJR 8206
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 Clean energy incentive account: SB 5586
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 Hospital infection control grant account: ***2SHB 1106, CH 261 (2007)**
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 State patrol highway account, motor vehicle fee increase to provide additional funding: ***SB 6129, CH 155 (2007)**
 Survivors' endowed scholarship trust fund: SB 5040
 Survivors' scholarship endowment fund: SB 5040
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 Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464
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 Sexually transmitted diseases, parent child health services: SB 5585
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 Technology, essential academic learning requirements for literacy and fluency in technology: ***2SHB 1906, CH 396 (2007)**
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Aquatic lands, authority of department of natural resources for certain aquatic lands: HB 1123, SB 5460
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 Forest health, contract harvesting for silvicultural treatments: SHB 1122, SB 5461
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 Specialized forest products, work group created and bill of lading requirements revised: SB 5844
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 Municipal officers, beneficial interest in contracts: ***SHB 1255, CH 298 (2007)**
 Oath of office, Declaration of Independence: SB 5529
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 Regional transit authorities and regional transportation investment districts, single ballot proposition: ***SHB 1396, CH 509 (2007)**, SB 5282
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 Regional transit authorities, development activity defined: SB 5148
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 Small works roster contracting procedures: ***SHB 1328, CH 210 (2007)**, SB 5546
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 Trench excavations, requirements: HB 2009

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 Pacific Northwest maritime national heritage area feasibility assessment act: SB 6144
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 Registration, subsequent offense that is not a sex or kidnapping offense: HB 1836
 Sexual assault protection orders, fees for petitioners: ***HB 1437, CH 55 (2007)**, SB 5637
 Sexual assault protection orders, victims who do not qualify for domestic violence protection orders: ***SHB 1555, CH 212 (2007)**
 Signature gathering for imitative or referendum measures, sex offenders prohibited: SB 5636
 Statute of limitations removed for certain offenses against minors: SB 5817

SEXUAL HARASSMENT

State employees, policies and training programs: SB 5118

SEXUAL ORIENTATION

Civil marriage equality, gender neutrality: SB 5335
 Domestic partners, retirement benefits: SB 5069, SB 5724

Domestic partnership registry, protection by granting certain rights and benefits: SB 5336

SHERIFFS

Arson offenders, registration requirements: SB 6052
 Offices, authority of civil service commissions: ***SB 5620, CH 12 (2007)**
 Offices, five member civil service commissions: SB 5742
 Spring blade knife, officer allowed to carry: SB 5202
 Vehicles, window tint exemption: ***HB 1344, CH 168 (2007)**, SB 5331

SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Auto theft, prevention authority created and penalties revised: ***E3SHB 1001, CH 199 (2007)**
 Automated victim information and notification system, statewide: ***SB 5332, CH 204 (2007)**
 Forest fires, access to property during a fire: SB 5315
 Missing persons, investigation procedures: SHB 1182, SB 5191

SHORELINES AND SHORELINE MANAGEMENT

Floodway, definition: ***EHB 1413, CH 328 (2007)**, SB 5473
 Islands in Puget Sound, shoreline master program provisions: SB 6012
 Local governments, one year extension to complete master program or amendment: ***HB 1412, CH 170 (2007)**, SB 5474

SKAGIT COUNTY

Higher education institution in Snohomish-Island-Skagit county region: SB 5322

SNOHOMISH COUNTY

Higher education institution in Snohomish-Island-Skagit county region: SB 5322

SNOWMOBILES

Dealers, licensing requirements: SHB 1955, SB 5924
 Registration requirements: HB 1403, SB 5179

SOCIAL AND HEALTH SERVICES, DEPARTMENT (See also PUBLIC ASSISTANCE)

Adult family homes, program to improve quality care and recruitment and retention of caregivers: SB 6123
 Adult family homes, voluntary certification program: 2SHB 1242, SB 5480
 Applications for health services, data-sharing agreements with Oregon and Idaho to assure valid residence: ***SHB 1848, CH 60 (2007)**
 Background checks for employees and service providers: SB 5774
 Basic health plan, taxpayer health care fairness act: SB 5977
 Blue ribbon commission on health care costs and access: SB 5930
 Boarding homes, temporary management upon license suspension: ***HB 1447, CH 162 (2007)**
 Child protective services, training pilot program: SB 5807
 Child support, deficit reduction act implemented: SB 5244
 Clubhouse rehabilitation services: ***EHB 1217, CH 414 (2007)**, SB 5644
 Community options program, federal income tax payments excluded from resource eligibility requirements: SB 5970
 Dependent children, placement provisions: ***HB 1377, CH 412 (2007)**, SB 5246
 Developmental disabilities, enforcement standards for residential support services: SHB 1246, SB 5285
 Developmental disabilities, individual and family services program: SB 5467
 Developmental disabilities, office of the ombudsman for persons with: SB 5547
 Emergency response plans for long-term care facilities: EHB 1347
 Family and children's services, department: SB 5506
 Family policy council, director of department of early learning added as member: HB 2090
 Family policy council, directors of department of early learning and office of public defense added as members: SB 5975
 Family prosperity act, Washington asset building coalition: 2SHB 2256
 Family, children, and youth administration created within department: SB 5754
 Foster care, notice prior to denial or termination of benefits: SB 5776
 Foster care, placement provisions: ***SHB 1287, CH 409 (2007) PV**
 Foster care, tiered classifications for licensing: ***ESHB 1624, CH 413 (2007)**, SB 5777
 Foster care, youth community coordinator pilot program for youths reaching eighteen years of age: SB 5909
 Group care facilities, siting: E2SHB 1733

Incarcerated parents, programs and policies for children and families: ***E2SHB 1422, CH 384 (2007)**, SB 5643
 Liability for selecting alternative course of action, individual of department or representative of state: SB 5997
 Mental health, delivery of services for children: ***2SHB 1088, CH 359 (2007)**
 Mental illness treatment information required for billing and collection: HB 1852, ***SB 5773, CH 191 (2007)**
 Pharmacies, payment technical assistance program: SB 5880
 Prescription drugs, part D copayment program: ***2SHB 1095, CH 3 (2007)**
 Racial disproportionality and disparity in child welfare and juvenile justice, advisory committee: ***SHB 1472, CH 465 (2007)**, SB 5971
 TANF, oversight committee: SHB 2312
 Traumatic brain injury strategic partnership advisory council: ***2SHB 2055, CH 356 (2007)**
 Welfare services, disclosure of reactive child: SB 5321
 Welfare services, out-of-home placement information requirements: SB 5321
 WorkFirst, oversight committee: SHB 2312

SOCIAL SECURITY

Numbers, businesses must state that the request for a number is not mandatory: SB 5323

SOLID WASTE

Discarded tires, beneficial use: SB 5186
 Public works performance-based contracting conservation of water, wastewater, or solid waste: SB 5481

SPECIAL PURPOSE DISTRICTS

Commissioner per diem compensation: ***ESHB 1368, CH 469 (2007)**, SB 5233
 Web sites, required information: SB 5420, SB 5672

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Athletic trainers, licensing requirements and advisory committee: SB 5503
 Boxing, mixed martial arts, and wrestling events: SB 5583
 Commercial youth athletic coaches, registration: SB 5151
 Motorsports, public speedway authority: SB 6040
 Physical fitness services, business and occupation tax rate: SB 6027
 Professional athletes, income tax: SB 5891
 Sports/entertainment facilities, financial arrangements regarding alcoholic beverages: SB 5721
 Sports/entertainment facilities, recycling receptacles required: ***SHB 2056, CH 244 (2007)**
 Student athletes' bill of rights, higher education: SB 5571
 Youth soccer referees, employment criteria: ***HB 1457, CH 464 (2007)**, SB 5559

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Mortality improvements, recommendations for retirement systems: SB 5946

STATE AGENCIES AND DEPARTMENTS (See also STATE GOVERNMENT)

Actions, scope of actions under administrative procedure act: SB 5354
 Alternative fuel requirements for vessels, vehicles, and construction equipment: ***E2SHB 1303, CH 348 (2007) PV**
 Boards and commissions, consolidation and elimination: SB 6021
 Branch offices, siting: SB 5792
 Breaches of security that compromise personal information stored on computers, disclosure violations and penalties: SB 5341
 Cleaning of facilities, products that minimize impacts to humans and the environment: ESHB 1464
 Efficiency hotline: ***ESB 5513, CH 41 (2007)**
 Electricity, purchase of renewable energy: SB 5287
 Health care, employee health program and demonstration project: SB 5665
 High demand, definition: SHB 2317
 Land dispositions, notice to local governments: ***HB 1940, CH 62 (2007)**
 Payroll deductions, retiree organization dues: HB 2033, ***SB 5879, CH 99 (2007)**
 Personally identifiable information collected by agencies, registry of information systems: SB 5869
 Prescriptions, purchase of brand name drugs when cost-effective for all state programs: SB 5565
 Public notices, languages other than English: SHB 1675

Public works, prevailing wage exemption: ***HB 1370, CH 169 (2007)**, SB 5291
 Quality award, council responsibilities: SB 5901
 Real estate procurement and management, oversight: ***SHB 2366, CH 506 (2007)**
 Register, electronic filing: ***HB 1859, CH 456 (2007)**, SB 5638
 Reports to legislature, electronic filing: SB 5916
 Rules, small business economic impact statement criteria: ***EHB 1525, CH 239 (2007)**
 Senate confirmation for certain commission and department appointments: SB 5703
 Special meetings, notification: SB 5457
 Telework enhancement funding board: SB 5162
 Volunteer firefighters, agency employees allowed to respond when called to duty: SB 5511
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STATE AUDITOR (See also AUDITORS AND AUDITING)

Efficiency hotline: ***ESB 5513, CH 41 (2007)**

STATE BUILDINGS

Cleaning products that minimize impacts to humans and the environment: ESHB 1464

STATE GOVERNMENT (See also LEGISLATURE; STATE AGENCIES AND DEPARTMENTS)

Amphibian, Pacific chorus frog designated as state amphibian: ***HB 1069, CH 224 (2007)**
 Boards and commissions, consolidation and elimination: SB 6021
 Capitol park, state: SB 5163
 Domestic partnership registry, protection by granting certain rights and benefits: SB 5336
 Efficiency hotline: ***ESB 5513, CH 41 (2007)**
 Emission reduction of state's motor vehicle fleets: SB 5586
 Expenditure limit: SB 6064
 Garry Oak, state oak tree: SB 5064
 Health care, Washington health security trust: SB 5756
 High demand, definition: SHB 2317
 Income tax, state: SB 5150, SB 5887, SJR 8209
 Institutions review commission: SB 6013
 Lady Washington, state ship: ***HB 1084, CH 351 (2007)**
 Legislative gift center: ***2SHB 1896, CH 453 (2007)**
 Lief Erickson day: SB 5962
 Nordic Museum, official: SB 5857
 Oath of office, Declaration of Independence: SB 5529
 Ornithologist, state: SB 5015
 Poet laureate program: ***SHB 1279, CH 128 (2007)**, SB 5649
 Poet laureate, state: SCR 8401
 Real estate procurement and management of state facilities, oversight: ***SHB 2366, CH 506 (2007)**
 Special meetings, notification: SB 5457
 Transportation-related accounts, proportionate share of earnings from surplus balance investments deposited in : SB 5085
 Vehicle electrification work group: SB 5586
 Walla Walla sweet onion, state vegetable: ***HB 1556, CH 137 (2007)**
 Web sites, required information: SB 5420, SB 5672

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American Indian endowed scholarship program, administration of funds: SB 5025
 Higher education permanent funds: ***SHB 1784, CH 215 (2007)**, ***SHJR 4215 (2007)**, SB 5766
 Permanent common school fund, investment of moneys: ***HB 2396, CH 505 (2007)**
 Rainy day reserve fund: SB 5000
 Scholarship endowment funds, administration of: SB 5039

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Disposal of unneeded park land: ***SB 5259, CH 145 (2007)**
 Foster home pass: SB 5010
 Funding, motor vehicle license donation: ***SHB 2275, CH 340 (2007) PV**

Funding, state property tax levy: SB 5043, SJR 8204
 Metal detectors allowed in parks, exceptions: SB 5205
 Passes, denial and revocation: ***SHB 1259, CH 441 (2007)**, SB 5260
 Preservation of historical resources: SB 5209

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Missing persons, investigation procedures: SHB 1182, SB 5191
 CBRNE response program: SB 5505
 DNA identification system, broader collection of biological samples: SB 5095
 Fire service training account, distribution and allocation: ***SB 6119, CH 290 (2007)**
 High accident corridors, additional patrols: SB 5937
 Highway account, motor vehicle fee increase to provide additional funding: ***SB 6129, CH 155 (2007)**
 Longevity bonuses: SB 5459
 Retirement, age provisions: ***SB 5313, CH 87 (2007) PV**
 Retirement, contribution rates: ***ESHB 1260, CH 300 (2007)**, SB 5171
 Spring blade knife, officer allowed to carry: SB 5202
 Survivor benefits, reimbursement for payment of premium rates to health care authority: ***SHB 1417, CH 488 (2007) PV**, SB 5499
 Unclaimed personal property, donations to nonprofit charitable organizations: SHB 1268, SB 5193
 Vehicles, window tint exemption: ***HB 1344, CH 168 (2007)**, SB 5331

STATE TREASURER

Linked deposit program, funding: ***ESHB 1512, CH 500 (2007)**, SB 5666
 Nonpartisan office, state treasurer as: SB 5556

STATUTE LAW COMMITTEE

Publication authority, electronic filing for state register: ***HB 1859, CH 456 (2007)**, SB 5638

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Spawning beds, educational materials to provide protection: SB 5876

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911 enhanced emergency radio network, work group to study delivery of emergency information: SHB 2225
 Aerospace manufacturing, joint legislative task force and review: SCR 8406
 Airports, international airport expedited security screening task force and report: SB 5068
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 Broadband technologies, survey on the deployment among households: SB 5120
 Columbia river crossing project, study: SCR 8405
 Commuter rail service between Everett and Leavenworth, feasibility study: SB 6068
 Early learning programs and services, state board for community and technical colleges: ***HB 2319, CH 395 (2007)**
 Fish and wildlife, review of departments governance structure: SB 6043
 Geoduck aquaculture techniques and practices, scientific research studies: ***2SHB 2220, CH 216 (2007)**
 Greenhouse gas, study panel: SB 5359
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 Oil spill prevention and response, funding study: ***2SHB 1488, CH 346 (2007)**
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 Testamentary provisions or laws of descent, division of lands created by: SB 5141
 Vesting of rights in land use actions: SB 5355

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Intermediate drivers' license program, sunset application repealed: ***SB 5036, CH 28 (2007)**

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Civil inspection warrants, authority to issue: SB 6105

Exceptional sentences, superior court authority to impanel a jury: ***EHB 2070, CH 205 (2007)**, SB 6004

Judges, positions for San Juan and Island counties: HB 1269, ***SB 5247, CH 95 (2007)**

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Marriages, supreme court and court of appeals commissioners to solemnize: ***SB 5079, CH 29 (2007)**

Nonpartisan commission for judicial nominees: SB 5326

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Vacancies filled according to statute: SJR 8214, SJR 8215

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Design professional, claim filed against: SB 5833

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Registration and regulations: SB 5180

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Aerospace product development businesses, tax relief: SB 6168

Ban on American beef, tax relief expiration date extended: SB 6055

Biofuel economic development program, tax credit: SB 6170

Biotechnology and medical devices, tax rate: SB 5763

Carbon dioxide mitigation, tax credit: SB 5416

Custom farming services, tax rate: SB 5059

Economic development strategic reserve account, business and occupation tax credit for contributions to: SB 5496

Environmental remediation services, tax rate: SB 5386

Farming services, tax exemption: ***ESHB 2352, CH 334 (2007)**, SB 5595

Fuel distributors, tax rate: SB 5799

Health care services provided to government, taxation: SB 5922

Health information technology systems, tax credit: SB 5423

High technology business and occupation tax credit: SB 5685

Limited purpose public corporations, commissions and authorities tax exemption: SHB 1323, ***SB 5572, CH 381 (2007)**

Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200

Manufactured/mobile home communities, tax credit for financial institutions providing assistance: SB 6073

Math and science technology student employees, tax credits for employers: SB 5486

Milk products, wholesale sales of unprocessed milk exemption: ***HB 1549, CH 131 (2007)**, SB 5641

Mortgage brokers, tax rate: SB 5235

Natural or manufactured gas, exemption for resale: ***SHB 1508, CH 58 (2007)**, SB 5575

Nightclubs, tax credit for installation of automatic fire protection sprinkler system: SB 5832

Oncology prescription drugs, physician tax deduction for certain medicare and medicaid payments: SB 5912

Paper and paper products, taxation: ***SHB 1513, CH 48 (2007)**

Physical fitness services, tax rate: SB 6027

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Printing and publishing business, tax classifications: SB 5574

Property management companies, exemption for on-site property managers: SB 5982

Rural counties, tax credit for eligible projects: ***SHB 1566, CH 485 (2007)**, SB 5573

Sales, surcharge and credit for retail businesses: SB 6147

Self-service laundry facilities excluded from definition of retail sale: SHB 1498, SB 5835

Small businesses, credit against tax due: SB 5667

Small water supply systems, exemption for services: SB 5232

Tangible personal property, originating from or destined to foreign countries: ***SB 5434, CH 477 (2007)**

Temporary staffing services, taxation: SB 5758

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Timber, tax on sale of standing timber when timber sold separately from underlying land: *SHB 1513, CH 48 (2007)
 Tips, credit on payroll taxes paid by owners: SB 5947
 Vegetation management services, tax rate: SB 5761, SB 5781
 Zoological facilities, tax exemptions: SB 5027

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Tax agreements, Spokane Tribe: *HB 1674, CH 320 (2007), SB 5380

TAXES - DEFERRALS FOR FRUIT AND VEGETABLE BUSINESSES

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 Family-owned businesses, deduction: SB 6095

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 Leasehold, amateur radio repeater exemption when used for emergency services: *SHB 2335, CH 21 (2007)
 Leasehold, exemption for property owned by United States government: *SB 5607, CH 90 (2007)
 Manufactured/mobile home communities, real estate tax exemption: SB 5780
 Motor vehicle excise tax, regional transit authority impositions of: SB 5146
 Oil and gas severance and conservation act, taxation of oil and gas production: SB 5158
 Real estate, city and county parks and recreational facilities funding: SB 5531
 Real estate, exemption for manufactured/mobile home communities: SB 5780
 Real estate, local tax for park operation and maintenance: SB 6074
 Real estate, tax on sale of standing timber when timber sold separately from underlying land: *SHB 1513, CH 48 (2007), SB 5493
 Timber, small harvester provisions: *SHB 1513, CH 48 (2007)
 Timber, tax on sale of standing timber when timber sold separately from underlying land: *SHB 1513, CH 48 (2007), SB 5493

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Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200
 Low-income housing, tax exemptions for sellers to promote affordable housing: SB 5154
 Tax laws and programs, technical changes: *SHB 1381, CH 54 (2007), SB 5560
 Tax programs, administration: HB 1480, *SB 5468, CH 111 (2007)
 Tolling, transfer of sales and use tax: HB 2146, SB 5681

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Professional athletes, taxation: SB 5891
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Agricultural promotion, tax to fund facilities: SB 5568
 Nature-based, tax revenue to fund: SB 5220
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Tax on snowmobile fuel, fuel tax rate to determine distributions for nonhighway expenditures: SB 5023

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 Local option taxes to fund highway construction projects: SB 5414

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 Assessed value, limitations: SB 5302, SJR 8213, SJR 8216
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 County treasurers, restrictions on receipting current year taxes: ***SB 5732, CH 105 (2007)**
 Current use classification, interest rate calculation on property removed from: SB 5281
 Designated forest lands and open space timber lands, statutes consolidated for ease of administration: SHB 1580, SB 5527
 Fraternal organizations, personal property tax exemption: SB 5072
 Historic property leased to counties, exemption: HB 1746
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 Initiative 747, property tax levy limits: SB 5001
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 Levies, state levy dedicated to parks: SB 5043, SJR 8204
 Levies, annual increases for voter-approved regular levies: ***ESB 5498, CH 380 (2007)**
 Levies, county conservation futures program funding increase: SB 5217
 Levies, initiative 747 levy limits: SB 5001
 Levies, state levy reduced: SB 5893, SB 5998
 Low-income households, exemption of housing from taxation: ***HB 1450, CH 301 (2007)**
 Multiple-unit housing, campus facilities master plans: ***ESHB 2164, CH 185 (2007)**
 Nightclubs, tax exemption for installation of automatic fire protection sprinkler system: ***2SHB 1811, CH 434 (2007) PV**
 Nonprofit organizations, exemption criteria: SB 6063
 Nonprofit organizations, small business incubator exemption: ESHB 1796
 Oil and gas reserve and leases, tax exemption: SB 5158
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 Small startup businesses, exemption: SB 5989
 Timber purchases, reporting requirements: ***HB 1185, CH 47 (2007)**, SB 5035
 Veterans, benefits excluded from income calculation for retired persons tax relief: SB 5256, SB 5458
 Veterans, tax exemptions for disabilities related to performance of military duties: SHB 1102
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TAXES - PUBLIC UTILITY TAX

Agricultural commodities, tax deduction for transportation: ***HB 1443, CH 330 (2007)**, SB 5431
 Farming services, tax exemption: ***ESHB 2352, CH 334 (2007)**, SB 5595
 Low-income housing, tax credits for persons who make financial contributions to assistance programs: SB 5200
 Math and science technology student employees, tax credits for employers: SB 5486
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 Small water supply systems, exemption for services: SB 5232
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Aerospace product development businesses, exemption: SB 6168
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College course materials, exemption: SB 5784
 Diesel fuel for commercial fishing, exemption: SB 6086
 Diesel, exemption for purchase of new vehicles: SB 6084
 Electronically delivered financial information, exemption: ***ESHB 1981, CH 182 (2007)**, SB 5768
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 Farms, biodiesel fuel exemption: SB 5009
 Farms, propane fuel exemption: HB 1376, SB 5077
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 Interchange fees, prohibited on state sales tax portion of transaction: SB 5885
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 Local sales and use, conversion of power lines: SB 5660
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 Local sales and use, credited against state tax and used to offset services to annexed areas: ESHB 1139, SB 5330
 Local sales and use, economic development offices: ***HB 1543, CH 250 (2007)**, SB 5388
 Local sales and use, public facilities in counties: SB 5094
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 Temporary staffing services, taxation: SB 5758
 Tidal and wave energy, exemption for generation of electricity: SB 6111
 Tolling, tax transfer: HB 2146, SB 5681
 Trail grooming services, tax exemption: HB 1404, SB 5608
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 Volunteer firefighters, exemption for equipment: SB 6089
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Aerospace product development businesses, exemption: SB 6168
 Alternative fuel vehicles, exemption for purchase of new vehicles fueled by diesel: SB 6084
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 Art donations, tax credit: SB 6008
 Boats, exemption for certain vessels purchased by nonresidents: ***SHB 1002, CH 22 (2007)**, SB 5007
 College course materials, exemption: SB 5784
 Diesel fuel for commercial fishing, exemption: SB 6086
 Diesel, exemption for purchase of new vehicles: SB 6084

Electronically delivered financial information, exemption: ***ESHB 1981, CH 182 (2007)**, SB 5768
 Farm machinery and equipment, tax exemption for repairs: ***EHB 1902, CH 332 (2007)**, SB 5764, SB 5765
 Farms, biodiesel fuel exemption: SB 5009
 Farms, propane fuel exemption: HB 1376, SB 5077
 Grain elevators, taxation: SB 5805
 Limited purpose public corporations, commissions and authorities tax exemption: SHB 1323, ***SB 5572, CH 381 (2007)**
 Local sales and use tax, economic development offices: ***HB 1543, CH 250 (2007)**, SB 5388
 Local sales and use tax, public facilities in counties: SB 5094
 Local sales and use, conversion of power lines: SB 5660
 Local sales and use, county economic development facilities: SB 5557
 Local sales and use, county viaduct and bridge projects: SB 5022
 Local sales and use, credited against state tax and used to offset services to annexed areas: ESHB 1139, SB 5330
 Local sales and use, public facilities in rural counties: SB 5925
 Lodging business amenities, tax exemption: SB 5610
 Low-income housing, exemptions for sellers to promote affordable housing: SB 5154
 Mobility enhancing equipment, tax exemptions: SB 5648
 Motor vehicles and services sold to nonresidents, taxation: ***SHB 2158, CH 135 (2007)**, SB 5967
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 Volunteer firefighters, exemption for equipment: SB 6089
 Zoological facilities, tax exemptions: SB 5027

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 Retooling to teach math and science conditional scholarship program: ***2SHB 1906, CH 396 (2007)**, SB 5813
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